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ORIGINAL MEMBERS OF THE DAWES COMMISSION—DAWES,
McKENNON, AND KIDD (LEFT TO RIGHT)

OKLAHOMA

A HISTORY OF

The State and Its People

By

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and

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CHAPTER XXXVII

PIONEER RAILWAY CONSTRUCTION

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As mentioned in previous chapters, the building of a railway westward across the Indian Territory was first suggested, as early as 1849, and the survey of a route for one of the proposed Pacific railways was made, under Government auspices, westward from Fort Smith, across the Territory, to Albuquerque, New Mexico, in 1854;¹ also that, prior to the outbreak of the Civil War, two railway companies were organized, each of which proposed to construct lines into or through the Indian Territory. These were (1) the Little Rock & Fort Smith Railroad Company, which projected a generally westward course, substantially on "the 35th Parallel" of which there had been much talk from the beginning of Pacific railway agitation, and (2) the Southern Pacific, which was to have its eastern terminus at St. Louis and the projected line of which, taking a generally southwestward course, was to traverse the Indian Territory. Moreover, all of the treaties made with the Five Civilized Tribes, in 1866, contained stipulations to the effect that certain railway lines might be built across the lands of the several Indian nations.

During the course of the Civil War, while most of the people of the North and the West were loyally and wholeheartedly intent upon the struggle for the preservation of the Federal Union, certain professional railway promoters were busily engaged in securing (from Congress and under the guise of military necessity) bounties and subsidies in the way of extensive land donations from the public domain for the purpose of aiding in the construction of railways through regions which were as yet but sparsely settled, if at all. The national domain of that period was vast, almost beyond computation, and public lands were so cheap as to appear to be of merely nominal value. Under such circumstances, it was comparatively easy to secure the passage of an act by Congress, granting to certain corporations great subsidies in the form of land donations in consideration of the building of railroads through regions which were as yet to be settled.

A railway company to be known as the Union Pacific Railway Company, Southern Branch, was incorporated under the laws of Kansas, September 20, 1865. It proposed the construction of a railway line from Junction City, near the Fort Riley military reservation, down the valley of the Neosho River to the southern boundary of Kansas and thence across the Indian Territory to the town of Preston (near Denison), Texas. Ten months later, in accordance with an act of Congress approved July 26, 1866, a land-grant subsidy of each alternate section in a strip of land five miles wide on each side of the right-of-way of the proposed railway line was made to the company in Kansas and further providing that a similar land grant should be made to the company along its proposed line in the Indian Territory in event that such lands should

1. Pacific Railway Survey Reports, Vol. III (33d Congress, 2d Session, Senate Executive Document, No. 78).

ever become a part of the public domain of the United States.² Section 8 of the act of July 26, 1866, reads as follows:

That the said Union Pacific Railroad Company, Southern Branch, its successors and assigns, is hereby authorized and empowered to extend and construct its railroad from the southern boundary of Kansas, south through the Indian Territory, with the consent of the Indians and not otherwise, along the valleys of the Grand and Arkansas rivers to Fort Smith in the State of Arkansas.

The fact that this act, which was passed and approved but little more than a year after the end of the Civil War, provided that the proposed railway line should begin at a point adjacent to the Fort Riley military reservation, that its stipulations required that it should pass through that of Fort Gibson and terminate at Fort Smith (all three of which were garrisoned stations at the time) and that it would be bound to transport free of charge any troops or munitions of war, would seem to indicate that an apparent zeal for military preparedness could be made to cloak shrewd business maneuvers on the part of lobbyists, even at that early period. The possibility of building down the valley of the Arkansas River, from Fort Gibson to Fort Smith may not have been desired or intended by the promoters who succeeded in securing the passage of the bill. Its real purpose was to throw a veil of patriotism over the selfish desire for a subsidy in the form of a land-grant.

Two other railway lines had been projected by the corporations formed under the laws of the State of Kansas. Each of these was intended to be constructed across the Indian Territory to Red River. One, to be known as the Kansas & Neosho Valley Railroad, was to be built from Kansas City, southward through the counties of the eastern border of Kansas (locally known as "the Border Tier Road"), with a view to its extension southward from the Kansas boundary to a junction at the Red River with a railroad then being constructed to that point from Galveston.³ The other railroad corporation which had been organized and chartered in Kansas was the Leavenworth, Lawrence & Fort Gibson Railroad Company. As the new treaties which had just been negotiated with the Indians of the Five Civilized Tribes did not contain provision for the building of more than one railroad line from north to south across the Indian Territory, it was obvious that not all three of these projected lines could be constructed as planned. Moreover, an arbitrary grant of an exclusive privilege to any one of the three would

2. Thirty-ninth Congress, 1st Session, Chap. 270 (U. S. Statutes at Large, Vol. XIV, pp. 289-91).

3. Under the terms of the (Cherokee) treaty of 1866, Secretary (of the Interior) Harlan made a contract with a Connecticut corporation, the American Emigrant Company, by which the whole of the (Cherokee) neutral lands (800,000 acres in Southeastern Kansas) was to be disposed of for a very nominal sum. His successor, O. H. Browning, declared the contract void, because the purchase money had not been paid down, and then, with strange inconsistency, negotiated one with James F. Joy, president of the Kansas City, Fort Scott & Gulf Railway (i. e., the Kansas & Neosho Valley Railway Company), that was open to the same objection. A supplement to the Cherokee treaty above mentioned tried to prevent litigation and to harmonize conflicting interests by arranging that the American Emigrant Company should transfer its contract to Joy, and that the latter should assume all the obligations of the former. Eugene F. Ware stated that this treaty was ratified while only three Senators were present, and that it was a gross infringement upon the preëmption rights of the settlers inasmuch as it related back to the Harlan sale and cut off the intermediate occupants of the land.—*Extinction of Reservation Titles*, by Annie Heloise Abel "Kansas Historical Society Collections," Vol. VIII, pp. 106-07.

be to invite the charge of favoritism on the part of the Government. Therefore, in order to forestall any such unpleasant complications, section 11 of the act of July 26, 1866, provided that the privilege of constructing a railway line south from the Kansas boundary should be conferred upon the company which should first complete its line to the boundary at the designated point, which should be its intersection of the valley of the Neosho.⁴ The clause in question, which was a part of the act by which a land-grant subsidy was conferred upon the Kansas & Neosho Valley Railroad Company, reads as follows:

And provided, further, that should the Leavenworth, Lawrence & Fort Gibson Railroad Company, or the Union Pacific Railroad Company, Southern Branch, construct and complete its road to that point on the southern boundary of the state of Kansas where the line of the said Kansas & Neosho Valley shall cross the same, before the said Kansas & Neosho Valley Railroad shall have constructed and completed its said road to the said point, then and in that event the company so first reaching in completion the said point on the southern boundary of the state of Kansas shall be authorized, upon obtaining the written approval of the President of the United States, to construct and operate its line of railroad from said point to a point at or near Preston, in the state of Texas, with grants of land according to the provisions of this act, but upon the further special condition, nevertheless, that said railroad company shall have commenced in good faith the construction thereof before the said Kansas & Neosho Valley Railroad Company shall have completed its said railroad to said point; and provided further, so having commenced said work in good faith, shall continue to prosecute the same with sufficient energy to insure the completion of the same within a reasonable length of time, subject to the approval of the President of the United States.

None of the proposed railway lines were built immediately and it was not until nearly four years after the passage and approval of the act so quoted that any of the projected railway tracks were laid to points near the northern boundary of the Indian Territory. The rivalry became very spirited, however, after the race was finally started and the goal was in sight. One of the contestant companies became so keenly interested in winning the coveted privilege that it was reported to have laid its ties and rails over several stretches of level prairie land without stopping to construct a roadbed. The Kansas & Neosho Valley Railroad Company changed its line from the route upon which it had been originally planned to build it, so that, instead of crossing the boundary in the valley of the Neosho River, as at first proposed, it would intersect the boundary at Baxter Springs, fifteen miles east of the Neosho. Its line to Baxter Springs was completed to that place, April 30, 1870.⁵ The line of the Union Pacific Railroad Company, Southern Branch, followed the valley of the Neosho from the source of that stream to the southern boundary of Kansas, which line was reached by the tracklayers at noon, on June 6, 1870. This work was done under the name of Missouri, Kansas & Texas Railway Company, under which title the Union Pacific Railroad Company, Southern Branch, had been reincorporated on February 3, 1870.

4. Thirty-ninth Congress, 1st Session, Chap. 261 (U. S. Statutes at Large, Vol. XIV, pp. 236-39.)

5. Brief in the Supreme Court of the United States, the State of Kansas (in behalf of the Missouri, Kansas & Texas Railway Company) vs. the United States of America, Ethan Allen Hitchcock, Secretary of the Interior et al., October term, 1905, pp. 55-56.

The following were the chief arguments advanced for railroad development in the Indian Territory since 1870 on:

(a) The public defense idea was strong. The military argument, the various roads would strengthen the army, decrease cost and increase rapidly of any military movement and enable the Government to deal more effectively with the Indians.

(b) The increased economy and efficiency of the mail service was constantly held up as a chief end.

(c) Railroads would open these lands to sale and settlement, enhance the value of the reserved portions, and develop resources of the country.

(d) Union, the binding together of the newly-acquired Pacific territories and East—the binding together of the North and South.

(e) The first roads north and south would be an outlet for Texas cattle, hides, and cotton trade; and later develop trade with Mexico.

In 1867, Congress had passed an act prohibiting territories from issuing articles of incorporation to railroad companies.⁶ In 1872 this act was rescinded and a general act was passed regulating the incorporation of railway companies in all territories.⁷ The completing of the first two railway lines had been done with the express consent of the national governments of the Five Civilized Tribes as granted in the treaties of 1866. Even before the first railroads had been built into the Indian Territory the practice of making treaties with Indian tribes had ceased, and comparatively few agreements, subject to approval by Congress, were entered into thereafter. There was much discussion as to how additional railway lines might be built into the Indian Territory, some believing that such matters should be made subject to agreement with the Five Civilized Tribes concerned, while others held that Congress should exercise the right of eminent domain and grant the privilege of such railway construction without the formality of prior agreements with the Indian tribes.⁸ This last view as to such right of eminent domain finally prevailed; however, it became customary to insert, in such acts, provisions requiring the consent of the Indians with the approval of the President.

In 1886 an act was passed which authorized a railway company to construct and operate through the Indian Territory,⁹ with a grant of a right-of-way of one hundred feet wide, with land for stations, etc., but the most interesting feature of the act was that concerning rates. The company was prohibited from charging higher rates than were authorized by the State of Arkansas, provided the passenger rates should not exceed three cents per mile. Furthermore, Congress reserved the right to regulate freight and passenger rates until a state government should be formed, when the control of this road was to pass to it. This act indicated the growth of a sentiment that found more complete expression in the passage and approval of the Interstate Commerce law, the following year.¹⁰

6. Statutes at Large, Vol. 14, p. 426.

7. *Ibid.*, Vol. 17, p. 390.

8. See Rep. of Comm., 1872-73, Ser. No. 1578, p. 296, for full treatment. Also, Cong. Rec., 1880-81, pp. 1418, 1902, 2377, 2407; H. Rep., 1883-84, No. 211; H. Rep., 1881-82, No. 934.

9. Statutes at Large, 24, p. 124 Kansas City, Ft. Scott and Gulf R. R. Co.

10. The words were: "To fix and regulate the cost of transportation."

Although the Missouri, Kansas & Texas Railroad Company was five weeks behind the Kansas & Neosho Valley Railroad Company in reaching the boundary, it promptly asserted its claim to priority within the meaning of the conditions which had been set forth by the provision of the act of Congress already quoted, alleging as a reason that it had been the first to reach the boundary at the point designated, namely: "that point on the southern boundary of the state of Kansas where the line of the said Kansas & Neosho Valley Railroad shall cross the same," which, as originally projected, was in the immediate valley of the Neosho River. The Kansas & Neosho Valley Railroad Company, however, contended that it had reached the valley of Spring River, a tributary of the Neosho and, consequently, within the scope of the Neosho Valley, and that, therefore, it had complied with the requirements set forth in the act of Congress and was entitled to the privilege of extending its line across the boundary and on to Red River.¹¹

Each of the contending corporations had powerful friends in Congress. The Congressional act which had stipulated the conditions to be fulfilled before permission to extend construction operations into the Indian Territory could be claimed, had placed the final decision in the hands of the President. When the Kansas and Neosho Valley line was completed to the boundary at Baxter Springs, the company which had built it promptly notified the President of the United States, to whom Secretary of the Interior Jacob D. Cox reported, under date of May 21, 1870, that none of the contending companies had as yet complied with the required conditions.¹²

At the suggestion of Secretary Cox, General William B. Hazen, superintendent of Indian Affairs of the Southern Superintendency, and Enoch Hoag, who held a similar office in the Central Superintendency, were designated as commissioners to personally investigate the matter and report upon the merits of the claims of the respective railroad companies involved. Upon the report of these commissioners, together with the certification of Governor James M. Harvey, of Kansas, the final recommendations of Secretary Cox, dated July 12, 1870, were based. These recommendations were duly approved by President Grant, on July 20, following the submission of the same to him and authorized the Missouri, Kansas & Texas Railroad Company to enter the Indian Territory and build its proposed line to and across Red River, into Texas.

The Missouri, Kansas & Texas Railway Company had its line graded nearly all the way from the Kansas boundary to the Arkansas River by the close of the year 1870. The building of the bridges, especially the large one spanning the Arkansas River, had the effect of slowing down the work, however. In May, 1871, a party of directors and heavy stockholders of the company made a trip down to the end of the line on a tour of inspection. The track was laid as far as the Verdigris River by the latter part of October.

11. A contemporary statement concerning the race between the railroad builders who were contending for a right-of-way across the Indian Territory will be found in Appendix XXXVII-1.

12. Brief in the Supreme Court of the United States, the State of Kansas (in behalf of the Missouri, Kansas & Texas Railway Company) vs. the United States of America, Ethan Allen Hitchcock, Secretary of the Interior et al., October term, 1905, pp. 38-54.

Three months later, it was running trains over the Arkansas River.¹³ Thereafter, progress was more rapid. Three months later, the track was laid to the North Canadian River and trains were running to McAlester before the end of the first half of the year.¹⁴ Tracklaying was completed to Limestone Gap before the end of July and, on August 19, 1871, trains were running into the new town of Atoka, on Middle Boggy Creek, which was only sixty-five miles from Red River.¹⁵ The first construction train crossed the bridge over Red River, into Texas, early in December.¹⁶

The Atlantic and Pacific Railroad—In April, 1871, the directors of the Atlantic & Pacific Railroad Company made an excursion over the road to the terminus at Seneca, Missouri, which was on the eastern border of the Indian Territory.¹⁷ From Seneca, they made a trip in carriages to Grand

13. *Railway Gazette*, January 13, 1872. A brief description of the building of the Missouri, Kansas & Texas Railway Company's line across the Indian Territory, by the late A. W. Robb, of Muskogee, is reproduced in Appendix XXXVII-2.

14. *Ibid.*, June 29, 1872. The agreement with the Creek Indians, the Southern Kansas Advance report, provides that a strip not to exceed three miles in width on each side of the road shall be sold to the company at a price to be fixed by the Creeks, which the company may sell only to the Creeks. And now these simple-hearted aborigines offer to sell a strip only three feet wide on each side of the track, and say that it fulfills the treaty, as it certainly does not exceed three miles. At which guileless innocence of these children of the forest the Advance exclaims, "How is that for Lo?"

15. *Ibid.*, August 31, 1872. A brief reminiscence of the building of the Missouri, Kansas & Texas Railroad Company's line in the Choctaw country, by Rev. Dr. J. S. Morrow, will be found in Appendix XXXVII-4. A Parsons, Kansas, dispatch to the *St. Louis Republican*, dated September 20, 1872, says: "Yesterday a train of 16 cars of cattle from Red River City, or Denison, as the new city at the terminus of the road in Texas is called, passed through Parsons, under contract to be loaded in St. Louis in 5 days from time of starting. They had to drive two days out of the five; also a rest of 12 hours at Schell City. This road during the last 15 days of this month has shipped 499 carloads of cattle, 375 carloads of coal, 170 carloads of material from the Atchison, Topeka and Santa Fe Railroad, and about 300 cars of merchandise for Texas. Immigration to Texas is increasing rapidly. Eight trains pass this place daily, averaging 18 cars per train. Tonight the track is within 23 miles of Red River. This road will ship 30,000 bales of cotton into St. Louis this year."

16. *Ibid.*, December 14, 1872, p. 236. The following communication from a Parsons (Kansas) correspondent appeared in the *St. Louis Republican* of September 20, 1871:

"Yesterday a train of sixteen cars of cattle from Red River City, or Denison, as the new city at the terminus of the road in Texas is called, passed through Parsons, under contract to be landed in St. Louis in five days from time of starting. They had to drive two days out of five; also a rest of 12 hours at Schell City. This road during the last fifteen days of this month has shipped 499 carloads of cattle, 375 carloads of coal, 170 carloads of material from the Atchison, Topeka & Santa Fe Railroad, and about 300 cars of merchandise for Texas. Immigration to Texas is increasing rapidly. Eight trains passed this place daily, averaging eighteen cars per train. To-night the track is within 23 miles of Red River. This road will ship 30,000 bales of cotton into St. Louis this year."

17. The Atlantic & Pacific Railroad Company was chartered by act of Congress and approved July 27, 1866. Originally, it was planned to develop from St. Louis, Missouri, to San Francisco, California. It began operating out of St. Louis on a leased track, which it afterward purchased, and the road was extended southwestward to Springfield, Missouri. It was one of the land-grant roads, Congress having voted the usual amount of lands to aid in its construction. During the latter part of the year 1870 this line was extended to the town of Neosho, which is located on the eastern border of the Indian Territory. It was built to Vinita in the following year. In 1883, it was extended to Tulsa and, in 1889, across the Arkansas River, to Sapulpa. The company passed into the receiver's hands in 1875. In 1880 the St. Louis & San Francisco Railroad Company was incorporated. The Atchison, Topeka & Santa Fe Railway Company was a part owner of the Atlantic & Pacific, as also was the St. Louis & San Francisco. After the last mentioned company had built its line into Albuquerque, New Mexico, in 1880, the Atlantic & Pacific began the construction of a line westward. Also, and at the same time, construction work was begun in Arizona and Southern California. A connection was made with the Southern Pacific Railway at The Needles, California. The line from California eastward and the one from Albuquerque westward were each extended until they were joined. A survey was made from the end of the line in the Indian Territory to Albuquerque, but no building was attempted. Eventually, a line between Albuquerque and Southern California was taken over by the Atchison, Topeka & Santa Fe Company, while the line between the Indian Territory and St. Louis was acquired by the St. Louis & San Francisco Railway Company.

River, returning by way of Baxter Springs. A month later the track was already nine miles into the Indian Territory, an excursion train, carrying a large party from Springfield, running through to Grand River on May 25.¹⁸ A month later trains were running as far as Oceuma, twenty miles west of the State line.

During the summer of 1871, the survey of the proposed line of the Atlantic & Pacific Railroad Company across the Great Plains was made. The track was completed and the road opened for business as far west as the junction with the Missouri, Kansas & Texas railway, early in November.¹⁹ There was a misunderstanding between the officials of the two railroads—Missouri, Kansas & Texas and the Atlantic & Pacific—as to where this junction or crossing should have been made. It seems that the former had planned to have the junction at Big Cabin, and had made its arrangements accordingly. The latter, on the other hand, decided to cross the track of the other road, which had already been built for several months, two miles north of Big Cabin. This conflict of plans led to some active opposition on the part of the Missouri, Kansas & Texas Company, and it was some time before the two companies could compose their differences. While this trouble lasted, there was a rate war between Vinita and St. Louis, on both freight and passenger traffic charges.

The selection of this point for a junction of the two roads was doubtless due to the fact that Colonel Elias C. Boudinot, exercising his privilege as a Cherokee citizen, had selected a "headright" of two thousand acres at this point.²⁰ In a word, he had decided to lay out a townsite and build a town, regardless of the wishes of the management of the other railroad, but eventually the two companies had to compromise their differences.²¹

Changes Due to Railroads—As might have been expected, the building of these first railroad lines into the Indian Territory marked an epoch in the lives of its people. Some of them, it is true, had visited "in the states" and these were familiar with railway travel; but to most of the rest, accustomed to travel and transportation only on horseback or in horse-drawn vehicles, steam locomotion was a decided novelty. The age-long isolation of the Indian Territory was broken in a measure at least. Instead of the occasional and uncertain arrivals of river steamboats, or the slowly moving freight wagons and of weekly or semi-weekly mail stages, with the delays incident to bad roads and high waters, freight and passenger trains came thundering by, at

18. The Railway Gazette of June 3, 1871, p. 117.

19. Ibid., August 5, 1871, p. 216. A brief account of this same survey across the Plains will be found in Appendix XXXVII-4.

20. When Colonel Boudinot laid out a townsite on this tract, he named it Vinita. It is said to have been so named in honor of Miss Vinnie Ream, the sculptress, of whom Colonel Boudinot is said to have been a friend and admirer.

21. The Railway Gazette of November 11, 1871, p. 335. In this citation there is a brief review of the misunderstanding between the two companies, which will be found in Appendix XXXVII-5; also, in Appendix XXXVII-5 is reproduced a quotation from the St. Louis Republican by the Railway Gazette of December 23, 1871, giving in some detail the observation of the excursion of the government commissioners who were sent to examine a report of the newly completed section of fifty miles between Neosho, Missouri, and Vinita, Indian Territory.

least once each way, every day. True, nearly every train had to slow down occasionally to permit range stock to get off the track, while the sight of scared deer and wild turkeys scampering off the right-of-way at the approach of a locomotive was a common one with all trainmen. Local passenger travel was light and local freight traffic, except in occasional cattle and cotton shipments, would not have justified the operation of railways. However, through traffic and travel made up for such deficiencies. Of course, there were very remote prospects for the development of more remunerative local patronage in after years.

The first railways had no sooner entered the Indian Territory than stage lines and wagon freighting lines were established to points on ahead in the Territory and Texas and to Fort Smith, the railroad termini shifting from time to time as continued construction made the opening of new stations practicable. A permanent stage line was established between Muskogee and Fort Smith and continued to be well patronized until the last mentioned town secured railroad facilities of its own several years later.

Chief in the list of outgoing freight shipments, of course, was that of transporting live cattle from the ranges of the Indian Territory and Texas to the packing centers, then in the earlier stages of development. The Missouri, Kansas & Texas Railroad Company constructed extensive cattle-loading yards at its Big Cabin station, immediately after the track had been laid to that point.²² Perryville, in the Choctaw Nation, was another cattle shipping station. These arrangements were made with the evident expectation that large herds would be trailed through from Texas rather than take the longer drives to shipping points in Central and Western Kansas. If so, however, the report was not justified, since the main stream of the trail herds still continued to flow northward to shipping points on the Kansas railways. The more general settlement of the lands of Central and Northern Texas possibly accounted for the failure to develop such an enterprise, since no room was left for the grazing of trail herds in transit.

Cotton was also shipped from the Red River country to St. Louis, where it was reshipped by steamboat to New Orleans. Steamboat traffic with points in the Indian Territory, on both the Arkansas and Red rivers, began to decline from the day that it came into competition with the newly constructed railroads.

The End of the Track—During the course of the construction of these first railways into the Indian Territory there was generally at each temporary terminus a settlement of tents, shacks and shanties, where the vicious element of the frontier country congregated just as it did in the new towns that sprang up suddenly into existence along the lines of other western railways which were built during that period, with this difference, that the Indian Territory "towns" were even less permanent than those which grew up in a single day and then as quickly all but disappeared on the lines which were built across the Great Plains in Kansas and Nebraska.

22. *Ibid.*, May 27, 1871, p. 103.

There was some hesitancy on the part of the railway company about establishing a division at Muskogee on account of the quality of the water, but Major J. A. Foreman met the required conditions by constructing an artificial pond for the collection of surface water. Aside from the location of the division at Muskogee, it did not materially differ from other towns which successively served as the terminus of the new railway line. The location of the Union Agency at that place added to its prestige also and, in time, it became something of a commercial and educational center also. But, in the beginning, it underwent the same crude and turbulent period that marked the other towns that served temporarily as "the end of the track."²³

Nearly a decade passed after the Missouri, Kansas & Texas had built its line to the crossing of the Red River and the Atlantic & Pacific line had reached a junction with the former at Vinita, before there was any more railway construction in the Indian Territory. Late in 1881, the directors of the Atlantic & Pacific authorized the extension of the line from Vinita, in a southwest direction to the Arkansas River, the new terminus being named Tulsa and, within a month afterward, the contracts had been let for the grading and for the masonry construction for bridges.²⁴ The line was completed to Tulsa and opened for business before the end of the year 1882.²⁵ The terminus at Tulsa was but a temporary one, however, as the Arkansas River was bridged and the line extended to Red Fork within two years. At that time there was much talk of the extension of the line to a connection with the Western Division of the Atlantic & Pacific at Albuquerque. The original line had been surveyed westward through the lands of the Cherokee Outlet. This was changed, in 1882, the proposed new route traversing the lands of the Unassigned District, so that if the line was actually constructed, the Atlantic & Pacific Railroad Company might avail itself of the grant of alternate sections of public land on each side of the right-of-way across that tract.²⁶

Denison & Washita Valley Railroad Company—A railway company was organized at Denison, Texas, early in 1886, for the purpose of building a railroad from Denison to the coal fields in the vicinity of Lehigh, in the western part of the Choctaw Nation.²⁷ The first construction contract was made early in 1888. A line between Lehigh and Coalgate was constructed during the year 1889. Eventually this road passed into the ownership of the Missouri, Kansas & Texas Railroad Company.

The St. L. & S. F. Builds Across the Choctaw Nation—As provided by the charter of the Atlantic & Pacific Railway Company, it was to build a branch road from Southwestern Missouri southward to Fort Smith, Arkansas. The

23. J. H. Beadle, a Cincinnati newspaper correspondent, visited the line of the Missouri, Kansas & Texas Railway, during the course of its construction southward from Muskogee. The account of his observations will be found in Appendix XXXVII-6.

24. A humorous incident in the history of the proposed extension of the Atlantic & Pacific Railway line westward from Vinita, is related in Appendix XXXVII-7.

25. Railroad Gazette, October 13, 1881.

26. Railroad Gazette, December 25, 1882.

27. Railway Review, January 15, 1886.

building of this line was the first construction work done by the St. Louis & San Francisco Railway Company as the successor of the Atlantic & Pacific. Fort Smith remained the terminus of the line for a number of years. Eventually the extension of this line southwestward from Fort Smith across the Choctaw Nation to Paris, Texas, was taken up for consideration by the directors of the company, and surveys were made for the construction of such a line. The grading and the roadbed was begun early in 1886.²⁸ Track laying began in the following autumn and was finished through to Paris on May 10, 1887.²⁹

The First Santa Fe Lines in the Indian Territory—The Atchison, Topeka & Santa Fe Railroad Company was one of the first corporations of its class organized in the State of Texas. It was one of the land grant railroads which had been chartered to build a line from Atchison, Kansas, to Santa Fe, New Mexico. About 1878 it began building its first branch lines. It had also acquired by purchase the old Leavenworth, Lawrence & Galveston line, which became known as the Southern Kansas Division of the Santa Fe. By 1880, it had built to the border of the Indian Territory at several points, namely, Coffeyville, Arkansas City, and Caldwell, while a line to Kiowa, Kansas, was in operation as early as 1885.

In 1884 the project of building the Santa Fe extension across the Indian Territory, southward from Arkansas City, Kansas, first began to attract the serious attention of the officers and directors of the Santa Fe Company. Eventually it was decided that such a line should be constructed to the Gulf Coast at Galveston, Texas. In working this problem out a subsidiary corporation, known as the Gulf, Colorado & Santa Fe Railway Company, was organized and incorporated. This company was to build the line northward to a junction with the line of the Atchison, Topeka & Santa Fe Railway Company at a point on the Canadian River on the northern boundary of the Chickasaw Nation.

The surveys having been made, the actual work of grading the roadbed began late in the summer of 1886. One thousand teams and practically twice that amount of men were employed on the work between Arkansas City and the Canadian River.³⁰ The track was laid to Ponca station by the middle of December. The track layers reached the vicinity of the present site of Perry by the end of the year, and it reached the Canadian River early in April.³¹ Some delay was necessary there while the bridge was being completed.

In building the Gulf, Colorado & Santa Fe north of Red River, the contractors were delayed somewhat by reason of the fact that the Indians were not permitted to sell either stone or timber. Consequently, all bridge timbers and railroad ties had to be shipped in from Texas, and all stone for masonry construction for bridges had likewise to be transported from Texas.³²

28. *Railway Review*, May 28, 1886.

29. *Railway Review*, May 20, 1887.

30. *Railroad Gazette*, September 24, 1886.

31. *Railway Age*, April 8, 1887.

32. *Railway Review*, January 22, 1887.

The Southern Kansas Division of the Santa Fe and the Gulf, Colorado & Santa Fe lines were joined just south of the Canadian River at a new town called Purcell.³³ Several months elapsed before the new road was put into commission, late in the summer of 1887. When the road was opened for business the stations between the Kansas line and the Canadian River were as follows: Willow Springs, Ponca, Red Rock, Mendota, Alfred (Mulhall), Guthrie, Edmond, Oklahoma, Norbeck (Moore), Norman, Walker and Purcell. Several of the towns of the Gulf, Colorado & Santa Fe between Red River and the Canadian were namesakes of towns in the suburban region west of Philadelphia, where some of the stockholders lived. These include Ardmore, Berwyn, Marietta, Overbrook, Wayne, and Wynnewood.

At the same time that the Gulf line of the Santa Fe was being built southward across the Indian Territory, the southwestern line from Kiowa was being extended across the northwestern part of the Territory toward the Panhandle of Texas. This line reached the Canadian River early in April, 1887. The bridge was completed and the railroad reached the town of Canadian, Texas, late in August and was opened for business in September of that year.³⁴

The Kansas and Arkansas Valley—This road, commonly known as the Iron Mountain, was built as a part of the Missouri-Pacific system. The line of this railroad which was built from Little Rock to Fort Smith, ten years before, practically put an end to steamboat navigation on the Arkansas above Little Rock. The construction of its line through the Indian Territory, from Van Buren, Arkansas, up the valley of the Arkansas River to Fort Gibson, on to the northwest, was ordered by the directors of that company in March, 1887. Track laying began about the middle of July following. The road was opened for business through to Wagoner, Indian Territory, in September, 1885.³⁵

In 1889, after the road was in operation to a junction with the Missouri, Kansas & Texas, at Wagoner, the company decided to extend the line to Coffeyville, Kansas. This extension was completed through to Coffeyville late in October, 1889. Jay Gould, the head of the Missouri-Pacific system, with a number of officers and directors, made an inspection trip over the line shortly afterward.³⁶

The Choctaw Coal & Railway Company—This company was incorporated at Philadelphia in 1887, for the purpose of developing coal lands in the Indian Territory. Its general office was located in Minnesota.³⁷ The Choctaw Railroad & Coal Company was incorporated in Texas to build a railway line from a point in Grayson County, Texas, southwest to a connection with the Denver, Texas & Fort Worth, in Wise County, and it was reputed to be a continuation of the Choctaw Railroad & Coal Company, which had been incorporated

33. *Railway Review*, June 8, 1887.

34. *Railway World*, September 16, 1887.

35. *Railway World*, September 14, 1888.

36. *Railway World*, November 1, 1889.

37. *Railway World*, December 30, 1887.

in the Indian Territory a short time before.³⁸ In April, 1889, it was announced that a survey for the proposed line would be made from McAlester to a connection with the Atchison, Topeka & Santa Fe Railroad in the Oklahoma country.³⁹

Most of the officers and directors in the Choctaw Railroad & Coal Company resided in or near Philadelphia and were connected with the Lehigh Valley Railway, Mr. Charles Hartshorne, first vice-president of the Lehigh Valley Company being president of this company, and Mr. William C. Alderson, treasurer of the Lehigh Valley Company, was treasurer of the new company. It is announced the purpose was to build across the Indian Territory, connecting the Texas line of the St. Louis & San Francisco, Missouri, Kansas & Texas, the Atchison, Topeka & Santa Fe, and the Chicago, Kansas & Nebraska (Rock Islands lines). It was also planned to extend the road possibly to Little Rock and from Fort Reno west to a connection with the Fort Worth & Denver, in the Panhandle of Texas.⁴⁰

Construction of the Choctaw Railway began at Wister Junction, on the St. Louis & San Francisco line, working westward toward a junction with the Missouri, Kansas & Texas road, near McAlester, and also at El Reno, where it was to be built from El Reno eastward to Oklahoma City, where it was to cross the line of the Atchison, Topeka & Santa Fe.

The Choctaw Railway Company applied for a receiver in 1891, the treasurer stating that the company had been obliged to resort to such a course in order to protect its creditors. In addition to its tracks already in operation, it held valuable coal leases in the Choctaw Nation which had been developed to an output of approximately six hundred tons per day. The receivers filed their report in the United States District Court at South McAlester,⁴¹ showing that the road's cash receipts exceeded its disbursements, and indicating that its affairs were not at all hopeless. The creation of the receivership, of course, had the effect of halting construction. The bondholders agreed to advance the money to complete the construction of the line east from El Reno (where the work had been stopped at Yukon) to a junction with the Atchison, Topeka & Santa Fe at Oklahoma City. This western division was afterward greatly extended, first, to Shawnee, and eventually to McAlester. Part of this work was done after the financial depression of 1893, which had almost ended railway building in the country for the time being.

The Rock Island Line Across Oklahoma—Late in 1885, the Chicago, Rock Island & Pacific Railway Company, which long had several termini on the Missouri River, began to consider the feasibility and advisability for extending its lines westward and southwestward in Kansas, Indian Territory, Texas, New Mexico, and Colorado. This was done by first organizing and incorporating in a subsidiary company to be known as the Chicago, Kansas &

38. *Railway World*, February 17, 1888.

39. *Railway World*, April 5, 1889.

40. *Railway World*, January 3, 1890.

41. *Railway World*, May 29, 1891.

Nebraska Railway Company. A survey of the proposed new lines was begun in the summer of 1886. The construction of the two lines, a junction at Herington, Kansas, was proposed. One of these was to pass in a direction slightly west of south, through Wichita, whence it followed very closely the line of the old Chisholm Trail to a crossing of the North Canadian River, five miles below Fort Reno, and thence nearly due south to Fort Worth, Texas. The line was completed at Caldwell, Kansas, in 1887, and surveys were continued on southward to Fort Worth. The work of grading on this line began at Caldwell late in May, 1888.⁴² Three months later the road was completed to Pond Creek, though not placed in operation until April of the following year, just before the opening of the Oklahoma lands. Simultaneously with the beginning of this service the president of the road announced that the Rock Island Railway Company was taking over the lines of the Chicago, Kansas & Nebraska Railway Company, in Kansas, Colorado, Nebraska and the Indian Territory. The new train service to Pond Creek, it was announced, would connect with the stages running through by daylight to Kingfisher, at which point a new Government land office was to be located, and also to Fort Reno. The work of grading the roadbed southward from Pond Creek to Kingfisher was resumed in July and vigorously pushed.⁴³

The Rock Island line to Hennessey was opened for business October 1 and at Kingfisher about three weeks later.⁴⁴ In January, 1890, contract was let for an extension southward from El Reno across the Canadian River to a new terminus at Minco.⁴⁵ The end of the line remained at Minco for about two years. In February, 1892, active work on grading the roadbed southward was resumed, more than a thousand men and five hundred teams being employed on the work.⁴⁶ The track reached Duncan late in June, and the company opened its station at Terral, on Red River, early in September.⁴⁷

Kansas City Southern—The Kansas City Southern Railway was largely constructed during the business depression which existed between 1893 and 1897. It was projected and built under the direction of Arthur E. Stilwell, of Kansas City. It extended from Kansas City, Missouri, to Port Arthur, Texas. About one hundred miles of its trackage traversed Oklahoma soil in the Cherokee and Choctaw nations. Its founder and builder ultimately lost control of it, but after its reorganization it was still maintained as an independent line, and is now accounted a very efficient and successful transportation enterprise.

Subsequent Railway Developments—With the election and inauguration of President William McKinley, the financial depression under which there had been great business stagnation throughout a period of nearly four years, began to show signs of abatement and, with it, renewed agitation for the

42. *Railway Review*, June 1, 1888.

43. *Railway Review*, July 12, 1889.

44. *Railway Review*, October 4, 1889.

45. *Railway Review*, January 17, 1890.

46. *Railroad Gazette*, February 26, 1892.

47. *Railroad Gazette*, September 16, 1892.

building of additional railway lines in Oklahoma and Indian territories. Simultaneously the Choctaw line projected an extension eastward from Wister Junction to Little Rock and westward from Fort Reno to Wetherford; then the Santa Fe planned its Eastern Oklahoma Division, while the Rock Island planned several branches and feeder lines. Railroad building slowed up then to some extent, until after the Presidential election of 1900, after which it was resumed with greater activity and more energy than ever before in the history of the two territories.

Between 1900 and 1905, inclusive, railroad building by all of the major companies in Oklahoma—the Santa Fe, the Rock Island, the Missouri, Kansas & Texas, the St. Louis & San Francisco—was very active. Several independent lines were constructed or projected, including the Midland Valley and the Kansas City, Missouri & Oklahoma, and several smaller lines were later absorbed by some of the major companies. In 1902 the Choctaw, Oklahoma & Gulf Railway was purchased by the Rock Island Company and has ever since been a constituent part of the Rock Island system. The Rock Island built its southwestern lines across the Oklahoma Panhandle in 1901. In 1902, the Frisco and Rock Island were merged, but later were separated.

Subsequent to the period of greatest activity in railroad building just mentioned, but two roads of importance have been constructed, namely, the Kansas, Oklahoma & Gulf and the Wichita Falls & Northwestern, and the former is operated as an independent enterprise, but the latter is operated under lease by the Missouri, Kansas & Texas Railway Company.

The first telegraph lines in the Indian Territory were built with the first railways, of course. A military telegraph line, from Wichita, Kansas, to Fort Reno, was the first telegraph line in the western part of the territory, being constructed and put into operation two or three years after that post was established. The first telephone line to be built and operated in Oklahoma was the one between Fort Reno and Darlington, in 1884. Two or three years later a telephone line was constructed between Muskogee and Tahlequah.



CHAPTER XXXVIII

THE EXTERMINATION OF THE BUFFALO

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The American bison or buffalo, as it was commonly called, had a habitat that extended from the Alleghany Mountains to the Rocky Mountains, and from the sub-tropical Northern Mexico to sub-artic Western Canada. East of the Mississippi River and in the wooded portions of the states immediately west of the Mississippi, these animals were never found in extensive herds, and they were practically exterminated east of that river by the end of the eighteenth century. Nuttall saw buffalo in the valley of the Kiamichi in 1819, and the Leavenworth-Dodge expedition found them near the mouth of the North Canadian in 1834.

While the buffalo were more or less sparsely distributed throughout timbered sections of the Mississippi Valley, the natural conditions presented by the prairies and high plains of the West were much more favorable, as they literally swarmed throughout that vast region, their numbers being much greater than those of any other species of large game animal in any part of the world since the dawn of the historic period. Indeed, the buffalo herds were so common and so numerous upon the Great Plains, that the name for that extensive region and "the buffalo country," were in reality synonymous terms, until the extermination of the shaggy beasts put an end to the meaning. The description of the size and number of the buffalo herds which come down to us from thoroughly reliable sources are such as to seriously tax the credulity, yet the evidence is so creditable that the facts as stated cannot be gainsaid. It would not seem to be out of place to cite some authorities upon the subject.

Much has been written concerning the buffalo herds and their extinction, one of the most exhaustive treatises—being that of William T. Hornaday, entitled "The Extinction of the American Bison," published by the National Museum, in 1888. In this volume the author quoted a letter written to him by Colonel Richard I. Dodge, 23d United States Infantry (author of "The Hunting Grounds of the Great West" and of "Our Wild Indians"), in which he gave a most striking description of a big buffalo herd and the number of animals in it.¹

The late Robert M. Wright, of Dodge City, who was engaged in buying and shipping hides, in his volume of personal reminiscences, written during the latter years of his life, recorded his impressions as to the numbers of some of the great buffalo herds on the Southern Plains.²

Another writer, who had also been a buffalo hunter, was the late William D. Street, of Oberlin, Kansas, who contributed some interesting and instructive reminiscences along the same line.³

1. "Extirpation of the American Bison," pp. 388-91. See Appendix XXXVIII-1.

2. "Dodge City, the Cowboy Capital," pp. 75-77. See Appendix XXXVIII-2.

3. "Kansas Historical Society Collections," Vol. IX, pp. 42-44. See Appendix XXXVIII-3.

During the early seventies, the business of buying buffalo skins and hides for shipment was one which reached very large proportions at a number of places on the first railways which were built across the Great Plains.⁴

The buffalo, or bison, was a very hardy beast, inured to extremes of heat and cold and apparently thriving on scant pasturage. It was reputed to live to the age of thirty years and, though the rate of increase may not have been equal to that of domestic cattle, it certainly was sufficient in the aggregate, had the number slaughtered annually been limited to the needs of the Indians and settlers, to have perpetuated vast herds many years longer than they actually were permitted to exist. The westward extension of the settlements in Texas, Kansas and Nebraska had the effect of pushing the limits of the buffalo range slowly but surely westward toward the Rocky Mountains, which already formed the western limit. However, it would seem improbable that the westward extension of the settlements would have caused the extinction of the buffalo herds much, if any, short of the end of the nineteenth century, whereas, they were practically blotted out twenty to twenty-five years before that time.

The factors which entered most largely into the extermination of the millions of buffalo were the extension of railways into the buffalo range and the invention and manufacture of the high-power repeating rifles, which came into use about the time the first railway lines began to penetrate the Great Plains region. So long as the products of the buffalo hunt—hides, tanned robes, dried meat and tongues—had to be transported hundreds of miles, by wagon, to the Missouri River for shipment, the buffalo herds were free from danger of immediate extermination, even though each succeeding year saw their ranges slightly narrowed by reason of the extension of the settlements. But the seven years between 1866 and 1873, inclusive, saw three railway lines pushed across the Great Plains to the Rocky Mountains, between the Platte and Arkansas rivers. Of course these offered a convenient and economical means of transportation of the products of the buffalo hunt to markets which had hitherto been out of reach. At the same time, as if to put a premium upon human cupidity, the high-power, long-range, breech-loading magazine rifles were first manufactured and sold for the purpose of rendering the killing of buffalo easy and expeditious.

The killing of buffalo solely for their hides became a systematically organized business, with a well defined division of labor, one man of each hunting party being an expert, long-range marksman, a part of whose skill was to "get a stand" on a bunch of buffalo at a distance and in the direction from whence the wind came and then shoot them down in succession until all were killed. This "killer" was followed by the skinners, who spent their entire time in divesting the slain animals of their hides, while the teamster of the party followed with a wagon to gather up the pelts and haul them to camp, where they were stretched to dry in the sun.

The buffalo of the region south of the Platte River were commonly designated as "the southern herds," as they generally ranged northward into Kansas and Nebraska in the spring and early summer and southward into

4. "Life of 'Billy' Dixon," pp. 61-62. See Appendix B, XXXVIII-4.

the Indian Territory and Texas in the autumn season. Consequently, the decimation of the buffalo herds in Kansas or Texas directly affected the supply of that sort of game in the western part of the Indian Territory. The slaughter of the buffalo herds went steadily on, not only in western Kansas, eastern Colorado and the Texas Panhandle but also in that part of Texas which lay to the south of the upper valley of Red River. News items in the pioneer press of that period sometimes related outstanding deeds and doings of the buffalo range.⁵

The buffalo bone gathering industry has already been alluded to by one of the writers quoted. Few people have any idea of the magnitude of this peculiar business. Buffalo bones were to be seen stacked up for shipment at some points along the line of the Atchison, Topeka & Santa Fe Railway, in western Kansas and eastern Colorado, as late as the autumn of 1886—fully ten years after the bulk of the great herds of the Southern Plains had been killed almost to a point of extermination. In his book, "Dodge City, the Cowboy Capital," the late Robert M. Wright told of the buffalo bone industry of his town which was an important one for ten or a dozen years following the disappearance of the buffalo herds.

Although the railroad was a long way from the border of the old buffalo range in the western part of the Indian Territory, yet many a wagon load of bones of the vanished wild herds were hauled from Northwestern Oklahoma to Wichita from the northern part of present Oklahoma. Freighters returning with empty wagons after having hauled loads of merchandise or supplies for the military posts or Indian agencies along the line of the old Chisholm Trail were wont to stop in the valleys of the Cimarron or the Salt Fork (Nescatunga) and load up with buffalo bones for which they found a ready market at \$7.00 per ton when they reached the end of the railroad at Wichita; of course it was a long haul but, as the journey had to be made anyway, it was so much added to the proceeds of the round trip. The bone picker even has a place in the literature of Oklahoma, Scott Cummins ("The Pilgrim Bard")⁶ having indicted six pathetic verses entitled "The Song of the Bone Pilgrim," while gathering buffalo bones in the valley of Eagle Chief Creek, within the present limits of Woods County, in September, 1879. The verses, two of which are here quoted, were originally written with a bullet on the bleached shoulder blade of a buffalo.

5. For items in pioneer press relative to buffalo hunters, see Appendix XXXVIII-5.

6. Scott Cummins was born in Ohio, in 1846. When he was two years old his parents migrated to the frontier of Iowa, where his early life was spent, but with meagre educational advantages. During the Civil War, he enlisted in the volunteer military service and served till the end of the conflict. He moved to Kansas in 1870 and a couple of years later, settled in the wilderness of Barber County, where he followed the occupation of a buffalo hunter in southwestern Kansas and northwestern Oklahoma as long as the buffalo remained. When the great herds had vanished, he gathered and hauled their bones to market at Wichita, which was then the nearest railway station. He continued to live in Barber County, Kansas, until September, 1893, when the Cherokee Strip was opened to settlement, after which he resided in Woods County, Oklahoma. He was a prolific writer of verse, a volume of his poems, entitled "Musings of the Pilgrim Bard," having been published in 1903. He was a rustic philosopher who had read the book of nature as he had lived his life in the open. He was peculiarly a poet of the short grass plains, the gypsum canyons and the sand dunes of the Southwest. His writings are distinguished for their grasp of the humbler phases of the life of his time and environment, and for a spirit of broadest charity and catholicity. He died at his home in Woods County in March, 1928.

I pass by the home of the wealthy,
And I pass by the hut of the poor,
 But none care for me
 When my cargo they see,
And no one will open the door,
O think of the poor bone Pilgrim,
 Ye who are safely at home;
No one to pity me, no one to cheer me,
 As o'er the lone prairie I roam.

There's a place, as we journey to market,
Where the Ninescah River doth flow;
 There we camp on the strand
 And fill each skull with sand
To make up for shrinkage, you know.
O think of the poor bone Pilgrim,
 Ye who are safely at home;
No one to pity me, no one to cheer me,
 As o'er the lone prairie I roam.

While the carcasses of the vast majority of the slaughtered buffalo were left to decay (since not even the vultures and the wolves could keep up with the supply of carrion), much buffalo meat was cured by drying in the open air. But little salt was used in this process, so that the flavor of the cured meat was much superior to that of modern factory-cured dried beef, in which the real flavor is destroyed by an undue amount of salt. "Jerked" buffalo meat, thus cured, was as commonly on sale in the grocery and general merchandise stores of the West as salt pork is today, while dried buffalo tongues were esteemed a great delicacy.

Buffalo robes were plentiful and comparatively cheap, though the Indian-tanned robes always brought the higher price. Buffalo hides did not make good leather, though many bull hides were thus used, the product being exported to Europe, as American farmers and teamsters refused to buy buffalo leather harness.

The last buffalo in Oklahoma County was killed in March, 1876, and the animals were rarely seen east of the Chisholm Trail after that time. During the autumn of 1876 and the succeeding winter, the Cheyenne and Arapahoe Indians secured 7,000 buffalo robes, for which they received an average of \$5.00 each in trade. They also tanned 15,000 robes for the traders, who had secured them from white hunters, and for which process they were paid \$2.00 each. They suffered severe losses during the course of their buffalo hunt by reason of the incursions of white horse thieves. The Indians of the Wichita Agency secured about 5,000 buffalo robes during the same season. The Indians of all tribes were quite as anxious to save the meat as well as the robes. A herd of buffalo estimated to contain 40,000 animals, was on the North Canadian, between Camp Supply and the site of Woodward, late in July, 1877. Although that was not the season to kill for robes, the herd was even then surrounded by white hunters and the Indians of several tribes, all engaged in killing buffalo.

The Cheyennes, Arapahoes, Comanches, Kiowas and the Plains Apaches hunted buffalo in the western part of the Territory again during the follow-

ing season but the results were meagre. The Cheyennes and Arapahoes had only 219 robes to trade as the result of the hunt. The next season (1878-79) the buffalo hunt was practically a failure, the Indians returning with a few robes and little meat, and that was the last general buffalo hunt on the part of the Indians of the Southern Plains region.

A few small bands of buffalo continued to roam in the Texas Panhandle and in No-Man's-Land for some years after the business of hunting them ceased. Indeed, they were so few and so wary that it was scarcely worth while to hunt them. A small herd was reported to have wintered in the valley of the Cimarron, in Morton County, Kansas, in 1885-86. Early in the following spring the carcasses of two buffalo which had been killed in No-Man's-Land were hauled by wagon to Pueblo, Colorado, where they were sold to a meat market. In the summer of 1888 "Buffalo" Jones, who had been one of the pioneers in the endeavor to domesticate the buffalo, tried to round up and capture what was supposed to be the last remnants of the great southern herd still ranging over No-Man's-Land and the northern part of the Texas Panhandle, but with the exception of young calves, he was utterly unable to keep any of them alive, even after they were captured.⁷ The last wild buffalo in Oklahoma, a lonely old bull, was killed at Cold Spring, in Beaver (now Cimarron) County, in October, 1890.

There can be no doubt that the means and methods of the hide-hunters were extremely wasteful in that the meat of the greater part of the slaughtered millions was left to feed the vultures and wolves, if not to decay. Humane sentiment and sound policy would have been on the side of the preservation of these splendid animals. But, regardless of sentiment or policy, the fact remains that the extermination of the buffalo was the one thing needful to persuade the restless Indians to settle down on their reservations and cease from roaming at large. In the wake of the slaughtered herds, two or three years later, came the gleaners of this harvest of blood and death, to gather up the bleaching bones to be shipped to the East for the manufacture of fertilizers. On the virgin sod of the Great Plains, the paths made by the buffalo going to and from drinking places, were still visible a quarter of a century later, while their circular wallows, like indelible autographs that they are, will still be in evidence a century hence, if the implements of husbandry do not obliterate them.

Fortunately, for the perpetuation of the species, a few small herds of domesticated buffalo were established by catching the young calves and rearing them like domestic cattle. Two of the earliest of these were those of Charles Goodnight, of Palo Duro Canyon, in the Texas Panhandle, and William C. ("Buffalo") Jones, of Garden City, Kansas. At one time the total number of living animals of the species had been reduced to about 1,000, but in recent years the increase has been such as to multiply that figure until it now aggregates upward of 20,000. There are now several herds of buffalo in Oklahoma, namely, the herd maintained by the Government on the Wichita Mountain Forest Reserve; the one owned by the 101 Ranch in Kay County,

7. "Buffalo Jones' Forty Years' of Adventure," pp. 201-23.

and the one owned by Major Gordon W. Lillie (Pawnee Bill), in Pawnee County. All of these are increasing, the one of the Forest Reserve having grown from twelve animals in 1907 to over fifty in 1915, and now numbering over two hundred. The total number in Oklahoma is now about seven hundred and fifty. The State Game and Fish Commission also owns two small herds, as also do the municipal zoölogical parks of Oklahoma City and Tulsa.



CHAPTER XXXIX

THE RANGE CATTLE INDUSTRY

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That the Indian Territory was well adapted to the live stock industry seemed to have been conclusively proven by the number of cattle that were stolen and confiscated during the Civil War. The end of the war found one-half of the state still in the buffalo range and the Indians of that region so hostile that the possibility of establishing the live stock industry in that part of the country was scarcely to be thought of as yet. With the opening of the cattle trail from Texas to the shipping points in Kansas in 1867, the men engaged in driving herds through the central part of the Indian Territory had an opportunity to observe the character and quality of the soil, the water supply and the grasses and herbage suitable for grazing. As the years went by, the ranges of the Five Civilized Tribes were restocked with cattle. The number of cattle driven across the Indian Territory from Texas to Kansas for shipment increased each year until it was averaging nearly a third of a million annually.

There had been a measure of risk in driving cattle northward to Kansas, in the beginning, as was evident by the fact that the trail kept to the eastward of the Kiowa-Comanche and Cheyenne-Arapaho Indian reservations. After the end of the outbreak of 1874, however, there was less apprehension of danger from those sources and, moreover, the buffalo had practically disappeared from the land lying east of the cattle trail. Most of the Unassigned Lands lay to the east of the cattle trail. When the buffalo were gone the grass still grew as luxuriously as before but, aside from the comparatively meagre amount of pasturage necessary to sustain the droves of wild horses (which were by no means uncommon)¹ and the scattered bands of deer and antelope, it remained ungrazed. Surely here was an opportunity which could not long remain unnoticed and unappropriated. So, within a year after the end of the last general Indian war on the Southern Plains, the range cattle industry was planted in the central and western parts of the Indian Territory. Herds were driven in, mostly from Texas, ranges were occupied, ranch buildings and corrals were built and a new era in the history of Oklahoma was begun without ceremony or announcement. The buffalo hunter had had his day and was gone and in his stead had come the herdsman with herds that were only a little less wild than the buffalo. Though this era of the range cattle industry in Oklahoma was not destined to be a long one, it was as distinctive and as picturesque as any period in the history of the State. The first cattle ranges thus selected were on the Unassigned Lands and on the unoccupied lands of the Cherokee Strip. The cattlemen quietly drove their herds in and turned them loose on the range without asking permission to do so, just as unoc-

1. A description of one manner in which wild horses were captured on the range will be found in Appendix XXXIX-1.

cupied lands of the public domain of the United States in other states and territories were likewise occupied by stock ranches at that period.

Except for the fact that the buffalo were gone and that the region was comparatively free from intrusion by the Indians, the lands upon which the cattle ranches were established were still in the condition of a primitive wilderness. Many of the smaller streams were as yet unnamed and the names by which they are now designated on the map are suggestive of the mental traits and terse language of the cattle range. As an instance of the informal and oftentimes accidental circumstances under which some of the smaller streams came to receive their names, there may be mentioned two small tributaries of the North Canadian River, in Oklahoma County.

Early in the summer of 1876 Mr. L. C. Wantland, who later became a banker at Purcell, having just completed his education, returned home to the ranch of his father, which was located in the Chickasaw Nation, near where Purcell has since been built. After due consideration, it was decided that in order to give the son a chance to operate on his own account, a new ranch should be established in the unoccupied district known as the Unassigned Lands, at a point about thirty miles north of the Canadian River at Purcell. Choosing his foreman and several men, he first made a prospecting trip for the purpose of locating the site for the headquarters of the new ranch. Pursuing their way northward along the line of the Arbuckle Trail, they finally halted on the prairie at a point several miles southeast of the site of Oklahoma City. There it was agreed that young Wantland should explore the country to the east, while his foreman should ride over the country immediately west of the halting place, each making careful examination of the topography, timber and water supply with a view to selecting the most advantageous site for the headquarters of the new ranch. In due time each returned to the rendezvous and made a report of the results of his investigations. The foreman had explored the valley of a small creek which heads at the divide between the two Canadian rivers and empties into the North Canadian River, within the corporate limits of Oklahoma City. After he had described the valley in some detail, its width, the quality of the soil, the grass, the timber, the amount of water, the height of the creek banks, etc., one of them asked:

"How about the channel of the creek? Is it straight?"

"No—crooked as lightning," was the instant response.

After some discussion, it was decided to locate the ranch headquarters in or near the valley of another creek, which had been explored by the young "boss" of the new ranch. But the creek to the westward was commonly referred to by the ranch hands for a time as the "creek that is crooked as lightning," and eventually, this means of designation was shortened and given a permanent place in local geographical nomenclature as Lightning Creek, by which name it is still known. The creek to the eastward, by the side of which the ranch buildings and corrals were built, remained unnamed until circumstances equally as accidental and unintentional suggested and supplied a name. Each ranch and range had its own brand, or brands. The brand was a device chosen by the owner of the ranch for the marking of the cattle and



AN OLD-TIME TEXAS STEER WITH HORNS MEASURING 9 FEET AND 7 INCHES
FROM TIP TO TIP



A BANDIT STRONGHOLD, IN THE PAWNEE RESERVATION, 1887

horses belonging thereto. The form of this device might take any style suggested by the fancy of the owner, so long as it conformed to one requirement, namely, that it should be distinctive and not subject to confusion with the brand of some other ranch or range. The device which was adopted as the brand of the new Wantland ranch was not only distinctive but plain and simple as well. In the language of the ancient heraldry it might have been described as a crescent superior, with a short vertical bar inferior and a small circle sinister. However, the average cowpuncher (as the ranch employees were commonly called) could have given the most learned expert in



The Crutch-O Brand

heraldic parlance a mile the start and then beat him to the finishing post in the race when it came to a matter of comprehensible definitive description. That was why the brand of the new Wantland ranch soon became known, not only among its own employees but also by those of all neighboring ranges as the "Crutch-O" brand. Likewise, in due sequence, the ranch itself became known as the "Crutch-O" Ranch, and as it had no other known name, the small stream which flowed past the ranch headquarters was dubbed Crutch-O Creek. And Crutch-O Creek it remains to this day and moreover, the municipal sub-division through which it takes its course is officially designated as Crutch-O Township.²

The culture, etiquette and customs of ranch life in the Indian Territory were, like the range cattle industry itself, practically all transplanted from Texas, where it had been developed by the earliest English-speaking American settlers, though largely moulded by Spanish-Mexican influences. Certain Spanish words and phrases therefore had common currency throughout the cattle range, even in places where Mexicans were seldom or never employed, as a class. The men employed on the cattle ranches were distinguished for their frankness, hospitality and generosity with which was blended a large measure of physical and moral courage, and nothing excited such contempt in their minds as a specimen of so-called manhood in which any or all of these traits were lacking. As a rule they were peaceably disposed yet, living in a land wherein there was no law save that of rights that were self-asserted, men went armed and prepared for any emergency. They had their failings and faults and weaknesses, as indeed most of the rest of humanity has, yet, taken on the average, they measured up well according to the standards of pioneer manhood. Many of the young men who rode the ranges and attended the round-ups in Oklahoma during the later 'seventies and throughout the 'eighties are numbered among the substantial citizenship of today, though most of them have long been past the meridian of life.

The trailing of cattle from the ranges of Western Texas across Oklahoma to railway shipping points in Kansas, continued through this period until, finally, the extension of the railroads to Texas led to shipment of many cattle by rail. Until 1880, practically all of the cattle followed the trails northward

2. Personal information secured from Mr. L. Cass Wantland, 1912.

from Red River Station, on what was always known as the Chisholm Trail. Abilene, Kansas, on the Kansas Division of the Union Pacific Railway, was the principal shipping point from the year of the first drive (1867) until the Atchison, Topeka & Santa Fe Railroad reached a temporary terminus at Newton, in 1871. The next year, the Santa Fe company had built a branch to Wichita, which was the greatest market for Texas cattle until the close of the shipping season in 1875. Great Bend had been competing with Wichita but it only lasted one year after the Wichita market was closed, the westward extension of the homestead settlements forcing the trail herds to go to Dodge City for shipment until 1880, when the Santa Fe company built a line to Caldwell, which was near the intersection of the Kansas-Oklahoma boundary line and the original Chisholm Trail. Thereafter the business was chiefly divided between Caldwell and Dodge City, though much went farther north, to points on the Union Pacific in Western Kansas and Western Nebraska.

About the same time the railroad reached the terminus at Caldwell, a new trail was established across the Indian Territory for the driving of cattle to the Dodge City market. It entered the Territory near the site of the town of Grandfield, in the southeastern part of Tillman County and followed a northerly and northwesterly course, across the counties of Tillman, Comanche, Kiowa, Washita, Custer, Roger Mills, Ellis, Woodward and Harper.

The trail herds usually consisted of from 2,500 to 3,500 head of cattle, with from ten to fifteen men in charge and an allowance of from five to seven saddle horses to each man. There was always a foreman in charge, a horse wrangler, and a cook, who always accompanied the commissary, or chuck wagon. Even though several successive herds might belong to the same owner, great care was exercised in keeping them at suitable intervals, not only because of the fact that the cattle had been carefully graded and separated before starting from the range but also because it was difficult if not impossible to manage stock in larger numbers at the watering places and in bedding them down at night.

The shipping markets soon became discriminating as to the class and quality of stock which was desired for particular purposes. Thus heavy beeves—four- five- or six-year-old steers—were desired to fill the contracts at frontier army posts; cows were specified in the contracts to supply the various Indian agencies, while younger steers were sought by feeders and packers. As a rule, stock from Northern Texas commanded a much better price than that from nearer the coast. Texas cattle which had been wintered in the North always were in demand. This led to the establishment of some of the first stock ranches in the Cherokee Outlet in 1876. For this privilege the first ranchmen paid a tax of twenty-five cents a head on their cattle to the Cherokee Nation. The Cherokee authorities soon found that some stockmen were evading this tax, however, and this led to trouble. Some ranch owners resorted to the expedient of installing a Cherokee foreman in order to avoid friction with the Government, which soon became involved in the dispute.

After all the available ranges in the Cherokee Outlet and the Unassigned Lands had been occupied there was still a demand for more lands for ranching in the western part of the Indian Territory. The leasing of the Indian

reservations was considered as a means to such an end. Congress had made no provisions for such a contingency and it was doubtful if it could be induced to take such action. However, that did not stand in the way. The Indians were first persuaded to give their consent to lease their reservation lands for grazing purposes. In the case of the Cheyennes and the Arapahoes, leases aggregating 3,117,880 acres of land were made respectively to seven different parties for ten-year periods at an annual rental of two cents per acre, in January, 1883.³ The tribal agent vouched for the beneficence of the policy thus inaugurated. The fact that former agency employees and Indian supply contractors were included in the list of lessees was perhaps not without its significance. Be that as it may, however, trouble eventually came as the result of this action.

In the Cherokee Outlet there was always more or less unrest because of the lack of any settled policy or understanding between the Federal Government and the Cherokee authorities in regard to the leasing of grazing privileges. Finally it became apparent that some species of tenure other than that of merely occupying the ranges would have to be devised. Meanwhile cattlemen were learning something of the advantages of organization. The Texas Cattle Raisers' Association was the first of these organizations to be effected. The advantages of meeting in convention for the purpose of counseling together concerning matters of common interest soon manifested itself and similar associations of live stock men were formed in other parts of the West. In 1880, the Cherokee Nation levied a tax of \$1.00 per head on all cattle held on the lands of the Outlet. The range cattlemen contended that this was exorbitant and refused to pay. The Cherokee authorities threatened to have them expelled as intruders, but finally, in December, 1880, the Cherokee Council voted to reduce the head tax to forty cents each on grown stock and twenty-five cents each on yearlings. The movement for the forcible settlement of the Unassigned Lands also had a disquieting effect upon the range cattlemen, though as yet there had been no threat to locate on the lands of the Cherokee Outlet, or "Strip," as it was commonly called. The movement for the organization of the cattlemen of the Cherokee Strip began early in 1881 and the first convention was held at Caldwell, Kansas, March 16 of that year. S. S. Birchfield was chairman of the meeting and R. F. Crawford was secretary. That meeting was the beginning of the movement which culminated in the organization of the Cherokee Strip Live Stock Association, two years later. Many matters of common interest were discussed and arrangements were made for the registration of the cattle brands in use by the ranchmen of the Cherokee Outlet.

The second meeting of the Cherokee Strip cattlemen was held on March 6, 1882, at Caldwell. The fact that they were gaining confidence as the result of organizing was amply attested by the amount of wire fence which was built on the ranges during the following summer. The fencing of the ranges in the Cherokee Strip had a very disquieting effect upon the "boomers" who were trying to effect a settlement in the Unassigned Lands, as it indicated the

3. Annual Report of the Commissioner of Indian Affairs for 1883, pp. 61-62.

existence of strong political backing for the cattle interests at Washington and therefore portended a protracted struggle for the opening of any or all public lands in the Indian Territory for settlement. From that time on the issue between the range cattle interests and the intending settlers was clearly defined. In the very nature of things, there could be no compromise between these conflicting interests. Either the range cattle industry was doomed to go or else the day of the realization of the fond dreams of the "boomers" had to be postponed indefinitely. As yet, the scale of political influence was balanced in favor of the range cattle industry; public opinion outside the immediate border of the Indian Territory was indifferent and the leading papers were hostile to the "boomers."

The third annual meeting of the Cherokee Strip cattlemen was held at Caldwell, March 6, 1883. At this meeting, the organization of the Cherokee Strip Live Stock Association was effected. This association was duly chartered under the laws of Kansas. Its general offices and headquarters were at Caldwell, which virtually became, for the time being, the political capital as well as the commercial, financial and social center of range cattle industry of the Cherokee Outlet. Caldwell was not merely a shipping point for trail herds from the southern cattle ranges generally; its banking facilities and mercantile supply establishments were ample for the needs of all patrons. Moreover, many if not most of the men who were actively engaged in operating ranches in the Cherokee Strip, established their homes at Caldwell and had their families there. Other towns along the border, such as Hunnewell, Kiowa and Englewood, competed for part of the trade of the Cherokee Strip ranchmen, but Caldwell continued to be regarded as the greatest "cowtown" in Southern Kansas until the settlement of Oklahoma put it out of reach of the trail herds.

The Cherokee Strip Live Stock Association had nine active directors⁴ and its affairs and interests were carefully guarded by its officials. The metes and bounds of the subleased ranges were carefully surveyed and mapped. Although its affairs eventually involved considerable litigation, it did not have a regularly organized legal department but depended upon making special contracts with various attorneys as occasion seemed to demand. On the 5th of July, 1883, the directors of the Cherokee Strip Live Stock Association entered into contract on its behalf with Dennis W. Bushyhead, principal chief of the Cherokee Nation, by the terms of which all of the unoccupied lands of the Cherokee Outlet, stated to be approximately 6,000,000 acres, were leased to the new corporation for the lump sum of \$100,000 per annum, for the full term of five years, beginning October 1, 1883. The Cherokee Strip Live Stock Association then subleased to the various individuals, firms and corporations which had already established ranges in the Outlet. Most of the sublessees were stockholders in the leasing association.

The Cherokee Strip Live Stock Association became a power in the determination and conduct of public affairs in a large section of the western part

4. The first directors of the Cherokee Strip Live Stock Association were: E. M. Hewins, J. J. Hamilton, A. J. Day, S. Tuttle, M. H. Bennett, Ben S. Miller, A. Drumm, E. W. Payne, and Charles H. Eldred.

of the Indian Territory from the date of its organization and incorporation. While it was primarily a business institution, it was sufficiently versatile to take a hand in politics or social affairs, or any other line that would further its interests. Although its interests were local, its influence was powerful and widely extended, being manifest in the halls of Congress and in the executive departments of the Government at Washington, and also in the great financial centers. It was liberal in its advertising patronage, thus controlling the sentiment of many newspapers, both local and metropolitan. Its list of stockholders and supporters was reputed to include senators and representatives in Congress, leading officials of the Government and Wall Street financiers. It leased nearly six million acres and sublet much of the same at a good round profit. It could levy assessments against sublessees and, if the same were not paid, could confiscate stock in satisfaction therefor, an act for which there was no recourse to any court. Its plan of operations was at once simple, systematic and complete.⁵

The intervention of the leasing company between the Cherokee Nation and the individual ranchman had the effect of stimulating confidence in the range industry in the Indian Territory very materially. The day of petty contentions and bickerings between the individual range holder and the tribal authorities was at an end. Matters of public policy affecting the interests of the range industry as a whole, were carefully watched and guarded by the directors of the Cherokee Strip Live Stock Association or their duly authorized agents or representatives. With much of the former uncertainty thus cleared away, ranch operators were enabled to devote themselves more completely to their personal affairs and the business became more prosperous in consequence.

The buildings at the headquarters of a ranch were usually constructed of materials secured near at hand, log walls being the rule when timber of suitable size could be secured. In the western part of the Cherokee Strip where timber of large size was lacking, the walls of ranch buildings were of stockade construction, that is, they were built of small logs set on end in the ground, sawed even and spiked together with a plate at the top, the interstices being plastered with gypsum or clay. Stockade walls were usually built of red cedar timber. Many of the log and stockade walled houses had earthen roofs. Still other ranch buildings had walls of sod or turf, while others were mere hillside dugouts, with earthen roofs. Some of the larger ranches had several buildings at headquarters, including a commodious cottage or cabin for the foreman or superintendent (who in some instances was accompanied by his family),⁶ a bunk house, a cook shack and dining hall, a storehouse, etc. As a rule the employees were well paid and well fed.

One of the big events of ranch life were the spring and fall "round-ups," in which all the cattle of a given area were literally "rounded up," identified by

5. "History of the Ranch Cattle Industry in Oklahoma" (Annual Report for the American Historical Association for 1920, pp. 307-22), by Edward Everett Dale; also, by the same author, "The Cherokee Live Stock Association (Proceedings of the 5th Annual Convention of the Southwestern Political and Social Science Association—Fort Worth, 1924).

6. "Musings of the Pilgrim Bard," pp. 90-91; also, personal information secured from Charles F. Colcord and Amos Chapman. See Appendix XXXIX-2.

their respective brands and driven to their proper range if found off of it. The round-up was a community affair for all the ranges in a given area and every ranch included within that area was represented by its quota of range riders. The work of a round-up was systematically organized, for it usually required several days to gather up all the cattle of a district together. Accompanying the round-up was the all important "chuck-wagon" and the cook, who became an adept in the art of having warm bread and hot coffee at hand, no matter how late the last straggling rider arrived. The etiquette of the cow camp was scant in the matter of punctilio; if a stranger arrived, weary and hungry, at meal time, he was not invited to dismount and take dinner or supper, as the case might be; on the contrary, he was expected to make himself at home without any formal invitation—to hunt a tin cup and a tin plate, pour his own coffee, carve his own meat—in short, act as if he were to the "manner" born and not a "tenderfoot" for, no matter who he was or whence he came, he was a welcome guest.

The round-up gave opportunity for each ranch to take an inventory of its stock, to determine the number of cows, to brand the calves and to form some estimate of the quality and probable value of the steers which would soon be ready for market. It also gave ample opportunity for the men from the different ranges to get acquainted and to form and cultivate that spirit of comradeship and unity of purpose which became so essential when the range cattle business in the Indian Territory became the target of the land-hungry "boomer" and the designing politician. It also aided in preventing losses by straying and in the detection of thievery. As a matter of common interest, nearly every ranchman became familiar with the brands of nearly every ranch and range within a radius of one hundred miles. So, though neighbors were few and far between, the spirit of true neighborhood could and did abide in that semi-wilderness as it does not in many a more densely populated community today.

Ranch life was one of isolation and loneliness yet it had its charms and its compensations. Visitors "from the states" sometimes came to break the monotony of the every-day round of life. There were hunting parties for reducing the number of wolves and, likewise, there were sometimes hunting parties that went in search of cattle "rustlers" or horse thieves. Sometimes, too, the monotony of ranch life was broken by rumors of an Indian outbreak, which, however, actually occurred but once after the range cattle industry was planted in Western Oklahoma. In the very nature of things, such a stage of industrial development could not last long in a land which was plainly adapted to a more advanced stage of cultural activity. In his brief day, the range cattleman and his herds were as picturesque as had been the Indian and the buffalo of the preceding epoch, and, like the latter, his place in the history and tradition—in song and story—is secure, though, unlike the Indian, he succeeded in adapting himself to the change when it came.

This period in the history of the State is largely filled with the story of the range cattle industry as a factor in public affairs—local, tribal and national, so the story of its development and of the activities of its leaders continues in subsequent chapters.

CHAPTER XL

THE STRUGGLE FOR THE OPENING OF OKLAHOMA

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CHAPTER XL.

THE STRUGGLE FOR THE OPENING OF OKLAHOMA.

After the first Oklahoma Bill was reported in Congress the subject of the proposed organization of the Indian Territory was never permitted to wholly escape attention of the National law-making body again. Between 1873 and 1879, more than a dozen bills for organization of the Territory of Oklahoma were introduced in the Senate and the House of Representatives, while as many more, having for their object the establishment of a Federal Court in the Indian Territory, were introduced in the two houses of Congress. Either by express terms or by implication, several of the treaties made with the Five Civilized Tribes, in 1866, contained provisions for the establishment of a United States Court in the Indian Territory. Moreover, many of the agents and superintendents had called attention repeatedly to the need of such a tribunal but, as yet, all Federal cases originating in the Indian Territory were tried before the United States District Court at Fort Smith, Arkansas.

There were two interests involved in the proposed opening of the unoccupied lands of the Indian Territory, namely: (1) The railroad companies, which were eager to find some means to make the contingent land grants operative; and (2) the people who were actually desirous of settling on the lands. Of the two interests, the first was easily the most influential and active at Washington prior to 1879, though the Indians offered some effective opposition, else some of the smooth schemes for vitalizing the railroad land grants in the Indian Territory would doubtless have slipped through. One of the most active champions of the proposed territorial organization with provision for making the contingent railroad grants effective, was Stephen W. Dorsey, a "carpet-bag" Senator from Arkansas.¹ On the other hand, Senator Samuel B. Maxey, of Texas (who had been the commander of the Confederate forces in the Indian Territory during part of the Civil War), introduced a bill specifically to repeal the contingent land grants.²

When it became apparent that Congress, in view of the growing hostility to railroad land grants, would not pass an organic act for the Indian Territory, merely to make the contingent land grants of the Missouri, Kansas & Texas and the Atlantic & Pacific Railway (now the St. Louis & San Francisco) companies effective, it was determined to force the issue by a new means. As the third session of the Forty-fifth Congress drew to a close, a preconcerted effort was made to encourage adventurous spirits to attempt to effect the settlement of unoccupied lands in the Indian Territory without awaiting governmental authority or permission. The first movement in this direction was a communication from Colonel E. C. Boudinot,³ which was

1. Congressional Record, 45th Congress, 2d Session, p. 353 (S. No. 529); also, 3d Session, p. 930 (S. No. 1757).

2. *Ibid.*, p. 1511 (S. No. 626).

3. Elias Cornelius Boudinot was born near Rome, Georgia, in August, 1835. His mother, whose maiden name was Harriet Gold, was the daughter of an influential family at Corn-

published in the "Chicago Times" of February 17, 1879, wherein he announced that the great bulk of the lands of the western part of the Indian Territory, which had been ceded or relinquished to the Federal Government by the Chickasaw, Choctaw, Creek and Seminole tribes under the terms of their respective treaties made in 1866, were in reality a part of the public domain of the United States and, as such, were subject to settlement under the homestead land laws of the Government.⁴ Six weeks later, in answer to a letter of inquiry written to him by Augustus Albert, of Baltimore, Colonel Boudinot restated his view of the matter in a letter written March 31, 1879.

Colonel Boudinot had been in Washington during the preceding Congress as the clerk of the House Committee on Private Land Claims. Whether he was in the service of the Atlantic & Pacific (now the St. Louis & San Francisco) Railroad Company at that time is not known, though such an inference is not unnatural. The fact that he had had a map prepared and printed and was offering to furnish the same upon request would seem to warrant the conclusion that there were some powerful influences behind him in his effort to push this propaganda. The fact that he had previously laid out the first railroad town on the line of the Atlantic & Pacific (St. Louis & San Francisco) Railroad Company in the Indian Territory is perhaps not altogether insignificant in this connection.

The Forty-sixth Congress was convened in a called session, March 19, 1879. A few days later, T. C. Sears, general attorney of the Missouri, Kansas & Texas Railroad Company, returned to Sedalia, where he stated in a published interview⁵ that his principal business at the national capital had been "to look after the organization of new committees on Indian Affairs and Territories, both in the House and Senate." He mentioned having been associated with Colonel Boudinot while in Washington and reiterated the statement that there were 14,000,000 acres of public land in the western part of the

wall, Connecticut, where his father, Elias Boudinot (Galigina), a Cherokee, was educated. The mother died in 1836 and the father was assassinated with other leaders of the Ridge, or Treaty, Party, in 1839. Colonel Boudinot received his education in the schools of the Cherokee Nation and in New England, first fitting himself for the civil engineering profession, but later turning to the study of law. He was always distinguished as a man of indomitable perseverance and unflagging industry. At the outbreak of the Civil War he was living in Arkansas and was a member of the secession convention in that State. Returning to the Cherokee Nation he aided in raising Stand Watie's regiment for the Confederate service and served as major and lieutenant-colonel of that organization. He also represented the Cherokee Nation as a delegate in the Confederate Congress, at Richmond. At the close of the war, he was the spokesman of the Southern Cherokees in the councils at Fort Smith (1865) and Washington (1866). By nature a radical, he accepted the results of the Civil War and readjusted himself to the changed conditions long before most of the leaders of his section and tribe could bring themselves to such a course. He spent much time in Washington City, where he was frequently consulted by Congressmen and department officials in regard to Indian affairs. He favored the organization of the Indian Territory, the opening of surplus lands to white settlement and the building of railroads, thus practically expatriating himself from the Cherokee Nation. When the Atlantic & Pacific (St. Louis & San Francisco) Railway was built to a junction with the Missouri, Kansas & Texas, in 1872, he laid out the town of Vinita, which he named for Vinnie Ream, the sculptress. He continued to follow the practice of law, largely in the Federal courts at Fort Smith and in Washington, D. C., until his death which occurred at Fort Smith, September 27, 1890.

4. Senate Executive Document No. 20, 46th Congress, 1st Session, pp. 8-10. A copy of Colonel Boudinot's letter appears in Appendix XL-I.

5. Extract from Sedalia Daily Democrat, quoted in Senate Executive Document No. 20, 46th Congress, 1st Session, pp. 10-11.

Indian Territory that were subject to homestead entry. Judge Sears went farther than Colonel Boudinot did, however, in suggesting that settlers might take forcible possession of such lands:

These lands lie west of the five civilized tribes, so called, and their northern boundary is about ninety miles south of the Kansas line. These lands are among the richest in the world. Public attention is being called to them and my opinion is that, if Congress shall fail to make suitable provision for the opening of the Territory within a very short time, the people will take the matter into their own hands and go down there and occupy and cultivate those lands.

If the announcement of Colonel Boudinot that there were millions of acres of public land available for white settlement in the Indian Territory had aroused a widespread interest, as admittedly it had, the hint of a popular movement for the occupation and settlement of such lands by squatters, without awaiting the sanction of lawful permission, had the effect of creating instant excitement. Three years before, the news of gold discoveries in the Black Hills had caused a rush in spite of the fact that the region was still a part of the country claimed by the Sioux Indians and, as the Government had given in to the gold hunters in that instance, it was argued that it would likewise have to bend to the popular clamor and make no effort to prevent the land hunters from making a similar rush into the Indian Territory. Within a few days the press was filled with reports and rumors of the invasion which was soon to take place from many quarters. "Colonies" were reported as being in the process of formation and organization at many places for the purpose of settling on the unoccupied public lands of the Indian Territory, and the name Oklahoma, which had long had a place in public documents associated with the proposed organization of the Indian Territory, suddenly assumed a place in popular interest. One "colony" was reported as being organized at Kansas City, under the auspices of one Colonel C. C. Carpenter, reputed to have been a leader of the rush into the Black Hills, three years before.⁶ Of him, John McNeil, an inspector in the Indian service, wrote from Coffeyville, Kansas, under date of May 4, as follows:

Carpenter is here. He is the first man I met on my arrival. He is the same bragging, lying nuisance that I knew him seventeen years ago, when he infested Fremont's quarters. He will not put his head in danger by entering the Territory. It is a pity that the law could not hold him as a conspirator against the public peace. I gave him a few words of caution about getting honest men into trouble; but a pair of handcuffs would be the only convincing argument with him. He came to Independence, some twenty miles from here, at the end of a little spur of the same railroad. The merchants agreed to give him five hundred dollars when his party came and a thousand dollars more when a thousand emigrants had been moved into the Territory by him. He could not satisfy the parties that he had a party at all; they refused the first installment and he left that place for this, saying that the Independence people had gone back on him. His wife is now operating on the merchants of this place in raising funds. The appearance of a squadron of United States cavalry would at once dry up this source of revenue.⁷

The result of the excitement caused by the proposed settlement of lands in the Indian Territory was made manifest in the troop movements from various military posts in the territory and adjacent states to points along the

6. Senate Executive Document, No. 20, 45th Congress, op. cit., 1st Session, p. 12.

7. *Ibid.*, p. 20.

border where there was reason to believe that attempts might be made to enter the forbidden lands. Although the tract to which Colonel Boudinot and Judge Sears alluded was not very accurately described as to metes and bounds, it was evident that they had in mind that which was known as the Unassigned District, and it was toward that part of the Territory that most of the "colonies," so-called, were planning to move. In a letter dated at the Sac and Fox Agency, April 30, 1879, Levi Woodward, United States Indian Agent, gave the following information concerning some of the immigrants who had succeeded in slipping past the military patrols and penetrating the heart of the Indian Territory:

I have been hearing, for some time, rumor of arrangements for settling the Government lands in the Indian Territory, but have had nothing definite in regard to the matter until the 28th, when four or five wagon-loads of men, women and children passed through this place destined to form a settlement on the head of Deep Fork, about forty-five or fifty miles west of Mexican Kickapoo Station, this agency; since which time about twenty wagons have passed, generally men. In view of the fact that this subject is assuming formidable and apparently large proportions, I deem it necessary to notify you of the facts, so that such action may be taken as the merits of the case demand.

The present point for settlement for those who have passed through here is some nearer Cheyenne Agency than this place; but if the number that is now reported, and who have arranged and are arranging to come, do come, in less than a month they will be scattered over hundreds of miles, selecting the best portions for farms.⁸

From the foregoing it would appear that the site of this, the first of the proposed settlements of which the location is definitely known, must have been within a few miles of Oklahoma City. President Hayes issued a proclamation warning all persons to desist from intruding on Indian lands, which term was construed to include all lands then embraced within the bounds of the Indian Territory. Detachments of troops were ordered to Wichita, Coffeyville, Vinita and other points from which it was believed that possible incursions might be made. In most instances the officers in command reported that the newspaper reports of the numbers of intending immigrants had been greatly exaggerated. Nevertheless, it was deemed wise to notify troops in garrison at stations in other military departments to hold themselves in readiness for transportation to the border of the Indian Territory on short notice.⁹ In some places along the Kansas border there was sufficient excitement to lead some of the uninformed to rush across the boundary line and stake claims, regardless of whether the land was included in an Indian reservation or not; thus, the Quapaw Reservation—one of the oldest in the Territory—was covered with such selections, though there was not even the most remote possibility of its ever being thrown open to white settlement, even if the Unassigned Lands should be declared to be a part of the public domain.¹⁰ There were, of course, many people who were interested and who would have been numbered among the intending settlers, but the publication of the Presidential proclamation deterred them from taking any active part in that direction.

8. *Ibid.*, p. 21.

9. *Ibid.*, pp. 28-31.

10. *Ibid.*, pp. 22-23.



CAPT. PAYNE'S HOME IN OKLAHOMA

CAPTAIN D. L. PAYNE.

PORTRAIT AND PIONEER SCENE USED IN ADVERTISING
CAPTAIN DAVID L. PAYNE'S OKLAHOMA COLONY

Contrary to the popular belief, Captain David L. Payne had nothing whatever to do with the earlier efforts to effect settlement in the Unassigned District. In fact, Payne was reported to have returned to Wichita, Kansas, August 24, 1879, "after an absence of four years" at Washington, D. C., where he was reported to have been acting as an assistant door-keeper of the House of Representatives. Whether he was associated with Boudinot, while in Washington, is not known, but it is not improbable that he became interested in the project of effecting a settlement on the Unassigned Lands in the Indian Territory before he left Washington to return to the West. At any rate, he became actively engaged in promoting colonization enterprises for that purpose shortly after his return from Washington.

The efforts to effect a settlement on the Unassigned Lands by forcible entry did not cease with the failure of the various "colonies" which attempted to locate in the forbidden area in the spring of 1879. It is not improbable that the ardor of the "boomers" (as the prospective settlers were commonly called) would have been materially dampened by the prompt and energetic action of the Federal authorities in having them removed by troops, if the movement had resulted wholly from individual initiative. The fact that the two powerful railway corporations were directly interested in forcing the issue is not without its significance in this connection, however. Indeed, the persistence and regularity with which these first futile efforts were followed up during the course of the ensuing five years are suggestive of sources of inspiration more subtle and influences more powerful than the fleeting hopes and longings of a few land-hungry adventurers. Yet so well were the real sources of the movement concealed that, even after the lapse of half a century, the details of such a connection remain largely subject to conjecture.

The ostensible leaders of the first colonization movements soon disappeared, their place being taken by David L. Payne, who, as previously stated, did not return to the West until after the first efforts to effect such settlements had failed.¹¹ Payne was peculiarly fitted for the active leadership of such a propaganda. By birth, association and experience he could qualify as a pioneer, yet at heart he was also a soldier of fortune. Outwardly frank and generous, he could easily play upon the credulity of the adventurous class which was attracted by the novelty of his scheme. Of robust and picturesque physique and possessed of a personality that was not lacking in magnetism among those of an adventurous disposition, he easily became a hero in the eyes of followers who believed him capable of martyrdom in a holy cause. With the cool calculation of a demagogue and the swagger of a knight errant, he combined the talent of an actor which enabled him to artfully play his part to the end. To just what extent he was backed by the interested railway corporations may never be known; it is quite possible that substantial assistance from such quarters was but temporary at best. But, whether he was in the pay of the railway companies or not, he always charged a membership fee for the privi-

11. The sketch of the life and career of Captain David L. Payne will be found in Appendix XL-2.

lege of joining any of his projected colony organizations, and he also borrowed freely from some of his more well-to-do and over-trustful followers, who in the end found they had merely contributed to "the good of the cause." He was also notoriously indifferent to the conventions of society in regard to domestic relations. Taken altogether, his character can scarcely be held up as a model for emulation. It may even be doubted whether he would have remained long in Oklahoma if he had succeeded in effecting a permanent settlement, as he had already used his homestead right twice only to drift on in search of adventures which seemed to lure him away from the land. Yet, notwithstanding his obliquities and shortcomings, his success as an agitator made possible the opening of Oklahoma to white settlement much sooner than it would have been done otherwise and his picturesque career in that capacity was so unique as to insure him an indisputable right to a place in history.

Learning that the settlers were again organized for the invasion of the Oklahoma country, President Hayes issued a second proclamation, February 12, 1880, warning them to desist from such a purpose. Such warning proclamations had but little effect upon the "boomers," however. Captain Payne led a colony to the North Canadian River, in April, 1880, locating near the site of Oklahoma City.¹² The colonists were arrested on May 15 by Lieutenant George H. G. Gale, in command of a detachment of the 4th United States Cavalry, and were taken to Fort Reno. Subsequently the prisoners were escorted to the Kansas border by troops under the command of Captain T. B. Robinson, 19th United States Infantry, where they were released June 7, 1880. Payne returned to Oklahoma within a month (July 12), only to be again arrested (July 16) and, with a few of his leading associates, he was cited to appear before the Federal Court in Fort Smith at its November term and was then released without bond.

During the autumn of 1880, Payne was very active in organizing a new colony for the purpose of settling in the Oklahoma country. The intending settlers assembled in camp at Caldwell, Kansas. The citizens of the Five Civilized Tribes sent a delegation to that place to visit Payne and his followers, in November, for the purpose of dissuading them from further efforts to effect a settlement in Oklahoma. Payne planned to move across the border into the Indian Territory on the 6th of November. The War Department caused a strong force of troops, under the command of Major George M. Randall, to be posted on the line for the purpose of preventing the proposed invasion of the "boomers." Hundreds of the latter were gathered in camp, many of them remaining all winter, closely watched by the soldiers, who also remained encamped close at hand. As the winter was one of exceptional severity, the colonists in camp suffered considerable hardship.

Baffled as it was in its attempts to enter the Oklahoma country, Payne's "colony" gradually dwindled in numbers. Payne's activity was incessant, however. He never became discouraged, but seemed rather to be hopeful in spite of repeated failures. Some of his followers stood loyally by him and his

12. Twenty years later, the excavation which was made for Payne's log-walled dugout cabin was still pointed out on the edge of the river terrace near the present entrance to Wheeler Park, Oklahoma City.



DRAWING AT EL RENO



FERRY ON ARKANSAS RIVER, NEAR FORT GIBSON

cause in the days of adversity. If he fretted at all it was not because of any hardship that had to be undergone, but rather because of his inability to have his contentions tested in the courts. The hearings of the charges against him were always postponed and finally dismissed. In order to force the issue, he brought suit in the United States District Court at Topeka, Kansas, in May, 1881, against General John Pope, Department Commander of the United States Army at Fort Leavenworth, for damages on account of being forcibly removed from the territory. In this effort he was again frustrated by repeated postponements. General Pope was very bitter in his denunciation of Payne, as will be noted in an extract from his report to the adjutant-general of the Military Division of the Missouri.¹³

In the fall of 1881 Payne reorganized his colony in Northern Texas. Crossing the Red River into the Indian Territory in November, he encamped on Cache Creek. He was promptly expelled by troops of the regular army. At that time the Atlantic & Pacific (St. Louis & San Francisco) Railway Company was reported to be considering the extension of its line from the (then) terminus at Vinita, in the Cherokee Nation, westward to New Mexico.

Unable to secure any ruling from the Federal courts that would authoritatively determine the status of the lands of the Unassigned District, Payne went to Washington, in July, 1882, to see the Secretary of the Interior. The Secretary (Henry M. Teller, of Colorado), gave Payne no satisfaction. Payne returned to the West, where he promptly organized a colony to move into the Oklahoma country. With his followers, he was arrested in the Territory, early in September, 1882, taken to Fort Reno, and thence, by way of Henrietta, Texas, to Fort Smith, Arkansas. There he and several of his followers were served with summons to appear at the November term of the United States District Court. When they appeared for trial the case was continued, on motion of the district attorney. Payne returned to the Southern Kansas border and began to assemble his followers for another attempt to effect a settlement in Oklahoma.

During the earlier stages of the movement for the settlement of the Unassigned Lands, the attitude of the press was that of interest only insofar as its novelty afforded readable news stories. When the cattlemen of the Cherokee Outlet realized that the settlement of the Unassigned Lands would seriously endanger the tenure of their leases, they organized to make a common cause with the ranchmen of the district thus desired by the "boomers" to be opened for settlement and, from that time on, the range cattle interests were openly arrayed against any change in the status of the lands of the Indian Territory. A liberal amount of advertising patronage was placed with the local papers which were published across the border in the southern tier of Kansas counties, and it could scarcely be counted a mere coincidence that, simultaneously, there developed a bitterly adverse editorial opinion on the part of such

13. Annual Report of the Secretary of War, 1882 (pp. 98, 99). The report of General John Pope in command of the Military Division of Missouri, with headquarters at Fort Leavenworth, contained an account of operations in Oklahoma against the intruders in the Indian Territory. His statements and recommendations will be found reproduced in Appendix XL-3.

papers with regard to the proposed settlement of the Oklahoma country by the "boomers." Eventually this hostile press propaganda was extended much farther in an endeavor to influence popular opinion against Payne and his colonization proposition, some metropolitan journals which were published at points hundreds of miles distant manifesting a viciously partisan interest in their editorial opposition to the movement for the opening of Oklahoma to settlement.¹⁴ Up to this time Payne had been without newspaper support, though he had once taken a printing plant into the Territory for the purpose of establishing such a journal, only to have the press, type and other material broken up and thrown into a river by the soldiers, who arrested and removed him and his followers as intruders. When his movement encountered the opposition of a subsidized press, however, it became apparent that it needed a journalistic organ of its own. This newspaper, which bore the name of the "Oklahoma War Chief," issued its first number at Caldwell, Kansas, January 12, 1883, with A. W. Harris as editor, and was avowedly the official organ of Payne's Oklahoma colony. This unique periodical experienced as many vicissitudes as did the organization and movement for the promotion of which it was established. Its publication office was changed at least half a dozen times from town to town along the border of the Indian Territory, in Southern Kansas, and its changes in editorial and business management were almost as numerous.¹⁵ It was issued more or less regularly until August 12, 1886, when it was finally suspended.

The beginning of the year 1883 found the Oklahoma movement stronger and better organized than ever before. Local camps or colonies were organized and maintained at a number of places, including Caldwell, Arkansas City, Elk City, Wichita, Emporia, Kansas City and Fort Smith. On February 1, Payne started southward from the Kansas border at the head of what was perhaps the strongest expedition that had yet attempted to settle on the forbidden lands in the Indian Territory. Six days later it arrived on the North Canadian River at or near the site of Oklahoma City. A party of 150 men came northward from Texas. Six wagons, filled with men from Arkansas, joined Payne on the North Canadian. A large party from Kansas City had reached the Cimarron when word was received that Payne and his followers had been arrested by a detachment of troops from Forts Reno and Sill, under the command of Captain Henry Carroll, of the 9th United States Cavalry. Payne and his leaders were taken to Fort Reno, while the rest were escorted

14. The *Globe-Democrat* and *Post-Dispatch*, both of St. Louis, and the *Topeka Commonwealth*, were among the larger and more influential newspapers which were noted as being especially abusive of Payne and his movements for the settlement of Oklahoma. The *Chicago Inter-Ocean* also took a long-range interest in the matter, exhibiting a degree of partisan hostility that was suggestive of the operation of undue influence.

15. In the latter part of March, 1883, before the *Oklahoma War Chief* was three months old, its plant and publication office were moved to Geuda Springs. In April, 1884, it was moved to Arkansas City, with W. F. Gordon as editor. A few weeks later it was moved to Rock Falls, in the Cherokee Strip (four miles south of Hunnewell, Kansas), where it was published under the management of J. B. Cooper, until August, when the colony was removed by the troops, the press and material being taken to Fort Smith. The members of the colony raised money and purchased another press and outfit, with which the paper was reestablished at South Haven, with Charles Branscome as editor. After the death of Payne the paper was moved to Arkansas City again, its new owner changing the name to the *Oklahoma Chief*. June 11, 1885, Smith & Son purchased it and moved it to Caldwell, where it was rechristened the *Oklahoma War Chief*, with Samuel Crocker as its editor.

to the Kansas line. It was estimated that there were about 900 invaders in all, though most of these had not reached the rendezvous on the North Canadian when the settlement was broken up by the arrival of the troops.

In July, 1883, Payne applied to the United States District Court of Topeka, Kansas, for an injunction restraining the military authorities from interfering with the "colonists," or "boomers," in their attempts to settle in Oklahoma country. It seemed impossible to secure a hearing on this application. The next month (August 10) a party of 250 "boomers" left Arkansas City for Oklahoma. Payne was not with them but, a month later (September 12), he was arrested with three associates at Wichita, Kansas, under the charge of having conspired to violate the laws of the United States. Three weeks later they were formally indicted by a Federal Grand Jury. Meanwhile the application for an injunction to prevent the military authorities from interfering with the settlers in the Oklahoma country was repeatedly postponed on the motion of the United States District Attorney.

After the second meeting of the Cherokee Strip cattlemen, which was held at Caldwell, Kansas, in March, 1882, the ranchmen who held leases on lands in the Outlet began to fence the same into large pastures. This was regarded as a very unfavorable sign by the "boomers," who feared that the ranges of the Unassigned Lands might also be fenced. After the "boomers" were expelled from the Territory in the late summer of 1883, twenty-five miles of barbed wire fence, forming part of the enclosure of a big cattle pasture, which was leased and used by the Standard Oil Company, was cut and destroyed, presumably by some of the "boomers" in retaliation for being driven out of the country. The Standard Oil Company appealed to the United States District Attorney for Kansas (James R. Hallowell), who informed the company's representative that it had no recourse. The indictment which had been brought against Payne for conspiracy to violate the laws of the United States was quashed by Federal Judge Cassius G. Foster, on the ground that the title to the Oklahoma lands was vested in the United States and that, therefore, settlement upon the same by citizens of the United States was not a criminal offense. This was Payne's first and only real victory before the courts.

The Interior Department officials were apparently quite as bitter toward Payne and his followers as were the army officers. In February, 1883, H. Price, Commissioner of Indian Affairs, submitted a recommendation to the Secretary of the Interior that the freedmen of the Choctaw, Chickasaw and Cherokee nations, whose civic status had never been fixed by the legislative councils of those tribes, should be settled upon the lands of the Oklahoma District, apparently in the belief that such course would have the effect of disposing of the "boomers" as well as provide a means of settling the problem of what to do with the freedmen.¹⁶

On the other hand the "Oklahoma War Chief" manifested a spirit which was equally bitter and, moreover, it did not hesitate to resort to journalistic demagoguery in order to gain its point. It was always caustic and, either per-

16. The attitude of the Indian Affairs Office with regard to Payne and the "boomers" may be fairly gauged from the extract from the annual report of the Commissioner of Indian Affairs for 1883, p. xxv, which is reproduced in Appendix XL-4.

tinent or impertinent, depending upon the viewpoint of the writer, when it came to discussing the leases of ranchmen. In one instance it cited the names of seven lessors, alleging that they held lease on lands in the Oklahoma country, when, as a matter of fact, their leases were in the Cheyenne and Arapahoe Reservation, and the proceeds from such leases were really paid to the Indians.¹⁷

The beginning of the year 1884 found the popular interest in the Oklahoma movement undiminished. Instead of going into the forbidden region in a body, the "boomers" went singly or in small parties. There were hundreds of settlers in Oklahoma all through the summer of that year. Military forces were active, but as fast as some of the settlers could be removed to the Kansas line and liberated, others came in from different directions. July 23 President Arthur issued a proclamation forbidding the invasion of the Oklahoma country and warning all intruders to withdraw. The military authorities found it necessary to call for reinforcements. The course of procedure followed in removing the "boomers" was described by the "Oklahoma War Chief" as follows:

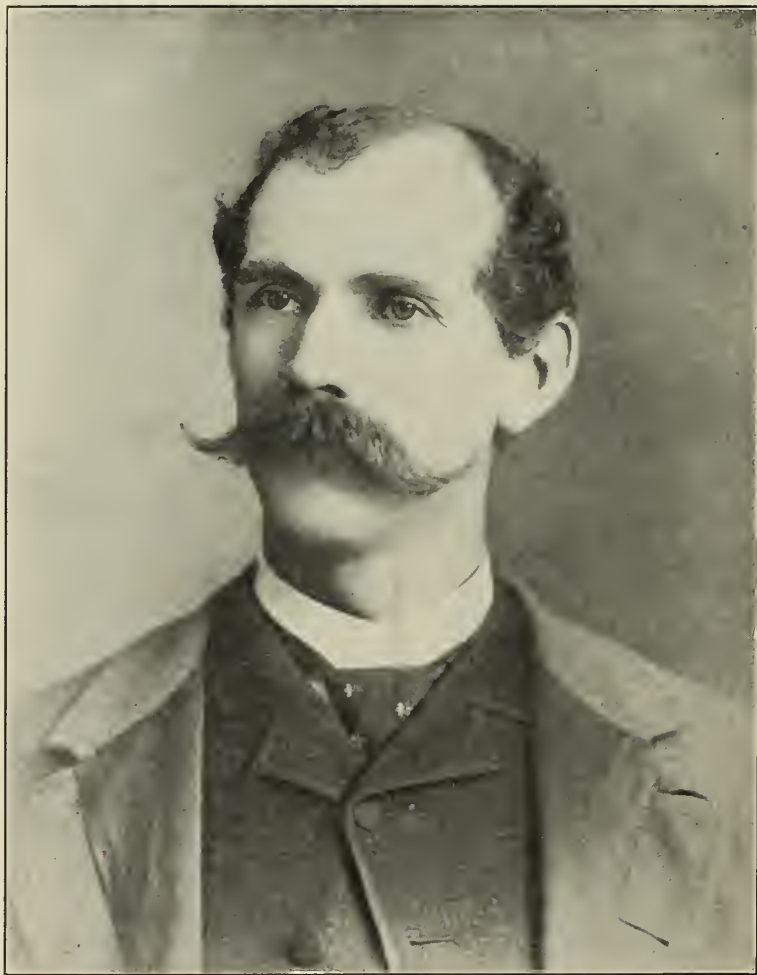
The Secretary of the Interior complains to the President of the United States that "intruders" and "trespassers" are settling on Indian lands. The President thereupon (without inquiry as to whether such alleged settlement be within the limits of a regularly established Indian reservation or merely on the unappropriated public domain) orders the Secretary of the Interior to use the army in removing the intruders. The latter telegraphs instructions to General Augur, in command of the Department at Fort Leavenworth, who immediately orders detachments of troops to the field to remove intruders.

Cattlemen can pass unmolested, but settlers are all removed. Implements are destroyed, provisions confiscated, men sometimes temporarily placed under arrest, but *never tried*.

No question was ever asked as to the propriety of such policy. The President relies implicitly on representations of the Secretary of the Interior, and the Secretary of War has no choice but to carry out instructions of constituted authority and so on down to negro troopers. The suffering settlers have no redress.

Payne was arrested with seven of his most prominent followers on the 7th of August, at Rock Falls, four miles south of Hunnewell, Kansas, in the Cherokee Outlet, and was taken to Fort Smith, Arkansas, where he was again released. He was then indicted for "conspiring against the United States by intruding on Indian lands." The feeling between the "boomers" and the cattlemen of the Cherokee Outlet became very bitter, the former openly charging that the latter were striving to manipulate local politics along the southern border of Kansas, as well as in Washington. Weary of the thankless task of seeking to apprehend the elusive "boomers," the troops in the field, who were under the command of Colonel Edward Hatch, systematically intercepted supplies which were intended for the intruders, thus forcing the latter to leave the country or starve. Payne was engaged in organizing another colony for the invasion of the Oklahoma country when he died very suddenly at Wellington, Kansas, November 27, 1884. The Oklahoma movement was thus bereft of its tireless leader, but it was destined thenceforth to go on without him, for

17. The quotation from the Oklahoma War Chief relative to ranchmen's leases on the unoccupied public land alleged to be in Oklahoma, but actually on lands in the limits of the Cheyenne and Arapahoe Indian reservation, is to be found in Appendix XL-5.



CAPTAIN WILLIAM L. COUCH

it had gained such headway that it no longer depended upon the enthusiasm and organizing ability of one man.

The forces which had been arrayed against the movement for the opening of the Oklahoma country to white settlement soon found that it would not end with the death of Payne. His followers were more numerous and determined than ever. Moreover, his long, patient and persistent struggle for the privilege of settling on the public lands which were not included within the limits of any Indian reservation had given a touch of pathos to the story of his death and, therefore, made a stronger appeal to the sympathies of people than ever. Under such circumstances it was not difficult to foresee that a popular demand for the opening of Oklahoma would soon follow. William L. Couch, who had been one of Payne's most active lieutenants, was chosen to succeed him as the leader of the "boomers." Couch took up the cause of the "boomers" with the same degree of earnestness and energy which had characterized the efforts of Payne.¹⁸

Less than two weeks after the death of Payne (December 8, 1884), Couch left the Kansas line at the head of a large colony of "boomers." Four days later (December 12) the party reached the valley of Stillwater Creek, where a town was laid out, claims were taken and the work of erecting cabins was begun. In January, 1885, President Arthur issued another proclamation, warning the intruding "boomers" to withdraw, and, immediately afterward, a small force of troops under the command of Lieutenant M. W. Day, 9th United States Cavalry, was ordered to drive the invaders from the Territory. Upon his arrival, Lieutenant Day reported that he had met with resistance, and that because of the superior number of the intruders, he had decided to await for reinforcements.¹⁹ General Edward Hatch was sent to the scene with strong reinforcements. Arriving on the Stillwater, January 24, with a force aggregating 600 officers and men and two pieces of artillery, General Hatch notified Couch that he would have to withdraw within two days and that, if he failed or refused to do so, the troops would be ordered to fire on the camps of the "boomers." With such an alternative facing them, Couch and his followers very reluctantly broke camp and retired to the Kansas border without escort. The border was continuously patrolled by troops for the purpose of intercepting supplies intended for any settlers who might have eluded the vigilance of the military authorities by attempting to remain after the main body of the "boomers" had been driven out of the Territory.²⁰

18. William L. Couch was born in North Carolina in 1850. In 1866 his father's family migrated to Johnson County, Kansas, and, four years later, settled at the town of Douglas, in Butler County. In 1880 he became identified with Payne's Oklahoma Colony, soon becoming recognized as one of its most active leaders. He was chosen to succeed Payne immediately after the death of the latter and continued to be a prominent figure in the agitation for the opening of Oklahoma until the movement succeeded. In April, 1889, he settled at Oklahoma City, of which he was the first mayor under the provisional government. He was shot during a dispute over a homestead claim at Oklahoma City, April 14, 1890, and died six days later.

19. While awaiting reinforcements, Lieutenant Day's command occupied a position across the Cimarron River, a few miles northeast of Guthrie. This encampment, known as Camp Russell, was garrisoned during the greater part of the winter of 1884-85 by four troops of cavalry and a company of infantry, Major T. B. Dewees, of the 9th Cavalry, commanding. *Annual Report of the Secretary of War for 1885*, pp. 155-56.

20. According to the Oklahoma War Chief, General Hatch was the guest of honor at a banquet given by the cattlemen at Caldwell.

Soon after the return of the "boomers" to the Kansas line, Couch and twelve other leaders of the recent invasion were arrested on charge of treason against the United States and were taken to Wichita, where they were placed in jail. Despite the arrest and imprisonment of their leaders, however, the "boomers" were still active. Rumors of plans for fresh invasions were current. When the case against Couch and his associates came to a hearing in the United States District Court, a few weeks after their arrest and incarceration, General Hatch and the other prosecuting witnesses failed to appear, so the prisoners were discharged.

The "boomers" had hoped for more friendly treatment at the hands of the incoming administration, but in this hope they were doomed to disappointment. Very early in the administration of President Cleveland (March 13, 1885), an executive proclamation was issued, declaring the lands of the Oklahoma country to be Indian lands and warning intending settlers to desist from intrusion. The disappointed "boomers," who had hoped for the manifestation of a more lenient policy by the new President and his advisors, met and adopted resolutions of protest in which they named the intruding cattle companies which were occupying ranges in the Oklahoma country. Up to this time the military authorities professed to be in ignorance of the presence of the cattlemen. Such a formal complaint on the part of the "boomers" could not be ignored, however, so the intruding cattle companies were duly warned as intruders and ordered to move out. It is not recorded that the cattlemen took the notification seriously, however.

Shortly after the beginning of the Cleveland administration, Couch made a trip to Washington, where he interviewed the new Secretary of the Interior (L. Q. C. Lamar) in an endeavor to secure an expression as to the attitude of the new administration with regard to the "boomers" and their efforts to settle in the Oklahoma country. The following account of the interview was published shortly afterward:²¹

Secretary Lamar said: "What is your wish?"

"I want to know what course the administration has determined to pursue with reference to Oklahoma and the settlers," replied Couch.

"Well, sir, I will state to you the policy of this administration with regard to the Oklahoma country," said the secretary. "It considers the Oklahoma territory on which the persons you represent are preparing to make settlement as within and part of the Indian Territory. The administration regards it as not a part of the public domain open to entry and settlement and acquisition of titles under the land laws of the United States. Being Indian country, this territory is acquired and reserved for Indian occupancy. The Government is pledged to the protection of it and the security of the Indians from intruders. No white persons have the right to go there and reside without a permit, and when they do go they are intruders acting illegally and wrongfully. The policy of the President is to execute the pledge of the Government and to protect the Territory from the intrusion of white persons who claim that they have a right to enter upon it and that it was public domain subject to preëemption and homestead settlement."

"Is that the final decision?" asked Captain Couch.

"It is and will be enforced," said Mr. Lamar.

In reply to a further question, Secretary Lamar said the administration was determined that the cattlemen on the Oklahoma reservation should leave. "They will not be permitted to graze their cattle within the limits of that territory." He repeated the declaration with emphasis.

21. Indian Chieftain (Vinita), April 16, 1885.



SAMUEL CROCKER

Charged with "seditious conspiracy and inciting insurrection," Samuel Crocker, editor of the *Oklahoma War Chief*, was arrested July 10, 1885, and confined in the Cowley County (Kansas) jail. After having been in prison for nearly a month, Crocker was released under bond to appear for trial, in the Federal Court, at Leavenworth, Kansas, October 12 following. When his case was called for trial it was dismissed by the prosecuting attorney.²²

From the beginning of the movement to make settlement on the public lands of the Oklahoma country, Payne, Couch and all of the other leaders professed to believe that they were acting within their legal rights, and their endeavors to secure the opening of the Oklahoma country by legal means were incessant. Finding that there was to be no change of policy under the Cleveland administration with respect to their claims, the "boomers" determined that the cattle companies should be brought to respect the law also. With this end in view they started a strong agitation against the illegal fencing of the public domain in the Oklahoma country. It proved to be a popular appeal and soon the pressure became so strong that President Cleveland issued a proclamation (August 7, 1885), ordering that such fences be removed. This was a moral victory for the "boomers," though in effect it was barren of results, for the cattle companies paid very little attention to it.

The "boomers" made other organized efforts, under the leadership of Couch, to form a settlement in Oklahoma, in October, 1885, their objective being the fertile lands of the valley of the North Canadian, near Council Grove, a few miles west of the site of Oklahoma City. This party was removed by troops under the command of Lieutenant-Colonel E. V. Sumner, 5th United States Cavalry, November 10, 1885. This was the last organized effort on the part of the "boomers" to effect a settlement in Oklahoma. The introduction of a bill in Congress for the legal opening of the public lands of the Indian Territory to settlement immediately after the beginning of the first session of the Forty-ninth Congress, a month later, convinced most of the "boomers" of the futility of further efforts to settle in Oklahoma without warrant of law

22. Samuel Crocker was born in Devonshire, England, December 24, 1845. When he was a few months old his parents came to America, settling in Michigan, where he grew to manhood. Being of an independent disposition, he left home when quite young and made his own way in the world. He learned the printers' trade and followed newspaper work. He had no education except that which he gained by close application to his books, without the aid of a preceptor. He devoted much of his life to literary work, published several books and entered the lecture field. He became interested in the Oklahoma movement in 1884, joined the "boomers" in the spring of 1885, and remained one of the most active agitators from that time until the Territory was opened to settlement, four years later. While editing the *Oklahoma War Chief* he was twice indicted—once for "seditious conspiracy" and once for "inciting rebellion against the United States Government"—but he was never tried on either charge. He was an active member of the legislative committee which had the Oklahoma bill in charge at Washington throughout the session of Congress in the winter of 1888-89, and helped to secure its final passage as a rider to the Indian Appropriation Act. He was in Oklahoma on the opening day and remained a citizen ever afterward. He continued to take an active interest in public affairs, always a radical in his opinions and, as a rule, was always to be found espousing and championing the unpopular side of an issue which appealed to his sense of justice, with the same degree of earnestness that he supported the Oklahoma movement during the period between 1884 and 1889. His death occurred in Oklahoma City December 17, 1921. During his last years he reduced his personal memoirs to writing, of which that part relating to Oklahoma has been transcribed and edited and constitutes a very interesting as well as important document for source material on that period of the State's history.

as well as encouraged them to believe that they would soon be free to move in and take possession of the coveted lands.²³

By the terms of an Act of Congress, approved March 3, 1885, the President of the United States was authorized to negotiate with the Creek and Seminole nations for the final extinction of their title to the Unassigned Lands (or the Oklahoma country, as it had come to be popularly called) which were situated immediately west of the tribal domains of those Indian nations, and also with the Cherokee Nation for the purchase of the Cherokee Outlet, in order that the latter as well as the Unassigned Lands might be thrown open to white settlement. Thereupon, Dennis W. Bushyhead, as principal chief of the Cherokee Nation, took the initiative in calling a convention or council to be composed of delegates from each of the Five Civilized Tribes, for the purpose of considering this important matter. This council, which was composed of twenty-five of the leading citizens of the Five Civilized Tribes, met at Eufaula, June 15, 1885, and, after mature deliberation, adopted resolutions protesting, there being but one dissenting vote.

Colonel E. C. Boudinot, who was always radically progressive in his support of the proposed opening of the unoccupied lands of the Indian Territory to white settlement, and always frank and unequivocal in the statement of his opinions concerning public affairs, gave his views concerning the proposed negotiations with the Creek and Seminole nations for the unconditional relinquishment of the Unassigned Lands, in order that the latter might be opened to white settlement.²⁴

In his annual report to the adjutant-general of the Military Division of Missouri for 1885, Brigadier-General Nelson A. Miles, commander of the Department of the Missouri (who had accompanied General Sheridan to the Territory, which was included in the limits of his own department a few months before), saw fit to make some observations and advisory recommendations.²⁵

Shortly after the 49th Congress convened in December, 1885, a bill was introduced which had for its object the opening of the unoccupied public lands of the Indian Territory to settlement. This bill was prepared by former Representative Sidney Clarke, of Kansas, at the instance of Senator Charles H. Van Wyck, of Nebraska, and of Representative James B. Weaver, of Iowa, and William M. Springer, of Illinois. Thenceforth, the struggle for the right of settlement on the unoccupied public lands in the Indian Territory was transferred to the halls of Congress.

No-Man's-Land—That part of the lands ceded to the United States by Texas in 1850, which was bounded on the north by Kansas and Colorado, on

23. The account of the military operations involved in apprehending and removing the intruding "boomers" from the Indian Territory between the years 1879 and 1885, inclusive, is given in considerable detail in Senate Executive Document No. 50, 48th Congress, 2d Session.

24. Indian Chieftain (Vinita), July 16, 1885, contained Colonel Boudinot's statement, which is reproduced in Appendix XL-6.

25. Annual Report of the Secretary of War for 1885, Vol. I, pp. 153 and 154, contained in General Miles' comments and recommendation, and with those of General Sheridan, will be found in Appendix XL-7.

the east by the Cherokee Outlet, on the south by the Texas Panhandle, and on the west by New Mexico, still remained unattached to any State or Territory. It continued to be a part of the wilderness of the Great Plains region until the virtual disappearance of the buffalo herds and the retirement of the Indians to their reservations about 1875, though a few cattle ranches had been established in the region of the upper Cimarron River, as early as 1869.²⁶

After 1875, when the big buffalo herds had disappeared and the Plains Indians had been forced to retire to reservations, the establishment of cattle ranches on the public lands of Western Kansas, Eastern Colorado and No-Man's-Land led to the rapid development of the cattle industry throughout that portion of the Great Plains. In 1882-83, most of the ranches in the No-Man's-Land country were purchased by two of the big British syndicates which thus gained control of the region until the removal of fences from Government lands was ordered.²⁷ In time, this strip of land, one hundred sixty-seven miles long and thirty-four miles wide, which was not included within the bounds of any state or territory, came to be known as No-Man's-Land.

In 1885-86 there was a heavy tide of immigration into Southwestern Kansas and Southeastern Colorado. Soon the settlers began to swarm across the line into No-Man's-Land. In 1886, two coal mines were opened in the western part of the present Cimarron County, and a townsite, known as Mineral City, was laid out. Several towns were also projected in the eastern part of No-Man's-Land. A trail, known as the Jones and Plummer trail, extended from Tascosa, located on the Canadian River in the western part of the Texas Panhandle, to Dodge City, was largely used by Texas ranchmen in driving herds to Dodge City for shipment to Kansas City and Chicago packing houses. In 1879, a freighter on this trail erected a sod building and opened a store at the point where this trail crossed Beaver Creek, in the present Beaver County. After the settlers began to locate in No-Man's-Land it was but natural that there should be some townsites located and surveyed. Among these the town of Beaver City was located on the site upon which the freighter had built the sod store building seven years before.

Meanwhile, immigrants had continued to arrive until, in the spring of 1887, it was estimated that No-Man's-Land contained a population of about 6,000. There were no Government land offices, so there could be no absolute ownership of lands. The settlers were also without law, either local or national. As

26. In 1832, the New Arkansas and Texas Land Company entered into a contract with the State of Coahuila and Texas on the one part and Doctor John C. Beales and Jose Manuel Roquella on the other. This contract called for a land grant north of the 32d degree of north latitude and west of the 102d meridian of west longitude. The surveying party that worked in this territory told interesting things experienced at the time. This work took them into the No-Man's-Land country, a part of which was included in the grant. Professor Morris L. Wardell, of the University of Oklahoma, contributed a paper which was published in *Chronicles of Oklahoma*, Vol. I, No. 1, in which the field notes of the surveying party were reproduced, pages 70 to 75, inclusive, with map. Wilson and Exeter had a grant made about the same time, including nearly all of the north half of the present Cimarron County and the northern and northwestern parts of Texas County. The Chambers grant, also made about the same time, included all that part of Texas County lying south of the Wilson and Exeter grant. The Dominguez grant, made also about the same time, included all of the present Beaver County.

27. Information secured from the late John Skelly, who resided in Cimarron County at the time.

a class, they were peaceable and orderly but, as a land without law always has its attractions for turbulent and unruly spirits, so desperadoes and horse thieves soon made trouble in the No-Man's-Land settlements. The people promptly organized vigilance committees and put such a check on the outlaw class that a measure of order was restored. In No-Man's-Land, as elsewhere, when the people had to take the law into their own hands, the measures resorted to were sometimes harsh, but when evil doers had no respect for the rights of others, it was necessary to fill them with terror.

As early as 1882, W. A. Starr, of Oswego, Kansas, obtained from the Department of the Interior a statement to the effect that the public lands of this district were subject to squatters' rights—that is, that any citizen was at liberty to select and settle upon a given tract of land which he would be entitled to hold against all comers or rival claimants, but to which he could not secure a fee simple title until such lands should be included within the limits of some organized Territory or State. Three years later, Secretary of the Interior, L. Q. C. Lamar, confirmed this earlier decision.²⁸ Thereafter, though settlers could not file on homesteads as such, and though no Government land office held jurisdiction over any of the public lands of the No-Man's-Land country, the settlers were supposed to hold their claims by general consent and good faith between the people of any given community. However, the means of gaining a livelihood under such conditions were very limited and some of the settlers had to absent themselves from their claims for the purpose of securing employment. There were also some disputes over claims between settlers who were acting in good faith. Worse than this, however, was the fact that some persons of the lawless element made a regular business of "jumping" claims of absent settlers. Such a condition was, of course, intolerable. Finally a meeting was called to be held at Beaver City, on October 26, 1886, for the purpose of discussing the situation and devising ways and means for an orderly adjustment of differences and disputes among rival claimants. At this meeting a resolution or agreement was drawn up, providing for the appointment, organization and operation of a "Claimant's Board." This brief, terse, compact was the first manifestation of the spirit of democracy and self-government on the part of the settlers in this unorganized wilderness.²⁹ Another meeting was called shortly afterward to be held November 9, for the avowed purpose of preparing "a code of by-laws for our future adoption" and also to "prepare a form of quit-claim deed for our common use in the transfer of claims from one party to another." This meeting was held in a sod schoolhouse which had been erected at Beaver City by popular subscription. The work of this second convention laid the foundation for the attempt to organize a new commonwealth, which it was proposed to name Cimarron Territory.³⁰

28. Information furnished by the late Thomas P. Braidwood, of Beaver.

29. The "Claim's Board" rules will be found reproduced, in part, in Appendix XL-8.

30. The elective delegates subscribed to the following obligation: "We, the undersigned, members of the Territorial Council of Cimarron County and officers of the same, do hereby solemnly swear that we will support the Constitution of the United States, and faithfully execute and enforce the laws of the United States, and also the laws adopted by

As many of the settlers in No-Man's-Land had already been in favor of an attempt to organize a territorial government and thus supercede the makeshift "Vigilance Committee," and "Claim Board" organizations, the election which had been called for in the resolutions of the Convention of November 9, was held February 22, 1887. The nine delegates thus chosen assembled in the sod schoolhouse at Beaver City on March 4 and organized as a first legislative body of Cimarron Territory.³¹

One of the first acts of this delegated assembly was to divide No-Man's-Land into five counties, named, respectively: Benton, Beaver, Palo Duro, Optima and Sunset, and also for a general election to be held the first Tuesday after the first Monday in November, for the purpose of choosing nine Senators and fourteen Delegates to meet as a legislative assembly on the first Monday in the following December. The members then in session voted to constitute themselves a legislative body and proceeded to enact numerous statute laws, such as a regulation of marriage, the imposition of taxes, the foreclosing of chattel mortgages, the organization of corporations, etc. The laws of Colorado were adopted as covering all points of statute law not included in those thus specifically adopted.

Of course not all of this could happen without some differences of opinion and some open disagreements, with the result that Cimarron Territory soon had two full-fledged political factions which, however, were based on local issues and not on national party lines. The respective leaders of these two parties were Orville G. Chase, an immigrant from New York, and Rev. R. M. Overstreet, who had long been prominent as a Presbyterian minister in Kansas. Chase, who was president of the Legislative Assembly, at Beaver, was placed in nomination for delegate to Congress, when it had been originally understood that Overstreet should be sent as delegate to Congress if Chase was made president of the legislative organization. Overstreet called an opposing convention which met at Rothwell, a rival town of Beaver City. The convention tied on the nomination of J. G. Snode and J. E. Dale, each receiving twenty ballots. With three candidates in the field, the struggle in the election was between Dale, candidate of the Overstreet party, and Chase, who had the support of his own legislative organization. In the election it was alleged that there were some inaccuracies in the count, to say nothing of official manipulations, with the result that both Chase and Dale went to Washington, each asking to be recognized as the legally elected representative of an organized territory;³² whereas, either would have probably been recognized had it not been for the presence and active opposition of the other.³³

the Cimarron Territorial Council for the government of said Cimarron Territory, to the best of our ability.

"(Signed) O. G. Chase, president; Merritt Magann, clerk; R. M. Overstreet, J. G. Snode, James Lane, Robert A. Allen, Elmer Thomkins, Thomas Walters, W. J. Kline."

31. Part of the resolutions of the convention held at Beaver on November 8, which are reproduced in Appendix XL-9.

32. Chase was on the ground first and he had the advantage of presenting a certificate of election which was adorned by the impress of the great seal of the Territory of Cimarron. Years afterward this seal was sent to the Oklahoma Historical Society, but the gentleman who was charged with its delivery forgot it when he left the train at Oklahoma City, and it was lost.

33. Both Chase and Dale spent much of the winter in Washington, and each presented an appeal for recognition. Chase's appeal was full in the Congressional Record, House Journal, December 12, 1887 (Congressional Record, Vol. XIX, Part I, p. 38).

The second Legislative Assembly of the Territory of Cimarron was in session most of the time during the winter of 1887-88.³⁴ In the spring of 1888, the opposition to the Oklahoma bill (which was being pressed for action), made a desperate effort to have the No-Man's-Land country annexed to Kansas, hoping thus to cripple the Oklahoma movement, but the attempt failed. The Beaver legislative party, anticipating the passage of the Burns bill for the organization of the Territory of Cimarron, proceeded to hold another election in November, 1888, at which a full complement of territorial officers were chosen and also a new delegate to Congress. The whole contention was due to the activities of the promoters of the rival townsites of Beaver and Rothwell and to the machinations of ambitious politicians. During the summer of 1888, several men were killed in No-Man's-Land as a result of a county seat war, across the line in Stevens County, Kansas. This event served to strengthen the popular demand for local civil government.

34. On January 25, Representative William M. Springer, of Illinois, presented a memorial of the citizens of "the Territorial Council representing the settlers of what is called the Public Land Strip, praying for the organization of the Territory of Cimarron." Mr. Springer asked that it be referred to the Committee on Territories, and asked that it be printed, which was done. The same day both Dale and Chase filed petitions with the House of Representatives in support of their respective claims for recognition as delegates from the Territory of Cimarron. (*Ibid.*, pp 718 and 725.)



CHAPTER XLI

THE OKLAHOMA QUESTION IN CONGRESS

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When the Oklahoma question appeared in Congress as a result of a popular demand, instead of appearing merely as a railroad land grant measure, at the beginning of the last session of the Forty-eighth Congress, it was introduced in the interest of homestead settlement and in such behalf it was there to stay until it could be settled for all time. Early in the first session of the Forty-ninth Congress, several bills for the organization of Oklahoma Territory were introduced. One of these was by Representative Richard W. Townshend of Illinois (H. R. 315) and another by General James B. Weaver of Iowa (H. R. 584). A similar bill was also introduced in the Senate by Senator Charles H. Van Wyck of Nebraska. The two house bills after being considered by the Committee on Territories, were replaced by a substitute bill (H. R. 7217), which was reported on April 15, 1886, with a favorable recommendation for its passage.¹ It was debated on May 1,² and again on June 3.³ The debate did not proceed further and the bill was lost for lack of complete consideration.

The opposition to this measure was strongly entrenched, hence its failure to make headway in Congress. This opposition to the opening of the vacant public lands of Oklahoma to settlement came principally from two sources, namely, the cattlemen who had large herds of stock in the territory and were loath to give up their ranges, and the Indians, who naturally regarded the proposed change as the beginning of an invasion which would ultimately result in changing the old order, whereas, they preferred to live on in their own way and to cling to their own institutions. The live stock interests claimed to have maintained no lobby in Washington for the purpose of influencing legislation⁴ but, on the other hand, it was openly charged (and never successfully refuted) that a number of senators and representatives were interested in some of the cattle companies which held memberships in the Cherokee Strip Live Stock Association.⁵

1. Congressional Record, Vol. XVIII, p. 3514.

2. Ibid., pp. 4063 to 4071.

3. Ibid., pp. 5214 to 5220.

4. A memorial addressed to the President of the United States, November 27, 1889, by the members of the Cherokee Strip Live Stock Association, contained the following statement in this regard:

"Although bitterly attacked by a hostile portion of the newspaper press, and by some members of Congress, we have at no time had any agent, lobby or influence at the seat of government, seeking to influence legislation. The nature of our pursuits and the character and disposition of our people have disqualified us from responding to the defamations and calumnies which seem well nigh to have convinced the public mind that the individual who has, or has had, an interest in cattle on the range, is little better than a highwayman and a bandit and is worthy of penal reprobation."—Printed copy of memorial, p. 15.

5. As an instance of the spirit of accord between the cattlemen and some of the leaders in Congress, even before the organization of the Cherokee Strip Live Stock Association, the following extract copy of a letter, dated at Washington, District of Columbia, January 19, 1883, from United States Senator Preston B. Plumb, of Kansas, to E. M. Hewins, who was shortly afterward chosen a director of the association under its articles of incorporation, bears evidence:

When the Fiftieth Congress convened, in December, 1887, the Oklahoma measure was again introduced and, as before, was championed by its old friends, Weaver and Springer, together with Representative Charles H. Mansur, of Missouri. During the winter and the early part of the following spring, the Oklahoma Bill occupied a great deal of attention in Congress. Its friends were no more determined than its enemies, however, the latter being aided by strong lobbying forces. On the 26th of April, 1888, the opponents of the Oklahoma Bill made a determined effort to have the so-called No-Man's-Land attached to Kansas, hoping thus to cripple the Oklahoma movement, but the attempt resulted in failure.

On January 6, 1888, Representative Springer introduced a bill (H. R. 1277) providing for the opening of certain lands then included in the Indian Territory to homestead settlement,⁶ and also for the organization of a Territory of Oklahoma. The first debate on the Springer bill occurred on February 25.⁷ On February 28 it was again debated at length.⁸ Several more extended debates followed at intervals. Two other Oklahoma bills had been introduced, respectively on the same day, by Representatives Townshend (H. R. 1285) and Weaver (H. R. 1350).⁹ Neither of these was brought up for consideration, however. The same day, Representative Bishop W. Perkins, of Kansas, introduced a bill (H. R. 1397), to provide for the opening of certain lands in the Indian Territory (*i. e.*, the Oklahoma lands) to homestead settlement.

While the Oklahoma movement was being debated and made the subject of a legislative struggle in the halls of Congress, both the proponents and opponents of the proposed Oklahoma bill were very active. The Congressional Record reveals the fact that there were many supporting petitions and numerous protests against the proposed passage of the bill, which were sent to Washington, where they were referred to the Committee on Territories. Though the movement to effect a settlement in Oklahoma by "boomers" had ended more than two years before, its leaders realized that popular interest should be kept alive. Consequently, during the midwinter session, in the forepart of 1888, Messrs. Couch, Crocker and Sidney Clark, enlisted the aid of Doctor Morrison Munford, of the Kansas City "Times," and of Colonel Robert T. Van Horn, of the Kansas City "Journal," in arranging for a mass convention to which representatives should be invited from several states of the West and Southwest, for the purpose of stimulating popular interest in the regions immediately contiguous to the Indian Territory, and also for the

"Yesterday the Secretary [of the Interior] wrote a letter to the President, strongly recommending that the Government buy the entire Cherokee Strip. The President will transmit this to Congress in a day or two. Of course, if the Government buys the land, it will be covered with squatters within two months and the cattlemen will have to leave. Of course, also, I cannot help but take the settlers' side when they find the land is that of the Government. But, on account of my friendship for you, Titus, Hamilton and others, I feel that I ought to let you know what is going on. Please say nothing about this to any one until you have thought it all over and have written to me. I shall be glad to aid you, in all proper ways, of course. Talk with Hood also about it if you think best."—From a letter contained in the correspondence of the late Charles H. Eldred, a director of the Cherokee Strip Live Stock Association.

6. Congressional Record, Vol. XIX, p. 209.

7. *Ibid.*, pp. 1472-77.

8. *Ibid.*, pp. 1557-64.

9. *Ibid.*, p. 212.

purpose of making a demonstration that would tend to convince Congress that there was a strong sentiment behind the movement, in addition to the "boomer" organization, which, unaided, had kept up the fight so long. The result was the calling of an Inter-State Oklahoma Convention. This gathering which was largely attended, convened in Kansas City, February 8, 1888. Governor A. P. Morehouse, of Missouri, was chairman of the convention. The general tenor of the delegates in attendance was that of optimism, and the result of the convention was an enthusiastic endorsement of the proposed opening of the Unassigned Lands to homestead settlement.

The convention voted to select a legislative committee of nineteen members for the purpose of presenting a memorial to President Cleveland and urging upon Congress the enactment of immediate legislation for the opening of the Oklahoma lands to homestead settlement. Captain Couch, Sidney Clark and Samuel Crocker, Doctor Munford, Colonel Van Horn and others of less note, were selected to leave for Washington five days later. The story of the activities of this delegation has been preserved to posterity in the manuscript memoirs of Samuel Crocker.¹⁰

On June 25, 1888, Mr. Springer introduced a revised measure, (H. R. 10614), which was referred to the Committee on Territories and ordered to be printed.¹¹ On June 11, Mr. Springer, for the Committee on Territories, reported a favorable recommendation for the passage of this latest bill to organize the Territory of Oklahoma. This measure came up for debate on July 26.¹² Extensive debates were also held on August 26, August 28, August 29 and August 30, but no action was taken before the end of this session, which was one of the longest on record.

In the autumn of 1888, realizing that it was necessary to keep local interest spurred up to the point where there should be no flagging zeal, Samuel Crocker secured the coöperation of M. M. Murdock and his Wichita "Daily Eagle" in promoting another Inter-State Oklahoma convention to be held at Wichita, November 20, 1888. The popular interest was thus renewed and kept at a white heat up to the time that Congress was to convene. Many towns in Southwestern Kansas sent picked delegations to attend this meeting, while Texas, Missouri, Arkansas and other western and southwestern states were well represented. Samuel Crocker rendered a report of his stewardship as a representative of the Oklahoma movement at Washington during the preceding Congressional session. General Weaver, of Iowa, Representative Springer, of Illinois, and Representative Mansur, of Missouri, and most of the members of the Kansas Congressional delegation, together with several congressmen from other states, were present either as participants or as interested spectators.¹³ The convention was distinguished for its enthusiasm. Captain Couch, Sidney Clarke and Samuel Crocker were then selected

10. Information secured from manuscript copy of personal memoirs of the late Samuel Crocker. Crocker's account of this visit to Washington is reproduced in Appendix XLI-1.

11. *Ibid.*, p. 5540.

12. *Ibid.*, pp. 6869-80.

13. Immediately after the Wichita Inter-State Oklahoma Convention, Captain Couch, Sidney Clark and Samuel Crocker left for Washington to be there when Congress opened on the first Monday in December.

to go to Washington, to insistently urge the passage of the Oklahoma Bill before the end of the forthcoming short session of Congress.¹⁴

The Springer Bill was passed by the House of Representatives by a vote of 148 to 102, February 1, 1889.¹⁵ In the Senate it was debated and referred to the Committee on Territories, which submitted a favorable recommendation, without amendment, February 18, 1889.¹⁶ One week later, Senator Shelby M. Cullom, of Illinois, tried to have it called up for consideration but was unsuccessful on account of other measures which had precedence over it.¹⁷ Saturday, March 2, arrived and no further progress had been made. Inaction probably suited the opposition to the Oklahoma Bill better than negative action, since it did not put them on record. Strenuous efforts were made to bring it up for consideration in the Senate, but the Senate leaders pleaded an overcrowded calendar as an excuse for not allowing the bill to come up for consideration. Finally the end of this, the last, session of the Fiftieth Congress, drew so near that all hope of having the measure brought up for consideration by the Senate had expired.

Although it looked as if the bill was doomed to failure, its leaders and backers were not lacking in resourcefulness at this critical juncture. Assured of the friendship of a strong majority in the House, they naturally turned to that body in their extremity. After a hasty consultation, it was decided to resort to an expedient to force legislation for the opening of the Unassigned Lands to homestead settlement. To this end they formulated an amendment to the Indian Appropriation Bill (which had not yet passed the House), such amendment to provide for the opening to settlement of the lands ceded or to be ceded by the Creek and Seminole nations, under rules and regulations to be prescribed by the Interior Department, together with several other clauses, providing, among other things for the creation of a commission to treat for the relinquishment of surplus lands belonging to other Indian tribes.

This decision was reached so late in the session that it called for very quick work in order to get such an amendment printed in time to have it considered in the final action on the Indian Appropriation Bill.¹⁸ The purpose of this expedient was to force favorable action at the hands of the unwilling Senate, which was largely dominated by interests that were bitterly opposed to the opening of Oklahoma. No effort was made to provide for the organization of the proposed new territory, or even to include the name of Oklahoma, for the reason that the bill seemed to be already overloaded, and that an effort to include all the items of an organic act might endanger the final passage and approval of the measure. The Senate strongly objected to this course of procedure, but in the end it was forced to accede or see the Indian Appro-

14. Crocker's manuscript reminiscences.

15. Congressional Record, Vol. XX, pp. 1400-02.

16. *Ibid.*, p. 2010.

17. *Ibid.*, p. 2287.

18. It is worthy of remark that the ready resourcefulness and quick action of Samuel Crocker probably saved the day for the timely introduction of the Oklahoma amendment, or "rider," to the Indian Appropriation Bill, by securing the production of a sufficient number of printed copies thereof in record-breaking time. Crocker's narrative of the incident is reproduced in Appendix XLI-1, to which previous reference has been made.

priation Bill fail of enactment. The bill, thus passed, received executive approval during the closing hours of President Cleveland's administration.¹⁹

The amendment to the Indian Appropriation Bill, briefly stated, provided that the unoccupied lands of the tracts ceded to the Government by the Creek and Seminole nations should thenceforth be regarded as a part of the public domain of the United States and, as such, be subject to homestead entry from and after a date to be set by an executive proclamation which should prescribe needed rules and regulations to cover possible contingencies.

There was rejoicing all along the Indian Territory border and especially among the people who had kept up the agitation for the opening of the Oklahoma lands to settlement, in season and out of season, and in spite of every handicap and discouragement, throughout a period which had lasted nearly a full decade. There were bonfires and jollifications. Incidentally, many people who had never been concerned as to the outcome of the effort suddenly became interested, since it gave to them an opportunity for personal benefit that was at least equal with that of the long-suffering "boomer" agitators.

Interested Opposition—Definite data as to the identity and number of alleged representatives of the range cattle interests who were in Washington for the purpose of opposing the passage and approval of the measure to open Oklahoma to settlement, during the last session of the 50th Congress seems to be lacking. None of those who were striving to secure the enactment of such legislation have doubted their presence, their activity or their influence, however, though it is possible that, if such influence was exerted at all, it was done indirectly, through the medium of personally interested representatives and senators.

During the winter of 1888-89 the Indians of the Five Civilized Tribes were represented at Washington by delegations which included some of their ablest men and leaders. While it is probable that some of them realized that it would be impossible to do more than postpone the final passage of the bill providing for the opening of the Unassigned Lands to white settlement under the homestead laws, yet they nevertheless kept up an active and effective opposition until it became apparent that further effort in that line was useless. The Indian delegation included Colonel George W. Harkins, (Choctaw but representing Chickasaws); W. P. Boudinot, Cherokee (nephew of Stand Watie); L. B. Bell ("Hooly"), (Cherokee); Isparhechar and Colonel G. W. Grayson (Creeks); Judge B. W. Carter (Cherokee-Chickasaw); Senator George Sanders ("Soggy"), and Stan W. Gray (Cherokees); Campbell LeFlore (Choctaw), and Sam Paul (Chickasaw).²⁰

A Federal Court in the Indian Territory—As already stated in addition to passing the Indian Appropriation bill with the provision for the Oklahoma land opening as an amendment, provision was also made in the appropriation for the Department of Justice, for the establishment of a Federal Court in the

19. U. S. Statutes at Large, Vol. 25, p. 1005.

20. Vinita Indian Chieftain published an account of some of the activities of delegates from the Five Civilized Tribes who were in Washington during the last session of the 50th Congress. See Appendix XLI-2.

Indian Territory.²¹ Thus, nearly twenty-three years after the negotiation of the treaties of 1866, by the terms of some of which the creation and maintenance of such a tribunal had been promised, the people of the Indian Territory could at last have access to a Federal Court without the necessity of going into a neighboring state. The seat of the new court was fixed at Muskogee and provisions were made for the appointment of a judge, prosecuting attorney, marshal and other necessary officers and employees. The criminal jurisdiction of the new court was limited to such offenses as were not punishable by death or imprisonment, all cases of that character, as theretofore, to be tried at Fort Smith, or Paris.

The act provided that the court should have jurisdiction in all civil cases between citizens of the United States who were residents of the Indian Territory, or between citizens of the United States who are residents of any state or territory therein, or any person or persons residing or found in the Indian Territory, and when the value of the thing in controversy, or damages or money claimed, should amount to \$100.

The code of the State of Arkansas was to be adopted, as far as practicable, as to practice, pleading, forms, etc. In cases wherein the amount in controversy was equal to \$1,000, appeal might be taken to the Supreme Court of the United States. Two terms of court were to be held each year, beginning respectively on the first Mondays of May and November.

It was provided that all proceedings of the court should be had in the English language; that bona fide male residents of the Indian Territory, over twenty-one years old and understanding the English language sufficiently to comprehend the proceedings of the court, should be competent to serve as jurors but subject to exemptions and challenges as provided by law in regard to jurors in the Western District of Arkansas.

Indian Land Cession and the Opening Proclamation—The Creek and Seminole nations, which had formerly held a fee simple title to the Unassigned Lands and to those of that part of the Cheyenne and Arapahoe Reservation situated north of the Canadian River, had ceded the same to the Government by the terms of their respective treaties, entered into in 1866, for the express purpose of locating other tribes of friendly Indians thereon. Before the Unassigned Lands were thrown open to white settlement, therefore, it was very desirable to secure the consent of the Creek and Seminole nations to the proposed opening, in the form of a full, complete and unqualified transfer of title to the United States. The act of March 3, 1885,²² under the terms of which the President of the United States had been authorized to appoint a commission to negotiate such an agreement with the Creek and Seminole nations (as well as with the Cherokee Nation for the cession of its lands lying west of the 96th meridian), had evidently been formulated and passed in the belief that the people of those tribes had not merely a claim on the lands (which they had ceded under pressure for a special purpose and at a price that was a pittance) but that they also still held an equitable interest

21. U. S. Statutes at Large, Vol. 25, pp. 783-87.

22. Congressional Record, Vol. XVI, pp. 898-905. Also, U. S. Statutes at Large, 23, p. 384.

in the same, at least until such time as they might execute an unqualified relinquishment of their fee simple title thereto.

Negotiations, for the purpose of extinguishing the claims of the Creek and Seminole nations to ownership of all lands in the Indian Territory west of their diminished domains as defined by the treaties of 1866, were carried on in Washington City during the last session of the Fiftieth Congress. An agreement was reached with the duly authorized delegates of the Creek Nation, January 19, 1889, whereby the Government was to pay to the Creek Nation the sum of \$2,280,857.10, which, added to the sums paid to the Creek Nation under the provisions of the Creek Treaty of 1866 and by Indian tribes which had been subsequently located upon tracts included in the ceded area, would equal a total of \$1.25 per acre. Twelve days after the conclusion of this agreement (January 31) it was ratified by act of the Creek Council. President Cleveland laid the matter before Congress in a special message, dated February 5, 1889. It was ratified by act of Congress and approved March 1, 1889.²³

At the time of the passage and approval of the Indian Appropriation Bill, in the closing hours of the Fiftieth Congress, no agreement had been reached with the Seminole Nation relative to such a final and full relinquishment of its claim to the lands lying west of the Seminole boundary, between the North and South Canadian rivers. However, section 12 of that act provided for the appropriation of \$1,912,952.02 to pay the Seminole Nation in full for all of its rights, title and interest in such lands,²⁴ that sum representing the difference between the value of the tract in question at \$1.25 per acre and the sums previously paid to the Seminole Nation in accordance with the terms of the Treaty of 1866 and by, or in behalf of, Indian tribes which were subsequently settled thereon.

On March 16, 1889, just two weeks after the passage and approval of the Indian Appropriation Act, with its amendment for the opening of the Oklahoma lands for white settlement, the duly authorized delegates of the Seminole Nation entered into an agreement whereby the desired release and conveyance was executed and the title to the lands in question was formally transferred to the United States. This removed the last obstacle to the opening of the Unassigned Lands to settlement under the homestead laws. One week later (March 23) President Benjamin Harrison issued a proclamation, formally announcing and declaring that, at and after the hour of noon, on the 22d day of April following, the lands of the Oklahoma country should be open to settlement, subject to the conditions, limitations and restrictions contained in the act authorizing the same and to the Federal laws applicable thereto.²⁵ Thus ended the ten-year struggle for the right of settlement in Oklahoma.

It is a singular fact, and one worthy of note, that the name of Oklahoma does not occur in the text of the amendment to the Indian Appropriation Act, of 1889, which made provision for the opening of 2,500,000-acre tract which

23. U. S. Statutes at Large, Vol. 25, pp. 757-59.

24. *Ibid.*, Vol. 25, p. 1004.

25. *Ibid.*, Vol. 26, pp. 1544-46; also, in *Compiled Statutes of Oklahoma*, of various editions.

had not been assigned to the reservation of any tribe. Moreover, the name is not to be found in the text of the executive proclamation, issued by President Harrison for the purpose of giving due notice of the time and manner of opening these lands to homestead settlement. In both instances, the tract in question was described by metes and bounds, so defined as to be within the limits of the Indian Territory. Strangely enough, there are scores, possibly hundreds of people now living in Oklahoma, who have always believed that it was Oklahoma into which they made the run, on that memorable April day, in 1889. Yet, strictly speaking, Oklahoma had no legal existence until the passage and approval of the Organic Act, more than a year later and neither the authors of the amendment to the Indian Appropriation Act nor those who prepared the executive proclamation for President Harrison embodied the name of Oklahoma in those documents for the reason that it had no legal significance. It was the purpose of both documents to bring about the legal opening of certain lands in the Indian Territory to homestead settlement. The 'Eighty-niners, therefore, really made "the run" into the Indian Territory and effected their settlements upon lands within its bounds. These lands were not incorporated in the Territory of Oklahoma until more than a year later.

The Cherokee Commission—While the Oklahoma Bill had been under discussion, during the latter part of the previous Congressional session (February, 1889), a member of the Cherokee delegation, then in Washington, suggested the appointment of a commission, by the Government, for the purpose of negotiating the purchase of the Cherokee Outlet from the Cherokee Nation. Accordingly, one section of the Indian Appropriation Act (by the terms of which the Oklahoma lands were thrown open to settlement), provided for the appointment of a commission to enter into negotiations with the Cherokee Nation, and with other tribes and nations of Indians, for the cession of surplus lands west of the 96th meridian. In a sense, at least, it followed in succession the commission that had treated with the Creek and Seminole nations for the final relinquishment of their claims to the lands lying west of the Creek and Seminole nations, proper.²⁶ Likewise it was the forerunner of the Dawes Commission, which was created four years later.

Cherokee Outlet—As the agitation for the opening of Oklahoma to settlement was continued and popular interest began to increase, the question of the ownership and use of the Cherokee Outlet, or "Strip," as it was commonly called, constantly assumed greater importance in the discussion of the proposed opening. This was due, of course, to the natural antipathy which existed between the "boomers" on the one hand and the Cherokees, who were the owners of the Outlet, and the cattlemen, who were leasing and using its lands for the ranging of their herds, on the other. Every thinking man knew that, if the Unassigned Lands were opened to settlement, it would only be a question of time until the lands of the Cherokee Outlet would likewise have to be opened to settlement. Manifestly, this could not be done without having at least the nominal consent of the Cherokee people.

²⁶ U. S. Statutes at Large, Vol. 25, p. 1005.

In the beginning, the Cherokees had collected (or had attempted to collect) a head tax on all cattle grazed on the Outlet lands. The net amount thus received was ridiculously small, however, though the cattlemen seemed to think the amounts assessed against them were excessive. As neither of the parties to the arrangement were satisfied, this had led, as already accounted, to the organization of the Cherokee Strip Live Stock Association, which, in its corporate capacity, leased the entire tract and then sublet it to the individual ranchmen or cattle companies to whom certain definite ranges were assigned. This obviated the necessity of sending out collectors, as the directors of the leasing association were bound by the terms of their contract to pay in one-half of the annual rental every six months.

Although the Cherokees never derived any benefit, tribal or individual, from their ownership of the "Perpetual Outlet, West," during the first forty years that its title was vested in the Cherokee Nation, and though it had taken most of the proceeds of the head tax on cattle to collect it under the old arrangement, yet the leasing of the entire tract for \$100,000 per year was severely criticized on the ground that it was worth much more and the question soon reached a very acute stage in the politics of the Cherokee Nation. Meanwhile, there were other white men who also thought the lands of the Outlet were worth more than \$100,000 per year.

In the latter part of 1886, the Cherokee Strip Live Stock Association, which had already had its business conditions disturbed by the activity of the "boomers" and by the expulsion of the herds from the ranges of the Cheyenne and Arapahoe Reservation, was still further disquieted by the discovery that a syndicate had been formed for the purchase of all of the Cherokee lands west of the 96th meridian. That the proposed purchase of the Cherokee Outlet was more than merely an idle rumor, seems to have been conclusively proven by some correspondence which has survived from that period.²⁷

Proposed Syndicate Purchase of the Cherokee Outlet—This proposition was duly submitted to Principal Chief Bushyhead but was not laid before the Cherokee Legislative Council, presumably for the reason that public sentiment among the Cherokees was overwhelmingly against the sale of the Outlet lands. The representatives of the syndicate remained at Tahlequah for several weeks, leaving only when they were convinced that further efforts to secure consideration of their proposition would be futile. At the same time, the Cherokee Strip Live Stock Association, which had several representatives present at Tahlequah during the session of the Council, was striving to secure a renewal of its five-year lease, which still had nearly two years to run. The title to the lands of the Outlet, as claimed by the Cherokees, was apparently complicated by the action of the Cherokees in accepting an appropriation of \$300,000 which had been made by an act of Congress approved March 3, 1883, as being "due under appraisalment of such lands."

27. The correspondence relative to the proposed sale of Cherokee lands of the Cherokee Outlet to a financial syndicate was found among the papers of the late Charles H. Eldred, of Alva, who was a director of the Cherokee Strip Live Stock Association. A part of this correspondence is reproduced in Appendix XLI-3.

The lands of the Cherokee Outlet had been appraised under the direction of the President of the United States at 47.49 cents per acre as a basis of settlement for the lands purchased therefrom for the Osage, Kaw, Pawnee, Ponca, Oto and Missouri and Nez Perce tribes, for which appropriations had been made and paid to the Cherokee Nation in accordance with the terms of the Treaty of 1866.

The influences which were back of this appropriation of \$300,000, together with the fact that seven and one-half per cent. of that sum was said to have been paid to the attorney of the Cherokee Nation (Colonel William A. Phillips) became leading issues in the protracted campaign which preceded the election of new national officers by the Cherokees, in August, 1887. Then, with the situation already muddled, Colonel E. C. Boudinot, who openly questioned the legal right of the Cherokee Nation to lease the lands of the Outlet to the cattlemen without having first the authority of an act of Congress (and who also favored the establishment of a territorial government), took the matter of the seven and one-half per cent. on the \$300,000 Congressional appropriation into the Federal Court, where Colonel William A. Phillips and several prominent Cherokees were indicted for conspiracy. In the Cherokee National election held at this time the conservative Downing Party elected Joel B. Mayes as principal chief over Rabbit Bunch to the opposition nominee, by a substantial majority.

After the election and inauguration of the new national officers, the question of a new lease came up for consideration in the Cherokee Council and was the subject of much jockeying and wire pulling. The inauguration did not take place in as orderly a manner as it should, the count of votes having been delayed for some reason unexplained, so the newly elected principal chief forcibly took possession of the executive office and was sworn in. He issued a proclamation three days later (November 10) convening the council in special session. Much time was spent on contested elections, organization and patronage. After being in session a number of weeks, the council finally passed a bill to authorize a new lease with the Cherokee Strip Live Stock Association for the sum of \$125,000 per year as rental on the lands of the Outlet. This bill was vetoed by the principal chief. A strong effort was made to pass the bill over the executive veto but it was defeated, though several members of the principal chief's own party (Downing) voted with the opposition. The council adjourned (February 9, 1888) without taking further action in regard to the matter.

Chief Mayes then suggested that the proper way to lease the lands of the Outlet would be to offer the lease to the highest bidder. This started still further discussion among the people and thus popular interest in the matter was kept up until Chief Mayes issued another proclamation, convening the council in special session on the 25th of June following. A bill was passed within a few days, authorizing and directing the principal chief to execute a new lease with the Cherokee Strip Live Stock Association for the sum of \$150,000. Claiming that he had two higher bids (one of \$160,000 and another of \$175,000 per year), Chief Mayes vetoed this bill also. The council then amended its bill, raising the amount to \$175,000 per year, but Chief

Mayes' other bidders having raised their bids to \$185,000 per year, he vetoed that also. Charges of favoritism on the part of the principal chief and of corruption and venality of the part of leading members of the opposition in the council were freely made. The situation finally became so unpleasant (as well as so unpromising) that Chief Mayes availed himself of his constitutional prerogative and adjourned the council after it had been in session nearly four weeks.

The five-year lease of the Cherokee Strip Live Stock Association was to expire on the 1st of October, 1888, while the Legislative Council of the Cherokee Nation was not to convene until five weeks later. In September, Chief Mayes issued a proclamation, addressed to all concerned and more especially to the Cherokee Strip Live Stock Association and its sub-lessees, giving due notice of the expiration of the five-year lease and serving notice also that the agents of the Cherokee Nation would on or immediately after the 1st day of October call upon the lessee and its sub-lessees to surrender the property, together with improvements thereon, in accordance with the terms of the lease made and entered into in 1883. But the officials of the Cherokee Strip Live Stock Association were not asleep. Assuming that something must be done to "bridge the hiatus" between the expiration of the lease (October 1) and the date of the next council meeting (November 5), E. M. Hewins, director and president of the association, went to Tahlequah and entered into a temporary contract with Robert B. Ross, treasurer of the Cherokee Nation, whereby the association was to retain possession of the lands of the Outlet until the 1st of January following, at a rental rate of \$175,000 per year, the sum of \$43,750 being paid to cover the rental for the three months designated as the term of the contract. Chief Mayes repudiated the Ross contract (which was evidently executed without authority) and issued a supplemental proclamation (October 9, 1888) demanding immediate redelivery of the property held under lease. After the council convened in November, the long contest was finally ended by the passage and approval of a bill providing for the renewing the lease of the lands of the Outlet to the Cherokee Strip Live Stock Association for five years at an annual rental of \$200,000. The New York syndicate had a representative on the ground at Tahlequah to renew the offer, made two years before, namely, to purchase the entire tract at a price of \$3 per acre, but, as before, the offer did not receive serious consideration, even though it was expected that the Cherokee Nation might later be forced to sell the lands to the United States for a much smaller price.



CHAPTER XLII

THE OPENING DAY AND THE DAYS THAT FOLLOWED

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The appearance of the proclamation of the President,¹ setting a date for the formal opening of Oklahoma to settlement under the homestead laws of the United States, was eagerly awaited by the prospective settlers in many places throughout the West, and especially along the borders of the adjoining states, where many of the former "boomers" were residing. Its publication in the daily papers, the day after it was issued, therefore sent a thrill through the frames of many people who had been awaiting for many years the privilege of entering the "promised land," as they were wont to call it. Indeed, intending settlers began to drift toward the border immediately after the passage and approval of the act authorizing the opening of the coveted lands to settlement. While there were many in Arkansas and Texas, the numbers were much greater along the southern Kansas border. Hotel accommodations in the border towns were soon overtaxed, while thousands lived in camps or slept in their wagons, yet still the multitude increased.

Among the throngs of people who were thus assembled along the border were many of the former "boomers," who had followed Payne and Couch in their repeated efforts to settle the Oklahoma country. In some instances, at least, the sense of satisfaction in the ultimate triumph of the cause for which they had so long contended was clouded by a feeling of resentment because of the fact that they could expect no favors in the matter of being privileged to select choice quarter sections upon which to file their homestead claims. Indeed, they found themselves continually jostled and elbowed by the thousands who had known little of Oklahoma and cared less until the announcement of the date set for its opening to settlement by the Presidential proclamation. Yet these were gathered, not only to contend on an even footing with the "boomers," who had spent time and money and energy in the seemingly hopeless agitation and struggle for the right to settle in Oklahoma, but also, without having risked or sacrificed aught themselves, some who even affected to look with suspicion upon the "boomers" and to belittle and discredit the part that the latter had borne in pioneering the movement.

The assembled multitudes included people from practically every state in the Union, attracted thither by the novelty of the occasion. There were people of all classes and conditions of life, farmers, mechanics, laborers and professional men, composing the principal elements, though there was also an unduly large proportion of adventurers, gamblers, and sharpers. Peace and good order generally prevailed, for most of the people were disposed to be civil and good natured. Although there were many who came to the border because of their curiosity, or who were actuated by a mercenary or speculative spirit, the vast majority were moved by an impulse to seek land and build

1. U. S. Statutes at Large, Vol 26, pp. 1544-46; also in various editions of the Compiled Statutes of Oklahoma.

homes. As the people who prepared to make the race for the privilege of filing on the most prized quarter sections of land had come from many different directions, so they also posted themselves on all sides of the Unassigned Lands. Many moved southward from the Kansas border and posted themselves on the southern boundary of the Cherokee Outlet on the north. Others gathered on the line of the Iowa, Kickapoo and Pottawatomie-Shawnee reservations, on the east, while still others took up their stations in the valley of the South Canadian, on the south, or on the line of Cheyenne and Arapahoe country, on the west. As the waiting settlers increased in numbers in the camps scattered along the boundaries of the Oklahoma country some of them became overanxious lest, in the rush, they might fail to secure desirable claims. Some, indeed, became so anxious that they disregarded the conditions set forth in the rules prescribed for the opening of the lands to settlement and, eluding the vigilance of the cordon of troops by which the bounds of the district were patrolled, slipped in and concealed themselves at points conveniently near to the best lands so that they would not have far to go when the legal hour of opening arrived. Many of these people, who were called "sooners,"² from the circumstance of having entered the country too soon, were removed by the soldiers. However, it was found impossible to apprehend all of them, so there were many who succeeded in concealing themselves and thus eluding arrest and removal.

Not all the intending settlers went so far as the immediate border of the Oklahoma country, however. The southern Kansas towns nearest to the Oklahoma country continued to be over-crowded until the morning of the opening day. There was but one line of railway in the Oklahoma country then, that of the Atchison, Topeka & Santa Fe, which passed southward across the central part of the tract. Fifteen passenger trains left Arkansas City, Kansas, between daylight and 11 A. M., on the day of the opening. Fully 10,000 people wanted to board the first train out, the larger part of them having been without lodging the night before. Standing room was at a premium in every coach, the platforms and steps being occupied (for there were no vestibuled coaches used), and many men rode on the roofs of the coaches. The first train ran to the northern boundary of the Unassigned Lands, where it stopped to await the noon hour. As the other trains came up successively, each was stopped as close as possible behind the one preceding.

The people who had encamped on the boundary of the promised land prepared for the noonday race (for a race it was to be), some being in wagons, while others were in buggies, buckboards or road carts, with many on horseback, and not a few on foot. All these formed in line, extending along the boundary as far as the range of vision extended, both ways. Slowly the hands of the watch moved as the invading host waited the sun's approach to the meridian. During those hours of weary waiting strong men felt the grip of nervous tension such as they had never felt before—a sensation that has been

2. During the course of the years intervening since 1889, the people of Oklahoma came to be known by several State nicknames, "Boomer" and "Sooner" being the most common. In recent years, however, the terms "Sooner" and "Sooner State" have become used almost to the exclusion of any other nickname.

not inaptly likened to the feeling of the soldier about to go into his first battle. Even the horses seemed to tire of waiting, as if a portion of the eagerness and impatience of driver or rider had been imparted to them. Meanwhile the patrolling cavalymen, who were posted at long intervals, patiently sat upon their steeds while waiting to give the signal which would start the race. Again and again men glanced at the ascending sun and, for a last time, small groups here and there consulted maps and charts, for some were better posted than others as to where the choicest lands might be found. At last, the fateful hour of noon approached; everyone took his place in line, and then a strange hush fell upon the waiting people as they fixed their gaze upon the trooper who was to give the signal.

At last, the faint notes of a distant bugle³ came drifting up to the line and then the trooper out in front fired his carbine or revolver in the air. Then there arose a mighty shout, which has been likened unto that which was heard when the walls of Jericho fell, and the greatest horse race in all human history was on, in all of its intensity. Neither tongue nor pen has ever been able to fully portray the scene which followed. Fleet race horses which had been groomed and trained for days; slow-moving, heavy-gaited plow horses, in whose plebeian veins there flowed no drop of racing blood; wiry bronchos, whose trim hoofs were at home on the prairie turf, all were straining to do their best that day, which was eventful in the lives of horses as well as of men.⁴ On the railroad, fifteen long trains of passenger coaches, each literally freighted with cheering humanity, with whistles shrieking and funnels belching smoke and cinders as, one after another, they raced down the line, past Orlando and Alfred (Mulhall), toward the Cimarron, to Guthrie. And other trains were coming northward from Purcell, past Noble and Norman, to Oklahoma City and Edmund and Guthrie. At every station there were some who alighted to take their chances in or near some of the smaller towns, though by far the greater part of those who entered the country by rail were destined to land either at Guthrie or Oklahoma City.⁵

There were many laughable incidents and some accidents that gave a tragic cast to the day. There were, of course, many cases wherein two men found that they had landed on the same quarter section. Sometimes such a contingency led to extended litigation; in others, the matter was amicably adjusted; in a few cases, it led to personal altercations and violence. Some, who had paid a good price to secure authentic information concerning the location of the choicest lands, and who had provided themselves with swift

3. The trumpet which was used by Trumpeter J. H. Brandt, of Troop L, 5th U. S. Cavalry, in sounding "the charge" at a point near the intersection of the Indian Meridian and the Canadian River (in the southern part of the present Cleveland County), at 12 o'clock M., April 22, 1889, is in the museum of the Oklahoma Historical Society.

4. The late Dr. Delos Walker, of Oklahoma City, who was a witness of and participant in the opening race, wrote a very terse and graphic description of this event, twenty years later, which will be found reproduced in Appendix XLI-1.

5. The first northbound trains were halted at Oklahoma City for rather lengthy stops, in order to permit passengers to select and mark town lots and return to the train for the purpose of pursuing their journey to Guthrie and file on the selection thus made before the Government Land Office.

race horses for the run, covered the ground in record time, only to find the coveted land in possession of a "sooner" who had sneaked out of his hiding place in the brush near by in plenty of time to forestall anyone who had abided in good faith by the rules prescribed. Later it developed that many of these "sooners" had gone into the country in groups and parties with the express understanding that they would protect each other in their efforts at deception.

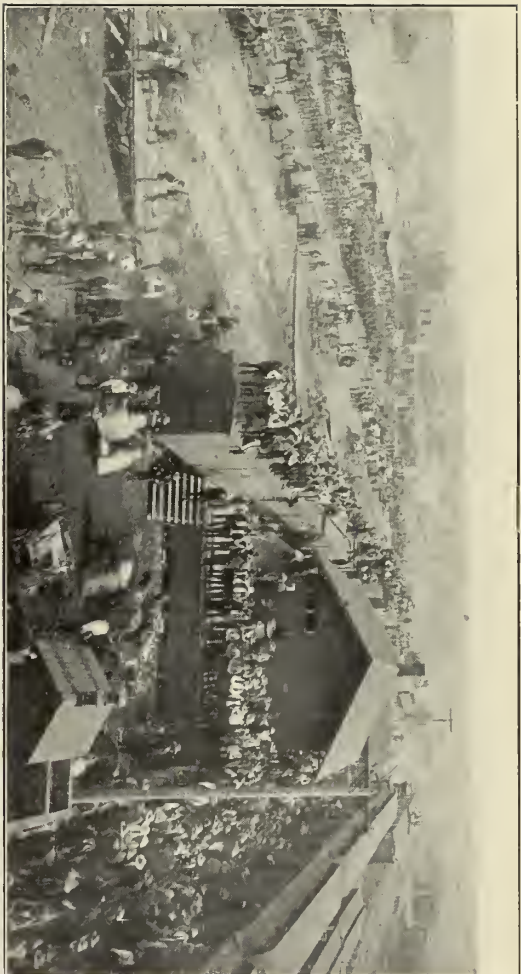
It was estimated that 100,000 people entered Oklahoma on the day of the opening. Fifteen thousand were said to have spent the first night in Guthrie and fully 10,000 at Oklahoma City, and others of the new cities and towns were peopled in like proportion. Nothing in the history of American pioneering—not even California in '49, nor the Pike's Peak country in '59—equalled or even remotely resembled the rush into Oklahoma on that April day. In the morning, a solitude and a wilderness, as it had been through all the ages; at midday, a surging tide of eager, earnest, excited humanity; in the evening, a land of many people, with here and there a tented townsite and thousands of campfires sending up the incense of peace! Though they came in disorder, like the rout of a defeated and retreating army, their conquest was more complete and their mastery more lasting than that of Roman or of Saxon, than that of Goth or of Hun.

Taming the Wilderness—When the uncounted thousands who had slept on the ground—under sheltering tents or under starlit skies—awoke on the morning of April 23, 1889, the frolic of the race for claims was over and the more serious business of planting the institutions of civilization in a wilderness was demanding attention. There was congestion everywhere. There were too many claimants on the best lands and on the most valuable town lots.⁶ None of the townsites had been surveyed—a most lamentable evidence of official incompetency on the part of the Interior Department, which, even in the limited length of time at command after the issuance of the executive proclamation fixing the date of the opening, could have had the site of every town and village surveyed and platted, thus saving much, if not most, of the confusion and not a little of the disagreement and litigation which followed the haphazard settlement of the towns.

The one railroad then operating in the Oklahoma country was scarcely prepared for the rush of business which it had been so suddenly called upon to handle. Its depots were but mere box-like shacks; its side tracks, especially at Guthrie and Oklahoma City, though recently enlarged, were wholly inadequate to the necessities of the occasion. Baggage and freight covered every available inch of space on the depot platforms and were piled up in an indiscriminate heap that extended far beyond in either direction. Trunks,

6. Practically every quarter section within a mile of the townsites of Guthrie and Oklahoma City had from one to three claimants and some of them even more. In its issue of May 21, 1889, the *Oklahoma Gazette* (Oklahoma City) presented the following suggestive territorial item:

"And Satan took him up unto an exceeding high place and showed him the whole valley of the Canadian, and said: 'All these have my deputy marshals staked before noon of April 22, 1889.'"



SCENE AT OKLAHOMA CITY, JULY 4, 1889



VIEW OF THE SITE OF OKLAHOMA CITY, AS IT APPEARED THE MORNING OF APRIL 22d, 1889

tents, camping outfits, merchandise of every sort and kind were so inextricably mixed that it was only with greatest patience and labor that each owner found his property and secured it and, slowly, out of the confusion, a semblance of order began to appear. The townsites were soon dotted with tents; then cars filled with lumber were unloaded and, as the carpenters found and secured their tool chests the frames of the first buildings began to take form.⁷

Municipal Government by Popular Assemblage—In the meantime the confusion and the disputes continued. Where and how wide were the streets? How long were the blocks to be? From what initial point should the surveys be made? Who was to be authorized to do the surveying, and by whom was such authority to be conveyed? These were some of the vexing questions which no one seemed authorized to answer. The only semblance of legal authority was that embodied in a company or squad of United States soldiers, encamped near at hand for the purpose of preserving order, and the presence of a few deputy United States marshals, who were answerable to the new court at Muskogee, 150 or more miles away, and assuredly neither of these agencies was clothed with power to decide or act in regard to such matters. Probably no one in any of the cities and towns, which had thus been peopled in a day, had ever experienced anything of the kind before. Yet, the ingenuity, the inventiveness and the splendid initiative of the typical American pioneer were there in plenty and were equal to the occasion. Probably few of the people thus thrown together—they could scarcely be called inhabitants or citizens as yet—knew aught of the old New England “town meeting,” and fewer still of the ancient Anglo-Saxon “folk-mote,” yet, unconsciously, they went back to first principles and called popular assemblages just such as the “folk-mote” and the “town meeting” were in their times, respectively.

These popular assemblages were organized in an orderly manner by the election of the usual officers—a chairman and a secretary. The object of the gathering was then stated, namely, that it was necessary to find some means by which order might be brought out of seeming chaos—that the townsite might be surveyed, the metes and bounds of its lots and blocks ascertained and the streets and alleys thereof duly established. For this purpose committees were selected by popular viva voce vote.

At Oklahoma City, where there was probably more congestion and more dispute over the location of streets and the ownership of lots than in any other town, Angelo C. Scott was chosen chairman of the meeting, which was held in an open space, with several thousand men in attendance. The chairman was hoisted on top of a large dry goods box so that he might be in sight of all. When it came to the selection of the members of a standing committee to supervise the survey of the townsite and the location of its streets and alleys, the people found that they were strangers to each other and, then as now, there were men who did not wish to vote for a candidate whom they did

7. In some instances, wherein the new arrivals had planned to locate in Guthrie or Oklahoma City, the material for building had been cut and marked so that when the lumber arrived the work of framing, enclosing and finishing was put through in record-breaking time.

not know, even by sight or reputation. So, when the first man was nominated, a voice called out. "Put him up and let us have a look at him," and instantly the demand became unanimous. Therefore, every man who was nominated for membership on the committee was required to be lifted up on the big box beside the chairman, where everybody could "look him over," and they took an "aye" and "no" vote on his candidacy without further ceremony. Nor was there any hesitancy about rejecting a nominee, for there were several who were dismissed with a strong preponderance of "noes!" It is of interest in this connection to remark that, among the men thus named and required to face the crowd for inspection and then voted down, was one who had once been a nominee for President of the United States, and who, later on, had been one of the chief Congressional sponsors for the opening of Oklahoma—General James B. Weaver, of Iowa.⁸

There was also much confusion at the post offices, especially at the larger centers, such as Guthrie, Kingfisher and Oklahoma City. The facilities for handling the mails, which had been arranged at the eleventh hour, were woefully inadequate. Of course, there were no boxes and nothing but general delivery of mail matter was possible. Consequently there was always a long line of men waiting, the line sometimes extending well out into the street. In Guthrie, the small boys (of which there were a few almost from the first day) soon found that, by getting in line and gradually working their way up toward the delivery window, they could "sell" such a place in line to some busy man of affairs who could not afford to spend half an hour or an hour in line awaiting his "turn" to inquire for his mail. Many a dime or quarter was thus earned before the postmaster put a stop to the practice.

The townsites were soon surveyed;⁹ disputes over the ownership of lots were settled or compromised;¹⁰ the tents gave way to shanties or cottages in the residential districts, while substantial frame buildings appeared on the business streets. Banks were opened for business, stocks of groceries, dry goods, hardware and other lines of merchandise were placed on sale.¹¹ Still one thing was lacking—there was no semblance of municipal government, which seemed to be desirable, especially in the larger towns, nor was there any law granting authority for the organization of the same. Again the people went

8. Personal information secured from Professor Angelo C. Scott, who, forty years later (1929), is still a resident of Oklahoma City.

9. Because of the dereliction of the Department of the Interior in not having townsites surveyed and platted in advance of the date of settlement, there was much confusion in the making of such surveys. At Oklahoma City, two surveys were made, one beginning at the north line of the townsite and the other at the south line, and working toward each other. As there was no agreement between the two surveying crews as to the location of north and south streets, these were projected upon entirely different lines, hence the jogs and uneven intersections on the north and south streets of the original plat between Grand and Reno avenues, inclusive.

10. Naturally, there were a number of people who found they had staked claims on lots which were subsequently found to be located in the middle of a street, the claimants being thus left without recourse. In its issue of May 25, 1889, the *Oklahoma Gazette* (Oklahoma City) contained the following territorial observation:

"When Adam entered Paradise, Satan sent in a lot of surveyors and kept changing the stakes on the corner lots and streets and alleys, and juggling with the ground he made vacant until Adam was willing to eat sour apples and green persimmons and be let out."

11. A systematic compilation or summary of the business interests of Oklahoma City will be found in Appendix XLI-2.



CAVALRY DRILL, AT JEFFERSON, OKLAHOMA, A FEW DAYS AFTER THE OPENING OF
THE CHEROKEE OUTLET, SEPTEMBER, 1893



VIEW OF TULSA, OKLAHOMA, IN 1897

back to first principles, convened popular assemblages and voted to establish provisional municipal governments. Arrangements were made for holding regular elections, candidates for mayor and members of the city council were nominated and, on the day appointed, the election was held and the ballots duly counted and the results announced. The officers thus chosen promptly assumed charge of municipal affairs, selected police officers and, in general, though lacking in the matter of sanction by any organic law, exerted a very wholesome and beneficial influence.¹²

Among the men who arrived on the first day there were generally to be found in each town one or more ministers of the gospel. These busied themselves in selecting and securing building sites for houses of worship. As the opening day was Monday, when the seventh day came it was universally recognized as a day of rest, every business house and every place of amusement being closed while practically the entire population attended church services, either in the open air or in tabernacle tents.

Outside the towns there was also great activity on the part of the new settlers. The first efforts on the part of practically every homesteader were directed toward the breaking of at least a few acres of ground and the planting of corn, cane and vegetables on the sod with a view to the production of some sort of a crop the first season. Later, when lumber yards were opened up for business, and building material became available, the building of shacks, shanties and farm homes followed in due course, but, in most instances at least, such improvements were left until the first plowing and planting could be done, the homesteader living in camp meanwhile. Where there was sufficient timber some fencing was done and houses with walls of logs or stockade posts were also built. The roads naturally followed the easiest grades and the shortest distances, regardless of cardinal points, section lines or property rights. There were no bridges or culverts, of course.

The "Sooners"—The most perplexing problem at the time of the opening was unquestionably that of the "sooner" element which had entered the country in advance of the appointed day and hour to select and claim for themselves some of the choicest lands in the Territory. It is but fair to state that many, if not most of them, had been misled by representations which had been made to them by no less authoritative advisor than General James B. Weaver, who had been one of the original supporters of the Oklahoma movement in Congress. General Weaver was down on the Kansas border for some days before the date appointed for the opening of the Oklahoma country. He advised some of the intending settlers that they might lawfully go into Oklahoma so long as one did not go on the tract upon which he contemplated filing a homestead entry. Relying upon this advice numerous persons did enter the Oklahoma country, in good faith, before the date set for the opening, only to learn later that by so doing they had forfeited their homestead rights in the Territory.

12. In Oklahoma City there were two municipalities for a time—Oklahoma City and South Oklahoma City—and, in Guthrie, there were three—Guthrie, East Guthrie and West Guthrie.

The "sooners" were banded together for mutual and common protection and coöperation. In many, if not most, instances it was impossible to prove that they had violated the spirit as well as the letter of the regulations under which the lands had been opened to settlement. They could not be made to testify against themselves and they would not bear witness against each other. The result was that many of the most desirable quarter sections were occupied both by a "sooner" and by a legal settler. While the latter sometimes had abundant reasons to doubt the good faith and sincerity of the rival claimant, he lacked the necessary proof to establish the facts in the case. Several years passed before all of these disputes were finally adjusted. Eventually, a number of these "sooners" were proven to have perjured themselves in testimony given before Government Land Office authorities, either in their own interest or in behalf of that of one or more of their fellow "sooners." In all such cases the "sooner" who was proven to have borne false witness was arrested, tried and, upon conviction, sentenced to a term in the penitentiary by the Territorial courts, acting in their Federal jurisdiction.¹³

The first Territorial Assembly passed an act which made it possible to hale the presumptive "sooner" before a county court on almost any pretext, and then compel him to answer the question as to his whereabouts on the day and hour that the Oklahoma lands were officially opened to settlement. The operation of this law very materially speeded up the adjustment of rival claims to many homesteads in the Territory.¹⁴ A few "sooners" are believed to have succeeded in holding on and proving up their claims—as the result of perjured declarations, of course. As tragedies subsequently happened in such families, legal settlers were wont to shake their heads, and with a knowing look, make remarks about "trouble, like chickens, coming home to roost!"

Many lines of business were overdone in the way of competition, especially in the larger towns. With but little that a lawyer could do save in the way of practice before the United States land offices, there was an oversupply of legal talent. Notwithstanding the fact that Oklahoma has never since had cause to feel the deficiency in the supply of aspiring politicians, it is probable that there were more of that class in proportion to the population during the first year after the settlement than there ever were in any other part of the country, before or since. In fact, Oklahoma suddenly became the mecca of the superfluous professional politicians of a dozen or more western states, most of whom held on for a year or two and then drifted elsewhere when they found that there was nothing for them here. The names of many who took an active part in the public affairs of the first year never appeared again in the chronicles of Oklahoma after the end of the first territorial legislative session. Comparatively few of the first mayors, councilmen, convention leaders, etc., remained as permanent citizens of the Territory.

13. Personal information secured from Charles F. Colcord, now president of the Oklahoma Historical Society, who, as sheriff of Oklahoma County, accompanied a number of "sooners," who had been convicted of perjury, to the penitentiary, where they were to be incarcerated.

14. An interesting account of a young man who had been persuaded to come into Oklahoma before the authorized date of settlement, but who refused to swear falsely, even when he knew it would cost him his homestead, is related in Appendix XLI-3.

The press of the newly settled country had its nucleus in one paper in Oklahoma City (*The Times*) and one in Guthrie (*The State Capital*), the initial numbers of which were printed outside the limits of the Territory, before it was possible to bring in and set up printing plants. The first paper actually printed in the Oklahoma country after the opening was the "Guthrie Get-up," a three column folio, which was printed on a job press, with Will T. Little as editor and publisher. The galaxy of Oklahoma's first newspaper men was a notable one, including a number who were counted as veterans and others, not less talented, who were younger in years. The newspaper business, like other lines, both professional and commercial, was overcrowded at first and there were a number of consolidations and suspensions in consequence.

Most of the pioneers of 1889 were people of very moderate means and, indeed, not a few of them were in straitened circumstances. Under such conditions it was not strange that the improvements made on many of the claims that first year were of a very modest and inexpensive character. Some of the settlers absented themselves from their homesteads during part of the following fall and winter in order to find work in some of the neighboring states. Some sold relinquishments to their claims and left the country, little, if any, better off than they were when they made the race. Others, who were no better off in the beginning, held on in spite of poverty and discouragement, and ultimately achieved a competence.

Game was very plentiful the first year, especially deer, wild turkeys, prairie chickens and quail, and, as there was no law against shipping the same at that time, many of the new settlers eked out a living by hunting. Prairie chickens were hauled to railroad stations by the wagon load during the fall and winter seasons, and other feathered game in proportionate number. Needless to add, game became very scarce in the settled part of the territory within two years after the opening.

(See Appendix LVI—2.)



CHAPTER XLIII

INDIAN LAND CESSIONS AND ADDITIONAL LAND OPENINGS

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During the spring of 1890, the members of the commission to treat with the Cherokee Nation and other tribes and nations of Indians, for the relinquishment of unoccupied lands situated west of the 96th meridian, spent much time in negotiating with the Iowa, the Sac and Fox, the Pottawatomie and the Absentee Shawnee, and the Kickapoo tribes. In May, of that year, General Fairchild resigned his membership on the commission and former Governor George W. Jerome, of Michigan, was appointed to fill the vacancy thus created. In June following, negotiations were opened with the Cheyenne and Arapahoe tribes. As the result of the work of this commission, all of the tribes above mentioned, with the exception of the Kickapoo, agreed to accept allotments of land in severalty and permit the opening of the surplus lands of their respective reservations to settlement by white people.

Opening the First Indian Reservations—The first of the surplus lands thus thrown open to settlement were those of the Iowa, Sac and Fox, and Pottawatomie-Shawnee reservations, all of which were located east of the country which had been thrown open to settlement in April, 1889. The aggregate area of these reservations was 868,414 acres and the date set for their opening to homestead settlement was September 22, 1891.¹ From the lands thus opened to settlement, two new counties were formed, in addition to which Logan, Oklahoma and Cleveland counties were enlarged by the addition of lands lying east of the Indian meridian and the area of Payne County was increased by the addition of that part lying south of the Cimarron River. One of the new counties was officially designated as County "A" and the other as County "B." In the general election of the following year (November, 1892), the people of these counties by popular vote chose the names by which they have since been known. County "A" voted to be called Lincoln County,² while County "B" chose the name of Pottawatomie.

The next land opening of surplus Indian lands to homestead settlement was that of the Cheyenne and Arapahoe Reservation, which occurred on the 19th of April, 1892.³ This reservation had an area of 3,500,562 acres and from it six new counties, respectively designated as "C," "D," "E," "F," "G," and "H," were formed. These counties were subsequently named Blaine, Dewey, Day, Roger Mills, Custer and Washita, respectively. Kingfisher and Canadian counties were enlarged also by the addition of considerable areas from

1. U. S. Statutes at Large, Vol. 27, pp. 989-93. The executive proclamation for the opening of the Sac and Fox and Pottawatomie reservations was issued on September 18, 1891, only four days before the proposed opening.

2. In the campaign in County "A," nominations for the county's name were made by the several political parties. The Republican County Convention proposed the name of Lincoln; the Democratic Convention advocated the naming of the county Sax and Fox; the Populists proposed to call it Weaver, for General James B. Weaver, of Iowa, then the Populist nominee for President. The name of Lincoln was most popular.

3. U. S. Statutes at Large, op. cit., Vol. 27, pp. 1018-21.

the Cheyenne and Arapahoe Reservation. County seat townsites were chosen in advance of the opening and were reserved from homestead entry.

No land districts were established for either of these land openings. The lands thrown open September 22, 1891, were apportioned to the Guthrie and Oklahoma City land districts⁴ and all the lands of the Cheyenne and Arapahoe country were likewise apportioned to existing districts, to the great inconvenience of settlers who lived far from the district land office. Indeed, every time new lands were to be thrown open to settlement, some of the land office officials, whose perquisites and fees were running below the maximum, were wont to hie themselves to Washington and scheme for an enlargement of the bounds of their respective districts.

There had been much complaint of "sooners" taking the best lands in the first opening, in April, 1889. There was still more complaint in the land openings of September, 1891, and April, 1892, so much, in fact, that it was expected that there would be some modification of the plans for future land openings.

The Cherokee Outlet—After nearly four years of negotiation, the Cherokee Nation, through its principal chief and legislative council, ceded its claims to the Cherokee Outlet (more commonly called the Cherokee Strip) to the Government, May 19, 1893. Great interest was manifested throughout the West in the proposed opening of the lands thus secured for homestead settlement. On August 19, 1893,⁵ President Cleveland issued a proclamation, giving due notice that the lands of the Cherokee Outlet, together with the surplus lands of the Pawnee and Tonkawa reservations, would be thrown open to settlement at noon on the 16th day of September. Elaborate rules were said to have been designed for the especial purpose of preventing "sooners" from entering the Outlet in advance of the prescribed hour. Four new land districts were to be established with offices respectively at Perry, Enid, Alva and Woodward. In order that there might be some means of keeping "sooners" out of the country, for those intending to file on lands in the Outlet, nine registration booths were established at different points around the border. At these booths, intending settlers were to file a declaration in writing, showing their qualifications for the right to make a homestead entry.⁶ A certificate was then issued by the registry clerks and this was attached to the declaration already made out and the whole was to be preserved by the entryman for his identification when he appeared at the district land office after the opening for the purpose of filing his homestead claim upon a given quarter section of land.

The opening of the Cherokee Outlet was not a pleasant incident in the

4. Oklahoma City land district was opened by provision of an act of Congress, September 1, 1890.

5. U. S. Statutes at Large, op. cit., Vol. 28, pp. 1222-37. This proclamation was much longer than any similar document previously issued, which gives all the details, rules, regulations and stipulations which it embodied.

6. Naturally, every intending "sooner" visited one of these booths and registered before making his way into the country to be opened. In fact, registration certificates were regarded as a huge joke by all of the "sooners." An account of how a group of "sooners" were dispossessed, without the formalities of legal procedure, in the Red Rock Creek Valley, in the northern part of Noble County, is related in Appendix XLIII-1.

history of Oklahoma. In the first place, the season had been hot and dry and, in consequence, water was scarce and dust drifted in every breeze. Vast throngs of people came to the opening; the registration booths were insufficient in number as well as clumsy and impracticable in the service rendered. People stood in line at the booths all day in the hot sun and, when the clerks quit work for the day, in the evening, the lines of waiting applicants were scarcely diminished in number. Such lines remained in formation throughout the night so that each might reach the booth in due turn the next morning. Under such circumstances, there was naturally considerable suffering. In some instances, women as well as men were found standing in line for hours, in order to qualify for the privilege of filing a homestead entry.

Aside from the registration booths and the formalities incident thereto, the opening of the Cherokee Outlet did not differ materially from those which had preceded it in 1889, 1891 and 1892. The same vast throngs gathered on the border of the "promised land." There was the same variety of equipment and preparation for the race; the same suppressed excitement as the eventful hour drew near and, when the signal was given, there was the same wild race to possess the wilderness lands which would be wild no more. But this was not all—ah, no—for lo, when the homesteader who had bided the time in good faith, came to the land that should have been his by right, there was the "sooner," with no sign of sweat on the hair of his untired horse, aye, and with a registration certificate in his possession! What wonder that there was more complaint than ever, or that there was official scandal, with much talk of incompetency or corruption (or both) on the part of some of the officials directly concerned.⁷

Perry was eight miles from the line, yet there were one hundred horsemen on the townsite seven minutes after the hour appointed for the opening. "'Soonered' in the most approved fashion," was the comment of thousands of disgusted people who had waited on the line until the signal for the beginning of the race had been given.⁸

It was estimated that 30,000 people entered the Outlet from Arkansas City and its vicinity. Vast crowds were also gathered at Caldwell, Kiowa, Englewood and intermediate points on the border. Likewise, on the southern border of the Outlet, at Orlando, Hennessey and intermediate points, the line was crowded with people. Perry probably had a larger population the first night of its existence as a settled town than it had for many years afterward, if, indeed, it can even yet equal in numbers the people who sojourned there so briefly for a day or two at the opening.

By the opening of the Cherokee Outlet, there were added to the settled and organized portions of Oklahoma seven new counties, which were respectively designated as "K," "L," "M," "N," "O," "P," and "Q." The names subsequently adopted by vote of the people of these counties respectively were Kay, Grant, Woods, Woodward, Garfield, Noble, and Pawnee.

7. For one instance in which selfishness did not put its blemish on the opening of the Cherokee Outlet, see Appendix XLIII-2.

8. As in previous land openings, numerous race horses were brought to the border and specially groomed and trained to take their riders into this race for claims, for horses were still helping to make history in those days. For stories of some of the horses which made the run into the Cherokee Outlet on the opening day, see Appendix XLIII-3.

Opening of the Kickapoo Reservation—The reservation of the Kickapoo Indians was located in Lincoln, Oklahoma and Pottawatomie counties. As a tribe, the Kickapoos have always been numbered among the most conservative Indians. They did not want to adopt the ways of the white people and they were bitterly opposed to accepting individual allotments of land for personal fee simple ownership. The Government Commissioners, seemingly, could make no headway in the effort to induce them to accept allotments and sell their surplus lands. It is said that they were finally induced to sign a power of attorney to certain persons, ostensibly for the purpose of collecting some money alleged to have been due the Kickapoos, and that this power of attorney was used in signing an agreement on behalf of the Kickapoos to accept allotments and sell their surplus lands, in order that same might be thrown open to settlement under the homestead laws. The lands were opened to settlement by the usual executive proclamation and race, May 25, 1895.⁹ The Kickapoos were never satisfied, most of them leaving and going to Mexico for a time. The migration to Mexico aided, if not instigated, by scheming white men conspired to buy Kickapoo allotments for a mere fraction of their value. This resulted in a scandal and a Congressional investigation which is alleged to have covered up quite as much as it exposed.¹⁰

Greer County—When the Government exploring expedition of Captain Marcy and McClellan traversed Southwestern Oklahoma, in the spring and summer of 1852, it did some very effective work, but a serious mistake was made in drawing the maps which accompanied its report. This blunder consisted in locating the 100th Meridian (which then as now constituted the eastern boundary of the Texas Panhandle) just one degree too far east. This made its intersection with the Red River at a point near the mouth of the North Fork of the Red River; hence all the lands lying between the Red River and the North Fork apparently fell within the territorial dominions of the State of Texas. Moreover, the Marcy report habitually referred to the Red River, above the mouth of the North Fork, as the Ke-che-ah-que Hono, which in the language of the Comanche Indians, meant "Prairie Dog Town River," while its principal tributary from the north in its upper course was always called the North Fork of the Red River rather than by its Comanche name, which was Mobeeteh Hono, meaning "Walnut River." Now, by the terms of a treaty with Spain in 1819, the 100th meridian of longitude west had been determined upon as the boundary between the United States and the Spanish dominions from the Arkansas River south to the Red River. Of course the accidental miscalculation as to the location of the 100th Meridian on Marcy's maps could not affect the international boundary which in the course of time had come to be a boundary between the State of Texas and the Indian Territory, but the substitution of the name of Kecheaque Hono, or Prairie Dog Town River, for that of the Red River, made it possible for the State of

9. U. S. Statutes at Large, op. cit., Vol. 29, pp. 868-70. Proclamation for this opening was issued May 23, 1895, only two days' notice being given.

10. The published report of the Senate sub-committee which conducted the investigation of the Kickapoo frauds is contained in Senate Document No. 215, 60th Congress, 1st Session, comprising 2,400 pages in three volumes. Kickapoo Reservation, Vol. XXIX, May 23, 1895, pp. 868-70.

Texas to assert that the meridian boundary line ended at its intersection with the channel of the North Fork. The authorities of that state therefore laid claim to all the lands lying between the Red River, proper, and the North Fork of the Red River.

In assertion of this claim, the Legislature of the State of Texas created a county of the region embraced between the Red River, the North Fork and the 100th meridian, which was named Greer, in honor of John A. Greer, who was once a Lieutenant-Governor of Texas. But, though it was thus dignified by name and bounds, it was destined to remain for a score of years as a part of the wilderness of the Great Plains, the grazing ground of the buffalo herds and the hunting range of the untamed Comanches and Kiowas. During the 'seventies it was occasionally visited by white buffalo hunters from the Texas frontier, though that was a very hazardous field for such operations, then, as the Indians were hostile to all white hunters then found in that region.

In 1880 and 1881, the first cattlemen began to seek ranges for their stock in Greer County, establishing their ranches at places which were conveniently near a dependable water supply. Other settlers arrived and located in various parts of the county during the course of the next few years. In 1884, the Federal Government took cognizance of their presence, President Arthur issuing a proclamation warning them against trespass, and in 1885, troops were sent to expel the settlers as intruders.¹¹ They were merely warned to leave, however, and none of them paid any attention. Practically all of the settlers were from Texas, and they felt assured of the moral support of the authorities and people of that State, so the situation was scarcely analogous to that of the "boomers" in the Oklahoma country. The order for the expulsion of the settlers was afterward modified as the result of representations made the Texas authorities. A year later (August 1, 1886), Greer County was formally organized as a county of the State of Texas.

While the dispute between Texas and the Federal Government as to the ownership of Greer County was of long standing, neither party to the controversy had been in haste to press for a settlement of the same. Bills were introduced into Congress at various times to provide for the adjudication of the conflicting claims, but nothing ever came of such efforts. Finally, when the Organic Act was passed by Congress, in the spring of 1890, one section made it mandatory that the Attorney-General of the United States should file in the Federal Supreme Court, a suit in equity to determine the long standing dispute. There followed several years of careful preparation for the trial of the issue. The archives of Mexico and Spain were searched; an elaborate set of copies of old maps was procured and depositions were taken in many places both in Texas and Oklahoma. Nearly six years had passed since the Organic Act had authorized and directed the beginning of the suit before the Supreme Court of the United States rendered its decision in the Greer County case, March 16, 1896.¹²

The court of the Forty-sixth Judicial District of Texas was in session at

11. U. S. Statutes at Large, op. cit., Vol. 23, pp. 835-36.

12. Testimony of the Greer County case, which was styled *United States vs. Texas*, was taken in 1894. The case was argued before the Supreme Court on October 23, 24, and 25, 1895, and the decision was handed down nearly five months later. A full text of this decision will be found in *Supreme Court Reporter*, Vol. 16, pp. 725-54.

Mangum, with the late Justice G. A. Brown, of the Oklahoma Supreme Court, then a resident of Vernon, Texas, presiding as district judge, and a trial was in progress when a mounted courier arrived from Quanah, Texas, with the announcement of the decision of the United States Supreme Court in the Greer County case, which had been handed down the day before. Without the formality of adjourning the court, Judge Brown stated that he had no jurisdiction in Greer County, and he returned forthwith to Texas.¹³

John F. Lacey, of Iowa, introduced a bill (H. R. 7905) to establish and provide for the government of Greer County, Oklahoma, on April 2, 1896—four days after the Supreme Court decision in the Greer County case.¹⁴ It was reported back with amendments (House Report 1434), on April 21.¹⁵ The next day the bill was debated, further amended and passed.¹⁶ It was immediately transmitted to the Senate, referred to a committee, which reported favorably in a short time and, as an emergency measure, was quickly adopted, and passed the same day that it had passed the House. It was approved by the President, May 4, 1896.

Representative Jeremiah V. Cockrell, of Texas, had introduced a bill (H. R. 7718) to provide for the opening of the Greer County lands to homestead entry under the United States land laws. This bill was referred to the House Committee on Public Lands, which reported a substitute measure (H. R. 7945). This bill was briefly amended and passed, immediately after the passage of the bill to establish and provide for the government of Greer County.¹⁷ One of the purposes of this bill was to give actual settlers, already on the land, a six months' preference right to any quarter section included within the limits of lands so occupied and used by such settlers, such homesteads to be free, except for the customary land office fees. Each settler was also to have the privilege of purchasing an additional quarter section of land at \$1.00 per acre.¹⁸ This Greer County Homestead Act also provided for the establishing of a government land office at Mangum. It did not come up for consideration in the Senate during that session, but was passed by the Senate on the 7th of January, 1897, and was approved by the President on the 28th of the same month.

The area thus added to the settled and organized part of Oklahoma was larger than either of the states of Delaware and Rhode Island. In addition to the present Greer County, it included all of the counties of Harmon and Jackson, and also part of Beckham County, which is located south of the North Fork of the Red River.

13. From personal information furnished to the writer (J. B. T.) by the late Justice G. A. Brown.

14. Congressional Record, Vol. XXVIII, p. 3532. The bill was referred to the House Committee on Judiciary, which recommended its report with amendments (H. R. 1434) on April 21, 1896.

15. *Ibid.*, p. 4244.

16. *Ibid.*, pp. 4273-74. The text of the Greer County bill, with amendments, may be found on the pages just cited.

17. *Ibid.*, pp. 4274-76.

18. The suggestion of including the privilege of purchasing an additional quarter section of land was reputed to have been made by Judson Harmon, who was attorney-general in the cabinet of President Cleveland. It is of interest to remark in this connection that when a new county, composed of a portion of the former area of Greer County was to be formed, it was named Harmon County, at the urgent insistence of pioneer settlers, as a mark of their appreciation of Attorney-General Harmon's thoughtful action in their behalf.



VIEW OF KINGFISHER, AFTERNOON OF APRIL 22, 1889
The only Building (on extreme left of picture) is the Government land office.



THE BEGINNING OF THE TOWN OF POND CREEK (NOW JEFFERSON), GRANT COUNTY,
OKLAHOMA

The Last Great Land Opening—On the 6th of October, 1892, David H. Jerome, Alfred M. Wilson and Warren G. Sayre, as commissioners on the part of the Government, concluded an agreement with the Indians of the Comanche, Kiowa and Plains Apache tribes, whereby the people of those tribes were to accept allotments of land in severalty and cede the surplus lands to the Government in order that the same might be thrown open to settlement under the homestead laws. On the 4th of June, 1891, a similar agreement had been entered into with the Indians of the Wichita, Caddo and affiliated tribes and bands for a like purpose by the same Government commissioners.¹⁹ In those days, however, much of the land in both reservations was leased to cattlemen, who were naturally very reluctant to quit business. It was evident that some if not all of the cattlemen had friends in Congress, as it was nearly four years before an act was passed approving the agreement made with the Wichitas and affiliated bands and tribes and nearly eight years before the Comanche-Kiowa-Apache agreement was similarly ratified by Congress.²⁰ Then, even after the Wichita agreement had been duly ratified, the opening of its surplus lands to homestead settlement was deferred from year to year until the other agreement had been ratified and another year was consumed in delays before the opening proclamation was issued by President McKinley.

Allotments were made and the two reservations were resurveyed, many of the marks of the original surveys (made nearly thirty years before) having disappeared. The Fort Sill military reservation was enlarged²¹ and a forest reservation in the heart of the Wichita Mountain range was reserved from settlement.²² Pasture reservations aggregating 500,000 acres were also withheld from the homestead entry—ostensibly for the benefit of the Indians, but really as an act of accommodation to favored cattlemen. At last, on the one hundred and twenty-fifth anniversary of the signing of the Declaration of American Independence, President McKinley issued a proclamation giving due notice that the surplus lands of the Comanche-Kiowa-Apache and the Wichita-Caddo Indian reservations should be thrown open to homestead settlement on and after the 6th day of August, 1901,²³ and prescribing the rules and regulations for the government of such proceedings. These rules and regulations differed radically from any of those which had been adopted or used in preceding land openings.

Distribution of Homestead Privileges by Lot—In order to prevent the disorders which had attended former land openings, the new rules drawn up

19. The Wichita-Caddo agreement was ratified by an act of Congress, approved March 2, 1895. U. S. Statutes at Large, Vol. 28, pp. 794-99.

20. The Comanche-Kiowa-Apache agreement was ratified by an act approved June 6, 1900. U. S. Statutes at Large, Vol. 31, pp. 676-81.

21. A statement concerning the establishment of the Wichita Mountain Forest Reserve and its subsequent development as a game preserve will be found in Appendix XLIII-4.

22. For an account of the enlargement of the Fort Sill Military Reservation, its purposes and ultimate results also, see Appendix XLIII-5.

23. The text of the President's proclamation for the opening of the Comanche and Kiowa country and the Wichita-Caddo country may be found in U. S. Statutes at Large, Vol. 32, pp. 1973-81.

by the Secretary of the Interior, and included in the executive proclamation, directed that all persons desiring to take up homesteads on the surplus lands of either reservation should be allowed to register; that the names so registered should be written on cards and enclosed in envelopes, which envelopes were to be thoroughly shuffled and then drawn out and numbered, the applicants to be permitted to file in turn on homestead claims at the district land offices in the order that their names were thus drawn. Thus, at last, it was hoped and believed that the "sooner" was effectually circumvented.

Two new land districts were created, with offices at El Reno and at Lawton, and all registration had to be done at one or the other of these two places; though any person could register for either district or reservation at either land office, no one was permitted to register for a chance in both. The offices were opened for registration on July 9 and the drawing began August 6. The work of shuffling and drawing the envelopes was all done at El Reno. With about 16,000 quarter sections subject to homestead entry, there were ten times that many registrations, so interest was keyed up to a high pitch when the day arrived for the beginning of the great "land lottery," as it was called. In the meantime, El Reno had been about the busiest place in the whole country. Every incoming train was crowded. Several registration offices had to be provided. Numerous notaries did a thriving business in filling out and certifying to registration applications. The center of the principal business streets was leased out to booths and refreshment stands. Gamblers and sharpers plied their wiles and fleeced the unwary. Land office officials had a small army of clerks and assistants on hand. Many were the expedients resorted to in order to make money. Certain self-appointed persons (doubtless with the connivance of land office clerks) charged the people ten cents apiece for forming them in line at the registration offices and most people laughed as they paid it, even though they knew it was a species of petty extortion. While it has been asserted that there was some sleight of hand performance by which the sealed envelopes of several favored ones were slipped into the drawing for the first two or three days, there were no grounds for it beyond a vague suspicion and, on the whole, the system gave much less grounds for complaint than any that had been tried before.

Three New Counties—Three new counties, designated as Caddo, Comanche and Kiowa, were added to the organized portion of the Territory as the result of the opening of these reservations. The townsites of their county seats were reserved from entry, were surveyed and platted, and the lots were sold at auction to the highest bidders, the Government devoting the proceeds to public improvements and other public purposes for the towns and counties—such as the erection of courthouses, waterworks, bridges, schoolhouses, etc.

The pasture reservations, for the segregation of which there had been much just criticism, were thrown open to settlement five years after the opening of the reservations, the land being placed on the market and sold to the highest bidders. Thus, excepting only the reservations of the Osage, Kansas, Ponca and Otoe-Missouri tribes of Indians, all of the unallotted lands of Oklahoma Territory were finally thrown open to settlement.²⁴

24. U. S. Statutes at Large, op. cit., Vol. 34, pp. 213-14.

CHAPTER XLIV

POLITICAL AFFAIRS IN OKLAHOMA TERRITORY

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POLITICAL AFFAIRS IN OKLAHOMA TERRITORY.

When both houses of the Legislative Assembly were finally organized after all this preliminary jockeying and maneuvering, there was manifest a feeling of tension that boded no good for other work of the session. On the 2d of September, James L. Brown, member of the Council from Oklahoma City, introduced the following bill, which was designated as Council Bill No. 7:

AN ACT TO LOCATE AND ESTABLISH THE SEAT OF GOVERNMENT OF THE TERRITORY OF OKLAHOMA. Be It Enacted by the Council and House of Representatives of the Legislative Assembly of the Territory of Oklahoma:

SECTION 1. That the seat of government of the Territory of Oklahoma be and the same is hereby located and established at Oklahoma City, in the said Territory of Oklahoma.

SECTION 2. That the offices of the executive officers of said Territory of Oklahoma shall be removed from Guthrie to Oklahoma City, and the seat of government there located and established between the first and fifteenth days of February, A. D. 1891, until which time they shall be and remain at Guthrie, in said Territory.

SECTION 3. That the first session of the Legislative Assembly of the Territory of Oklahoma convened after February first, 1891, shall assemble at Oklahoma City, at such time as may be provided by law.

SECTION 4. If the Supreme Court of the Territory of Oklahoma be, on February first, 1891, holding a term, that term shall be completed at Guthrie, and when adjourned, its offices shall be removed to Oklahoma City, and all future sessions of that court shall be held at Oklahoma City. If the said court is not in session on February first, 1891, its offices shall be removed at the same time the executive offices are removed. All matters pending before that court shall be transferred to Oklahoma City, and there proceeded with, with like force and effect as though the seat of government of said Territory had remained at Guthrie.

SECTION 5. If from any cause the removal of said offices be delayed beyond February eighth, 1891, they shall be transferred as soon as the cause of the delay is removed.

SECTION 6. On January fifth, 1891, or within five days thereafter, the Governor shall issue and publish his proclamation giving notice that the seat of government shall be so removed, of which all persons shall take due notice.

SECTION 7. This act shall be in force from and after the adjournment of the present term of this Legislative Assembly.

President Gardenhire, of the Council, who represented a Payne County constituency, introduced a bill (Council Bill No. 32) locating the proposed Territorial Agricultural College in that county. All interest in anything other than the capital location measure seemed to be lacking, however, and two weeks passed with little or nothing in the way of legislative achievement. On the 16th of September, the capital location bill came up for consideration in the Council and, after debate, was passed by a vote of seven to six. Thence the measure went to the House of Representatives, where it was referred to a committee. The bill slept in the committee's hands for two weeks, during which time there was much caucusing and counseling on the part of both factions. On the 1st of October, it was called up, amended, and passed by a vote of fourteen to twelve. The Council concurred in the House amendment the next day and then the bill went to the Governor.

Governor Steele had ten days in which to consider the matter before approving or disapproving the measure, and he availed himself of the full time thus allowed. The events which occurred in legislative circles during that interval were not at all creditable to either the supporters or the opponents of the capital removal measure. Schemes, plots, counter-plots and intrigues, many of which were of the most despicable and disgraceful character, followed one another in rapid succession. Governor Steele listened to the arguments and representations of both sides, but did not commit himself in a message to the Legislative Assembly until the time allowed by law for executive consideration had nearly expired. As time wore on, interest in the probable attitude and action of the Governor developed into a feeling of feverish anxiety. Although both houses of the Legislative Assembly were nominally in session, they each ceased to make even a pretense of transacting any business. The lobbies were crowded with an eager, expectant throng of people, waiting in almost breathless silence for the words of the Governor's message—words which, in the over-wrought imagination of the hour, were supposed to be freighted with fate for the two aspiring rival communities, ay, words which, by many on both sides, were supposed to be filled with the promise of certain prosperity and greatness to the favored town, while the same words were supposed to be equally prophetic of the doom and decadence of the defeated town, so short-sighted is human judgment in the heat of passionate conflict!

It was in the middle of the afternoon of the 13th of October, when the following message from the Governor of the Territory was received and read in the Legislative Assembly:¹

TERRITORY OF OKLAHOMA, EXECUTIVE OFFICE, GUTHRIE, October 13, 1890.

To the Honorable President of the Council, Territorial Legislature:

I have the honor to return herewith Council bill number seven, presented to me for my concurrence, and shall not stop to decide which of these two sections, 1st or 2d, really is intended to locate the capital; nor call particular attention to section four, which, it seems to me, takes broad ground in dealing with the Supreme Court; nor to remark the oversight in not amending section five to make it conform to section one; neither shall I take time to remark on the enacting clause, or as to whether the bill before me is the bill which passed the House; for, with reference to the first proposition, the very industrious and able Councilor from Oklahoma has presented authorities which to my mind support the legality of the enacting clause. On the second proposition, it is clear to my mind that the bill was duly compared by as many members of the enrolling committee as are usually present when bills are compared, and that the enrolled copy, known as the "Daniels Bill," was duly compared with the bill which passed both houses, was properly engrossed, found to be correct, and was taken to the House by a member of said committee, and a verbal report made the Speaker, who signed the bill, passed it to the clerk of the House for signature, who also certified to its correctness and handed it back to the Speaker; then came the unusual proceedings of the Speaker handing the bill back to the member of the enrolling committee before mentioned, who hastily proceeded to the Council chamber, and found Council had adjourned. Upon reflection, I suppose it was concluded that the House adjourned or was adjourning when the Speaker signed the bill; that a motion was pending making a reconsideration of the vote and passage of the bill, and that the bill was not regularly out of the committee on enrolled bills, because no report had been prepared as rules required.

However, the bill went from the member of the House committee on enrolled bills (who had reported it as correct to Speaker Daniels) to a member of the Council committee on enrolled bills; and if adjournment had not been unusually early on that day and he had made

1. Journal of the First Legislative Assembly of Oklahoma Territory, pp. 291-93.

a verbal report to the Council, the same as had been made to the House, and the president had affixed his signature thereto, it is not likely the legality of the proceedings would have been questioned by the friends of the bill.

The following morning, however, upon an announcement by Speaker Daniels that he had inadvertently signed the bill, and requesting its return, the House passed a resolution requesting the Council to return the bill, with a view to permitting him to erase his signature therefrom, which resolution was not acted upon by the Council. The chief clerk of that honorable body directed the enrolling clerk to make a new copy, which was done, and the joint committee on enrolled bills reported it favorably to the respective houses as being a correct copy of the engrossed bill, and said bill was permitted to go through both houses without serious opposition, and my opinion is it is not defective in that particular.

It is claimed by able Councillors and Representatives that the Governor should do some affirmative act in the matter of locating or relocating the capital, but have presented no authorities to sustain this view, nor have I been able to learn if there has ever been a decision directly bearing on the question; for in the Dakota case presented by the honorable Councillor from Oklahoma, the Governor had approved a bill for the delegation of the authority possessed by the Governor to the legislative assembly, or to a commission; but there is no question in my mind as to the legality of a location where a bill is passed in regular order and concurred in.

It is not my province to hearken to the reports of there having been formed a combination at the opening of your session by which certain officers were elected in the consideration of votes being influenced favorably to the proposed site, yet, could I be certain the editorial in the "Norman Advance" emanated from the honorable Councilor, its reputed editor, there would seem to be ground for the rumor.

It may not be improper for me to recur to my special communication to your honorable body on September 17th, transmitting a copy of the law in reference to the agricultural college, urging that in locating the various necessary institutions, opportunity be given by competition to localities desiring them; donations and other advantages peculiar should be considered and the taxpayers of communities receiving no direct benefit correspondingly relieved.

Section fifteen of the organic act declares that "the Legislative Assembly of the Territory of Oklahoma shall hold its first session at Guthrie, in said Territory, at such time as the Governor shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the Governor and Legislative Assembly shall proceed to locate and establish the seat of government of said Territory at such place as they may deem eligible, which place, however, shall thereafter be subject to change by the said Governor and Legislative Assembly."

I need not say to the honorable Councilors and Members that "locate and establish" in the foregoing section is to adopt or form a fixed residence, to make steadfast, to settle firmly, to fix.

The bill does not, it seems to me, pretend to establish a permanent location for the capital by either donations of money or land, as has been done in every instance so far as I have been able to learn where capitals have been "located and established."

It is not urged that the proposed location is more healthful or nearer the center of population.

In this bill no arrangement is made for offices for the various officers of the Territory, nor halls for the Legislature, nor is any one designated or authorized to do so.

It is my sincere hope and belief that large areas of territory will be added to what we now have before the date fixed in the bill for removal, in consequence of which the center of population may be materially changed, and thereby furnish better reason than it seems to me are now presented for changing the present temporary site.

In consequence of all of which I must return Council bill number seven without my approval.

GEO. W. STEELE, Governor.

Although it dealt with a question of what seemed to be momentous interest to many of the inhabitants of the young Commonwealth, Governor Steele's veto message can scarcely be rated as a great state paper. A temporary political sojourner in the Territory himself, the tone of contentiousness was so manifest in his message as to more than neutralize any effort to appear impartial. Yet it may well be doubted if it could have been otherwise if the capital location measure had received his official sanction and approval, but regard-

less of how sincere his convictions or how disinterested his action, he was bound to incur the displeasure if not the enmity of a large part of the people of Oklahoma, no matter which horn of the dilemma he might choose. Indeed, fate would doubtless have been equally unkind to any man who happened to be filling the office of Governor of the Territory of Oklahoma just at that time.

Brief as was the period between the convening of the Legislative Assembly and the passage of the measure for the location of the capital, it was long enough for Oklahoma City—Payne County combination to break. When President Gardenhire, of the Council, wanted to make his bill for the location of the Agricultural College a special order for the first of October, and the Oklahoma City contingent refused, he repudiated the agreement and voted against the Council concurrence with the House amendment to the capital location bill. Fortunately for the Oklahoma City leaders, they were enabled to induce one of the opposition members of the Council (C. F. Grimmer, of Beaver County) to come to their aid and thus save the bill. Nor was the Guthrie-Kingfisher combination any more stable or enduring.

There was a great deal of parliamentary "horse-play" in the sessions of the Legislative Assembly, much time being wasted on trivial motions and unnecessary roll calls. The following minutes of the proceedings of the House of Representatives on the afternoon of October 15, 1890 (the fiftieth day of the session), serves to illustrate the manner in which time was wasted by such tactics:²

Roll call; all present except Colson and Long.

By Robertson—House Bill No. 46. An act to provide for taking up domestic animals and strays. Read and referred to Committee on Agriculture.

By Trosper—House Bill No. 47. A bill to prohibit the manufacture and sale of alcoholic liquors in the Territory of Oklahoma, except for medical, scientific and mechanic purposes, and to regulate the manufacture and sale thereof for such purposes. Read and referred to the Committee on Liquor Traffic.

By Waggoner—House Bill No. 48. An act regulating foreign insurance companies transacting business in the Territory of Oklahoma. Read and referred to the Committee on Insurance.

By Mr. Campbell—House Resolution No. 17.

Resolved, By the House of Representatives of the Legislative Assembly of the Territory of Oklahoma:

1st. That all action on questions involving county seats and county lines, the capital removal and the location of public institutions are hereby postponed until after the 15th day of November, A. D. 1890.

2d. That the above order of the House can only be changed or rescinded by a vote of two-thirds of the members thereof.

Mr. Campbell moved to adopt the resolution.

Mr. Post moved to lay the resolution on the table.

Roll call being called, there were eleven ayes and thirteen nays. Those voting in the affirmative were: Farnsworth, Jones, Neal, Pack, Peery, Post, Stovall, Talbot, Terrill, Trosper, Waggoner. Those voting in the negative were: Adair, Barker, Campbell, Clark, Currin, Lewis, Mathews, Mertens, Robertson, Smith, Tritt, Wimberly, Mr. Speaker (Daniels). So the motion failed.

Mr. Currin moved to reconsider the vote by which the motion to lay the motion to adopt the resolution on the table was lost. The Chair ruled the motion out of order. Mr. Currin appealed

² Journal of the First Session of the Legislative Assembly of Oklahoma Territory, Vol. I, pp. 307-09.

from the decision of the Chair. The roll being called, there were seven in favor and sixteen against sustaining the Chair. The roll being called, those voting in the affirmative were: Barker, Campbell, Clark, Lewis, Robertson, Smith, Wimberly. Those voting in the negative were: Adair, Currin, Farnsworth, Jones, Mathews, Neal, Pack, Peery, Post, Stovall, Talbot, Terrill, Tritt, Trospen, Waggoner, Mr. Speaker. So the Chair was not sustained.

The roll being called on the motion to reconsider there were: Ayes, twelve, nays, twelve. Those voting in the affirmative were: Currin, Farnsworth, Jones, Mathews, Neal, Pack, Peery, Post, Stovall, Talbot, Trospen, Waggoner. Those voting in the negative were: Adair, Barker, Campbell, Clark, Lewis, Merten, Robertson, Smith, Terrill, Tritt, Wimberly, Mr. Speaker. So the motion failed.

Mr. Waggoner moved the following amendment:

3d. That it shall take a two-thirds vote of all the members of the House to adopt this resolution.

Which was ruled out of order. Mr. Jones appealed from the decision of the Chair. The roll being called on the question, shall the decision of the Chair be sustained? there were: Ayes, eleven; nays, twelve. Those voting in the affirmative were: Adair, Barker, Campbell, Clark, Lewis, Robertson, Smith, Terrill, Tritt, Mr. Speaker. Those voting in the negative were: Currin, Farnsworth, Jones, Mathews, Neal, Pack, Peery, Post, Stovall, Talbot, Trospen, Waggoner. So the Chair was not sustained.

The roll being called on the adoption of the amendment, there were: Ayes, eleven; nays, twelve. Those voting in the affirmative were: Currin, Farnsworth, Jones, Mathews, Neal, Pack, Peery, Stovall, Talbot, Trospen, Waggoner. Those voting in the negative were: Adair, Barker, Campbell, Clark, Lewis, Merten, Post, Robertson, Smith, Terrill, Tritt, Wimberly, Mr. Speaker. So the amendment failed.

Mr. Currin moved to reconsider the vote by which the amendment failed. The roll being called there were twelve ayes and twelve nays. Those voting in the affirmative were: Currin, Farnsworth, Jones, Mathews, Neal, Pack, Peery, Post, Stovall, Talbot, Trospen, Waggoner. Those voting in the negative were: Adair, Barker, Campbell, Clark, Lewis, Merten, Robertson, Smith, Terrill, Tritt, Wimberly, Mr. Speaker. So the motion failed.

Mr. Campbell moved to the previous question. The roll being called, there were eleven ayes and thirteen nays. Those voting in affirmative were: Adair, Barker, Campbell, Clark, Lewis, Merten, Robertson, Smith, Terrill, Tritt, Wimberly. Those voting in the negative were: Currin, Farnsworth, Jones, Mathews, Neal, Pack, Peery, Post, Stovall, Talbot, Trospen, Waggoner. So the motion failed and the previous question was not ordered.

Mr. Post moved to adjourn. The roll being called, there were fifteen ayes and nine nays. Those voting in the affirmative were: Adair, Currin, Farnsworth, Mathews, Neal, Pack, Peery, Post, Stovall, Talbot, Tritt, Trospen, Waggoner, Wimberly. Those voting in the negative were: Barker, Campbell, Clark, Lewis, Merten, Robertson, Smith, Terrill, Mr. Speaker. So the House adjourned.

E. L. GAY, Chief Clerk.

On the morning of the 16th of October—three days after the veto of the bill for the location of the capital of the Territory at Oklahoma City, by Governor Steele—Representative J. C. Post, of Kingfisher, moved a suspension of the rules to enable him to introduce a bill. After much parliamentary sparring, including motions to table, to reconsider lost motions, to adjourn, etc., the previous question was ordered and Mr. Post introduced House Bill No. 49, entitled "An act to locate and establish the seat of government of the Territory of Oklahoma and providing for the erection of capitol buildings and for temporary offices." Mr. Post then moved that the bill be read a second and a third time and placed upon its passage. Motion to lay the bill on the table, to divide the question, to substitute, to adjourn, to reject the bill, etc., followed each other in rapid succession, with roll calls on each, and thus matters stood at the end of the forenoon session.

When the House reassembled in the afternoon, the struggle was resumed,

with obstructive motions, points of order and movements to adjourn still continued. It was finally brought to a vote, just before the end of the afternoon session, the vote standing twelve for the passage and eleven against, with three members absent or not voting, thus failing the passage for lack of a constitutional majority. On the next day, however, the bill was again called up and, after protracted maneuvering on the part of the opposition, was passed by a vote of fourteen for, to one against, ten members present and not voting and one member absent. The purpose of House Bill No. 49, was to locate the capital of the Territory at the town of Kingfisher. Incidentally, it should be stated that the Guthrie-Kingfisher legislative combination had gone to pieces and the partisans of Guthrie found it necessary to effect a new alignment in order to hold the capital. But, though the new capital location measure was seemingly in the interest of Kingfisher, the fight was not between Kingfisher and Guthrie, but between Guthrie and Oklahoma City—the hand was the hand of Esau (Kingfisher), but the voice was the voice of Jacob (Oklahoma City), and not until twenty years later was the rivalry, thus engendered, to be finally settled by vote of the people.

In the Council, House Bill No. 49 not only encountered the usual amount of parliamentary obstructive tactics, but was also amended in a number of its details. The measure was finally brought to a vote and was passed by a vote of nine to four, October 24. In order to make it safe from interference, a motion was made by one of the majority (James L. Brown, of Oklahoma City) to reconsider, the mover immediately entering another motion to lay the motion to reconsider on the table. When one of the opposition members (John Foster, of Logan County) gave notice that on the next day he would move a reconsideration of the vote by which the motion to reconsider the bill had been tabled, Mr. Brown, of Oklahoma City, immediately moved a reconsideration of the motion to table the motion to reconsider the bill, which was promptly defeated by the majority, including the mover of the motion. When the amended bill was returned to the House it again had to run the gauntlet of obstructive parliamentary tactics, but the House voted, fifteen to ten, to concur in the Council amendments, November 10.

Although the measure thus passed for the purpose of locating the capital of the territory at Kingfisher had been framed with a view to meeting the objections set forth by Governor Steele in his disapproval of the previous capital location bill, he vetoed it also, the following being a copy of his message:

GUTHRIE, November 18, 1890.

To the Speaker, House of Representatives, Territorial Legislature:

I think a fair construction of Section 15 of the Organic Act which recites as follows:

SECTION 15. That the Legislative Assembly of the Territory of Oklahoma shall hold its first session at Guthrie, in said Territory, at such time as the Governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the Governor and the Legislative Assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible, which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly,

Justifies the conclusion that the Governor may consult with the Legislative Assembly relative to a measure looking to the establishment of a seat of government of the Territory and

with this in view and the hope of opening the way to necessary legislation, I return herewith House Bill No. 49 with the following suggestions and recommendations:

First—That the date of its passage by the House, as certified to by its chief clerk, be corrected, for, while no cause for trouble or litigation may arise, it does not seem proper for the executive to be called upon to approve a bill which is certified to have passed three or four days after it has been presented to him.

Second—Why not leave it optional with the Commissioners as to which of the two tracts of land proposed to be donated in Section 1, the capitol building shall be erected upon; if not, it would seem better to leave it to the Commissioners as to whether or not it is for the best interests of the Territory to survey, plat and sell the one hundred and sixty acres one mile from the Village of [or] the City of Kingfisher or accept it at all, so much depending upon the location.

Third—There should be a limit fixed as to the amount the capitol building shall cost (it is provided in Section 15 the Commissioners may secure, approve plans, and contract for the erection of), not only for the guidance of the Commissioners, but with a view to insuring the people of the Territory against extravagant expenditure.

Fourth—While it is not likely there will be any failure on the part of the citizens of Kingfisher County to comply with the terms imposed by the Bill in order for it to become a law, it occurs to me that it would be as well to insert as a saving clause, a proviso to Section 7 something like the following:

Provided, That the terms and conditions of this act are compiled with, otherwise such temporary seat of government as the Governor may deem proper.

After the failure on the part of the Legislative Assembly to act upon my suggestions twice expressed, to authorize the appointment of a Commission to locate the various institutions after fair competition, I do not think it worth while to again suggest it by asking that the scope of the Commission provided for in this Bill be extended with a view to knowing if better terms with as good location, could be secured.

I hope the suggestions I have made, however, may be acted upon as promptly as is convenient and the Bill returned to me for my further consideration and action. I would have it understood that I am only trying to have amendments made which I deem are of importance and which I think may with propriety be done under the provisions of Section 15 before referred to; and it may not be improper for me to remind your Honorable Bodies that a precedent permitting the Executive to return Bills for correction has been established at the present session of the Assembly if there was no better reason therefor.

Very respectfully,

GEO. W. STEELE, Governor of Territory.

The vetoing of the second capital location bill came comparatively late in the session, and much other business had accumulated, and the fact that it was generally believed that some pretext would be found by the Governor for vetoing any measure that proposed to locate the capital at any point other than Guthrie, put an end to further efforts in that line at that time. The people of Kingfisher were even more embittered against the Governor than were the people of Oklahoma City after the vetoing of the first capital location bill.

Before the election of the next Legislative Assembly, through the opening of the Sac and Fox, Iowa, Pottawatomie-Shawnee, and Cheyenne and Arapahoe Indian reservations to settlement, eight new counties had been added to the Territory of Oklahoma. In consequence of this, by act of Congress approved in 1892, provision was made for the appointment of a commission to reapportion the legislative representation among the several counties. While this bill was under consideration in Congress, it was amended (no doubt at the instigation of Guthrie influences) by the addition of a provision which prohibited the Legislative Assembly of the Territory from locating the capital of the Territory. Similar prohibitions were subsequently embodied in Congressional

appropriations for the expenses of the Territorial Legislative Assembly, together with the further stipulation that the Assembly was specifically forbidden to make any appropriation for the erection of a capital building.

Location and Establishment of Educational Institutions—Although bills were introduced for the location and establishment of several educational institutions early in the legislative session, they were held back and used more or less by both sides in attempts to influence the result in the struggle over the location of the capital. At one time, an effort was made to placate the leaders of the Oklahoma City combination by a suggestion to the effect that, if Oklahoma City would consent to let the territorial capital remain at Guthrie, an arrangement might be made whereby the university, the agricultural college and the normal school should be combined in one institution and located at Oklahoma City. This proposition was favorably regarded by some of the ablest leaders of the Oklahoma City combination, but others scouted the suggestion of such a concession and the overture thus made was rejected. Before its adjournment the Legislative Assembly passed acts locating and establishing the university at Norman, the agricultural college at Stillwater, and the normal school at Edmond, though the territory then had less than 70,000 inhabitants. Thus was established the precedent for the multiplicity of State institutions of learning which has long since given the present State of Oklahoma a most unique reputation. Had Oklahoma City accepted the overture from the Guthrie leaders, namely, to drop the capital fight and take the combined educational institutions instead, the educational history of the State might have read very differently from what it is.

The feeling between the Governor and the majority of the members of the Legislative Assembly was never cordial. The former had some pet projects upon the passage of which he insisted. His scheme of having the public institutions located by a commission, all towns to be free to compete, was not viewed with favor, for very obvious reasons. Being a man of extended military experience himself, he was insistent upon the passage of a bill for the organization and equipment of the militia of the Territory, though there was no urgent necessity for it at the time and it was currently reported that he resorted to the promises of patronage in order to secure its passage.

Though the Republican party exhibited substantial strength in the first election, which was held for the purpose of choosing members of the two houses of the Legislative Assembly, it was not able to so organize as to avail itself of the advantage thus offered. The first regular election held in the Territory was November 4, 1890. The Democratic Territorial convention met at Norman, October 9, and nominated James L. Matthews, of Payne County, for delegate to Congress for the short term (i. e., the remainder of the Fifty-first Congress) and Joseph G. McCoy, of El Reno, for delegate to Congress for the long term (i. e. the Fifty-second Congress). The Republican Territorial Convention was held at Guthrie, October 18. It nominated David A. Harvey, of Oklahoma City, for the full term of the Fifty-second Congress and also for the unexpired portion of the Fifty-first Congress. The election



CHOCTAW FEMALE SEMINARY, WEST OF TUSKAHOMA, 1892



CHOCTAW COUNCIL HOUSE, TUSKAHOMA, BUILT IN 1884

resulted in the choice of Mr. Harvey by a plurality of 2,000 votes.³ County officers were also chosen at the same election.

When the time for the beginning of the political campaign of 1892 arrived, Oklahoma had grown measurably, Lincoln, Pottawatomie, Blaine, Custer, Dewey, Day, Roger Mills and Washita counties having been added and the bounds of Logan, Payne, Oklahoma, Cleveland, Canadian and Kingfisher counties had been extended as well, as the result of the opening of the several Indian reservations in September, 1891, and April, 1892.

Governor Steele having tendered his resignation, to take effect upon the appointment of his successor, President Harrison appointed Associate Justice A. J. Seay, of the Territorial Supreme Court, as Governor of the Territory of Oklahoma, October 18, 1891. Governor Seay immediately assumed the duties of his new position.⁴

In 1892, Oklahoma was represented for the first time in the national political party conventions called for the purpose of nominating candidates for President and Vice-President. Each party held two conventions in the territory—one in the spring for the selection of delegates to the national convention and another several months later for the purpose of choosing a candidate for territorial delegate to Congress. The Republican convention for the nomination of a candidate for delegate to Congress was held at Guthrie, July 14. Dennis T. Flynn, of Guthrie, defeated Delegate Harvey, who was a candidate for renomination. The Democratic convention, held at Oklahoma City, August 17, placed O. H. Travis, of Oklahoma City, in nomination for delegate to Congress. The People's party also placed a nominee in the field in the person of N. H. Ward.

3. David A. Harvey was born at Stewiacke, Nova Scotia, March 20, 1845. His parents emigrated from Canada when he was six weeks old, settling in Ohio. At the age of sixteen, he enlisted in the 4th Ohio Volunteer Cavalry and was discharged from military service at the end of the war, after having served continuously for three and one-half years. After attending the sessions of Miami University for a time, he studied law and was admitted to the bar in 1869. Moving westward, he settled in Topeka, Kansas, where he engaged in the practice of law, served as city attorney and as probate judge. He became interested in the Oklahoma movement and was active in the agitation for the opening of the Oklahoma country to settlement. He was among the pioneers who came into the country on the day of the opening, locating at Oklahoma City, April 22, 1889. He was nominated for delegate to Congress by the Territorial Republican Convention, at Guthrie, October 18, 1890, and, on November 4 he was elected to serve both the long and short terms, taking his seat when the 51st Congress reconvened, in December, 1890, and serving until the final adjournment of the 52d Congress, March 3, 1893. Mr. Harvey subsequently located at Wyandotte, where he died May 23, 1916.

4. Abraham Jefferson Seay was born near Lynchburg, Virginia, November 28, 1832. When he was three years old his parents moved to Missouri, settling in Osage County. His early life was not materially different from that of the sons of other pioneer families of the period. He attended the neighborhood schools, attended an academy at Steelville, read law and was admitted to the bar in April, 1861. At the outbreak of the Civil War he promptly enlisted in the volunteer military service and was soon commissioned a lieutenant. He was in the active service throughout the war and was mustered out at its close with the rank of major. He then took up the practice of law. He was always active in political affairs and was frequently nominated, as a Republican, for various local and state offices and for representative in Congress. He served as district judge of the Ninth Missouri District for twelve years. After the passage of the Oklahoma Organic Act, he was appointed by President Harrison as an associate justice of the Territorial Supreme Court, which position he held at the time of his appointment as Governor of the Territory. After his retirement from official life, Governor Seay took up his residence at Kingfisher, where he lived for many years. His personality was picturesque and unique and many are the anecdotes of his deeds and sayings that still live after most of the men and events of the pioneer period have been forgotten. He died in California, December 22, 1915, and was buried at Kingfisher, Oklahoma.

The election resulted in the choice of Dennis T. Flynn for delegate to Congress. The House of Representatives stood, Republicans, 13; Democrats, 9; Populists, 4. The Republicans secured six seats in the council; the opposition had seven. In the organization of the House, seven days were consumed in fruitless balloting for the election of a speaker. On the eighth day, and the one hundred and forty-ninth ballot, M. L. Stanley, a Republican representative from the Seventh District, cast his vote with the combined opposition (Democrat and Populist) for the election of Thomas R. Waggoner for the speakership, thus breaking the deadlock. In doing so, Mr. Stanley explained his reason for such a course.⁵

The next day, when the "Journal" was read, objection was made to the inclusion of Mr. Stanley's explanation, and a motion was made to expunge it from the record. The motion was defeated, though not by a party vote. Similar deadlocks had to be broken in the election of other House officers and employees, though these were not so protracted. The work of the Second Legislative Assembly was not distinguished for achievements other than the usual round of statutes of minor importance. This session was held during the months of January, February and March, 1893.

Two months after the beginning of the second administration of President Grover Cleveland, Governor Seay was removed from office and William C. Renfrow, of Norman, Oklahoma, was appointed to fill the vacancy thus created.⁶ The newly appointed chief executive immediately assumed the duties of his position.

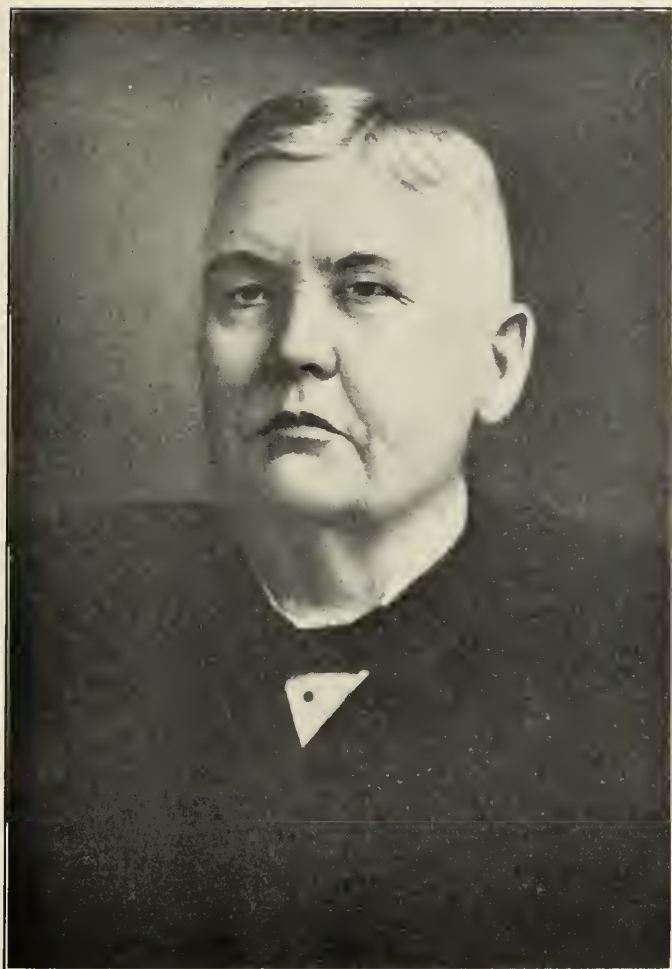
The first political party conventions were held in the Indian Territory in 1892. The Republican convention was held at McAlester, on the 23d of May. It was not largely attended. The Democratic convention was held at Muskogee, on the 11th of June. Among its resolutions was one which demanded that the Indian Territory should have a delegate in Congress. This proposition was the subject of considerable discussion thereafter and resulted in the calling of a second Democratic convention at Muskogee, October 5, following. After due consideration, it was decided not to try to elect a delegate without authority or sanction of Congress. Robert L. Owen was chosen as the Indian Territory member of the National Democratic Committee.

In a convention held at Oklahoma City, May 15, 1894, the Republican party of the territory renominated Dennis T. Flynn⁷ for delegate to Congress.

5. Mr. Stanley gave his reason for changing his vote as follows: "I wish to give as my reason for this, the fact that the House has taken one hundred and forty-eight ballots and no chairman has been elected. I believe it is a fact that my constituents did not send me here to spend the entire session in electing a Speaker, and, therefore, I feel that they will bear me out in the action I am about to take. For that reason, I will cast my vote for Mr. Waggoner."

6. William Cary Renfrow was born at Smithfield, North Carolina, March 15, 1845. He was educated in the common schools but left school to enter the Confederate Army. In 1865, he moved to Arkansas, where he lived until the opening of the Oklahoma country to settlement, when he moved to Norman, where he engaged in the banking business. He served as Governor of Oklahoma from May 7, 1893, to May 24, 1897. After retiring from office, Governor Renfrow was largely interested in mining operations in the lead and zinc district in Southwestern Missouri. Prior to his death, January 3, 1922, at Miami, Oklahoma, he made his home in Kansas City, Missouri.

7. Dennis T. Flynn was born at Phoenixville, Pennsylvania, in 1861. He was educated at Buffalo, New York, where he studied law. After his admission to the bar, he settled at Riverside, Iowa, where he resided for a short time. In 1884, he again migrated, locating at



ABRAHAM J. SEAY

1891-93

The Territorial Democratic Convention was held at El Reno, August 1. It placed Joseph Wisby, of Guthrie, in nomination for Congressional delegate. The Populist nominee was Ralph Beaumont. With a triangular contest, the Republican party was successful in electing not only its candidate for delegate to Congress but also a working majority of both houses of the Legislative Assembly. It had been necessary to provisionally reapportion legislative representation among the several counties of the Territory because of the addition of six new counties by the opening of the Cherokee Outlet to homestead settlement.

The Third Legislative Assembly, like the second, spent most of its session in the transaction of routine business. Among the more important measures passed and approved were: chapters on bonds, on fees and salaries, on elections (including the adoption of the Australian ballot system) and on revenue (including territorial and county taxes). A small appropriation was made for the support of the Oklahoma Historical Society for the purpose of aiding it in the effort to collect and preserve newspaper files, documents, letters, books and other data pertaining to the history of the Territory and adjacent regions.

The Campaign of 1896—The political activities of the year began quite early in Oklahoma, in 1896. The Territorial Republican Convention which was called to choose delegates to the National Convention, enthusiastically endorsed the Flynn Free Homes Bill which for the time being, at least, overshadowed the statehood question in local interest and importance. This convention also demanded the free coinage of silver—a step which put the party in Oklahoma in a very awkward position after the National Republican Convention took its decided stand in opposition to the same.

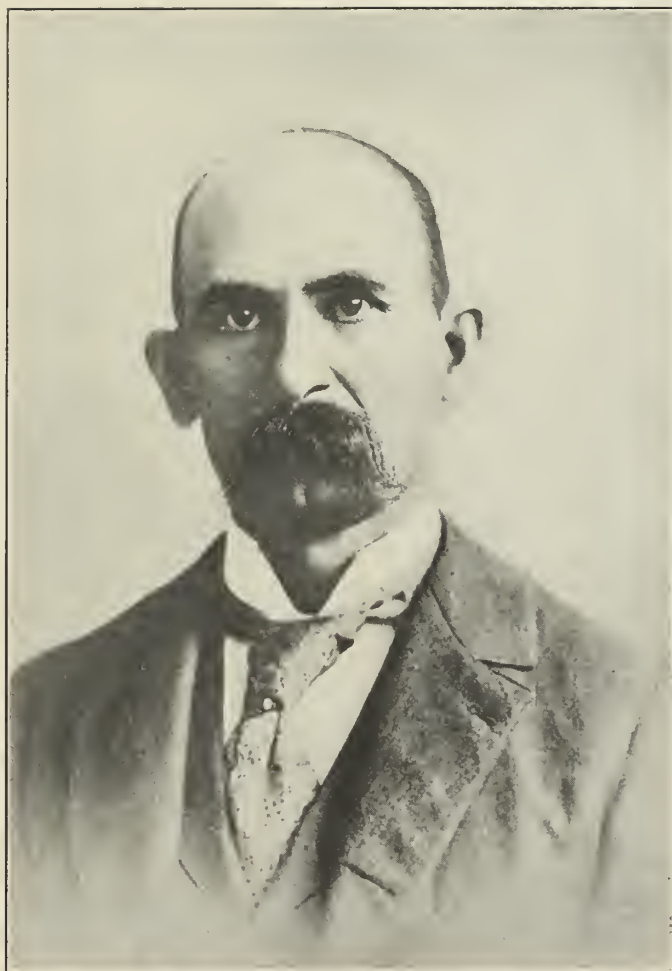
The preconvention campaign in Oklahoma was a warm one in 1896. Probably the majority of the Republicans of the Territory would have been for the nomination of McKinley if it had been a mere matter of personal choice. Delegate Flynn, who had been bending every energy to secure the passage of the Free Homes Bill (and did succeed in securing its passage by the House of Representatives, March 16, of that year), was naturally under obligations to Speaker Thomas B. Reed, of the House of Representatives, who was an active aspirant for the presidential nomination. When, therefore, Mr. Flynn asked his constituents to send an uninstructed delegation, the great majority of the members of his party in the Territory were ready to acquiesce to his wishes in the matter. There was a faction, however, that believed in standing out for a delegation instructed for McKinley, presumably for the reason that he had been picked for a winner. Up to this time, although there had been a

Kiowa, Kansas, where, in addition to practicing law, he established and successfully conducted the Kiowa Herald and also acted as postmaster. When Oklahoma was opened to settlement, in 1889, he settled at Guthrie, where he served as the first postmaster. In 1890, he received a strong vote in the Republican Territorial Convention for the nomination for delegate to Congress. In 1892 he was nominated and elected as Territorial Delegate to Congress. In 1894 he was renominated and reelected. In 1896 he was renominated, but was defeated as the result of the union of the opposition forces. Although his own party was hopelessly in the minority, he ran far ahead of his own ticket, largely on the free homes issue. In 1898, and again in 1900, he was renominated and reelected a delegate to Congress. During the last mentioned year he secured the passage of the Free Homestead Bill. In 1902 Mr. Flynn declined to be a candidate for reelection as delegate to Congress. Since 1903 he has been engaged in the practice of law in Oklahoma City.

noticeable lack of sympathy between Republican leaders who had come to the Territory from Kansas and other northern states and those who came from Arkansas, where the party was always in a hopeless minority, yet there had been no open rupture. The ideal of Kansas republicanism was that of an active, aggressive, constructive party. The apparent ideal of Arkansas Republicanism, on the other hand, was to waste little, if any, energy on local affairs but rather to line up with the winner in the National Convention, hold the party organizations intact and be in a position to properly distribute the Federal patronage in event of the success of their nominee in the presidential election. It will be recalled that, in the pre-convention campaign of 1896, "the old guard" brought out many "favorite sons." As a rule, Arkansas republicanism always followed in the train of "the old guard," but in 1896 it broke this precedent by lining up for the nomination of William McKinley, presumably because such a course looked like the shortest cut to success in the way of partisan favors, as, indeed, it was. So, while the constructive element of the party was willing to send an uninstructed delegation if it would serve to strengthen the hands of their Congressional delegate in his effort to secure the enactment of the free homestead measure into law, the opportunistic element of the party, with an eye single to Federal patronage, made a valiant showing of activity in behalf of McKinley, assured that, even though it lost the delegation to the National Convention, it would be in a position to dictate many if not most of the Federal appointments in event of his nomination and election. It was inevitable that the Kansas ideal and the Arkansas idea, as to the purposes and policies of the party, should clash, as clash they did in this instance. Circumstances were such that the advocates of an uninstructed delegation won, yet, in so doing, it placed the leaders of the other faction in the attitude of martyrs to the McKinley cause, and the subsequent course of the political history of Oklahoma was materially affected in consequence. Incidentally, the genesis of factionalism in Oklahoma republicanism may all be traced back to this point.

After the renomination of Flynn, the fusion of the national forces of the Democratic and Populist parties caused much talk of fusion, or united action in Oklahoma. Yet, here again was trouble. In the North, there had been fusion between the Democratic and Populist parties for several years, but, in the South, such a thing was unheard of. Quite the contrary, if there was any fusion or united action between parties in the South, it had been between the Populist and the Republican parties. So, while fusion was desired by the Democrats of some parts of Oklahoma (i. e. where most of them were from the North), there were other sections such as Greer, Roger Mills, Cleveland and other counties (in which most of the Democratic citizens were from the South), where the very suggestion of fusion was scouted. The Populist Territorial Convention was held at Guthrie on the 5th of August. It placed James Y. Callahan, of Kingfisher County, in nomination for delegate to Congress.⁸

8. James Yancy Callahan was born in Dent County, Missouri, December 19, 1852. He was reared on a farm and educated in the common schools, and he has been a farmer most of his life. In 1885 he moved to Stanton County, Kansas, where he lived until 1892, when he moved to Kingfisher County, Oklahoma. While living in Kansas he served two terms as register of deeds. Mr. Callahan is now living (1929) at Enid, where he has been engaged in business.



WILLIAM C. RENFROW
1893-97

For a month the fight between fusion and anti-fusion raged among the Democrats of Oklahoma. When the Democratic Convention assembled at El Reno, September 4, there was anything but harmony. Callahan was called before the convention and interrogated under circumstances that might have demoralized a man much more experienced in political affairs. The wrangle between the opposing forces went far into the night but, in the end, fusion won and Callahan was endorsed.

The campaign which followed was an exciting one. Both candidates made whirlwind campaigns, traveling much of the time off the railroad and largely by private conveyance, and speaking almost always in the open air. Great assemblages of people greeted both candidates at their respective appointments. It is doubtful if any issue or campaign, even since statehood, ever equalled it in interest. Flynn pleaded for the support of the people in his struggle to secure the passage of an act making the homesteads of the Iowa, Sac and Fox, Pottawatomie, Kickapoo, Cheyenne and Arapahoe Indian reservations and the Cherokee Outlet free to the settlers as the homesteads of the Unassigned Lands had been. Callahan, on the other hand, urged that the election of Bryan on the silver issue (which many people in Oklahoma regarded as a foregone conclusion) made it necessary that Oklahoma should have a delegate in Congress who would be in sympathy and touch with the national administration. At the start, it was known that Flynn would have a fusion plurality of about 10,000 to overcome. The result showed that many fusionists must have supported him, as Callahan's plurality over him was only 1,168, the total vote being 53,702. At the same time the fusionists elected every member of the council and all but one of the members of the House of Representatives, the one exception being Cassius M. Barnes, of Guthrie, who had been speaker of the House two years before, when it was overwhelmingly Republican.

Among the more important measures which passed both houses of the Fourth Legislative Assembly and received executive approval were the following: A comprehensive banking law; a general election law; a general fee and salary law; the establishment and location of the Agricultural and Normal School for Colored People, at Langston, in Logan County, the establishment and location of the Northwestern Normal School, at Alva; and a general live stock quarantine law.

With the beginning of the McKinley administration, in March, 1897, public interest was largely centered in the choice of a new Territorial Governor. Former Delegate Dennis T. Flynn was the choice of a large majority of the members of his party in Oklahoma, and it was believed that President McKinley would have been glad to appoint him had it not been for the fact that his campaign managers had promised the place to Cassius M. Barnes (who had been the titular head of the McKinley forces in the pre-convention campaign) in return for the support of the latter and his friends in the effort to secure an instructed delegation from Oklahoma. Flynn was recognized as a receptive candidate only and did not make any personal effort to secure the appointment, though his friends and admirers put forth a strong effort in his

behalf. Mr. Barnes was duly nominated for Governor of Oklahoma by President McKinley and confirmed by the Senate. His inauguration took place May 24, 1897.⁹

The Democratic and Populist Territorial conventions were called to meet simultaneously in Oklahoma City, July 13, 1898. The majority of the delegates to the Democratic Convention favored the fusion of the Democratic, Populist and Free Silver forces, but demanded that, in return for having supported a Populist two years before, the fusion nominee for delegate to Congress should be a Democrat. The Populist Convention also had a majority favoring fusion but was strongly disposed to insist upon the renomination of Callahan for Congressional delegate. But there was an insistent minority in each convention which was opposed to fusion of any sort between the two parties. It was noticeable that this spirit of irreconcilable antagonism between the two parties was confined almost wholly to those counties in which many, if not most, of the settlers had come from the South, where the Democratic party was always in the majority and where the Populist party, if it fused at all, did so with the Republican party. So, when the Democratic Territorial Convention voted to go into joint session with the Populist Convention, a number of delegates from Cleveland, Canadian, Oklahoma, Washita, Roger Mills and Greer counties, walked out of the convention and held a session in the interest of a "simon pure" democracy, though it was more nearly an indignation meeting than a convention, since it did not put a ticket in the field. Likewise, many of the delegates in the Populist Convention from the same counties were bitterly opposed to uniting with the Democratic party in the forthcoming campaign, but a majority of the delegates in the convention voted to fuse. When the two conventions went into joint session there was a deadlock between the respective candidates of the two parties and it was not until the seventy-fourth ballot that James R. Keaton, of Oklahoma City, was nominated. Arthur S. Hankins, of Woods County, was nominated by that wing of the Populist party which refused to stand for fusion.

The Republican Territorial Convention met at El Reno, on the 24th of August. There were a number of aspirants for the nomination for delegate to Congress. As some of these were personal friends of former Delegate Flynn, he promised that his name should not be placed before the convention for the nomination. However, a large number of delegates insisted upon voting for him. Two ballots were taken without any candidate securing much

9. Cassius M. Barnes was born in Livingston County, New York, in 1845. During the period of his early childhood his parents migrated to Michigan, where he was educated. At the outbreak of the Civil War, although but a mere boy, he enlisted, serving in various capacities in an engineer company, in the quartermaster's department and in the military telegraph corps. Shortly after the close of the war he located at Little Rock, Arkansas, where he was engaged in business for a time. He took an active interest in politics and held several appointive Federal positions. When Oklahoma was opened he came to Guthrie as receiver of public moneys at the United States Land Office, a position which he held for four years. In 1894 he was elected as a member of the Territorial House of Representatives and served as Speaker of that body during the session of 1895. He also served as a member of the House in the session of 1897. In April, 1897, he was appointed Governor of Oklahoma by President McKinley, serving four years. After his retirement from that office, Governor Barnes was twice elected mayor of Guthrie. Governor Barnes lived in Kansas the latter part of his life. He died at Santa Fe, New Mexico, on the 15th of February, 1925.



CASSIUS M. BARNES
1897-1901

promise of a majority. The other candidates then withdrew and Mr. Flynn was nominated on the third ballot.

Although the general election law which had been enacted by the Fourth Legislative Assembly had been supposed to give some advantage to the fusion parties, the result of the election in Oklahoma in 1898 did not bear out the expectations of those who had framed it. Flynn was returned as a delegate to Congress by an overwhelming majority. His plurality over Keaton was 9,368, with a total vote of 48,806. The Republicans also secured a good working majority of the members of both houses of the Legislative Assembly.

The work of the Fifth Legislative Assembly was uneventful as a whole. Little legislation was enacted outside of routine lines. A new general election law was passed. Of the eighty-two bills which passed both houses, twenty-four received an executive veto from the Governor. Of these, one was passed over the veto by the required vote.

The Free Homes Bill—June 17, 1900, the measure which provided for free homesteads to the settlers on the Kiowa, Sac and Fox, Pottawatomie-Shawnee and Cheyenne and Arapahoe Indian reservations, was finally passed and approved. This was the measure to which Delegate Flynn had devoted the major portion of his efforts and energy throughout the Fifty-fourth and Fifty-sixth congresses and Delegate Callahan had introduced a similar bill in the House of Representatives during the Fifty-fifth Congress. It was authoritatively stated at the time of the passage of this act that it would save the settlers of Oklahoma the neat sum of \$15,000,000.

In 1900, Dennis T. Flynn was renominated for delegate to Congress. The Democratic and Populist parties again fused, placing Robert A. Neff, of Kay County, in nomination as their candidate for Congressional delegate. As the Free Homes Bill had been passed and approved, it was not an issue in the campaign. This left the track clear for the promise of statehood legislation. Flynn was reëlected by a substantial majority, having a plurality of 4,724 votes over Neff, in a total vote of 73,367. The result in the Legislative Assembly was mixed, the fusionists electing eight out of thirteen members of the Upper House, while the Republicans elected fifteen out of twenty-six members of the Lower House.

Proposed Location of State Institutions—The Sixth Legislative Assembly was destined to see the most exciting contest in the legislative history of Oklahoma since the memorable struggle over the location of the territorial capital, in the First Legislative Assembly. This contest was precipitated by the introduction of Council Bill No. 129, by Councilman R. E. P. Messall, of Enid. The purpose of this measure, as stated in its title, was to provide "for the location, erection, management and control of a Territorial Penitentiary, a Territorial Asylum for the Insane, a Territorial Asylum for the Deaf, Dumb and Blind, a Territorial Reform School for Boys and a Territorial Industrial School for Girls." (The Council Committee on Public Institutions, to which this bill was referred, consolidated the last two items into one.)¹⁰ The com-

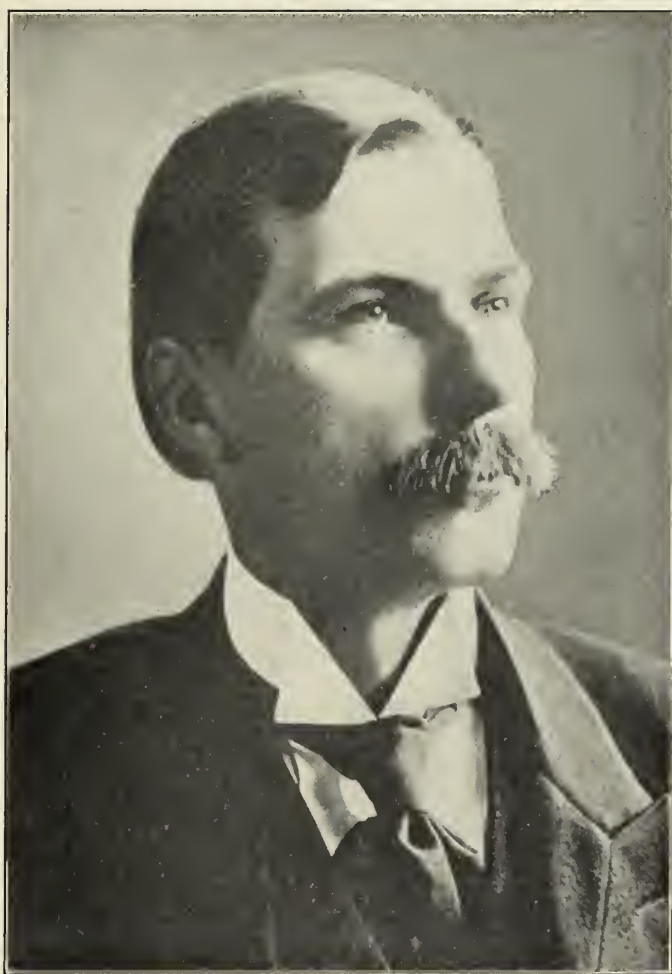
10. Included in the plans for the original Public Building Bill, there was also proposed an appropriation for the erection of a "supreme court building," at Guthrie. After the leg-

bination which was made for the active support of this measure was sufficiently strong to compel the support of representatives and councilmen from the districts in which Territorial institutions had already been located. In addition to the new institutions for which provision was thus sought to be made, bills were also pending for the location and establishment of a Territorial Normal School (introduced by J. Frank Matthews) in Greer County, and for the location and establishment of a Territorial University Preparatory School (introduced by James H. Wilkin) in Jay County.¹¹

It is doing no injustice to either the supporters or opponents of Council Bill No. 129 (or the Public Building Bill, as it was more commonly called) to say that in nearly every instance the attitude of each with regard thereto was largely a matter of local interest. In its essence, it was the old capital location fight all over again, with Oklahoma City still one of the principals, with this difference, namely, that, instead of being in the aggressive, Oklahoma City was now forced into an obstructive attitude. Moreover, the contest over the location of proposed additional public institutions was the beginning of the final and decisive local struggle over the question as to whether there should be one or two states formed of the Indian and Oklahoma territories. In the main the supporters of the Public Bill were for the admission of Oklahoma as a separate state, regardless of the disposition of the Indian Territory, and the measure was generally regarded as a distinct move in that direction, for it was plain that if these institutions were located, established and paid for by the people of the Territory of Oklahoma, their claims for recognition to the rights of separate statehood would be enhanced as compared with what

islative wrangle over the location of the Territorial capital, during the session of the First Assembly, in 1890, there was always included in each Congressional appropriation bill for the maintenance of the Territorial Government a clause which expressly prohibited any appropriation by the Territorial Assembly for the erection of a capitol building. The proposition to appropriate public money for the erection of a building to house the Supreme Court of the Territory was, therefore, regarded as a plain case of attempting to evade this Congressional restriction.

11. The establishment of a "university preparatory school," supported by State appropriation, was without precedent in the history of American educational institutions. Practically, it amounted to furnishing the town in which it was located the benefits of a high school of unusual physical equipment and facilities as a free gift, with no local taxation for such purposes, whereas, every other town in Oklahoma Territory had to support its own high school. It was currently reported at the time that the proposition to establish such an institution did not originate at Tonkawa. The story of the inception of the proposition is interesting in that it throws light on the educational politics of the time. In essence, it was as follows: the Territorial University (which was itself still something of a preparatory school) was asking for the erection of another building, the original University Hall having been outgrown, and a bill for that purpose had been introduced in the House of Representatives. A careful count revealed the fact that this measure lacked just one vote of having the majority necessary to pass the bill in question. Then it was that a resourceful promoter of the University's interests hit upon the happy scheme of proposing to establish and locate a "university preparatory school," at Tonkawa, in order to secure the much needed vote of Representative J. H. Wilkin, of that place, with the secret understanding that, after the University building appropriation had passed with the aid of the vote thus secured, the bill proposing the establishment of a "university preparatory school" should be killed. The representative from Tonkawa readily agreed to support the appropriation for a new building for the University in return for the voluntary offer to aid in the establishment of a Territorial institution in his home town. He carried out his part of the compact. Then, after the appropriation bill for a new building at the University had been passed, the "university preparatory school" measure was killed, much to the surprise of Representative Wilkin. However, being a resourceful and rather influential member of the House of Representatives, he did not rest until he had seen it revived, passed by both House and Council and approved by the Governor. More than that, the University always had to take the University Preparatory School and its influence into consideration for many years following that significant incident.



WILLIAM M. JENKINS

1901

they would be in case the same remained unestablished when it came time for Congress to consider the form and terms of an enabling act. To be sure, the line of cleavage was not always identical, for, as already stated, local interests directed the course or attitude of the individual legislator, yet as a rule, local interest and alignment on the statehood issue did not differ materially.

The fight over the Public Building Bill waxed very warm and soon overshadowed in popular interest all of the other business which was before the Assembly for consideration. The supporters of the measure were dubbed "Mound Builders," while those who opposed it were called "Cave Dwellers." It soon became apparent that the latter were in the minority, yet they struggled on with the courage of desperation. When the bill came to a vote in the Council, Sidney Clarke, member from Oklahoma County, explained his vote.¹²

His explanation brought other members to their feet with the explanations of their respective votes upon the measure, some of the supporters of the measure qualifying their approval of the same as a whole. The council passed the Public Building Bill by a vote of ten to three. The House of Representatives passed it by a vote of eighteen to eight, on the fifty-seventh day of the sixty-day session. The measure failed to receive the approval of Governor Barnes, so it did not become a law.

The bill to locate and establish a Territorial Normal School in Greer County was so amended as to provide for its location in the southwestern part of the Territory, and authorizing the Governor to appoint a committee of five persons to select a location of the same, and then passed. The bill to locate and establish a University Preparatory School at Tonkawa, in Kay County, was also passed. Both of these measures were approved by Governor Barnes.

Appointment of Jenkins as Governor—With the end of the session of the Sixth Legislative Assembly, popular interest in Oklahoma was largely given over to speculation as to who would be appointed Governor of the Territory for the succeeding four years. Governor Barnes was known to be willing to continue in the position for another term. On the other hand, the factional troubles incident to his administration had been embarrassing and there was open opposition to his reappointment. Under these circumstances, President McKinley decided to make a change and he selected William M. Jenkins,¹³ who, for four years had been secretary of the Territory, to fill the place. The appointment was regarded as entirely personal, Mr. Jenkins being a native of the home county of President McKinley, in Ohio, and an old friend of the latter.

12. Council Journal, Fifth Legislative Assembly, pp. 228-30, XLIV-1.

13. William M. Jenkins was born in Stark County, Ohio, in 1856, of Quaker parentage. He was educated in the public schools and at Mount Union College. While teaching school he read law. He located in Arkansas City, Kansas, in 1888, where he engaged in the practice of law. In 1893 he secured a homestead in Kay County, when the Cherokee Outlet was opened to settlement. He was appointed Secretary of the Territory by President McKinley, in June, 1897. After filling the position for nearly four years, he was appointed by President McKinley to the Governorship of Oklahoma, April 15, 1901. For a number of years after his retirement from public life Governor Jenkins was engaged in farming in Kay County. He has lived at Sapulpa for many years past.

The most important event in the history of Oklahoma during the brief administration of Governor Jenkins was the opening of the Comanche-Kiowa-Apache and the Wichita-Caddo Indian reservations to settlement in August, 1901. The appointment of the county officers of the new counties fell to the Governor of the Territory, yet few if any of the appointments thus made could be considered as the personal selections of Governor Jenkins. Most of them were apparently selected by the party organization and, in a few instances, at the urgent solicitation if not the dictation of Congressional influences outside of Oklahoma.

Although a partisan, Governor Jenkins was in no sense of the word a politician. He was the personal choice and appointee of the President of the United States for the governorship of the most populous organized territory yet known in the history of the Federal Union and, as long as that president lived, he was shown due consideration and respect as the chief executive of that territory. The tragic death of President McKinley, a few months after the appointment of Governor Jenkins, was the signal for the deliberate undoing of the latter. William M. Jenkins was a man of unblemished character and, in the minds of those who knew him best, no taint of official corruption ever attached to him, either before or during his term as Governor of Oklahoma. Unfortunately, like some reputedly greater men in positions of even greater authority, he was not always as positive and as self-assertive as the Governor of a territory should have been.

The Removal of Governor Jenkins—During the administration of Governor Renfrow, there had been established at Norman a sanitarium for the care of the insane. It was built, equipped, owned and managed as a private business enterprise and to it was awarded a contract for the keeping of the insane persons who became public charges in Oklahoma. This contract was continued during the administration of Governor Barnes and it was reputed to be a very profitable one. With the change from the Barnes administration to that of Jenkins, powerful interests in the party organization insisted upon a change in the personnel of the company which operated the sanitarium at Norman. In other words, stock in the operating company having been recognized as a profitable investment, the privilege of owning it was regarded as a part and parcel of the partisan patronage to be apportioned by the party organization or at its behest. In the course of his "reorganization" of the operating company, Governor Jenkins was importuned to request the reservation of a block of stock in the sanitarium corporation for a friend (presumably a politician who for prudential reasons did not care to be known as being personally concerned in the matter at the time) and, whether or not it was against his better judgment, he acceded to the request. In doing this, he probably did not sidestep the pathway of official propriety any more than either of his immediate predecessors had done, for it was commonly regarded by the politicians of both parties at that time (and even at a much later date) as a legitimate means of paying political debts. If this was not done for himself (for Governor Jenkins was assuredly not beholden to any one in Oklahoma in that way), then it was as a favor to some one else who was acceptable to



THOMPSON B. FERGUSON

1902-06

the party organization. Certainly there was no evidence that Governor Jenkins would have personally profited from the transaction, either directly or indirectly. But, be all that as it may, he did make the request and it was not only granted but made a matter of record.

When President McKinley was dead and buried, Governor Jenkins found that the favoring wind of political fortune had suddenly shifted and grown to a hurricane, before which he soon drifted upon the rocks of disaster. Charges of malfeasance in office were preferred against him. President Roosevelt demanded to know whether or not he had requested the reservation of a block of the stock in the sanitarium for a party or parties to be named later, to which answer was made in the affirmative but, before any explanation could be offered as to the circumstances which might have extenuated or mitigated the seemingly glaring offense, Governor Jenkins was bluntly informed that he was removed from office, nor would the President listen to any representations on behalf of the deposed official thereafter. Thus was Jenkins ruthlessly sacrificed on the altar of an ostentatious zeal for a higher standard in the administration of public affairs. Parenthetically, it may not be out of the way to remark that the impulsively prompt executive action in this instance is most strikingly contrasted with the more than indulgent refusal to consider charges equally as serious against one of the administration's own appointees in the neighboring Territory, wherein the official thus accused a year or two later, happened to be a personal friend of the President. Incidentally, it may be mentioned that the party favorites, at whose instance Governor Jenkins had directed a reorganization of the company which owned and operated the sanitarium at Norman, lifted neither hand nor voice in his behalf in the hour of his political extremity. On the contrary they merely shrugged their shoulders and complacently went their several ways. Indeed, his passing was regarded as a mere incident in the course of events, his exit making scarcely a ripple on the pool of "practical politics" in which he had no part. And so, sinned against more than sinning, William M. Jenkins disappeared from the public life of Oklahoma, pitied by the multitude who knew him not and still respected by the few who knew him as man to man.

The Appointment of Ferguson—To fill the vacancy created by the removal of Governor Jenkins, President Roosevelt appointed Thompson B. Ferguson,¹⁴ of Watonga. Governor Ferguson immediately qualified and assumed the duties of his position without other formality than that of being sworn into office.

At the beginning of the political campaign of 1902, Delegate Flynn announced that he would not be a candidate for reelection. There was, of

14. Thompson B. Ferguson was born near Des Moines, Iowa, in 1857. His parents migrated to Southern Kansas, settling in Chautauqua County, while he was a child. He was educated in the public schools and in the Kansas State Normal School at Emporia. He was engaged in educational work for a number of years. When the Cheyenne and Arapahoe country was thrown open to settlement, in 1892, he settled at Watonga and established the Watonga Republican. In 1897 he was appointed postmaster and, in 1901, was appointed Governor of Oklahoma. After his retirement from that position, he was again engaged in editing and publishing the Watonga Republican. In 1907 he was the Republican nominee for Representative to Congress from the Second District. He died in Oklahoma City the 14th of February, 1921.

course, a scramble for the Republican nomination to succeed him. Bird S. McGuire,¹⁵ of Pawnee, was nominated. The Democratic nominee was William M. Cross,¹⁶ of Oklahoma City. The campaign was a warmly contested one. The Democratic Territorial platform declared for single statehood for the Indian Territory and Oklahoma. The Republican platform, on the other hand, came out with a flat-footed declaration in favor of immediate statehood for Oklahoma alone, regardless of the future disposition of the Indian Territory. The results of the campaign turned largely on this issue and there was much independent thinking and voting, especially in those communities in which the statehood question had been acute ever since the passage and executive disapproval of the Public Building Bill, a year and a half before. In the election which followed, McGuire won by a narrow margin of less than 500 votes out of a total of 94,303. The Democrats elected fourteen of the twenty-six members of the Lower House of the Legislative Assembly, while the Republicans elected seven of the thirteen members of the Upper House.

The session of the Seventh Legislative Assembly was comparatively uneventful, the tedium being broken for a time by the development of a small flurry of excitement over an alleged school textbook scandal, however. Most of the business transacted consisted of the making of the necessary appropriations for the Territorial government and its institutions, the amendment of existing laws and the enactment of new statutes of minor importance. A bill was introduced in the Lower House for the purpose of creating two new counties of territory to be taken from Comanche County and modestly proposing to name the counties, thus created, in honor of two members of that body.

The campaign for the election of a delegate to Congress and members of the Territorial Legislative Assembly in 1904 was destined to be the last one. Delegate McGuire, who was anxious to secure the endorsement of his party for the separate statehood legislation then pending in Congress, insisted upon

15. Bird S. McGuire was born at Belleville, Illinois, October 18, 1864. Most of his early life was spent in Northern Missouri, whither his parents had moved. In 1881, the family migrated again, settling in Chautauqua County, Kansas. Shortly afterward, Bird S. McGuire went to the Indian Territory, where he followed the life of a stockman for three years. Returning to Kansas in 1884, he entered the State Normal School at Emporia. After two years in school, he began teaching, reading law at the same time. He then attended the law school of the University of Kansas. After his admission to the bar, he was elected county attorney of Chautauqua County, a position which he filled for four years. In 1895 he came to Oklahoma, locating at Pawnee. Two years later he was appointed assistant United States District Attorney. In 1902, he was nominated and elected Delegate to Congress, and was reelected in 1904. In 1907 he was elected to Congress as Representative of the First Oklahoma District, and was reelected in 1908, 1910, and 1912. After 1915, he engaged in practicing law at Tulsa. Recently (1929), he retired from active practice and settled on a ranch in Osage County.

16. William Macklin Cross (popularly called Bill Cross) was born at Purdy, McNeary County, Tennessee, July 4, 1847. At the age of fourteen he entered the Confederate military service as a drummer in Company K, 154th Tennessee Regiment, of which his father (who was killed in action at the battle of Shiloh) was colonel. Young Cross was wounded and captured the same day his father was killed. He was subsequently exchanged and returned to the front, serving in the army of General Joseph E. Johnston. After the end of the war he entered Kentucky University, at Lexington, but only remained one year on account of the financial condition of the family. He entered a dry goods store and eventually became a traveling salesman, in which capacity he came to Oklahoma. He was nominated as the Democratic candidate for Secretary of State and was elected in September, 1907, when the Constitution was ratified. He died August 4, 1910.

an early convention. There was no active opposition to his renomination. The Democratic Convention placed J. Frank Matthews, of Greer County, in nomination. The Populist party, which had not had a candidate in the field since 1900, held a convention and nominated Horace E. Straughen, of Lincoln County.

As in the preceding campaign, the alignment between the two leading parties was chiefly determined by their respective attitudes with regard to the issue of single or separate statehood. As in 1902, the Democratic platform contained an unqualified declaration in favor of the creation of one state from the two territories. The Republican platform, as before, was committed to the two-state program. National policies and the personality of national candidates also entered more largely into consideration than they had in any previous campaign since 1896. McGuire was reelected by a plurality of 1,586 over Matthews, the total vote cast for all candidates being 109,145. The Republicans also succeeded in electing a majority of the members of each branch of the Legislative Assembly.

The Eighth Legislative Assembly was also a comparatively uneventful one. A bill providing for the consolidation of rural school districts was passed; although rather in advance of the time, it was to be regarded as indicative of the trend of intelligent sentiment among educators and served as the basis of further progressive legislation along the same line under the State government. A bill providing for the creation of a Territorial Railway Commission was introduced in the House, passed by that body and sent to the council, where it was considered, amended and finally tabled.

Late in the session, Representative Wesley Taylor, of Noble County, introduced a bill (House Bill No. 345) for the purpose of enabling "the people of Oklahoma and the Indian Territory to form and adopt a state constitution and organize a State government and to secure the admission of said state into the Union." By unanimous vote, the rules were suspended, the bill was immediately read a second time and referred to a special committee on constitutional convention. A few days later, it was called up and killed by a strict party vote, the Democrats voting solidly for the motion to accept the report of the Sifting Committee, which would have brought the bill to a vote on its passage in the House, while Republicans voted solidly to except this measure from the report of the Sifting Committee, thus killing the measure.¹⁷

Another Change in the Governorship—As the end of Governor Ferguson's four-year term drew near, it became evident that there would be some opposition to a reappointment. Taken altogether, his administration had been accounted a successful one. It had certainly occasioned less criticism and complaint than any of the preceding administrations in the history of the Territory. He had conscientiously endeavored to carry out the instructions

17. In the report of aye and nay vote (House Journal, Eighth Legislative Assembly, p. 396) Representative Taylor, who had introduced House Bill No. 345, was reported as "absent and not voting." The writer hereof (J. B. T.) was present in the lobby of the House when the vote by which this bill was killed was taken and particularly noted that Representative Taylor was present and voted with the other Republican members to kill his own bill. The journal of the House was evidently "corrected" later.

given to him at the time of his appointment by President Roosevelt, namely, to give the people of the Territory an honest and economical administration and, if fidelity to the trust that had been delegated to him could be counted for aught, he was plainly entitled to a reappointment. But trying to make official actions square with the requirements of such an obligation and pleasing all of the politicians, even in one's own party, would have been to attempt the impossible. And so, though the mass of the Oklahoma people, regardless of political affiliations, would have been glad to see Governor Ferguson continued for another term, a few of the active politicians in his own party started a fight against his possible reappointment. They centered their support upon Captain Frank Frantz, of Enid, who had been an officer in a volunteer cavalry regiment of which President Roosevelt had been Colonel during the war with Spain—not that Captain Frantz was himself a factionist, for this same faction had defeated him in his candidacy for delegate to the National Republican Convention only a year and a half before, but rather because, being a personal friend of the President, he was regarded as the most available man to encompass the retirement of Governor Ferguson. Without having intimated or indicated in any way that Governor Ferguson's services had been other than satisfactory, or that tenure in that position should be limited to a single term of four years, President Roosevelt saw fit to make the first announcement that he would not be reappointed to the very men who had been making the fight against him, at the same time stating that Captain Frantz would be appointed to succeed him.

Frank Frantz was the youngest man ever appointed to the governorship of Oklahoma.¹⁸ His brief administration of less than two years was terminated by the change from the Territorial to the State form of government. There were no more sessions of the Territorial Assembly, so his duties were not as varied as those of most of his predecessors.

18. Frank Frantz was born at Roanoke, Illinois, May 7, 1872. He was educated in the public schools of his native State and spent two years as a student at Eureka College. He settled at Enid, Oklahoma, in September, 1893, at the opening of the Cherokee Outlet. At the outbreak of the Spanish-American War he was in Arizona, from which Territory he entered the military service as a first lieutenant in the 1st United States Volunteer Cavalry. He was promoted to the rank of captain before the close of the war. In 1901, he was appointed postmaster at Enid. Two years later he was named as United States Indian Agent at the Osage Agency. He was appointed Governor of Oklahoma, his term beginning January 5, 1906, and running until the end of the territorial régime, November 16, 1907. He is now (1929) a resident of Tulsa.





FRANK FRANTZ

1906-07

CHAPTER XLV

EARLIER AGITATION FOR STATEHOOD

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The territorial government had scarcely completed its organization before there began to appear in the press of Oklahoma expressions in favor of an early movement for the admission of Oklahoma into the Union as a state. The holding of a statehood convention was mooted, even while the first Territorial Legislative Assembly was in session. The scattered and independent agitation finally culminated in the calling of a statehood convention to be held in Oklahoma City, December 15, 1891. As a result of its deliberations a lengthy memorial to Congress was formulated and adopted.¹

The following persons were appointed as members of the Statehood Executive Committee: Oklahoma County, Sidney Clarke; Logan County, William P. Hackney; Cleveland County, Samuel H. Harris; Canadian County, William J. Grant; Kingfisher County, J. P. Cummins; Payne County, Frank J. Wykoff; Beaver County, George F. Payne; County "A," William M. Allison; County "B," J. H. Woods; Chickasaw Country, H. C. Potterf.

The First Statehood Bill—Territorial Delegate David A. Harvey presented this memorial to Congress and introduced a bill in the House of Representatives (H. R. 4629),² January 25, 1892, to authorize the people of Oklahoma and Indian territories to formulate and adopt a constitution and apply for admission into the Union as a State. In line with this, on the 14th of April following, Delegate Harvey introduced another bill (H. R. 8154) providing for the allotment of all the lands in the several Indian reservations attached to the Quapaw Agency, the organization of the same into the County of Cayuga and the attachment of the same to the Territory of Oklahoma.³

During the last session of the 52d Congress, on the 22d of the following December, Senator Bishop W. Perkins, of Kansas, introduced a bill to provide for the admission of Oklahoma and the Indian Territory as a single State.⁴

Beginning on February 11, 1892, and continuing at frequent intervals for nearly a month, the House Committee on Territories held a series of hearings on the question of the proposed State to be composed by a union with the Indian Territory with Oklahoma. The principal arguments for the Harvey Statehood Bill were made by Sidney Clarke, of Oklahoma City, and by W. P. Hackney and Horace Speed, both of Guthrie, representing the single statehood executive committee. The arguments in opposition were mostly advanced by Elias C. Boudinot⁵ (Cherokee), Roly McIntosh and A. P. Mc-

1. Norman Transcript, December 19, 1889. The resolutions adopted by the first statehood convention are reproduced in Appendix XLV-1.

2. Congressional Record, 1st Session, 52d Congress, Vol. XXIII, p. 522.

3. *Ibid.*, p. 3332; also a similar bill was introduced by Senator Morgan, of Alabama, *Ibid.*, 3155.

4. *Ibid.*, p. 3951.

5. E. C. Boudinot here mentioned was a nephew of Colonel E. C. Boudinot, who was so long a prominent figure in Cherokee affairs. The latter had died a year and a half before.

Kellop (Creek) and Captain J. S. Standley (Choctaw). As each of these gave in his testimony before the committee, he was listened to with keen interest by the advocates of the other side and frequently subjected to most searching cross-examination. Years afterward, it was jocularly remarked of one of the gentlemen, who was then advocating joint statehood for the two territories, that he had advanced arguments in support of the proposition that which, after he had subsequently espoused the cause of separate statehood, for Oklahoma without the Indian Territory, he was never able to answer or refute. The representatives of the Five Civilized Tribes presented many arguments in opposition to the proposed statehood legislation, protesting against it at that time. The most effective of these was that, under the treaties then in force, the country belonging to each of the Five Civilized Tribes could not be included within the bounds of any State except with their consent. As indicating the attitude of the people of Indian blood, an extract from the speech of Roly McIntosh (as interpreted by Captain George W. Grayson) may be accepted as typical.⁶

Increasing Interest in Statehood—The year 1893 saw considerable interest and activity in the matter of agitation of statehood. A statehood convention was held at El Reno, August 8, which was well attended.⁷ It declared for statehood for both territories. A few weeks later (September 30) an "Inter-Territorial" statehood convention was held at Purcell.⁸ In addition to resolutions declaring the desires and the fitness of the people of the Indian Territory and Oklahoma for statehood, a lengthy memorial, reciting the inefficiency, inequity and unworthiness of the Indian tribal governments and the tendency toward monopoly in land tenures thereunder, was prepared and adopted. A week later (October 6), Delegate Flynn introduced a bill in the House of Representatives to provide for statehood for Oklahoma and the Indian Territory.⁹ By its terms, the proposed new state was to have three Congressmen. Two months after the Inter-Territorial Convention at Purcell, another statehood convention was held at Kingfisher (November 28, 1893), which urged immediate statehood.¹⁰

The Flynn bill was not the only statehood measure before Congress, however. The same day the statehood convention met in El Reno (August 8), Senator Joseph M. Carey, of Wyoming, on behalf of the Senate Committee on Territories, had introduced an omnibus statehood bill to provide for the admission of the territories of Arizona, New Mexico, Oklahoma and Utah.¹¹ A month later, Representative Joseph Wheeler, for the House Committee on Territories, had introduced a similar measure in the lower house of Congress. None of these measures reached the stage of a committee report, however, so the subject did not come up for consideration in either house.

6. Hearings of House Committee on Territories, 52d Congress, 1st Session, special report of Committee on Territories hearings on bill proposing statehood for Oklahoma Territory, pp. 46-49. Appendix XLV-2.

7. Norman Transcript, August 11, 1893.

8. Kingfisher Free Press, October 5, 1893.

9. Congressional Record, 53d Congress, 3d Session, Vol. XXVII, pp. 193-96.

10. Ibid., pp. 235-37.

11. Ibid., Vol. XXV, p. 212.

At the beginning of the last session of the 53d Congress (December 5, 1894), Senator James H. Berry, of Arkansas, introduced a bill to provide for the organization of a territory to be composed of the country belonging to each of the Five Civilized Tribes and to be known as the Territory of Indianola.¹² Senator Berry made an extended speech on the subject of the conditions then existing in the Indian Territory and pointing out the necessity of some decided change of policy on the part of the Government in its relations with the autonomous Indian nations of the Indian Territory. Although he carefully refrained from reference to the possibility of joint statehood with Oklahoma, it was evident that his bill had been inspired by influences which were hostile to the proposed union of the two territories in the formation of one state. An effort had been made to hold a statehood convention at Muskogee on the 6th of October preceding, but it was captured by the anti-statehood forces and adopted a declaration against the proposed union of the two territories in one State. At the conclusion of Senator Berry's speech, Senator Orville H. Platt, of Connecticut, gave notice of his intention to address the Senate the next day upon the same theme. Senator Platt's discussion of the subject differed from that of Senator Berry in that it showed a more comprehensive grasp and presented in a pertinent way more concrete facts, dealing in fewer generalities.¹³

Senator Berry's Indianola bill was referred to the Committee on Indian Affairs, which never rendered any report to the Senate upon the same.

The Cayuga County bill (H. R. 5579) was renewed by the House Committee on Indian Affairs in the 53d Congress, and a bill of like import was also introduced in the Senate, but that was as far as the matter went.¹⁴

Opposition of Indian Territory Leaders—The continued and determined opposition of the majority of the Indian Territory leaders to the proposed statehood with Oklahoma, eventually had its effect in wearing out the patience of many of the Oklahoma leaders (some of whom, for purely partisan reasons, or because of personal ambition, or on account of the possible location of some public institutions, had always secretly favored a smaller State), and many began to express opinions in favor of statehood without waiting for the Indian Territory. Probably the first public declaration of this sentiment, though not worded as definitely as it might have been, was a plank in the Territorial Republican platform adopted by the convention at Oklahoma City, May 15, 1894, which demanded "statehood for Oklahoma in the quickest and best way it can be obtained."¹⁵

Early in the session of the 54th Congress (December 12, 1895), Representative Thomas C. McRae, of Arkansas, introduced a bill (H. R. 1456) in the House of Representatives for the purpose of extending the limits and laws of Oklahoma to include the Indian Territory and to authorize the

12. *Ibid.*, Vol. XXVII, p. 38.

13. *Ibid.*, Vol. XXVII, pp. 193-96. Appendix XLV-3.

14. *Ibid.*, Vol. XXVI, p. 1852. A bill was also introduced by Representative Charles Curtis, of Kansas, for the organization of the county of Miami, embracing the same area as the proposed Cayuga. *Ibid.*, p. 2115.

15. Guthrie, State Capital, May 16, 1894.

people of the enlarged territory to formulate and adopt a constitution and apply for admission into the Union as a State.¹⁶ The conservative leaders among the citizens of the Five Civilized Tribes (which element was always in the ascendancy) manifested great uneasiness. An inter-tribal council was held at Eufaula, in March, at which resolutions were adopted. In the meantime Delegate Flynn had introduced another statehood bill (House Bill No. 3209), January 3, 1896.¹⁷

January 8, 1896, a statehood convention was held in Oklahoma City.¹⁸ Two separate calls had been issued for the convention, one by the advocates of single or joint statehood, for both territories, and the other by the supporters of the movement for immediate or separate statehood, as it thenceforth became known. A wrangle began as soon as the convention assembled. Both calls were read and two chairmen were elected by the rival factions. Then pandemonium broke loose. The scenes which followed were described, not inaptly, by a press correspondent as "resembling a riot in a lunatic asylum more than anything else." The meeting broke up in disorder, being arbitrarily adjourned by one of the chairmen, but the delegates continued to wrangle until the lights were turned out in the auditorium.

Although interest in the statehood question was not dead, the issue was in a state of quiescence for several years, beginning in 1896. For one thing, the Free Homes Bill had come to occupy a very large place in the minds of the people of Oklahoma. Then, too, the excitement of the political campaign of 1896, together with the change in the political complexion of the national administration which followed, undoubtedly had its effect and, moreover, Oklahoma Territory, which had hitherto returned Republican majorities or pluralities to the Legislative Assembly and had always been represented in Congress by a Republican territorial delegate, elected an assembly, an overwhelming majority of the members of which were fusionists (Democrat-Populist) and send a Populist delegate to Congress. Had the Democratic party prevailed nationally, there might have been some chance to secure serious consideration of the statehood question in Congress; as it was, however, it had no chance whatever.

While the agitation for statehood during the years of 1891 to 1896, inclusive, did not lead to any definite results, it did afford an opportunity for the people to begin to study the question seriously, and it soon led to very pronounced differences of opinion and sentiment as to whether the Territory of Oklahoma should seek statehood for itself alone or in conjunction with the people of the Indian Territory. On the one hand, it was argued that the Territory of Oklahoma was greater in geographic extent than several of the older states and that its resources were such that it would ultimately support a population greater than that of some of the older states; and it was further contended that conditions in the Indian Territory were so complicated and so radically different from those prevailing to Oklahoma that the union of the two territories into one state was not only undesirable but impracticable as

16. Congressional Record, 54th Congress, 1st Session, Vol. XXVIII, p. 159.

17. *Ibid.*, p. 476.

18. Oklahoma City Times-Journal, January 8 and January 9, 1896.

well. The advocates of single or joint statehood, on the other hand, pointed out the fact that, in area, Oklahoma would be less than half the size of any adjoining State, the Indian Territory alone excepted; that, to make permanent the boundary line between the two territories, would be to erect a barrier between Oklahoma and the principal source of its fuel supply; that, judging by what had happened in the case of the divided Dakotas, a state having greater size, population and resources would wield proportionately much greater influence in national councils than two small states could hope to be able to do, and, finally, that the relatively greater cost of maintaining two state governments with a complete duplication of administrative machinery and public institutions could not possibly be compensated by any of the advantages alleged in behalf of the separate statehood proposition.

In the alignment on the question of single statehood for the two territories or separate statehood for Oklahoma alone, one fact soon became apparent, namely, that location had much to do with shaping public opinion. It was noticeable that, in the counties near the geographic center of the original Indian Territory, including Cleveland, Oklahoma, Lincoln and Pottawatomie counties, the sentiment was strong for single statehood, while, in the counties near the geographic center of Oklahoma Territory, such as Canadian, Kingfisher, Blaine and Garfield, the preponderance of public sentiment was equally as great for separate statehood. The reasons for this striking difference were not difficult to discern even at that early date, and they became even more apparent when the statehood question was revived a few years later and with it the proposed location of a number of territorial or state institutions.

Beginning of a Six-Year Struggle for Statehood—After the passage of the Free Homes Bill, Delegate Dennis T. Flynn felt free to concentrate his efforts upon the passage of a bill to enable the people of Oklahoma to frame and adopt a constitution and apply for admission into the Federal Union as a State. Renewed interest in the subject of statehood, which had been quiescent for about four years, became apparent about the same time, although there had been bills pending in Congress during that interval. In May, 1900, Representative John A. Moon, of Tennessee, had introduced a measure for the organization of the Indian Territory under the name of the Territory of Jefferson. This measure was largely discussed locally but was never seriously considered in Congress.

A single statehood convention was held at McAlester (which was one of the centers for separate statehood sentiment at that time), December 1, 1900. A memorial to Congress was adopted and a delegation was chosen to visit Washington and urge upon the members of the national law-making bodies the importance of early action in the matter of statehood legislation. Three days later, among the first bills introduced in the last session of the 56th Congress, was one, by Senator Charles W. Fairbanks, of Indiana, to enable the people of Oklahoma and Indian territories to form and adopt a state constitution and be admitted into the Union as a state. No action was taken in regard to any statehood legislation at that session, however.

Another inter-territorial convention in the interest of single statehood was held at Muskogee, November 15, 1901. A memorial, addressed to Con-

gress, was prepared and adopted and a delegation of able men representing both territories was selected to proceed to Washington in the interest of the movement at the opening of the 57th Congress. Delegate Flynn introduced three bills early in the first session, all of which had a bearing, direct or indirect on the statehood question. One of these (H. R. 152) proposed to enable the people of Oklahoma Territory to form and adopt a state constitution and to be admitted into the Union as a state on an equality with the other states. The other two bills had to do with the Indian Territory but indirectly each seemed to hint at ultimate joint statehood with Oklahoma. The first of these was designed to provide for the division of the Indian Territory into counties, defining the boundaries of the same and locating the county seats. The other provided for the organization of the County of Quapaw (to be composed of the reservations included under the Quapaw Agency in the northeastern part of the Indian Territory) and annexing it to the Territory of Oklahoma. These two measures, taken in conjunction of The Flynn Statehood Bill, created much uneasiness in the Indian Territory, for the passage of both the latter and the Quapaw County Bill would have given the people of the new county a voice in the formulation and adoption of a state constitution which would have been thus denied to the people of the rest of the Indian Territory, whose national dominions would have been subject to annexation by piecemeal later.

Other measures bearing on the statehood question were also introduced. Senator Fairbanks reintroduced his Single Statehood Bill (S. 186) in the Upper House, and Representative Thomas C. McRae, of Arkansas, introduced a similar bill (H. R. 279) to organize the Indian Territory as the Territory of Jefferson. When Congress reconvened after the Christmas recess, two more statehood bills were introduced—one in the Senate (S. 3368) by Senator Thomas M. Patterson, of Colorado, and one in the House (H. R. 9675) by Representative John H. Stephens, of Texas. Each of these two measures proposed joint statehood for Oklahoma and the Indian Territory.

Up to this time, Delegate Flynn evidently favored the union of the two territories in the organization of one State—his Quapaw County bill is sufficient proof of that. But the persistent and obstinate opposition of the Indian Territory lobbyists finally seemed to convince him of the futility of any further effort to secure the passage of a bill for single statehood, either during that session or at any other time in the near future. So he abandoned further efforts in that line, ceased to manifest further interest in Indian Territory affairs and devoted himself whole-heartedly to an endeavor to secure immediate statehood for the people of Oklahoma Territory. His first move in this direction was the introduction of another statehood bill (H. R. 11,802), February 25, 1902. Less than three weeks later (March 14, 1902), Representative William S. Knox, for the House Committee on Territories, introduced an omnibus bill to enable the people of Arizona, New Mexico and Oklahoma, to adopt constitutions, organize governments and apply for admission into the Union. In this bill, Oklahoma was considered alone and regardless of any possible future connection with the Indian Territory, except that Congress reserved the right to annex it to Oklahoma later. It was this Omni-

bus Statehood Bill that first brought the issue of double or single statehood for the Indian Territory and Oklahoma before Congress for consideration, where it was destined to hold a prominent place until it was finally settled, over four years later.

The Omnibus Statehood Bill—The Omnibus Statehood Bill was called up for consideration in the House of Representatives, in the Committee of the Whole House on the State of the Union, May 7, 1902. Representative Knox led in the opening speech in support of the bill and also directed the affirmative debate.¹⁹ The leader of the debate on behalf of the minority party was none other than Representative Moon, of Tennessee, the proponent of the Jefferson Territory movement; following Mr. Knox, Representative McRae, who first gave notice that at the proper time he would offer a substitute, the purport of which was to include Oklahoma and the Indian Territory as one State.²⁰ In the course of his speech, Mr. McRae asked that the clerk read the resolutions which had been adopted at a meeting of the Oklahoma City Commercial Club, February 4, 1902, which may be regarded as a succinct statement of the single statehood side of the question.

The debate was continued on the two succeeding days, during the course of which, the bill was considered in detail and a number of minor amendments were made. Delegate Flynn made a logical argument in support of the bill, devoting himself to the fitness and qualifications of the Territory of Oklahoma for statehood and making no reference to the Indian Territory whatever, though he did do so in the course of a running debate with Mr. McRae.²¹ The substitute amendment offered by the latter was as follows:²²

That the inhabitants of all that part of the United States now constituting the Territory of Oklahoma and the Indian Territory, namely, that section of country bounded on the north by the states of Colorado and Kansas, on the east by the states of Arkansas and Missouri, on the south by the State of Texas, and on the west by the state of Texas and the territory of New Mexico, may become the State of Oklahoma, as hereinafter provided: *Provided*, That nothing in this act shall be construed to impair any right now pertaining to any Indian tribe or tribes in said Territory under the laws, agreements, or treaties of the United States, or to affect the authority of the Government of the United States to make any regulations or to make any law respecting said Indians or their lands which it would have been competent to make or enact if this act had not been passed and the constitutional convention hereinafter provided for shall, by ordinance irrevocable, express the consent of the State of Oklahoma that Congress shall retain complete jurisdiction over all lands that belong to any Indian tribes until the same has been allotted in severalty and becomes subject to taxation.²³

This amendment was defeated by a vote of 57 to 103, after having been ruled in order by the chairman of the Committee of the Whole House, Representative J. A. Hemenway, of Indiana. The bill as amended was finally reported favorably out of the committee to the House, by which it was immediately passed May 9, 1902.

19. Congressional Record, 57th Congress, 1st Session, Vol. XXXV, pp. 5136-42.

20. *Ibid.*, pp. 5140-46. Appendix XLV-4.

21. *Ibid.*, pp. 5186-98.

22. *Ibid.*, p. 5189.

23. *Ibid.*, p. 5196.

After passing the House the bill went to the Senate, where it was referred to the Committee on Territories. This committee was not disposed to act hastily in passing upon the Omnibus Statehood Bill, at least not nearly so hastily as was desired in some quarters. The chief sponsor for the Omnibus Statehood Bill in the Senate was Matthew S. Quay, then the senior Senator from the State of Pennsylvania. Senator Quay became very impatient with what he regarded as the dilatoriness of the Committee on Territories, though he had no scruples against delaying consideration of legislation which was objectionable to him. It may be stated also that he had no particular interest in that part of the bill relating to Oklahoma and probably would not have objected to a single statehood program if it had been embodied in the bill as it came from the House. His whole interest in the measure was understood to be centered in those sections which related to New Mexico. He was understood to have personal reasons for desiring immediate admission of New Mexico. The bill was referred to the Committee May 12. Five weeks later (June 17), Senator Quay gave notice that in two days he would move to discharge the committee from further consideration of the bill, which he did at the time indicated. He also made a speech in which many precedents were cited to justify the adoption of such a motion.²⁴ He sought for several days thereafter to secure unanimous consent for the consideration of his motion but failed and finally withdrew the motion upon the understanding that the bill should be reported early in the next session.

Visit of the Senate Committee on Territories—During the latter part of the summer, in Oklahoma, when interest in public matters is more or less dormant, there was some quiet counseling among the active leaders of the single statehood propaganda who were naturally anxious over the prospect. The Senate Committee on Territories was invited to visit Oklahoma through the medium of a letter sent to its chairman, Senator Albert J. Beveridge, of Indiana. A special invitation was sent to Senator Quay, who was a member of the committee. Presumably there were a number of similar invitations sent to the committee, not only from Oklahoma but also from Arizona and New Mexico. Along in the autumn it was reported that the Senate Committee on Territories was planning to visit all of the territories. It was hoped that they would visit Oklahoma first. When the committee started west it was announced that the territories of Arizona and New Mexico were to be visited first. No answers were made to telegrams sent to the committee from Oklahoma after the committee left Topeka on its ways to the other territories.

The Committee on Territories, traveling on a special train on the Panhandle Division of the Santa Fe Railway, entered Oklahoma, unannounced, on the afternoon of Saturday, November 22, 1902. Brief stops were made at Woodward and Alva, whence telegrams were sent to Guthrie, Oklahoma City and possibly other points. The telegrams addressed to the Oklahoma Commercial Club were very brief, merely announcing that the Senate Committee on Territories would arrive in Oklahoma City at 4 P. M. the next day (Sunday). This intelligence was immediately transmitted from Oklahoma City to

24. *Ibid.*, pp. 7197-7210.

the friends and leaders of the single statehood movement in many towns in both Oklahoma and Indian territories, with invitation to send delegations to meet the members of the committee. But, in this, Oklahoma City was almost reckoned without its host because of a change in the program which the members of the committee were induced to make after arriving in Guthrie.

The committee's special train arrived at Guthrie about midnight and expected to remain there until time to start to Oklahoma City the next afternoon. The members of the committee were met and persuaded that it would be best to hold but one hearing for both territories, and that, at Guthrie. In order to let them see something of the country in the two territories, it was also proposed that their train should proceed to Oklahoma City early the following morning, make a brief stop there and thence go east on the Rock Island to Shawnee and McAlester; thence north on the Missouri, Kansas & Texas, to Muskogee and Wagoner; thence, over the Iron Mountain, to Claremore; thence back to Oklahoma City, on the St. Louis & San Francisco, and return to Guthrie Monday morning. When the Senatorial Committee arrived in Oklahoma City at an early hour Sunday morning, practically unheralded, save for the brief announcement in the morning papers, there was dismay among the advocates of single statehood. They had not been out-generaled—they had just been "scooped," with no chance to present their side of the case, and they were dumbfounded when Senator Beveridge assured them that it had all been arranged and agreed that there should be but one general hearing for the people of both territories and that it should be held at Guthrie. The heavy clouds whence fell intermittent showers during the day, could scarcely add to the gloom which prevailed in Oklahoma City as the Senate Committee's special train departed for Shawnee. But, even as every cloud is said to have a silver lining, so there were a few sparks of optimism unextinguished in the group which gathered for consultation at the Lee Hotel shortly afterward. The one question uppermost in every mind was that of finding some plan by means of which the Senate Committee could be induced to change its plan and hold part of its hearings in Oklahoma City on the following day.

Various expedients were suggested and rejected. Finally, the writer, who was present solely in his capacity as secretary of the Oklahoma City Commercial Club, remarked that he believed he could write a telegram that would keep the Senators in Oklahoma City a part of the day, at least. "Let's see it," was the instant response from several quarters. When the telegram was written it read thus:

OKLAHOMA CITY, NOV. 23, 1902.

*Hon. A. J. Beveridge, Chairman,
Senate Committee on Territories,
South McAlester, Ind. Ter.*

SIR:—South McAlester, Muskogee, Vinita, Claremore, Tulsa, Sapulpa, Chandler, Wewoka, Hokdenville, Shawnee, Tecumseh, Norman, Lexington, Purcell, Pauls Valley, Wynnewood, Davis, Ardmore, Chickasha, Lawton, Mangum, Hobart, Anadarko and Oklahoma City delegations respectfully but insistently urge that they be accorded a hearing in Oklahoma City tomorrow.

(Signed)

JOSEPH B. THOBURN, Secretary Oklahoma City Commercial Club.

It should be stated that there were not actually that many delegations in sight at the time but it was hoped there might be within a few hours. Late

that night a telegram came from Senator Beveridge, saying, "Will endeavor to hold brief hearing in Oklahoma City, tomorrow, though nothing certain." Early the next morning a second message came from him saying, "Arrive in Oklahoma City at 9 A. M., leave for Guthrie at 11 A. M." And so there was a hearing held in Oklahoma City.

The members of the committee agreed to take the testimony of the mayor and president of the commercial organization and two wholesale merchants of Oklahoma City, and of spokesmen from each of the visiting delegations. (Fortunately for the committee, there were fewer delegations present than might have been expected from the statement contained in the foregoing telegram.) It was nearly noon when the hearing was completed, and it was half an hour after noon before their special train got under way for Guthrie. The stay of the committee at Guthrie was even more brief than the one at Oklahoma City, as the special train departed from the territorial capital at 3:30 o'clock.

The Omnibus Statehood Bill in the Senate—Congress reconvened just a week after the committee's hearings at Guthrie and Oklahoma City. The Senate Committee reported a substitute for House Bill No. 12,543, two days later. The substitute bill, which was introduced by Senator Knute Nelson, of Minnesota, proposed to strike out all after the enacting clause and substitute therefor the provisions necessary to enable the people of Oklahoma and the Indian Territory to form and adopt a constitution and be admitted as one State. And then the battle was on, for the supporters of the original measure were in no very amiable frame of mind. The report of the Committee on Territories had not yet been submitted, though it was understood to be in the process of preparation. It was also understood that the minority was preparing a report. But both majority and minority were too slow to suit Senator Quay who, alluding to himself as "a sort of political orphan upon that committee," submitted a report of his own.²⁵ (It should be stated that neither the minority members nor Senator Quay accompanied the committee on its tour of inspection and investigation in the territories.)

The actual facts were that Senator Quay had enough pledged votes, or otherwise certain support, to warrant him in the belief that the Omnibus Statehood Bill could be passed as it came from the House if it could be brought to a vote. As already stated, he was reputed to have personal reasons back of his urgent insistence upon an immediate passage of this measure. It was currently reported and generally believed that he was involved in some financial transactions in New Mexico in which his interests would have been greatly enhanced by the passage of the measure in question. By a shrewd parliamentary maneuver he had succeeded in having it made an item of unfinished business to be taken up soon after the beginning of the second session of Congress, thus giving it an advanced position on the Senate calendar. And then, confident of the support that the measure would command, he announced that he was ready for a vote upon the same, without debate. But the opposition, led by Senator Beveridge and the majority (Republican) mem-

25. *Ibid.*, 2d Session, Vol. XXXVI, pp. 180-86.

bers of the Committee on Territories, were equally determined that the bill should not come to a vote—at least, not without having been first debated and, in this stand, they were favored by the rules of the Senate. The parliamentary struggle which followed the attempt to force the passage of this bill has seldom been exceeded in intensity in the history of the United States Senate.

Day after day, Senator Quay called for the “regular order,” which was the consideration of the Omnibus Statehood Bill as unfinished business. Always he was on the alert and almost vindictively insistent upon an early vote on the passage of the bill as it had come from the House. In this he was ably seconded by Senator Jacob H. Gallinger, of New Hampshire, and Senator William B. Bate, of Tennessee, the latter being the ranking minority member of the Committee on Territories. On the 10th of December, Senator Quay sent to the secretary’s desk, to be read, no less than ninety-eight telegrams from Oklahoma and the Indian Territory, urging the passage of the Omnibus Statehood Bill as it passed the House of Representatives. Of these, eighteen were dated at Guthrie, fifty-seven at El Reno, and eleven at Holdenville, and the rest from various other places.²⁶ Among these telegrams was the following:

GUTHRIE, OKLAHOMA, December 10, 1902.

Senator Matthew S. Quay, Washington, D. C.:

The Beveridge Bill would make a hopelessly Democratic state—locates Federal Court at leading Democratic towns and takes it away from leading Republican towns.

Before the reading of this telegram could be completed, however, Senator Quay (who saw its effect, the possible alienation of Democratic support for the Omnibus Statehood Bill) was on his feet to interrupt the reading, merely remarking, “That telegram got in by mistake, Mr. President,” which explanation was greeted by laughter.

The report of the Senate Committee on Territories (Senate Report No. 2206, 57th Congress, First Session) was presented December 10.²⁷ It openly questioned the wisdom of admitting Arizona and New Mexico into the Union as states at that time, presenting voluminous reasons in support of the stand thus taken. On the other hand, it presented a strong argument for the admission of Oklahoma and the Indian Territory as one state. While there can be no doubt that the majority members of the committee were sincere in their desire to grant the boon of statehood to Oklahoma and the Indian Territory, there was no doubt a temptation to use the single statehood substitute as a club for the destruction of the well laid plans for the admission of the other two territories. The minority report of the Committee on Territories was signed by Senators William B. Bate, Henry Heitfeld, Joseph W. Bailey and Thomas M. Patterson.²⁸ Senators Bate and Bailey were from the South and favored ultimate admission of Oklahoma and Indian Territory as separate states for the purely partisan reason that it would add to the strength of their

26. *Ibid.*, pp. 175-78.

27. *Ibid.*, pp. 187-94.

28. *Ibid.*, pp. 297-99.

own party in the Upper House of Congress. Senator Patterson, on the other hand, believed that Oklahoma and the Indian Territory should be joined in the formation of one State—in fact, he had introduced a bill for that purpose—but, representing a Rocky Mountain State, as he did, he could not bring himself to oppose the admission of Arizona and New Mexico. Senator Heitfeld, too, was from a Rocky Mountain State (Idaho) and, moreover, a partisan Republican who was ever ready to follow the leadership of such a man as Senator Quay; indeed, the only wonder was that he did not sign the Quay report instead of the minority report. Unlike the Quay report, the minority report did discuss the possibility of joint statehood for Oklahoma and the Indian Territory, though it must be admitted that such discussion was couched in terms of sarcastic hostility.

Two days after Congress convened, an enthusiastic single statehood convention was held at Claremore (December 3, 1902). Strong resolutions were adopted, protesting against the passage of the Omnibus Bill²⁹ and a delegation of leading citizens of both territories was sent post haste to Washington to do all that was possible to defeat that measure and seek to secure the passage of a single statehood bill instead.

When the substitute for the Omnibus Statehood Bill was introduced, Senator Augustus O. Bacon, of Georgia, immediately introduced an amendment to it, proposing to strike out "Oklahoma" and insert "Jefferson" in lieu thereof.³⁰

The Oklahoma City Convention—The pressure of other business caused a lull in activity on the statehood measure as the holiday season drew near. However, it did not alter the determination of Senator Quay and his associates to push it to a final vote and there was evidence of renewed zeal when Congress reconvened after the Christmas recess. On the 7th of January, Senator Quay sent to the secretary's desk nineteen telegrams, each of which urged the passage of the Omnibus Statehood Bill.³¹ Of these, eleven were from Holdenville, one was from Guthrie and the rest were from citizens of New Mexico—mostly from Carlsbad. On the day before (January 6, 1903), a convention in the interest of single statehood was held at Oklahoma City. In its attendance and enthusiasm it far exceeded any gathering that had ever been brought together as a territorial convention for any purpose, up to that time. Indeed, there was not at that time a single auditorium in Oklahoma large enough to give even standing room for all the delegates. Once more a declaration was prepared for presentation to the Senate of the United States, protesting against the passage of the Omnibus Statehood Bill and urging single statehood for the Indian and Oklahoma territories.³² Another delegation was selected to visit Washington for the purpose of personally pleading with the Senators in behalf of the substitute bill.

The Omnibus Statehood Bill Talked to Death—Doggedly persevering, Senator Quay continued to make a fight for a vote on the Omnibus Statehood

29. *Ibid.*, pp. 45-46.

30. *Ibid.*, pp. 186-87.

31. *Ibid.*, pp. 554-55.

32. *Ibid.*, pp. 564-74, XLV-5.

Bill.³³ Always some Senator would object that he had not yet "concluded speaking" on the question. And so, from day to day the motion to set a date upon which to vote could be taken on the measure was deferred. As the end of the session drew near, important appropriation bills consumed a relatively larger proportion of each day in the Senate until, finally the Omnibus Statehood Bill was crowded out altogether. It may be said that the attempt to force the Omnibus Statehood Bill through the Senate, and that, too, early in the session and practically without debate, indicated the highwater mark of the separate statehood movement in Oklahoma. To be sure, other separate statehood bills were destined to be introduced in Congress, but with small expectation that they would receive any serious consideration.

Another convention, in the interest of single statehood, was held at Shawnee, July 24, 1903. At this meeting, a permanent organization, known as the Single Statehood Executive Committee, was effected. This committee, of which Charles G. Jones, of Oklahoma City, was chairman, and Henry P. Robbins, of McAlester, was secretary, kept up a continuous organization from that time until after the passage of the Enabling Act, nearly three years later.

Statehood Legislation in the Fifty-eighth Congress—In the first (special) session of the 58th Congress, three bills proposing statehood for Oklahoma were introduced. On the first day of the session (November 9, 1903), Representative Stephens, of Texas, introduced a bill (House Bill No. 24) "to provide for the union of Oklahoma Territory and Indian Territory and to enable the people thereof to form a constitution and state government, and to be admitted to the Union as the State of Oklahoma, on an equal footing with the original states, and to make donations of public lands to said state." On the 18th of November, Delegate McGuire introduced House Bill No. 4,078, which was a single statehood measure. On the 23d of November, Senator Quay introduced Senate Bill No. 1,693, which was designed to provide for separate statehood for Oklahoma Territory alone.

In the second session of the 58th Congress—House Bill No. 10,010, by Representative James M. Robinson, of Indiana; House Bills Nos. 14,671 and 14,749, both by Representative Edward L. Hamilton, of Michigan; and Senate Bill No. 3,625, by Senator Matthew S. Quay, of Pennsylvania. The Robinson Bill was introduced for the purpose of enabling Oklahoma and the Indian Territory to be admitted as one state, as were also Mr. Hamilton's first bill and the Quay bill in the Senate. Mr. Hamilton's second bill (House Bill 14,749) was an omnibus bill in that it sought to provide joint statehood for Oklahoma and the Indian Territory, and joint statehood for Arizona and New Mexico. There was comparatively no opposition in the House on the proposed union of Oklahoma and the Indian Territory in the formation of one state, though Mr. Moon, of Tennessee, did manifest grave concern over the proposed proceeding because it did not offer to the people of the Indian Territory an alternative vote on the matter. Most of the debate over the bill was on the proposed union of Arizona and New Mexico in the formation of one state. After extended debate and a number of amendments, this measure.

33. Appendix XLV-6.

commonly known as the Hamilton Statehood Bill, passed the House of Representatives, April 19, 1904.

When the Hamilton Statehood Bill was sent to the Senate, it was referred to the Committee on Territories, which did not render any report until after the beginning of the last session.

When it was reported, it became the subject of exhaustive amendment and debate. It finally passed the Senate in amended form, providing for the admission of Oklahoma and New Mexico, but eliminating all reference to Arizona. The House of Representatives concurred in the Senate amendments, and statehood legislation was deadlocked for the time being, Speaker Cannon refusing to permit any change in the House rules.

The last statehood convention was held at Oklahoma City, July 12, 1905. It was a comparatively harmonious gathering, as there was little reason for anyone to hold further hope for the possibility of separate statehood. In December, following, a delegation of nearly one hundred representative citizens went to Washington, where several weeks were spent interviewing members of the Senate and House of Representatives in the interest of statehood for Oklahoma and the Indian Territory.

The Passage and Approval of the Enabling Act—In the 59th Congress a number of statehood bills were introduced during the first session. Senate Bill No. 1,158, by Senator Beveridge, proposed joint statehood for the Oklahoma and Indian Territory and joint statehood for Arizona and New Mexico. In the House of Representatives, three bills (Nos. 183, 441 and 3,186) were introduced by Representatives Frank Clark, of Florida; Stephens, of Texas; and Hamilton, of Michigan. Mr. Hamilton subsequently introduced two more statehood measures (Nos. 10,719 and 12,707) both of which were omnibus bills, proposing statehood for Arizona and New Mexico as well as for Oklahoma and the Indian Territory. House Bill No. 12,707, popularly known as the Hamilton Statehood Bill, passed the House of Representatives after debate and amendment, January 25, 1906. Thence it went to the Senate, where practically all of the debate related to Arizona and New Mexico. On March 9, 1906, the Senate voted to strike out all reference to Arizona and then voted to admit Oklahoma and Indian Territory as one state. The House of Representatives refused to concur in the amendments and three months were spent in the deadlock on statehood legislation. After several conferences, each house receded from some of the disputed points upon which there had been insistence, and agreement was finally reached on the 14th of June. President Roosevelt approved the Hamilton Statehood Bill as finally passed, and the end of the protracted state of political tutelage was at last in sight.

Principal Feature of the Bill—The Hamilton Statehood Bill consisted of forty-three sections, the first eighteen of which related only to the proposed State of Oklahoma. The whole measure was drawn up in such a way as to conform as nearly as possible to the language of previous enabling acts and contained many provisions that had been common to most of them, together with such additional provisions as were found to be necessary or expedient

because more recently enacted laws, Indian treaties or peculiar local conditions.

The Constitutional Convention of Oklahoma was to be composed of one hundred and twelve delegates. The constitution to be framed was to conform to the usual requirements in that it was to be republican in form and was to be submitted to a vote of the duly qualified voters for approval or rejection, and the state was to be formally admitted into the Union by proclamation of the President of the United States.

The state was to be divided into two Federal judicial districts and was to be attached to the Eighth Judicial Circuit. Provision was made in the usual way for pending causes in the territorial courts and for the transfer of unfinished business therefrom to the state courts at the proper time.

Five seats in the National House of Representatives were apportioned to the new state, and the Congressional districts were established and their boundaries defined to remain unchanged until after the next decennial Federal census should be available as a basis for reappointment. The new state was to assume and pay all outstanding indebtedness due from the territory.

Proper provision was made for the maintenance of a system of common schools. The state was to be given two sections of nonmineral land in each township within the limits of the Territory of Oklahoma for the support of the common schools, which were to be nonsectarian in character. The sum of \$5,000,000 was also to be given to Oklahoma in lieu of similar lands which could not be set apart in the Indian Territory because of Indian ownership and because of the great expense to which the state would be put in establishing schools where none existed prior to the establishment of the state government.

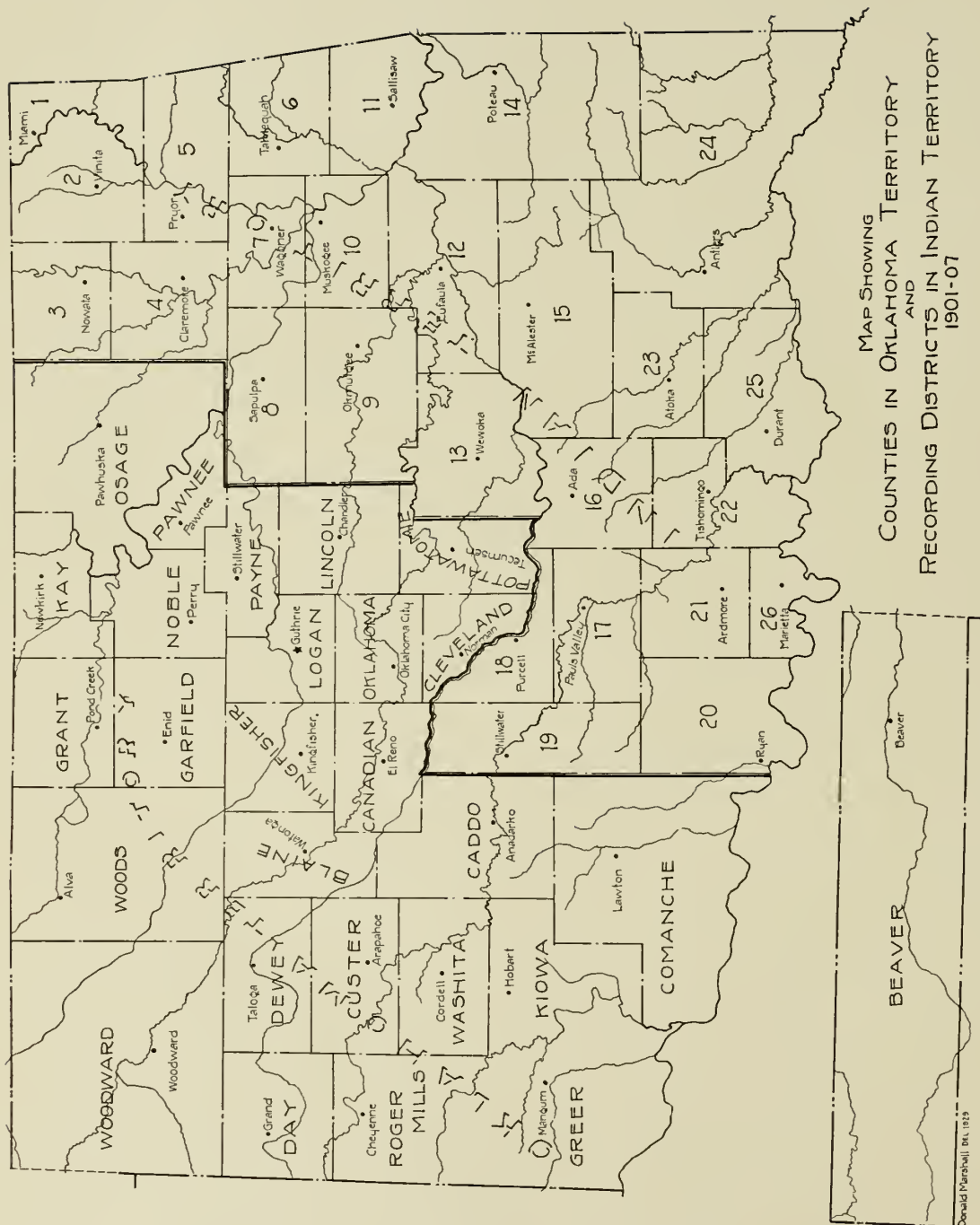
The capital of the state was to remain at Guthrie until 1913 after which time it might be located elsewhere by vote of the people. The sum of \$100,000 was appropriated for the purpose of defraying the expense of the constitutional convention.

The sale of intoxicating liquor in that part of the state which had been comprised in the Indian Territory and unopened Indian reservations in Oklahoma Territory was to be prohibited for a period of twenty-one years.



CHAPTER XLVI

THE DAWES COMMISSION



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The commission to treat with the Cherokees and other Indian tribes for the relinquishment of their surplus lands west of the 96th Meridian, in order that these lands might be thrown open for settlement under the homestead laws, continued its work throughout the Harrison administration. Since it was apparent that a commission with a wider range of authority would soon be needed if negotiations were to be continued for the settlement of the affairs of the Five Civilized Tribes, provision was made for the appointment of such a commission under the next administration.¹ Henry L. Dawes, former United States Senator from Massachusetts, Meredith H. Kidd, of Indiana, and Archibald S. McKennon, of Arkansas, were appointed by President Cleveland, on November 1, 1893, as members of the commission to treat with the Five Civilized Tribes, with a view of securing agreements to take allotments of land in severalty and give up the privilege of maintaining separate Indian governments.² This commission, which became known as the Dawes Commission, was destined to play an important part in the history of Oklahoma from that time until the end of the Territorial Period.

For some time before the appointment of the Dawes Commission, the people living within the boundaries of each of the several nations in the Indian Territory were divided into two openly hostile factions, with regard to the proposed change of conditions that was being advocated so strongly before Congress. None of the Indian governments recognized the right of private ownership of real estate; all lands were still held in common, even though these might be cleared, fenced, and cultivated for personal benefit within his nation by any Indian citizen. On the one side of the controversy that had arisen were the Indian citizens—the full-bloods being the extremely conservative element in the group—who remained unalterably opposed to any change whatsoever; on the other, were the thousands of white intruders³ and

1. U. S. Statutes at Large, Vol. 35, pp. 645-46.

2. The following editorial appeared in the "Indian Chieftain," Vinita, Indian Territory, on June 23, 1893:

"It has been suggested that Agent Bennett call a convention at some future time to discuss the matter of a change of government for the five tribes. This is, we think, a good suggestion and will, no doubt, meet with the approval of all who realize that a change is inevitable. If the Indian nations would have a voice in shaping the course of the coming changes they should certainly take some immediate, intelligent action and make their wants known before Congress meets again. It is utterly useless for us to longer argue that we do not want a change, and for this reason refuse to act in the matter. A change in our present system will come, and if we act the part of wisdom we will have a hand in the matter."

3. "If there is any class of people in this country that are really in the ascendancy, it certainly must be the so-called intruders. They are not only here, and, it seems here to stay, but their numbers are increasing every day. They have, in a measure, immunity from the laws, either Indian or United States. They are enjoying as many benefits of the Nation as any other class, in fact more, for as a general thing they are thrifty farmers and business men. That their numbers will increase with each succeeding year there is little doubt. In fact, not until the inducement is removed, will they cease to come, namely, the commonality of lands.—Ibid., December 7, 1893 (editorial).

the adopted white citizens, especially in the Cherokee Nation, who were eager for the Federal Government to obtain control, since the intruders had no rights of holding property nor any protection under the Indian governments, and the adopted citizens in many instances had been recently disfranchised throughout some of the nations.⁴ Each side had its champions among the local newspapers of the Indian Territory, which did not hesitate to publish articles and letters reflecting the spirit of bitter partisanship that had arisen. Public comment in the bordering states,⁵ influenced by the railroad interests and politics, was extremely prejudiced in reciting the conditions that it claimed existed in the Indian Territory, and favored the immediate dissolution of the Indian governments, an attitude that unfortunately did not foster the spirit of arbitration among the citizens of these governments.

The Dawes Commission arrived in the Indian Territory and established headquarters at Muskogee, about the middle of January, 1894. It immediately published a letter addressed to the Indian citizens of the Five Civilized Tribes, "embodying advice and warning" with reference to the work that had been committed to its care. After calling attention to conditions in general,⁶ the three steps involved in this work were specifically stated:

First. Allotment of lands among owners so that each will hold his share in severalty.

Second. An abandonment of tribal organizations.

Third. The organization of territorial government, or union with Oklahoma.

The letter made it very plain that these steps inevitably would be taken in the near future; that it was not a question whether a division of land was to be made, but rather "in what method it shall be done."

A convention of delegates from each of the Five Civilized Tribes was called to meet the Dawes Commission at Checotah on February 19, 1894. In a personal address before the convention, Commissioner Dawes again stressed the fact that the Government Commission was in earnest with regard to its

"Misrepresentation is the stock in hand of the 'boomer press.' It turns out now that even Purcell is opposed to amalgamation with Oklahoma 'boomerdoom.' Take the towns-site schemers away from the booming element and there would be nothing left but a memory."—Alliance Courier. Copied in the Cherokee Advocate (Tahlequah, I. T.), on October 28, 1893.

4. Differences of opinion with regard to the rights of the adopted and intermarried white citizens first arose in the Cherokee Nation in 1883, when the authorities of the Nation were making the per capita payments to its citizens out of the Cherokee Strip lease money. At that time it was held that the adopted white citizens had no right to share in the landed property and moneys of the Cherokee Nation. Though a protest was raised by these people, this continued to be the status of affairs, since no determined action was taken until 1893, when they organized the White Adopted Citizens' Association of the Cherokee Nation, representing about two thousand families, for the purpose of ascertaining and protecting their rights. In that year, a large per capita payment (about \$300) was due the Cherokees from the sale of the Cherokee Outlet to the United States; also, the act creating the commission to the Five Civilized Tribes had been recently passed by Congress, and the allotment of all tribal lands in severalty was imminent. The result was that the question of the rights of the adopted white citizens was an issue in more than one political campaign in the Cherokee Nation. A somewhat similar situation existed in the Chickasaw Nation, the Chickasaw Legislature having passed an act on April 8, 1887, disfranchising all adopted and intermarried citizens living within the limits of the nation. Thus the number of legal voters in the Chickasaw Nation was reduced to between five and seven hundred, and the so-called Progressive party was practically destroyed.

5. Appendix XLVI-1. Letter to the President from Governor W. M. Fishback, of Arkansas, and a reply from the editorial columns of the Cherokee Advocate.

6. Appendix XLVI-2. Extract from an address from the Dawes Commission to the Five Civilized Tribes, dated February 12, 1894.

work; that it intended to carry out allotment of lands in severalty and bring about the dissolution of the tribal governments.⁷ At the end of ten days, the Indian delegations presented a memorial which, after pointing out that the five nations were progressive, law-abiding communities as far as their own citizens were concerned, made the following statement:⁸

When the United States, either through Congress or commissioners, drives the Indian with the alternative of either accepting or rejecting allotment, we will be found advising our people to remain as they are, both in tenure and tribal government.

During the ensuing spring and summer, a list of propositions to be considered as a basis in the negotiations for new agreements was submitted by the Dawes Commission to each of the Five Civilized Tribes separately, but the year closed without any definite results accomplished in the making of new agreements. The Commission rendered its annual report for 1894 adverse to the stand taken by the Indian citizens (i. e., that they be left undisturbed in their governments and in the holding of their lands in common), and severely criticized the conditions it claimed to have found in the Indian Territory. It especially stressed the condition of the thousands of white intruders who remained unprotected in their acquired property interests:⁹ it stated that the Indian governments were conducted by "a few able and energetic Indian citizens" who "unblushingly practiced corruption of the grossest kind"; it called attention to the full-blood Indians, who lived off in the woods to themselves, and presented cases of "arrested progress," because they were pushed aside by the more aggressive citizens—intermarried whites and mixed-blood Indians.¹⁰

7. Indian Chieftain (Vinita, I. T.), February 22, 1894.

8. *Ibid.*, March 8, 1894.

9. Under the heading, "Over the Territory," the following letter appeared in the Indian Citizen (Atoka, I. T.), for April 19, 1894:

McAlester, I. T., April 14, 1894.

Mr. Editor: Allow me space in your valuable paper to say a few words in regard to the honorable committee known as the Dawes Commission. I have met and conversed with the members of the said committee and find them affable gentlemen, but muddled on the Indian question, they seem to be desirous of doing something for the whites and non-citizens to alleviate their sufferings, it reminds me of the boy and frogs. We saw them at the district courthouse in the First District and there were at least eight jurors from each county in the district besides many full-bloods, also many prominent attorneys of the nation, and Senator Dawes had an invitation to address the Choctaw people but declined, so also did the other honorable gentlemen, but returned to South McAlester the same night and all of them made a speech to a body of non-citizens encouraging them to be of good cheer, that there was still hope for them that the United States would protect them from the encroachments of the Indians. You could detect in every word and gesture that the Indian question only involved one question with the Government, that was the land; take the property out of the Indian question and the Government would be with the Indians like she is with the paupers of the several states, she would not know they were in existence. Now the commissioners say the whites who are here must have homes, they had no homes before they came here, why should these Indians give or sell them homes. Now why not the citizens of Arkansas, Texas, Kansas and Missouri be compelled to give or sell them homes before they came here, why should these Indians give or sell them homes after they came here. But to return to the commission, if we understand aright, they were sent down here to talk to the Indians and not treat with the whites for this land. Possibly we are wrong.

VOX POPULI

10. Report of the Commission to the Five Civilized Tribes for 1894, Senate Mis. Doc. No. 24, 53d Congress, 3d Session. (To make the statement that all the full-blood Indians, or even a majority, were poverty stricken and presented cases of "arrested progress," at the time that the Dawes Commission arrived in the Indian Territory, was refuted by many persons who were acquainted with conditions in the several nations. Many full-bloods, especially in the Choctaw and Chickasaw nations, always lived well, depending principally upon their herds of cattle and horses as sources of income. Practically every one of these

Before resuming its tasks in 1895, the Dawes Commission underwent some changes in its personnel. General Frank C. Armstrong (1895-1905), of Washington, D. C., was appointed to the place of Meredith C. Kidd, who was transferred to other service; Mr. Thomas B. Cabaniss (1895-97), of Georgia, and Mr. Alexander H. Montgomery (1895-96), of Kentucky, were added to the commission. Acting under a letter from President Cleveland to the Secretary of the Interior, the members of the commission addressed communications to each of the principal chiefs of the Five Civilized Tribes on May 18, 1895. The chiefs were personally unauthorized to act in the matter of making agreements involving the relinquishment of their tribal lands, since this power rested in the people themselves under the advice and direction of their national councils. Therefore, in each case, it was necessary to await the authorized convening of the several national councils, before any action toward making agreements with the United States could be taken. However, Principal Chief C. J. Harris, of the Cherokee Nation, proceeded to call a convention of delegates from each of the nations to meet at Fort Gibson on May 28, 1895. As no delegation from the Choctaw Nation attended, the convention adjourned to meet at Eufaula on June 26, at which time the delegates expressed themselves determined in their opposition to any change in the tribal governments, and reaffirmed the memorial presented by the Checotah Convention in 1894.¹¹ In the meantime a survey of the lands of the Five Civilized Tribes was begun by the United States Geological Survey, under the Congressional Act of March 2, 1895.

Throughout the summer personal interviews were held between the Dawes Commission and the officials of the several nations.¹² On September 24, 1895, the Chickasaw Legislature passed a resolution to the effect that the propositions offered by the Dawes Commission would be given due consideration, whereupon the commissioners visited the Legislature, then in session at Tishomingo. Soon afterward, a delegation of Chickasaws was appointed to consult with authorized representatives of the Choctaw Nation, but the propositions submitted by the Dawes Commission did not meet the approval of the Choctaw General Council, which passed a resolution to that effect, on November 12, 1895.¹³ Having failed to make any headway in its work during 1896, the commission rendered its annual report to the Interior Department, recommending immediate legislation by Congress, that should include, (1) a territorial form of government to be erected over the Five Civilized Tribes; (2) extension of the United States courts in the Indian Territory.¹⁴

people always raised enough in the way of crops to supply their families with corn, potatoes, etc. Some of them had good sized farms, which were worked by white tenants, who raised large crops of cotton for the market. Also, when it came to the matter of elections in the nations, the full-blood vote was the strongest factor. For local controversy over the condition of the full-blood Indians in the Cherokee Nation, consult Appendix XLVI-3 for editorial appearing in the columns of the *Indian Chieftain* [Vinita, I. T.] and an answer from the *Cherokee Advocate* [Tahlequah, I. T.]

11. Report of the Commission to the Five Civilized Tribes for 1895. Senate Doc. No. 12, 54th Congress, 1st Session; also see the "Indian Citizen" (Atoka, I. T.), July 11, 1895, for the memorial of the Eufaula convention.

12. Appendix XLVI-4. A Choctaw's Pertinent Query of the Dawes Commission.

13. Appendix XLVI-5. Brief review of some of the issues of the political campaigns in the Choctaw Nation during 1895 and 1896.

14. Report of the Commission to the Five Civilized Tribes for 1895. Senate Doc. No. 12, 54th Congress, 1st Session.

On March 18, 1896, Representative Charles Curtis, of Kansas, introduced a bill in Congress, providing "for the protection of the people of the Indian Territory, extending the jurisdiction of the United States courts, providing for the laying out of towns, the leasing of coal and other mineral, timber, farming, and grazing lands, and for other purposes." The Curtis Bill (H. R. 7907) passed the House on June 6, 1896, and upon being sent to the Senate was referred to the Committee on Judiciary, no further action being taken during the session.¹⁵

Congress also enlarged the powers of the Dawes Commission over the Five Civilized Tribes, in the Act of June 10, 1896, under which the commissioners were required "to proceed at once to hear and determine the application of all persons who may apply for citizenship in the said nations." Another clause in this law declared it "to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said territory, and afford needful protection to the lives and property of all citizens and residents thereof." The Act of June 10, 1896, contained the first distinctly arbitrary legislation that was passed by Congress over the Five Civilized Tribes and is very important in its bearing on the subsequent history of their relations with the Dawes Commission.¹⁶

When the general public throughout the United States learned that the commission had been empowered to examine and determine the legality of applications for enrollment as citizens of the nations, hordes of people, especially from the bordering states, began to pour into the Indian Territory, and present themselves at headquarters for entry on the tribal rolls that they might reap the benefits of the partition of Indian property. Knowing that thousands of these persons were fraudulent claimants, the Indians fully realized their unhappy plight; if they had been wary in entering into negotiations with the Dawes Commission heretofore, they now became exceedingly watchful before giving their final consent to any agreement. Though many Indian citizens were fully aware of the serious situation confronting the nations, the full-bloods and those citizens who were of the conservative group remained unyielding in their opposition and were exceedingly bitter in their expressions with regard to treating with the Dawes Commission. On its part the commission proceeded at once to carry out the provisions of the law authorizing the preparation of tribal rolls, and attempted to hasten the negotiations and completion of agreements, not realizing for many months the intricacy of the problems that would have to be solved and the extensive Congressional action that would be necessary before this work could be completed.

In the face of the legislation that had been recently passed by Congress and the Curtis Bill that was pending, the Five Civilized Tribes took up the matter of entering into negotiations for making agreements. Under a call

15. Congressional Record, 54th Congress, 1st Session, Vol. 23, pp. 6197 and 6246. The Curtis Bill (H. R. 7907) was withdrawn from the Committee on Judiciary on January 18, 1897, and referred to the Committee on Indian Affairs.—*Ibid.*, 2d Session, Vol. XXIX, p. 873.

16. U. S. Statutes at Large, Vol. XXIX, p. 321. See Appendix XLVI-6 for some of the causes and results of the Act of June 10, 1896.

issued by Principal Chief Isparhecher, of the Creek Nation, an international council was held at Okmulgee on July 7, 1897, but the Choctaws again failed to send a delegation to the meeting, therefore a second council was called to meet at Eufaula on July 28, during which it was finally determined to advise the nations to treat with the Dawes Commission. Subsequently, several of the national councils that convened during the late summer and in the fall, authorized the appointment of commissioners to negotiate new agreements.

Under a call made by Principal Chief Green McCurtain, of the Choctaw Nation, a convention of delegates from each of the Five Tribes met at McAlester on November 12, 1896. At this convention a resolution was drawn up setting forth the propositions upon which the tribes would consent to enter negotiations with the Dawes Commission. This resolution presented a general policy of agreement, including, (1) full payment for all claims due each of the tribes under former treaties; (2) allotment of lands in severalty, share and share alike; (3) maintenance of tribal governments until all conditions set forth in the resolution should have been carried out by the United States; (4) compensation of not less than five hundred dollars to be paid each Indian citizen as an indemnity for personal losses and expenses incurred as a result of the dissolution of their national governments; (5) absolute refusal to recognize any union with Oklahoma Territory.¹⁷

Under this general policy and with the further submission of certain propositions that related to the Choctaw and Chickasaw nations, the Choctaw commissioners entered into negotiations at Muskogee. However, the agreement as completed on December 18, 1896, was almost wholly prepared by the Dawes Commission itself. The main provisions of this agreement included, (1) a deed to be executed immediately by the constituted authorities of the Choctaw and Chickasaw nations, conveying to the United States, in trust, all interest of the Choctaws and the Chickasaws in their lands in the Indian Territory; (2) allotment of lands belonging to each individual citizen to remain inalienable for twenty-five years; (3) all claims of any kind, either for or against the two tribes with the United States, to be submitted to the Senate of the United States as a board of arbitration.¹⁸

The clause providing that a deed be executed to the United States for all interest in the landed property of the two nations, was seriously objected to by one of the Choctaw delegates, Doctor E. N. Wright, who refused to sign the agreement.¹⁹ This, together with the fact that the Chickasaws were not represented at Muskogee, called for further conference between the two dele-

17. Correspondence between the Commission to the Five Civilized Tribes and the Creek Nation (Exhibit G.) Consult Appendix XLVI-7 for statement of the general policy adopted by the Five Civilized Tribes in convention at South McAlester.

18. Correspondence between the Commission to the Five Civilized Tribes and the Choctaw Nation (Exhibit D).

19. Dr. Wright, who, as a citizen of the Choctaw Nation, had early realized the futility of the Indians' refusal to treat with the Dawes Commission, had been a leader among the Choctaws in the movement which had resulted in the adoption of a general policy of agreement and the final decision on the part of the Choctaws to meet the Dawes Commission. The members of the Choctaw Commission were: Principal Chief Green McCurtain, J. S. Standley, N. B. Ainsworth, E. N. Wright, Ben Hampton, Wesley Anderson, Amos Henry, D. C. Garland, and A. S. Williams. Dr. Wright's minority statement, in which he set forth his reasons for not signing the first Choctaw agreement and which appeared in the local press of the Choctaw Nation and, also, in leaflet form, is to be found in Appendix XLVI-8.

gations and the Dawes commission at Washington, District of Columbia. On February 2, 1897, the Chickasaw delegation addressed a letter to the commission, expressing their refusal to sign the agreement as entered into by the Choctaws at Muskogee; however, they stated they were willing to agree to allotment of lands in severalty, provided that the title of the Choctaw and Chickasaw public domain, under their patent from the United States, should remain in the two nations until allotment was completed. On account of the opposition to the agreement made at Muskogee, it was never ratified.²⁰

The Atoka Agreement and the Curtis Act—The Dawes Commission concluded an agreement with the authorized representatives of the Choctaw and Chickasaw nations, on April 23, 1897, at Atoka, from which circumstance it has always been called the Atoka Agreement.²¹ This marked the dawn of a great change in the Indian Territory and the decline of authority and influence of the several Indian governments dated from that time.

By the terms of the Atoka Agreement, all lands belonging to the Choctaws and Chickasaws were to be allotted in severalty so as to give each citizen a fair and equitable share as far as possible, considering the character and fertility of the soil and the location of the lands. It was provided that these allotments should remain untaxable for twenty-one years unless sold by the allottee, and also that the allottee's homestead of one hundred and sixty acres could not be sold after the patent was issued. Surplus allotments over and above the homestead could be sold under certain restrictions. All mineral lands belonging to the Choctaw and Chickasaw nations, consisting principally of deposits of coal and asphalt, were segregated and reserved from allotment, to be sold for the benefit of all the citizens of the two nations.

The Atoka Agreement was ratified by the Choctaw General Council and the Chickasaw Legislature during the following November.²² However, the act of the Chickasaw Legislature, authorizing the appointment of commissioners, had also provided that any agreement negotiated with the Dawes Commission should be submitted to the Chickasaw people for approval. Accordingly, on December 1, 1897, an election was held in the Chickasaw Nation, the returns showing that a majority of one hundred and twenty-eight votes were against the Atoka Agreement.²³

20. A general protest against any arbitrary action on the part of Congress was expressed in "An appeal of the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws" presented in the form of a memorial to Congress on February 17, 1897. Consult Appendix XLVI-9.

21. The signers of the Atoka agreement on the part of the Choctaws and Chickasaws were as follows: Principal Chief Green McCurtain, J. S. Standley, N. B. Ainsworth, Ben Hampton, Wesley Anderson, Amos Henry, and D. C. Garland, as commissioners on the part of the Choctaw Nation; Governor Robert M. Harris, Isaac O. Lewis, Holmes Colbert, Robert L. Murray, William Perry, and R. L. Boyd, as commissioners on the part of the Chickasaw Nation.—Indian Citizen (Atoka, I. T.), April 29, 1897.

22. *Ibid.*, November 4, 1897.

23. *Ibid.*, December 9, 1897. (The Chickasaws objected to the Atoka Agreement on the grounds that no provision bound the United States Congress to make an appropriation for the \$558,520.54 arrears in interest due on the proceeds of their lands sales in Mississippi, which had occurred sixty years previous to this time. The amount had been awarded by the Court of Claims, but no appropriation covering the whole sum had ever been made by Congress. The number of votes cast in the election on December 1, 1897, was less than five hundred, the number of legal voters in the Chickasaw Nation having been reduced by the wholesale disfranchisement of the intermarried citizens by an act of its Legislature ten years before this time.)

On the same day that negotiations were being concluded with the Choc-taws and Chickasaws at Atoka (April 23) the General Council of the Seminole Nation provided for the appointment of six Seminole commissioners to enter into negotiations for an agreement with the Government.²⁴ The Dawes Commission had first visited the Seminoles during the session of the General Council on April 6, 1894, when a list of propositions was submitted as the basis for an agreement, under the general policy that was being advocated by the commission for all the Indians in the Indian Territory. No response was made on the part of the council at that time, nor was any action taken toward the appointment of commissioners to represent the nation. Two years later, under the Act of June 10, 1896, the Dawes Commission addressed a communication to Governor John F. Brown, of the Seminole Nation, requesting a complete roll of all Seminole citizens. Governor Brown replied in a brief letter, dated September 5, 1896, that the request of the commission should be "complied with in season."²⁵ Over a year later, after the creation of the Seminole Commission, an agreement was negotiated and completed on December 16, 1897, providing for allotment of lands in severalty among the Seminole citizens and the jurisdiction of the United States courts over all "controversies growing out of the title, ownership, occupation, or use of real estate owned by the Seminoles." This agreement was subsequently approved by the citizens of the nation, and was ratified by Congress on July 1, 1898, after which it immediately went into effect in the Seminole Nation.²⁶

Several conferences and considerable correspondence occurred between the Dawes Commission and the authorities of the Creek Nation during the summer and fall of 1896, resulting in a deadlock, since neither side was authorized to agree to the propositions submitted between them. During the session of the Creek Council, a resolution was passed on October 12, 1896, providing for the appointment of a committee to be composed of seven members of the House of Kings and nine members of the House of Warriors, to consider not only the relations existing with the Federal Government but also the propositions submitted by the Dawes Commission. The report of the committee recommended the appointment of five delegates to treat with the Dawes Commission and, also, to confer with similar delegations from the other nations as to their common interests.²⁷ In an unsuccessful conference between the Creek delegation and the commission at Muskogee on December 14, it was charged that the Creeks were acting evasively over the matters that had been laid before them.²⁸ On the other hand the Creek delegation claimed the commission refused to answer certain propositions under consideration, in writing. Negotiations with the Creek Nation in 1896 practically ended

24. *Ibid.*, May 6, 1897.

25. Correspondence between the Commission to the Five Civilized Tribes and the Seminole Nation, Exhibit H accompanying the Annual Reports for 1894, 1895, and 1896 of the Commission to the Five Civilized Tribes.

26. Annual Report of the Commission to the Five Civilized Tribes for 1899, p. 87. The members of the Seminole Commission were: Governor John F. Brown, Okchan Harjo, William Cully, K. N. Kinkehee, Thomas West, and Thomas Factor.

27. *Ibid.*, Exhibit G accompanying the Reports for 1894, 1895, and 1896.

28. Appendix XLVI-10. Extract from report of the conference between the Commission to the Five Civilized Tribes and the Creek Commission, at Muskogee, December 14, 1896.

with a letter from the Creek delegation, reiterating the insistence on the part of the nation with regard to three propositions; namely, (1) to provide a method of stating accounts and making payments to the Creeks, due under former treaties with the United States; (2) a provision for a reasonable indemnity to each individual citizen of the nation, for all losses sustained on account of the contemplated change in tribal government; (3) full protection under future state laws. A year later, an agreement was reached and concluded at Muskogee on September 27, 1897, but it was rejected by the Creek Council, Chief Isparhecher and some of his friends opposing the changes that were contemplated in this instrument.²⁹

With the failure on the part of the Chickasaws to give complete approval to the Atoka Agreement and the refusal on the part of the Creek Council to ratify the new agreement with that nation, it was practically certain that Congress would arbitrarily assume full control over the Five Civilized Tribes by enacting the Curtis Bill.³⁰ Not only were large delegations sent to Washington by each of the nations to oppose the provisions of this bill, but also the Dawes Commission itself was called to Washington to report on conditions in the Indian Territory to the Congressional committees in charge of the proposed legislation. After strenuous opposition on the part of the Indians, the measure finally included not only the Atoka Agreement but also the agreement that had been made with the Creeks' in amended form. This law, commonly known as the Curtis Act,³¹ went into effect two days after its passage and approval on June 28, 1898, but many months passed before some of its provisions could be enforced; since it provided that the agreements made with the Choctaws and Chickasaws and the Creeks, in amended form, should become effective if ratified by a majority of the voters of these tribes in elections held before December 1, 1898.

A special election was called by the executives of the Choctaw and Chickasaw nations to be held on August 24, 1898, pursuant to the provisions of the Curtis Act. When the votes were counted in the presence of the members of the Dawes Commission, at Atoka, on August 30, it was found that the agreement was ratified by a majority of 798 votes. A proclamation was immediately made by Principal Chief Green McCurtain and Governor Robert M. Harris, declaring the Atoka Agreement in amended form, as incorporated in the Curtis Act, to be in full force and effect in the Choctaw and Chickasaw nations, respectively.³²

29. Annual Report of the Commission to the Five Civilized Tribes for 1898, p. 4.

30. Under the act of Congress on June 7, 1897, it was provided that on and after January 1, 1898, the United States courts in the Indian Territory should have "original and exclusive jurisdiction and authority to try and determine all civil causes in law and equity thereafter instituted and all criminal causes for the punishment of any offense committed after January first, eighteen hundred and ninety-eight, by any person in said Territory." The provisions of this clause were suspended by a joint resolution of the Senate on July 17, pending the ratification of the agreements that had recently been negotiated with the Choctaws and Chickasaws and the Creeks. Subsequently, with the refusal of the Chickasaws to ratify the Atoka agreement, the Senate withdrew the joint resolution from the House in December, 1897, postponing any action indefinitely. Therefore, in reality, the provisions of the act of June 7, 1897, went into effect on January 1, 1898, but by tacit understanding of all concerned, the law extending the jurisdiction of the United States courts was not observed, pending the passage of the Curtis Act that was then before Congress.

31. U. S. Statutes at Large, Vol. 30, p. 495-519.

32. Indian Citizen (Atoka, I. T.), September 1, 1898.

Due to the delay on the part of Chief Isparhecher, the agreement with the Creeks was not submitted to the voters of that nation until November 1, 1898. At that time, owing to the opposition of the full-bloods and many of the Creek freedmen, ratification of the agreement failed by one hundred and fifty votes. Therefore the Curtis Act became automatically effective in the Creek Nation without agreement.³³

The Curtis Act undertook to close up the affairs of the governments of the Five Civilized Tribes, and provided for a number of sweeping changes, including the substitution of Federal courts for all tribal courts, the surveying and platting of townsites and the sale of town lots, the enrollment of the citizens of all five tribes by the Dawes Commission and the definite determination of tribal citizenship, the allotment of lands, the leasing of mineral lands, the incorporation of cities and towns and Federal control of all tribal schools. In undertaking to carry out the provisions of the Atoka Agreement, as incorporated in the Curtis Act, it was found that the measure was inadequate in administering the affairs of the Choctaw and Chickasaw nations, making it necessary to negotiate a supplemental agreement with them. It was also deemed advisable in order to make satisfactory settlements with the Creeks and Cherokees to negotiate separate agreements with each of these nations, even though the Curtis Act was virtually in effect over both.

Within the five years from the commencement of its labors, the Dawes Commission, and Congress also, had found that treating with the Five Civilized Tribes involved more than mere "advice and warning." Though undoubtedly the great pressure from the outside, in favor of opening up the Indian Territory, forced the Indians living within its borders to concede to public opinion in winding up their affairs as separate governments, nevertheless it was necessary that negotiations and the subsequent agreements involving such changes should satisfy these Indian people. Also, any legislation in regard to their property should come within the constitutional limits of the laws of the United States, since the Five Civilized Tribes owned their lands under patents from the Federal Government.

The Cherokees had steadily refused to enter into negotiations with the Dawes Commission for making an agreement. This opposition was due principally to the attitude of the Keetoowahs, an organization that was especially strong among the full-blood Cherokees. On August 10, 1897, a national convention of the Keetoowahs passed resolutions containing a protest against the making of an agreement with the United States, looking toward the closing of tribal affairs, and asking that the Cherokee Nation be left "to enjoy their present form of government."³⁴ The opposition of the Keetoowahs continued, with a result that negotiations with the Cherokees were not possible until January 17, 1899, after the passage of the Curtis Act. At that time, an agreement was drawn up between the Dawes Commission and the authorized representatives of the Cherokee Nation, the provisions of which included, (1) allotment of land in severalty, share and share alike; (2) the executive and legislative branches of the Cherokee government to continue until allotment was com-

33. Report of the Commission to the Five Civilized Tribes for 1899, p. 9.

34. Report of the Commissioner of Indian Affairs for 1897, pp. 143-44.

pleted; (3) the Cherokee Nation should not be included in any state or territory without its consent.³⁵

Under a proclamation issued by Principal Chief S. H. Mayes, a special election was ordered to be held on January 31, 1899, in the several districts of the Cherokee Nation, for the purpose of the ratification or rejection of the new agreement.³⁶ Though the results of this election showed that the agreement was favored by a majority of 2,105 of those Cherokees who voted,³⁷ a vigorous protest was immediately addressed to Congress by a determined opposition.³⁸ The agreement was finally disposed of at a joint session of the Senate and House Committee on February 21, 1899, when the committee adjourned without having reached an understanding, the agreement thus failing to be ratified.³⁹

Finally negotiations for new agreements with the Creeks⁴⁰ and Cherokees were successfully concluded at Washington, District of Columbia, on March 8, 1900, and April 9, 1900, respectively. Both of these agreements were ratified by Congress on March 1, 1901.⁴¹ The Creek Agreement was translated into the native language and freely discussed among the people by the more progressive citizens under the leadership of Principal Chief Pleasant Porter; as a result, the National Council ratified the new agreement on May 25, 1901, with the proviso that some discrepancies and ambiguities and certain portions which were not acceptable should be properly included in a supplemental agreement. Since a majority of the Creek people wished the citizenship rolls to include all children born up to May 25, 1901, and, also, expressed their dissatisfaction over the method of allotment stipulated in the recent agreement, these points were a matter of additional negotiations between the Dawes Commission and the authorized representatives of the Creek Nation. This supplemental agreement was ratified by Congress on July 1, 1902, and subsequently received the approval of the Creek House of Warriors on July 17, 1902.⁴²

Many of the more conservative citizens of the Creek, or Muskogee Nation, who were unable to speak or understand the English language, were greatly dissatisfied with the changes which had been made as the result of the passage

35. Report of the Commission to the Five Civilized Tribes for 1899, pp. 49-59.

36. *Indian Chieftain* (Vinita, I. T.), January 26, 1899.

37. *Ibid.*, February 2, 1899.

38. Appendix XLVI-11. Protest to the Cherokee agreement.

39. *Indian Chieftain* (Vinita, I. T.), February 23, 1899.

40—After the failure on the part of the Creeks to ratify the agreement made on September 27, 1897, their National Council provided for the creation of a new commission to negotiate another agreement. As a result, a second agreement was concluded with the Creeks on February 1, 1899. It was subsequently ratified by the citizens of the Creek Nation on February 18, 1899, but afterward failed in its ratification by Congress.—Reports of the Commission to the Five Civilized Tribes for 1899 and 1900, pp. 10 and 22-23, respectively.

41. The members of the Creek Commission who negotiated the agreement for the nation on March 8, 1900, were: Principal Chief Pleasant Porter, George Alexander, David M. Hodge, Isparhecher, Albert P. McKellop, and Cub McIntosh. The members of the Cherokee Commission who negotiated the Cherokee Agreement on April 9, 1900, were: Lucien B. Bell, Percy Wyly, Jesse Cochran, and Benjamin J. Hildebrand. For information with reference to the Creek and the Cherokee agreements of 1900, *op. cit.*, Report for 1901, pp. 9-10.

42. *Op. cit.*, Report for 1902, pp. 84-88. (See Appendix XLVI-12, for difficulties encountered in completing the rolls in the Creek Nation.)

of the Curtis Act. They refused to appear before the Dawes Commission for the purpose of choosing allotments and they resented the departure from their own laws and customs, such as the substitution of United States courts for their tribal courts and the restriction of the powers of their legislative council.

Early in 1901 a large number of the dissatisfied Creeks (practically all of whom were full-bloods) proclaimed Chitto Harjo, or Crazy Snake, their hereditary chief, as he was of the old Muskogee royal line. He forthwith issued a call for the National Council, consisting of the House of Kings and the House of Warriors, to meet and proclaim the reestablishment of the ancient laws, courts, and customs of the Creek Nation. Although the whole proceeding was quiet and orderly, sensational newspaper correspondents spread far and wide the story of the "impending uprising," and so wrought on the popular imagination of the day that the Government was prevailed upon to send troops to the scene. Chitto Harjo and a number of his followers were arrested and confined for a time.⁴³ It is worthy to note that the troops sent to the

"Down with him! chain him! bind him fast!
Slam the iron door and turn the key!
The one true Creek, perhaps the last
To dare declare, 'You have wronged me!'
Defiant, stoical, silent,
Suffers imprisonment!

"Such coarse black hair! such eagle eye!
Such stately mien!—how arrow-straight
Such will! such courage to defy
The powerful makers of his fate!
A traitor, outlaw,—what you will,
He is the noble red man still.

"Condemn him and his kind to shame!
I bow to him, exalt his name!"

Creek Nation on account of the Crazy Snake "uprising" consisted of the only company then in garrison at Fort Reno—a mute testimonial, but an eloquent one nevertheless, of the reign of peace which had come to the people of the Plains since the establishment of that post, only a little more than a quarter of a century before.

The second agreement with the Cherokees was submitted to a vote of the citizens of the Cherokee Nation on April 29, 1901, but was defeated by a majority of 1,023 votes, out of a total of 5,569 votes cast. It was reported that the failure of ratification of the new agreement by the Cherokee people was due to the opposition of certain influential citizens who were personally interested in large tracts of land, in addition to the opposition of other citizens who wished all Cherokee children born after April 1, 1900, to be duly enrolled as members of the nation that these children might receive land allotments.⁴⁴

Under the Indian Appropriation Act of March 3, 1901,⁴⁵ Congress enacted legislation authorizing the Secretary of the Interior to set a time for the

43. Alexander Posey, the Creek poet, who wrote under the pen name of Chinnuble Harjo, was one of the most enlightened and progressive members of the tribe. Although differing widely in opinion from his fellow-tribesman and kinsman, Chitto Harjo, he had a heart full of sympathy with and respect for Chitto Harjo, as the following lines, written upon the capture and imprisonment of the latter, clearly prove:

44. Op. cit., Report for 1901, pp. 9-10.

45. U. S. Statutes at Large, Vol. 31, p. 1077.

closing of the citizenship rolls by agreement with all, or each of the five tribes. All efforts toward consummating any agreement with the Cherokee Nation having failed by the end of 1901, the Secretary of the Interior directed the Dawes Commission to receive no more applications for enrollment in the Cherokee Nation after July 2, 1902, this work to proceed under the general provisions of the Curtis Act.

During the spring of 1902, the commission appointed four parties to repair to certain towns and settlements in the Cherokee Nation and forcibly enroll the full-bloods, nearly all of whom were members of the Keetoowah Society and were bitterly opposed to enrollment. Party politics having been rife for several years over the settlement of Cherokee affairs, the leaders of the anti-enrollment faction had recently gone throughout the Cherokee country, encouraging the opposition to enrollment and promising that the white people would be driven out of the nation and that the old system of the Cherokee government would be restored. In a number of localities the Government parties working for enrollment, encountered such bitter opposition that an application was made by the Dawes Commission to the United States Court of the Northern District of the Indian Territory, for the issuance of an order directing certain Cherokee leaders to appear at Muskogee that they might be enrolled by the commission. There were instances where some of these suffered imprisonment before they would consent to enrollment. By the end of June, 1902, applications of 43,425 persons, including Cherokees, Shawnees, and Delawares, by blood and intermarriage, and freedmen, had been made for entry on the Cherokee rolls.⁴⁶

On July 1, 1902, Congress passed an act (Public—No. 241) "to provide for the allotment of lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," this legislation (which practically included the Cherokee Agreement in modified form) not to go into effect until ratified by a majority of the voters in the nation, cast at an election held within a period of forty days after the passage of the act by Congress. Under a proclamation issued by Principal Chief T. M. Buffington, the election was held on August 7, 1902, the returns showing a majority of about two thousand votes in favor of the Cherokee Agreement.⁴⁷

The completion of enrollment in the Choctaw and Chickasaw nations presented many difficulties, since five classes of persons had to be considered; namely, Choctaws by blood and intermarriage, Chickasaws by blood and intermarriage, Mississippi Choctaws, Choctaw freedmen, and Chickasaw freedmen. Since the Atoka Agreement was inadequate and affairs could not be satisfactorily administered under its provisions,⁴⁸ a supplemental agreement was negotiated by the Dawes Commission and the representatives of the Choctaws and Chickasaws, which was ratified by Congress and approved July 1, 1902. In an election called by the executives of the two nations for September 25,

46. Report of the Commission to the Five Civilized Tribes, op. cit., for 1902, pp. 28-35.

47. Indian Chieftain (Vinita, I. T.), for August 14, 1902.

48. Supplemental agreements between the Dawes Commission and the Choctaws and Chickasaws had been concluded in September, 1899, and in May, 1900. The first failed in its ratification by the Chickasaws, and the second in its ratification by Congress.—Report of the Commission to the Five Civilized Tribes for 1900, op. cit., pp. 18-19.

1902, the supplemental agreement carried by a large majority of the votes cast.⁴⁹ Its provisions included especially the method of determining the citizenship rolls, the status of the Chickasaw freedmen, and the rights of those persons who were to be enrolled as Mississippi Choctaws.

The work of the Dawes Commission had become more complex as the scope of its authority was extended from time to time by Congress. All cases of claimants who came forward with the assertion of Indian descent and demanded a right to share in the distribution of tribal lands and moneys had to be investigated. These claims abounded in genealogical intricacies and many of them were without any foundation in fact, yet the commission and its employees had to give serious consideration to each claim until it was proven to be either genuine or spurious.

In addition to enrolling all of the Indian citizens of each nation, the commission had also to enroll all negro freedmen who as slaves had belonged to the Indians before the abolition of slavery in 1865. The surviving freedmen and all descendants of freedmen were entitled to allotment of lands.

The allotment of lands to Indian citizens and the freedmen was a difficult and tedious procedure. After the survey of the lands belonging to the Five Civilized Tribes had been completed by the United States Geological Survey, additional surveys of each forty-acre tract in the more densely populated sections of the country had to be made, so that individual allotments might be properly apportioned and equalized as to value. The allottee might elect to choose a homestead at one place and one or more additional tracts of land (to complete the total value apportioned) elsewhere within the limits of his nation. Then, too, some of the less progressive full-blood Indians absolutely refused to choose any allotment whatever, and these had to be allotted by arbitrary selection by the Commission or under its direction.

The Dawes Commission had its headquarters and principal office at Muskogee, but much of its business necessarily had to be transacted in other parts of the territory.⁵⁰ Sometimes it became necessary for a part of the commission and its staff of assistants to go into the field and live in camp.⁵¹ The Commission was often severely criticized for acting with so much deliberation in matters which many believed could have been adjusted with less regard for formality and red tape. With such an extensive responsibility devolving upon the members of the Commission, most matters of detail had to be delegated to subordinates and clerks, of which five hundred were employed from 1898 to 1905. Whether selected by Civil Service examinations or as a result of political favoritism, many of these were not distinguished for their efficiency. As practically all of these employees came from outside the Indian Territory, this disposition to deal and to act with very great delibera-

49. Indian Citizen (Atoka, I. T.), July 25, 1902: for "Proclamation," signed by Principal Chief G. W. Dukes, of the Choctaw Nation, and Governor Palmer Mosely, of the Chickasaw Nation, declaring the supplemental agreement to be in effect, *op. cit.*, October 2, 1902; for text of the supplemental agreement, see *Ibid.*, July 2, 1902, and, also, U. S. Statutes at Large, Vol. 32, p. 641.

50. For a short period during 1895 and 1896, the Dawes Commission had its headquarters at Vinita, South McAlester, and Fort Smith, successively.

51. For the work of the field parties and classification of lands in the Indian Territory, see Report of the Commission to the Five Civilized Tribes for 1901, pp. 32-40.

tion came to be regarded as a distinguished characteristic of all "carpet baggers" as non-resident officials were commonly called.

Former United States Senator Henry L. Dawes, by whose name the commission to the Five Civilized Tribes was commonly known, and who was the chairman, took little or no active part in the performance of its duties after its organization and first session. Tams Bixby⁵² (1897-1905), of Minnesota, was vice-chairman and the active head of the commission during the greater part of the period in which its heaviest work was done. He was appointed chairman of the commission upon the death of Mr. Dawes in February, 1903. Other members of the commission were Thomas B. Needles (1897-1905), of Illinois; Clifton R. Breckenridge (1900-05), of Arkansas; and William E. Stanley (1903-04), of Kansas. General Frank C. Armstrong, previously mentioned, had the distinction of rendering the longest active service as a member of the Commission, and also that of being the only native of the Indian Territory (now Oklahoma) ever appointed as a member thereof.⁵³

The work of the Dawes Commission covered a period of twelve years, from the commencement of its labors in the Indian Territory until their completion on July 1, 1905, at which time the commission expired by law. During this time 20,000,000 acres of land were distributed among approximately 100,000 Indian heirs in the Five Civilized Tribes.⁵⁴ Out of 300,000 applicants who had presented themselves before the Dawes Commission claiming to belong to these tribes, 90,000 were found to be eligible for enrollment. The work of the Dawes Commission has been likened to an administrator's settlement of five

52. A biographic sketch of Tams Bixby, chairman of the Dawes Commission, is to be found in Appendix XLVI-11.

53. Frank Crawford Armstrong, the son of Francis W. Armstrong and Ann Willard Armstrong, was born in 1835, at the Choctaw Agency, afterward known as Skullyville, Choctaw Nation. His father and also his uncle, William Armstrong, both were officials in the United States Indian service for many years in the Indian Territory, beginning with the removal of the Choctaws from Mississippi in 1831. After the death of his father, his mother married General F. Persifer Smith, of the United States Army. The fact that both his father and step-father were army officers, influenced Frank C. Armstrong to a military career. At the age of twenty, he accompanied General Smith on an expedition with the United States troops to New Mexico. Shortly after that expedition, he was commissioned as a second lieutenant of the 2d Dragoons, on June 7, 1855; he was promoted to the grade of first lieutenant on March 9, 1859. On June 6, 1861, he was advanced to the rank of captain. At the outbreak of the Civil War, he left his station at Fort Leavenworth with his company and proceeded to Washington, where he tendered his resignation to the War Department. Joining the Confederate forces, he was assigned to the Army of the West. Before the end of the war he was advanced to the rank of brigadier-general, C. S. A., having distinguished himself in the service in the campaigns with General Forrest. In 1863, he married Maria Polk Walker, of Columbia, Tennessee, who was a great-niece of President Polk. He became Assistant Commissioner of Indian Affairs during the first administration of President Cleveland. General Armstrong was appointed to serve on the Dawes Commission in the place of Meredith C. Kidd, in 1895, continuing in this capacity until 1905. He died at Bar Harbor, Maine, in September, 1909.

54. In the Seminole Nation each citizen received an average allotment of 120 acres, 40 acres being a homestead and non-taxable in perpetuity; in the Creek Nation an allotment averaged 160 acres each, 40 acres being a homestead and non-taxable and inalienable for 21 years from date of patent; in the Cherokee Nation an allotment averaged 110 acres, 40 acres being a homestead and non-taxable while held by the original allottee; in the Choctaw and Chickasaw nations an allotment averaged 320 acres each, 160 acres being a homestead, and all land being non-taxable while the patent remained in the original allottee, not exceeding 21 years from date of patent. The Choctaw and Chickasaw freedmen received an allotment of 40 acres of average land, the Court of Claims having since rendered a decision in favor of the Chickasaws receiving full payment from the United States for all lands in the Chickasaw Nation allotted to freedmen. A suit instituted by the Choctaws is now pending (1929) before the Court of Claims for full payment for all lands allotted to freedmen in the Choctaw Nation.

estates.⁵⁵ At the same time, five governments with their executive, legislative, and judicial machinery were merged into a constituent part of the United States. Under the Act of Congress on March 3, 1905, the Dawes Commission ceased to exist, the Secretary of the Interior being authorized to complete its work.⁵⁶

Under a provision of the Curtis Act, the five Indian governments in the Indian Territory were to continue for eight years thereafter, or that is, until March 4, 1906. When that date arrived, the affairs of the Five Civilized Tribes were far from completion, millions of acres of tribal property still remaining unallotted. In the meantime, during the first session of the fifty-ninth Congress, which began in December, 1905, a bill had been introduced (H. R. 5976) to provide for the final disposition of all tribal affairs in the territory. It was hoped by members of the House and Senate, that this bill would pass before March 4, in order to take care of the unfinished business of the Five Civilized Tribes.⁵⁷ A few days before this date, however, it being apparent that the bill would not pass the Senate and become a law before March 4, a joint resolution was introduced in the Senate on February 27, providing for the continuance of the tribal governments until March 4, 1907. This resolution (S. R. 37) was approved by the President on March 2, twenty-four hours before the tribal governments were to have expired. Some hurried indefinite action was necessary with regard to the Five Civilized Tribes, since it was contended by many senators, chief of whom was Senator Joseph W. Bailey, of Texas, that unless the tribal governments were continued there

55. Under the Indian Appropriation Act of March 3, 1905, all children of enrolled Choctaws and Chickasaws, born between September 25, 1902, and March 4, 1905, were entitled to enrollment and participation in the division of all property and moneys belonging to the two nations. So, also, all Creek children born between May 25, 1901, and March 4, 1905, and all Seminole children born before March 4, 1905, were subject to enrollment in these nations. Enrollment and allotment of lands in the Cherokee Nation was delayed pending a decision as to the rights of the intermarried Cherokee citizens, which was rendered by the Court of Claims on May 15, 1905. Further delay was also occasioned by a case carried to the United States Supreme Court, involving the rights of several hundred Cherokee freedmen. Between twelve and thirteen hundred Cherokee children who were eligible to enrollment received payment in money in lieu of allotments, since all lands of any value had been distributed before their names were placed on the rolls. The number of persons enrolled in each of the Five Civilized Tribes as finally approved by the Secretary of the Interior in 1907, and subsequently corrected in 1914, was as follows:

Cherokees	36,777
Cherokee Freedmen	4,916
Choctaws	19,097
Choctaw Freedmen	5,994
Creeks	11,905
Creek Freedmen	6,807
Chickasaws	6,294
Chickasaw Freedmen	4,661
Seminoles	2,133
Seminole Freedmen	986

56. "The act of Congress of March 3, 1905, abolished the Commission to the Five Civilized Tribes and authorized the Secretary of the Interior to complete the work, who appointed the Commissioner to the Five Civilized Tribes for such purpose, which official assumed his duties on July 1, 1905. An Indian inspector was located in the Indian Territory by the Secretary of the Interior, under the provisions of the act of Congress of June 28, 1898, who had supervision of all matters within the jurisdiction of the Interior Department, with the exception of the work of enrollment and allotment in charge of the Commission to the Five Civilized Tribes, until July 1, 1907, when the offices of the inspector and the commissioner were consolidated."—Report of the Superintendent for the Five Civilized Tribes for 1915, p. 8.

57. Congressional Record, Vol. XL, 59th Congress, 1st Session, pp. 1240-65 and 5039.

would be a reversion of the Indian titles of all lands in the territory to the United States. If this reversion should take place, it was argued, the land grants made to the State of Kansas for the purpose of aiding the building of railroads, or to aid certain railroads in their construction, would be in effect in the Indian Territory and millions of acres of Indian lands would become the property of the Missouri, Kansas & Texas Railroad Company.⁵⁸

Subsequent to the approval of the Senator resolution (S. R. 37), Congress passed an act (H. R. 5976) which was approved on April 26, 1906, providing "for the final disposition of the affairs of the Five Civilized Tribes and for other purposes."⁵⁹ This was the most important legislation enacted after the passage of the Curtis Act and the various agreements with each of the five tribes. In addition to providing for the continuation of the tribal governments, under certain limitations until the completion of tribal affairs, it also provided for a large amount of work that had not been authorized by law. Practically all the common property of the Creeks, the Seminoles, and the Cherokees was disposed of by 1914, the tribal government of the Cherokees being abolished on June 30, of that year, only the office of the principal chief being continued to sign deeds.

The Choctaws and Chickasaws, who held the title to their lands jointly, were the largest property holders of any of the Five Civilized Tribes, at the beginning of allotment. The total area of the two nations then amounted to 11,660,951 acres, of which 6,953,048 acres were in the Choctaw Nation, and 4,707,903 acres were in the Chickasaw Nation. This country is now included in twenty-two counties in the southern and southeastern sections of Oklahoma. In 1906 and 1907, under instructions of the Interior Department, 1,373,324 acres of Choctaw and Chickasaw lands, containing some of the most valuable timber in the Southwest, were reserved from allotment. These timber lands, located in Southeastern Oklahoma, have since been sold and are now owned by large lumber companies.⁶⁰

Under the terms of the Supplemental Agreement with the Choctaws and Chickasaws, in 1902, several large tracts of coal and asphalt lands amounting to 433,950 acres, were segregated from allotment to be sold and the proceeds to be divided equally among the citizens of the two nations. Under the provisions of the Act of April 26, 1906, all coal and asphalt lands were withdrawn from sale,⁶¹ however, six years later provision was made by Congress (Act of February 19, 1912) for the sale of the surface of the segregated lands, reserving all mineral rights under joint ownership of the Choctaw and Chickasaw nations. These segregated lands lay in Haskell, LeFlore, Latimer, Pittsburg, Atoka, and Coal counties. Subsequently, a portion of the coal was sold to mining companies, but today (1929) the Choctaws and Chickasaws still own over 300,000 acres of the richest coal and asphalt deposits in the Southwest. This, together with other unfinished business, pertaining to the

58. *Ibid.*, pp. 3120-24.

59. *Ibid.*, p. 5991.

60. Report of the Commissioner to the Five Civilized Tribes for 1911, p. 15.

61. For debate in the Senate on the reservation of the Choctaw and Chickasaw coal lands, see Congressional Record, Vol. XL, 59th Congress, 1st Session, pp. 3254-76.

two nations, necessitated the continuance of their governments in limited form. Each of these nations has a chief and a tribal attorney, though the real power of these offices is under the control of the Indian Bureau in the Interior Department. The affairs pertaining to any of the Five Civilized Tribes or their restricted citizens (1929) are directly in charge of a superintendent appointed under the Civil Service rules of the Indian Bureau, with his office at Muskogee, where the Union Agency was first established in 1873.

The breaking up of the five Indian governments and the allotment of land in severalty to each of their citizens, remain two of the most important steps in the history of Oklahoma, for it was not until this work was completed that the organization of the present state was possible. The relations between the Government and the Five Civilized Tribes presented an anomalous condition in the history of the United States, making the task that lay before the Dawes Commission different from that of any Indian commission before its time. It had to treat with Indians as governments, each holding a patent to its lands from the Federal Union. In order to accomplish this work, it required the efforts of leaders among the Indians themselves, who had the foresight and the courage to stand before their people, the most of whom clung tenaciously to the old communal system of land ownership and were exceedingly bitter at the bare mention of any change, and to point out the wisest plan in the situation that confronted them.

The annual reports of the commission to the Five Civilized Tribes show that the first policy announced by the commission was arbitrary and revolutionary and did not represent careful thought. On the other hand the correspondence on the part of the several Indian commissions was not vitriolic nor did it assume the position of charging bad faith, but rather always calmly pointed out the way. It was a tribute to the wisdom of these Indian leaders when the Dawes Commission came to think much as the Indians themselves did before many years had passed.

All titles to lands covering 20,000,000 acres, or almost half of Oklahoma, date back to the patents issued by the Indian governments under the terms of the agreements made between the United States and each of the nations, beginning with 1897. When one considers the results of the settlement of Indian affairs in the territory, with the fabulous wealth that that section of the commonwealth has produced since 1900—an epic in itself which will remain in song and story—the Indians who led out in the long siege with the Dawes Commission deserve as much, if not more credit than other characters of early days, whose penchant for publicity has otherwise given them positions of seemingly dominant importance in the movement which resulted in the organization of the State of Oklahoma. The personal stories of these Indian leaders has never been written nor has their work ever been acclaimed, but the light of time is proving them to have been real statesmen in the long drama that reached its climax when Oklahoma and Indian territories were united as one state. Not only did these Indian leaders point the way in many difficulties which the Dawes Commission and Congress had to solve, but nearly all of them have passed on, leaving their people to take a respected and important place in the political and social life of Oklahoma that holds its own even today.

CHAPTER XLVII

CONSTITUTIONAL CONVENTIONS

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Before statehood for Oklahoma was finally attained, two constitutional conventions were due to be held. The first of these was in the interest of statehood for the Indian Territory alone and, as such, constituted the last and most determined effort in behalf of separate statehood. The other, duly authorized by the Enabling Act and complying with the provisions prescribed by Congress, was to be a gathering of the chosen delegates of all the people of both territories, and thenceforth, the dispute as to whether there should be one strong Commonwealth or two weak states was ended for all time.

The Sequoyah Statehood Movement—By the terms of the Curtis Act, the tribal government of the Five Civilized Tribes was to be terminated March 4, 1906. At the same time, most of the Indians and many of the whites residing in the Indian Territory had been bitterly opposed to union with Oklahoma, either as territory or as state. Yet, as the time for the dissolution of tribal relations drew near, it was evident that some of the other forms of civil organization would have to be substituted for the autonomous national governments of the several tribes. The long fight for separate statehood in the Territory of Oklahoma was apparently ended, as indicated by the big statehood convention held at Oklahoma City, June 12, 1905, but the fight for separate statehood was not yet ended in the Indian Territory. Indeed, just about the time the statehood convention was in session at Oklahoma City, preparations were being made for the calling of a convention to frame a constitution to enable the Indian Territory to apply for admission into the Union as a state. This constitutional convention was called to meet at Muskogee, August 21, 1905. The official call for the selection of delegates to the same was as follows:

We, the chief executives of the Cherokee, Choctaw, Seminole and Creek nations, have in conference agreed to carry out the call for a constitutional convention made by the principal chief of the Choctaw Nation and the principal chief of the Cherokee Nation, for August 21, 1905, as being adequate and binding upon all the nations under their compact to convene at the call of the chief executives of the nation wherein the recording town is located. The original call for this convention is hereby modified and extended as follows:

On or before the fifth day of August, each chief executive in jurisdiction as above specified will designate such persons as he deems proper to act as presiding officer of said mass meetings for the selection of such delegates and alternates.

If, for any reason, such presiding officer should not appear and preside, then the meeting is authorized to fill the vacancy. A list of delegates and alternates selected as such meetings shall at once be certified by the chairman to the chief executives of such nations and such certificates thereupon being endorsed by said chief executives shall constitute credentials necessary to entitle such delegates and alternates to membership in the constitutional convention to be held

August 21, 1905. The convention when assembled shall have full power to direct its subsequent proceedings. (Signed)

W. C. ROGERS,
Principal Chief Cherokee Nation.
GREEN McCURTAIN,
Principal Chief Choctaw Nation.
P. PORTER,
Principal Chief Creek Nation.
J. F. BROWN,
Principal Chief Seminole Nation.
GEO. W. SCOTT,
Secretary, Kinta.

The convention met at Muskogee on the date specified, with one hundred and fifty delegates in attendance (182 delegates had been elected but not all of them attended). D. C. McCurtain, of the Choctaw Nation, acted as temporary chairman. The permanent organization was effected by electing Principal Chief Pleasant Porter, of the Creek Nation,¹ as president of the convention and Alexander Posey, also of the Creek Nation, as secretary.² The vice-president of the convention was Charles N. Haskell, a non-citizen resident of Muskogee. An outline of the work to be done by the convention was made and committees were appointed, after which the convention proper took a recess for two weeks to give opportunity for the preliminary committee work.

When the convention reassembled on the 5th of September, the work of the committees was submitted and the process of combining, arranging and revising was begun. The convention remained in session several weeks, dur-

1. Pleasant Porter was born on a plantation near Clarksville, in the Creek Nation, September 26, 1840. His paternal grandfather, a native of Pennsylvania, was a captain in the United States Army at the time of the Creek War and showed such consideration for the defeated Muskogee Indians that they formally adopted him into their tribe. Years later Pleasant Porter's father, Benjamin E. Porter, came to the Creek country, married the daughter of a prominent chief, Tah-to-pee Tust-e-nuk-kee, and settled on a plantation. Pleasant Porter's early life was simple, if not uneventful. His education was secured at the Presbyterian Mission School at Tullahassee. At the outbreak of the Civil War he entered the Confederate Army as a private. He saw much active service during the war and was promoted through the various grades to the rank of first lieutenant. The close of the war found him, like most of his fellow-tribesmen, penniless. He began life then as a farmer. His first official position in civil life was that of superintendent of schools in the Creek Nation, in which capacity he reorganized the educational system of the Creek Nation, which had ceased to exist during the war. His ability becoming recognized, his services were soon in demand as a representative of his people at Washington. As the commander of the Creek national forces during the Spiechee War, he showed not only courage but good judgment and tact as well. During the latter years of his life he occupied the position of principal chief of the Creek Nation. His attainments and integrity were such that he easily ranked as one of the most distinguished and influential Indians of his time. His death occurred at Vinita, in September, 1907.

2. Alexander Lawrence Posey was born August 3, 1873, near Eufaula, in the Creek Nation. His father was a white man of Scotch-Irish descent, born about 1842, and a native of the Indian Territory, being a son of a white intruder in the Cherokee Nation. Alexander Posey's mother was a full-blood Creek Indian woman. Until he was twelve years old he spoke only the mother tongue of the Creeks or Muskogee Indians. Then his father, who was in independent circumstances, employed a private teacher and compelled the son to learn to speak English. A year or two later he was sent to the public (tribal) school at Eufaula. When he was seventeen years old he entered Bacone University, at Muskogee. There he acted as librarian, learned to set type in the printing office of the instructor, a small paper published by the faculty, and discovered his own bent for literary work. In October, 1892, he published "The Comet's Tale," a poem of nearly three columns, which gave the Indian tradition of the coming of the first ships of the white men to discover America. Other contributions followed. Immediately after his graduation, in 1895, he entered Creek politics, being elected to the House of Warriors, which was the popular branch of the Creek legislative council. In 1896 he was appointed superintendent of the Creek Orphan Asylum, at Okmulgee. In May of that year he married Miss Minnie Harris,



MUNICIPAL BUILDING AT GETTYSBURG, IN WHICH THE OKLAHOMA CONSTITUTIONAL CON-
VENTION HELD ITS SESSIONS

ing the course of which it labored industriously on the framing of the constitution for the proposed state of Sequoyah, to be composed of the area then known as the Indian Territory. This instrument, as finally completed and approved by the convention, was divided into eighteen articles, which were subdivided into 309 sections.³ It was radically progressive in some of its provisions, though it did not go so far in the way of detail as did the Oklahoma Constitution which was formulated one and a half years later. The convention also chose four representatives to present the constitution, thus formed and submitted to a vote of the people, to Congress and ask for the passage of an Enabling Act.

The proposed constitution divided the Indian Territory into forty-eight counties. Twenty of these counties were given Indian names; eight were named for prominent Federal officials or non-citizen politicians; two (Washington and Jefferson) were named for Presidents of the United States; four received geographic names which perpetuated the old tribal districts or counties; and the other fourteen were christened in honor of as many prominent men of families among the several tribes. It is worthy of note, also, that nine of the counties thus proposed were approximately recreated, under the same names respectively, by the Oklahoma Constitutional Convention, namely, Jefferson, Garvin, Johnston, McCurtain, Sequoyah, Okmulgee, Muskogee, Mayes and Seminole.

The Sequoyah Constitution was formally published to the people of the Indian Territory, October 14, 1905, and an election proclaimed for its ratification or rejection, the same to be held on the 7th of November following. This election, which was the first of any kind in which the whole people of the Indian Territory had ever participated, resulted in the casting of 65,352 votes,

of Fayetteville, Arkansas, who was a teacher in the same institution. In October, 1897, he resigned his position as superintendent of the orphan asylum and, two months later, he was appointed superintendent of public instruction for the Creek Nation. All this time he was writing as inspiration prompted, his wife assuming the management of his business affairs in order that he might not be disturbed in his literary work. He soon resigned his official position to settle on his farm, near Stidham. He was a great lover of nature and seemed to hold communion with the birds, bees, and flowers. Then he was called to the superintendency of the Creek National High School at Eufaula. Having rehabilitated that, he was asked to do the same for a similar institution at Wetumka, but he soon relinquished that to take charge of the publication of the Indian Journal at Eufaula. There he had his greatest literary opportunity, developing marked ability as a satirist and causing his fame to spread far beyond the bounds of the Creek Nation. His inimitable "Fus Fixico" letters, in which he humorously discussed the white man's politics through the medium of dialogues between some fictitious characters, who were typical of the older and more conservative Creek full-blood element—Wolf Warrior, Hot Gum and others—who talked in the Creek-English dialect, were widely copied by the press of states far away from Oklahoma, where the real force of their satire could not be appreciated because of the fact that its objects were unknown. Because of his sympathy for the ignorant people of his tribe, whose interests were jeopardized in the readjustment incident to the allotment of lands in severalty, he gave up newspaper work to become a field agent of the Dawes Commission, in which capacity he rendered valuable service. In 1905 he was selected as a delegate to the Sequoyah Constitutional Convention and was chosen as its secretary. The simple, terse, clear English of the instrument framed by that convention is said to have been largely due to the writing and revising of Alexander Posey. May 27, 1908, he was drowned in the North Canadian River—the loved Oktahutchee of his dreams and poems. His pen name was Chinnubie Harjo. His poems were distinguished for their strength, beauty and sentiment, and many of them were veritable music in words. "Bob White," "To an Indian Meadow Lark," "Nightfall," "Trysting in the Clover," "The Homestead of Empire," and "The Red Man's Pledge of Peace" are some of his most notable compositions.

3. The full text of the Sequoyah Constitution is to be found in the Oklahoma Red Book, Vol. I, pp. 623-74.

56,279 of which were cast for the ratification of the constitution and 9,073 against the ratification. As this was but little more than half the number of votes cast by the people of the same area in the election held for the ratification of the Oklahoma Constitution less than two years later, it is fair to presume that there was considerable apathy on the part of some of the people of the Indian Territory in regard to the proposed state of Sequoyah.

The Sequoyah Constitution was duly presented to the attention of Congress but with little hope and less show of favorable action in regard thereto, for separate statehood, so far as Congress was concerned, was an issue which would not again be revived. Among the people of Oklahoma Territory there was a disposition to make light of the Sequoyah statehood movement, because they regarded it as a forlorn hope from the first announcement of the plan. Yet, notwithstanding the fact that it may have appeared impractical to those who had been through the struggle over the question of single and double statehood in Oklahoma Territory, the Sequoyah statehood movement served a very beneficent purpose in that it paved the way for the union of the two territories by preparing the minds of the people of the Indian Territory for the change when it did come. Moreover, as the people of the other territory learned to their astonishment and chagrin, during the sessions of the Oklahoma Constitutional Convention, the Sequoyah movement had also resulted in the development of a trained and organized leadership, with a capacity for "teamwork" which enabled it to dominate the convention and virtually dictate the essential terms of the constitution.

Parenthetically, it may not be out of place to state that there was always a vein of demagoguery in the opposition to the union of the two states, whether manifested in Oklahoma or in the Indian Territory. Appeals to partisan, sectional and racial prejudices were freely resorted to. A stock argument against single statehood much used in Oklahoma was to the effect that there were no public roads in the Indian Territory and that, allotted lands not being subject to taxation, the west end of the proposed state would be heavily taxed to pay for the right-of-way and construction of the same. On the other hand, in the Indian Territory, it was freely argued that Oklahoma not only tolerated saloons at that time but that it would always continue to legalize the liquor traffic, whereas the Indian Territory had always been under prohibition and did not wish to be "hitched in double harness" with a commonwealth which believed in licensing the dram-shop. Happily, these and other arguments equally as far-fetched, did not serve to influence or affect the result, and the prejudices and dislikes of other days have been dissipated as the people of the two sections of the state have come to know each other better.

The Oklahoma Constitutional Convention—Immediately after the passage and approval of the Enabling Act, preparations for election of delegates to the Constitutional Convention were begun. Of course there was no dearth of candidates in any quarter. There were to be fifty-five delegates elected from the organized portion of the Territory of Oklahoma, fifty-five from Indian Territory and two from the Osage Country. The Territory of Oklahoma was

to be divided into fifty-five delegate districts by a board consisting of the Governor of the territory (Frank Frantz), the chief justice of the Territorial Supreme Court (John H. Burford) and the Secretary of the territory (Charles H. Filson), and the Indian Territory was to be likewise apportioned into fifty-five districts by the commissioner to the Five Civilized Tribes (Tams Bixby) and two judges of the United States Courts of the Indian Territory to be selected by the President of the United States. The Governor of Oklahoma and the senior judge of the Federal Courts of the Indian Territory (W. H. H. Clayton) were to jointly issue the proclamation for an election for the choice of delegates to the Constitutional Convention, which election was to be held within six months after the passage and approval of the Enabling Act.

The date set for the election of delegates to the Constitutional Convention was Tuesday, November 4, 1906.⁴ Among the active aspirants for election as delegates to the Constitutional Convention in the various districts there were all sorts of men—good, bad and indifferent; able, competent and mediocre; true, trustworthy and trifling. In their respective campaigns for the nomination, they ran on all sorts of personal platforms and issues. One man centered all his hopes for the nomination on his whole-hearted support of the proposition to incorporate the prohibition of the liquor traffic in the body of the constitution; another sidetracked every other issue in his insistence that the proposed constitution should not include prohibition of the liquor traffic, either as an embodied article or as a separate provision. Others posed only as partisans and their sole claim to qualification was that they had always been loyal and “regular” in their support of party policies. It was not strange, under the circumstances, that there should have been some mediocrities placed in nomination, or that some of these should have been elected to help frame the organic law of the new Commonwealth.

As already stated, the nominations for delegates to the Constitutional Convention were all made on strict party lines. The Indian Territory was supposed to be strongly Democratic, while Oklahoma, on the other hand, was judged to be slightly Republican, if the average of results during its territorial epoch could be used as a criterion. But there were other elements which entered into consideration beside the normal party alignment. Oklahoma had long been in a state of political tutelage; its Governors and territorial secretaries and the judges of its courts had all been appointed from Washington, with little or no regard for the wishes of its own people; some of these, as well as land office officials and other appointees, had been selected from other states and were sarcastically referred to as “imported talent,” which was only a polite synonym for “carpet bagger.” But if there had been abuse in such matters in Oklahoma, it had been infinitely worse in the Indian Territory, which was regarded by certain spoilsmen at Washington as a veritable satrapy, abounding in sinecures to which Congressmen who had been retired by their respective constituencies might be sent to recoup their political fortunes, and also as affording a means of discharging political obligations and dispensing favors to friends in the matter of appointment to

4. Guthrie, *State Capital*, August 22, 1906, pp. 3-4-7.

minor positions. Quite naturally, the Republican party in the two territories had to bear the burden of political sins of long-distance government and non-resident administration. Had there been a Democratic National Administration at Washington for eight years, or even for four years, immediately preceding the passage of the Enabling Act, this phase of the partisan aspect might have been viewed very differently, for the policy of the Cleveland administration in regard to territorial appointments had not been materially different from those of the Harrison, McKinley and Roosevelt administrations.

Another feature of the campaign which preceded the election of the delegates to the Constitutional Convention was the nomination of Mr. Henry E. Asp, of Guthrie, as the Republican candidate for delegate from the Twenty-fifth District. Mr. Asp was in Washington during the time that the Enabling Act was under consideration, and was popularly credited with having been instrumental in having Guthrie designated as the capital of the new state until 1913. When he returned to Guthrie his neighbors and friends, as a mark of their appreciation of his efforts in behalf of his home town, insisted that he should be nominated and elected as a delegate to the Constitutional Convention. Being a Republican, he was nominated on the ticket of his party. But Mr. Asp was the attorney of the Atchison, Topeka & Santa Fe Railway Company for Oklahoma and this fact entirely overshadowed the personal element which had led to his nomination in the first place. Far and near, over both territories, the nomination of Henry E. Asp was heralded as an evidence of affinity or collusion between the Republican party and the railroads for the control of the Constitutional Convention. There were other railway attorneys who were candidates for delegate to the Constitutional Convention and some of them did not belong to the same political party that Mr. Asp did, but somehow their connection with the railway business did not come in for as much publicity as his did. While Mr. Asp was elected by a handsome plurality, his nomination and the partisan imputations made in regard to the same doubtless had some influence upon the result in other districts.

The result of the election was surprising, even to the Democrats, who had expected to elect a strong majority of the delegates to the Constitutional Convention. The Democrats elected ninety-nine delegates, the Republicans, twelve, and one (a Democrat) was elected as an independent. Two weeks later (November 20th) the delegates met, as provided in the Enabling Act, to organize the Constitutional Convention.

Before the organization, there was considerable activity in the way of caucusing. There were several aspirants for the presidency of the convention, but it was soon evident that most of these had no organization behind their respective candidacies and some of them were lacking even in the capacity for organization. The most potent factor in the convention was apparently the small group from the Indian Territory, composed of men who had sat together as delegates in the Sequoyah Convention, fifteen months before, and who knew enough of the business in hand to appreciate the value of concerted action, or "team work" in the matter of organization.

An attempt was made to effect an organization to defeat the group above mentioned, but it went to pieces before the more experienced maneuvers of the men who had manipulated the convention in Muskogee the year before.

Henry S. Johnston, of Perry, was selected by the caucus to call the convention to order, after which Rev. Frank Naylor, of Pawnee, offered an invocation. Mr. Johnston then delivered an address, after which, Charles H. Filson, Secretary of the Territory, called the roll, all delegates responding save three, one of whom was absent on account of sickness. Chief Justice John H. Burford, of the Oklahoma Supreme Court, then administered the oath of office to the delegates.

W. A. Ledbetter, delegate from the One Hundred and Third District, offered a resolution to the effect that the convention should proceed to effect a permanent organization by the election of a president, vice-president, a secretary, a sergeant-at-arms, and assistant sergeant-at-arms and a chaplin. The resolution was adopted, whereupon Robert L. Williams, delegate from the One Hundred and Eighth District, placed in nomination William H. Murray,⁵ delegate from the One Hundred and First District. J. H. N. Cobb, delegate from the Sixty-seventh District, placed in nomination Phil B. Hopkins, delegate from the Seventy-fifth District. A rising vote was taken, Mr. Hopkins receiving eleven votes, and, Mr. Murray receiving ninety-seven votes, the latter was declared elected president of the convention. Upon being escorted to the chair, Mr. Murray addressed the convention, briefly outlining the work that was before it and incidentally giving evidence of his own comprehensive grasp of the subject.

The permanent organization of the convention was then completed by the election of Peter Hanraty, delegate from the Ninetieth District, as vice-president; John M. Young, of Lawton, as secretary; D. C. Oates, of Alva, as sergeant-at-arms; William A. Durant, of Durant, as assistant sergeant-at-arms, and Rev. Frank Naylor, of Pawnee, as chaplain. Subsequently, Albert H. Ellis, delegate from the Fourteenth District, was elected second vice-president.

One of the first actions taken by the convention after completing its permanent organization was to authorize the appointment of a committee to consider and report to the convention the beginning of its next day's session as to the number and names of standing committees necessary to facilitate the work in hand. This committee reported as directed, the next morning, recommending the appointment of thirty-nine standing committees. In the committee of the whole convention, this number was subsequently increased to forty-five. It was intimated at the time that the number of standing com-

5. William H. Murray was born at Collinsville, Texas, in 1869. His mother died when he was but two years old. At the age of twelve he began making his own way in the world, working on a farm through the summer and attending the public schools in winter. After securing an academic education at College Hill Institute (Springtown, Texas), he spent several years teaching school. He took an active interest in politics at an early age, followed newspaper work for several years, and spent his spare time studying law. He was admitted to the bar in 1897, and, in 1898, settled at Tishomingo, where he practiced law for several years. He then engaged in farming. He has always taken an active interest in public affairs. After the advent of statehood he served as Speaker of the House of Representatives in the first legislative session. He was elected as Representative in Congress in 1912 and reelected in 1914.

mittees was unnecessarily expanded, in order to provide chairmanships for men whose votes were needed to put through the organization program in the Democratic caucus. However, a careful examination of the list of standing committees does not indicate that it was unduly large, considering the variety of subjects to be considered. Whether chairmanships were promised to certain delegates in return for caucus support is an entirely different matter.

During the first days of the convention there were many incidents that tended to distract attention from the main purpose for which it was convened. Many resolutions were introduced, some of which were of questionable relevancy and were appropriately referred to the Committee on Rules, while others, of doubtful expediency, were ruled out on points of order. Invitations to visit and address the convention during the course of its sessions were lavishly extended, the list of notables thus honored including President Roosevelt, William Jennings Bryan, Robert M. LaFollette, Joseph W. Bailey, Henry Watterson, John Sharpe Williams, Robert L. Taylor and many others, few of whom were able to attend in person. Mr. Bryan responded in a letter to the convention, in which he offered numerous suggestions as to certain features which he deemed essential or desirable in the construction of the basic law of the new Commonwealth.⁶

The convention soon settled down to systematic routine work, however. Its method of procedure was very similar to that of a legislative body, the delegates introducing "constitutional propositions" instead of bills and the same being referred to the proper committee. On December 20 the convention adjourned for the Christmas recess. Reassembling January 3, 1907, it resumed its regular program, being in session usually both forenoon and afternoon of each day, six days each week, until April 19, when the constitution as a whole was adopted by a vote of eighty-six ayes and none in the negative, twenty-six delegates being absent. The constitution thus adopted was then signed by the officers of the convention and by the delegates, to the number of ninety, and their signatures attested by the Secretary of the Territory, Charles H. Filson.

In addition to the constitution, the convention adopted a separate provision submitting to a vote of the electors of the new state the question of state-wide prohibition of the liquor traffic, the same to become a part of the constitution of the state in event of its adoption by a majority vote. It also adopted an election ordinance for the purpose of providing for an election for the adoption of the constitution and for the choice of state, district, county and township officers and representatives in Congress. The convention adjourned on Monday, April 22, to meet again August 5.

Almost immediately after the adjournment of the Constitutional Convention, a controversy arose because no certified copy of the instrument had been deposited with the Secretary of the Territory, President Murray retaining all of the certified copies in his own custody, for which reason Governor Frantz declined to issue an election proclamation within twenty days after the signing of the constitution, as framed and adopted by the convention,

6. Journal of the Constitutional Convention of Oklahoma, pp. 389-96.

with Secretary Filson.⁷ On June 3, President Murray himself issued a proclamation calling for an election (as authorized by the Election Ordinance in event of the failure or refusal of the Governor of the Territory to do so) to be held on the 6th of August for the ratification of the constitution for the choice of officers therein provided.⁸

In addition to the dissatisfaction on account of the refusal of the president of the Constitutional Convention to deposit a certified copy of that instrument with the Secretary of the Territory, there was much talk of inequalities in legislative apportionment as proposed by the constitution, the allegations being that it amounted to a "gerrymander." Whether formal charges were filed at Washington is not known, but it is not unlikely that some such complaint from Oklahoma reached the authorities there. At any rate, a special Federal census of Oklahoma and the Indian Territory was ordered to be taken in July. As the constitution, if adopted by vote of the people, would still require the approval of the President of the United States to make it effective, this movement for numbering inhabitants of the several counties and legislative districts of the new state was suggestive of possible executive disapproval. On the 25th of June President Murray issued a call for the Constitutional Convention to reconvene on the 10th of July, and,⁹ three days later, he addressed a letter to President Roosevelt in regard to the matter.¹⁰

When the Constitutional Convention reconvened, on July 10th, President Murray read in the open session a copy of his letter to President Roosevelt and also President Roosevelt's reply to the same.¹¹ At the beginning of the morning session the next day, Delegate J. F. King, vice-chairman of the Committee on Rules and Procedure, reported the following rule from that committee: "That Rule No. 46, requiring a motion to reconsider any vote must be made on the same day on which the vote proposed to be reconsidered or on the next legislative day succeeding, be suspended as to the action of the convention on the adoption of the constitution submitted to it; and that Rule No. 66 be repealed." On motion, this report of the Committee on Rules and Procedure was adopted. Delegate King thereupon moved that the vote by which the constitution had been adopted by the convention be reconsidered and the motion being carried by the unanimous vote of all delegates present, with forty delegates absent and not voting.

The convention remained in session six days, during the course of which numerous sections of the constitution as previously adopted, were reconsidered and amended or modified in some of their details; among others, there were some changes made in the sections providing for legislative apportionment. During a brief session on the morning of Tuesday, July 16, the following resolution was adopted:

Be it resolved, that when this Convention adjourns today, that it be until 10 o'clock on the forenoon of the 16th day of September, A. D. 1907, unless sooner called together by the presi-

7. Journal of the Constitutional Convention of Oklahoma, pp. 447-51 and 451-54.

8. *Ibid.*, pp. 397-400.

9. *Ibid.*, p. 457.

10. *Ibid.*, pp. 454-56. President Murray's letter will also be found in Appendix XLVII-1.

11. President Roosevelt's reply to the letter of the president of the Constitutional Convention was not published.

dent of this Convention; Provided, that should said Convention not assemble again, in such capacity, prior to or on the 16th of September, 1907, the president of this Convention shall, on said date by proclamation, adjourn said Convention, *sine die*; Provided, further, that the president, if he sees proper, may, by proclamation, adjourn said Convention *sine die*, at any time prior to September 17, 1907.

The convention paused for a few minutes in its last hour to pay a fitting tribute to the memory of John W. Foote, the aged librarian of the Territorial Library, whose death had occurred May 7, during the recess, after which the officers and delegates signed the constitution in its amended form and the convention adjourned.

The Election Proclaimed—On the 24th of July Governor Frantz issued a proclamation giving due notice that, on Tuesday, the 17th day of September, 1907, a general election should be held for the purpose of giving the duly qualified electors of the proposed state of Oklahoma an opportunity to adopt or reject the constitution which had been formulated and submitted by the convention elected therefor; for the adoption or rejection of the separate proposition for state-wide prohibition of the liquor traffic; and for the election of state, district, county and township officers.¹²

The Constitution—The constitution framed by the Oklahoma Convention was, and it is, in many ways, a remarkable document. As it was finally submitted to a vote of the people for ratification, it consisted of twenty-four articles and the schedule and contained in all no less than three hundred and forty-six sections, some of which contained several paragraphs each.

It was generally regarded as one of the most radical instruments of its class that had been yet formulated and adopted, as well as one of the most comprehensive, containing about 45,000 words in all. It embodied much matter in detail that, in other and older states, was covered by statutory legislative enactments. One of its most important features was and is Article IX, which deals with corporations in general and with the duties and powers of the State Corporation Commission, in particular. This commission is clothed with supreme authority in all matters pertaining to public service corporations. The rights of the initiative and the referendum were reserved to the people of the state, both in legislation and in constitutional changes, and to the people of the various municipalities in the matter of local ordinance or charters. The eight-hour day was given constitutional recognition in all public work and in the mines of Oklahoma. It was provided that the defense of contributory negligence should be a question of fact to be determined by the jury. Practically all of the state officers are elective. There were many other features which might have been regarded as decidedly novel in most of the conservative older states. That the constitution may have gone too far in the matter of detail in some matters seems to be evidenced by the numerous and costly efforts that have since been made to have it amended or modified in some particulars. Yet, most of the men who helped to frame it were sincere and it represents their ideals as nearly as the same could be reduced to concrete form. At best, all state constitutions have

12. The text of the proclamation of Governor Frantz will be found in Appendix XLVII-2.

been the results of compromise. Actual experimental application and administration of the basic law of Oklahoma have indicated that modification of some of its provisions may be desirable, yet, on the whole, it has been as satisfactory in its operation and effect as have those of any of the older states which have been on trial for much longer periods.

The new state was divided by the Constitutional Convention into seventy-five counties, their boundaries defined and their county seats designated. Of these, eighteen were identical in all particulars with the organizations existing in Oklahoma Territory under the Organic Act. The names of seven other counties in Oklahoma Territory were also preserved, but changes were made in their territorial limits and areas, while the name of old Day County disappeared from the map. By division and reconstruction, eight new counties were added in that part of the state which was formerly embraced in the Territory of Oklahoma, in addition to which the Osage Nation was constituted a county. That part of the state which had been included in the former Indian Territory was divided into forty counties. Among the limitations and restrictions that were imposed by the Enabling Act, the subject of counties—county lines, county seats, and county names—was not included. It was asserted at the time that had the Enabling Act provided that recording districts in the Indian Territory should be considered as counties and be designated by number until after the adoption of the constitution, the court towns should be considered as county seats and that no changes of county lines, county seats or county names should be made by the Constitutional Convention, there would have been much less politics in the convention. As it was, the county seats, county lines and county names were all used in the manipulations and maneuvers which were being made for the control of the dominant party in the campaign for the nomination for state officers which was to follow. No less than eight counties were named for delegates sitting in the convention, a mark of distinction to which some of the personalities involved were scarcely entitled. But, after all, it was doubtless well that the convention did make counties and plenty of them, as Oklahoma has been remarkably free from county seat wrangles such as have given an unpleasant distinction to some other western states during the period of county organization.

In addition to the constitution and the separate proposition relating to the prohibition of the liquor traffic, the Constitutional Convention also adopted a resolution to adopt the Constitution of the United States, an ordinance accepting the provisions of the Enabling Act, and an ordinance providing for the election on the adoption of the State Constitution and the choice of state, district, county and township officers.

The Election—The several political parties put full tickets in the field. The Democratic ticket, which was selected by a primary election, was headed by Charles N. Haskell, of Muskogee (who had been a leading figure in the Constitutional Convention, as he had been in the Sequoyah movement two years before), as the nominee for Governor.¹³ The Republican

13. Charles N. Haskell was born in Ohio on December 13, 1861. At the age of sixteen he began to teach school, an occupation which he followed for a number of years. While teaching he took up the study of law. After his admission to the bar he began the practice of law at Ottawa, Ohio. In addition to his legal business he became interested in rail-

ticket, which was nominated by a state convention, was headed by Frank Frantz, the Territorial Governor. The Republicans endorsed statehood while severely condemning the proposed constitution. The Democrats used the constitution as their rallying cry. Leaders of national prominence were brought into the new state to try to influence the result—William Jennings Bryan and William H. Taft, among others. The result of the election was the adoption of the constitution and the election of the entire Democratic state ticket, four out of five Democratic nominees for Congress and a heavy Democratic majority in the Legislature and county officers of most of the counties.

The constitution was endorsed and adopted by a vote of 180,333 in the affirmative to 73,059 votes in the negative. State-wide prohibition was adopted by a vote of 130,361 votes in the affirmative to 112,258 votes in the negative. For Governor, Haskell (Democrat) received 137,579 votes; Frantz (Republican) received 110,283 votes, and Ross (Socialist) received 10,646 votes.

The people of the State of Oklahoma, having thus complied with the conditions and stipulations of the Enabling Act, President Roosevelt issued an executive proclamation,¹⁴ by previous announcement, on November 16, 1907, in which it was stated that, the people of Oklahoma, having complied with the conditions and requirements of the Enabling Act, the State was thereby declared to be a constituent state of the Federal Union.

The result of the adoption of the Constitution was hailed with satisfaction everywhere throughout Oklahoma. The announcement of the issuance of President Roosevelt's proclamation caused renewed rejoicing. The spirit of the time was typified by the following editorial, written by Colonel Clarence B. Douglas, which appeared in the "Muskogee Phoenix," on the morning of the day that the new state government was to be inaugurated—November 16, 1907:

THE DAWN.

There is a new light in the East. The brightest day in all the history of the Red Man's land has dawned. From the skies of the receding night a hardy band of pioneers, builders of an empire, have plucked the brightest star and with brave hands and patriotic hearts, pinned it to the azure field of Old Glory, adding a new luster to the Nation's flag.

In imperishable letters a new name has been inscribed upon the banner of freedom—a name synonymous with success, with beauty, grandeur, patriotism, fidelity, prosperity, loyalty and love of home; a name crooned as a lullaby in bygone days when, sitting in the twilight of the boundless prairies, the Indian mother from her tepee watched the shadows lengthen into night and put her little ones to sleep; a name interwoven in the matchless history of marvelous things accomplished by those who dared to put their blood and brain and brawn into the contest and win a victory where defeat seemed most certain; a name now heard along the arteries of commerce, in the busy marts of trade and wherever beats the Nation's throbbing heart of industry: OKLAHOMA.

But yesterday, we were a million and a half of political orphans, misunderstood, misgoverned administration. Today we stand erect, clothed with the full panoply of American cit-

izen construction. He moved West, locating in Muskogee in 1900. He first became prominent politically in the new State when he took an active part in the work of the Sequoyah Constitutional Convention, in the summer of 1905. In 1906 he was elected a delegate to the Oklahoma Constitutional Convention. His subsequent nomination and election as the first Governor of the new State gave him a prominent place in its history. Since his retirement from the office of Governor, Mr. Haskell has lived at Muskogee. In 1912 he was a candidate in the Democratic primaries for United States Senator and was defeated by Robert L. Owen.

14. The text of President Roosevelt's proclamation may be found in Appendix XLVII-3.

izenship, in all things the equal in fact as well as in name, of the proudest people of the Nation. But yesterday, to all the other states we were strangers. Today we have entered into our inheritance and wear upon our brow the full-flowered wreath of American manhood and take our place in Columbia's household as the most favored of all the Nation's children. But yesterday, the long range government by appointment, by political favorites, by telegraph and by misinformation, was the rule. Today we begin a new era with the ideal government of the immortal Lincoln, "a government of the people, for the people and by the people." Looking down the darkening shadows of the past, with its obstacles overcome, its disappointments outlived, its obstructions to advancement swept aside by the energy, determination and ambition of our people, we turn with confidence to the future, proud in the record of yesterday, masterful in the strength of today, and meet the future, secure in the belief that tomorrow will bring to us but additional triumphs in life's battle. In this hour of our emancipation, when peans of joy are ascending throughout the land, when the clang of the political shackles, falling from the arms of freedmen, makes wondrous music for the patriots who fought in freedom's cause, it is but mete that we should pause and give to those who led the van a fervent "God Bless You," and tell them that they have builded better than they knew in giving to posterity the greatest commonwealth the Nation ever welcomed into the sisterhood of states.—Clarence B. Douglas, in the "Muskogee Phoenix," November 16, 1907.

The Great Seal of Oklahoma—Each of the Five Civilized Tribes had a great seal, which was attached to its official documents, just as such seals are used by the public officials of the various states and territories. When the Territory of Oklahoma was organized, the first session of the Legislative Assembly made provisions for a great seal, which was in common use constantly up to the change from territorial to state government.

While the Sequoyah Constitutional Convention was in session in Muskogee, Rev. A. Grant Evans, who was then president of Henry Kendall College, was asked to suggest a design for a seal for the proposed State of Sequoyah. Doctor Evans designed and had carefully drawn, a five-point star, in the angles of which were placed the tribal seals of the Five Civilized Tribes. Above the star and between the upper points was a half-length figure of Sequoyah, holding a tablet upon which appeared the words, "We are Brothers" in the Cherokee text. In the other spaces between the points of the star were placed forty-five small stars, emblematic of the constellation to which a forty-sixth was to be added.

During the session of the Oklahoma Constitutional Convention, among the members of the committee named to design a great seal for the new state, was Gabe E. Parker, a Choctaw Indian, a graduate of Spencer Academy (one of the oldest Choctaw schools), and of Henry Kendall College. Mr. Parker wrote to Doctor Evans for suggestions. The latter responded by calling attention to the design of the great seal of the proposed State of Sequoyah, and suggesting that the adoption of the same might not be inappropriate. This suggestion was substantially followed in the designing of a great seal for the State of Oklahoma, wherein the great seal of the proposed State of Sequoyah was combined with that of the Territory of Oklahoma. The position of the star was so changed that one point stood vertically upward instead of one point being vertically downward, as was the case in the seal of Sequoyah. The five tribal seals were placed in the angles of the star as before, with the seal of the Territory of Oklahoma in the center. This design also admitted of a more symmetrical arrangement of the forty-five stars in five groups in the spaces between the points, putting nine in each group. In the surrounding circle were placed the words, "Great Seal of the State of Oklahoma," and the date, "1907."

CHAPTER XLVIII

OKLAHOMA UNDER STATE GOVERNMENT

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On the day appointed by the proclamation of President Roosevelt for the inauguration of the state government (November 16, 1907), a great concourse of people from all parts of the state gathered at Guthrie to witness the ceremonies incident to that auspicious occasion. The prescribed oath of office was administered to all of the newly elected state officers and, amid general rejoicing, the two territories were reunited to form a single state in the American Union.

One of the first official acts of Governor Haskell¹ was to appoint and commission Robert L. Owen and Thomas P. Gore, the Democratic nominees for the United States Senate, as Senators from the new State of Oklahoma. When Congress convened two weeks later, however, the Senate refused to recognize the appointments thus made, holding, according to precedents previously established, that governors of states had the right to fill vacancies occasioned by death, resignation or removal from office, but not otherwise.

The Supreme Court was duly organized the same day, Robert L. Williams, who had been a delegate in the Constitutional Convention, and who had been elected one of the justices of the Supreme Court, being chosen by his colleagues as chief justice.

Another notable incident of the inauguration of the state government was that the saloons throughout the state generally closed their doors in conformity with the provisions of the state constitution. Many liquor dealers consulted their attorneys, and quite a few of them tried to break into court, but the courts did not look upon the matter with favor.

The new state government started off with a rather ostentatious zeal for reforming existing abuses, either real or imaginary. On November 19, only three days after the state had been admitted to the Union, the attorney-general (Charles J. West) arrived in McAlester and filed suits against forty-eight coal mining companies, alleging that they collectively constituted a trust, which was in violation of the Constitution of the newly organized state government.

On November 20, the Corporation Commission was organized, J. E. Love, of Woodward, being elected its chairman.² The Corporation Commission immediately busied itself in the matter of the enforcement of the two-cent rail-

1. Charles N. Haskell was born in Ohio on December 13, 1861. At the age of sixteen he began to teach school, an occupation which he followed for a number of years. While teaching he took up the study of law. After his admission to the bar he began the practice of law at Ottawa, Ohio. In addition to his legal business he became interested in railway construction. He moved West, locating in Muskogee, in 1900. He first became prominent politically in the new State when he took an active part in the work of the Sequoyah Constitutional Convention in the summer of 1905. In 1906 he was elected a delegate to the Oklahoma Constitutional Convention. His subsequent nomination and election as the first Governor of the new State gave him a prominent place in its history. He has since resided in Muskogee, New York City, and elsewhere, including one considerable sojourn in Mexico.

2. A sketch of the life and career of J. E. Love will be found in Appendix XLVIII-1.

road passenger fare. Within one week thereafter, two of the railway companies (Atchison, Topeka & Santa Fe and the St. Louis & San Francisco), came to an agreement with the Commission whereby it was proposed to sell tickets within the state at two cents per mile. The Corporation Commission had threatened to order the erection of state-line stations if two-cent fares in Oklahoma were not allowed in the purchase of interstate tickets. The Commission also issued an order requiring railway companies to run an extra train in case a regular train was an hour or more late.³ Within a week the railway companies conceded the two-cent fares on intra-state passenger trains; however, they did not agree to allow two-cent fare on inter-state tickets. The question of forcing the railway companies to erect state-line stations was never brought to an issue, however.

On December 19, State Superintendent of Public Instruction E. D. Cameron, gave out an interview in which considerable hostility was evidenced against the continued operation of schools in that part of the new state which had been included under the jurisdiction of John D. Benedict, as federal superintendent of Indian schools. The State Superintendent regarded the continuance of Superintendent Benedict's official action as nothing short of "Federal interference," of which so much had been heard in the Constitutional Convention, and subsequently from several political leaders. However, as the schools which were still being conducted under the direction of Superintendent Benedict were supported and operated on funds appropriated by Congress, and inasmuch as none of the newly organized school districts in that part of the state had any funds with which to conduct public schools, Governor Haskell did not regard this gesture in favor of local self-government as being of essential importance, consequently, schools supported by Federal appropriation continued to operate under Federal superintendence until the people of that part of Oklahoma could arrange to support their own schools.

The First Legislature—The first Legislature convened on Monday, December 2, 1907. The Senate organized with George Bellamy, of El Reno, the Lieutenant-Governor, presiding. Senator Henry S. Johnston, of Perry, was elected president *pro tempore*. In the House of Representatives, William H. Murray, who had been president of the Constitutional Convention, was unanimously elected speaker, the Republicans seconding his nomination and voting for his election.

Governor Haskell's message was brief but comprehensive. Among the recommendations made were the enactment of a depositors' bank guaranty law, a compulsory primary election law, provision for the vitalizing of initiative and referendum, the provision for creation of a board of arbitration, for arrangement for sale of the school lands, a compulsory requirement for separate coaches and separate waiting rooms for negroes, by the railroad companies, the establishing of a state printing and binding plant, and a regulation of "railroads, other corporations, trusts, and monopolies."

The next day after the organization of the Legislature, the first bills intro-

3. The Corporation Commission did not enforce its order compelling railroads to run extra trains when the regular trains were late.

duced into each house were measures requiring the provision of separate coaches and separate waiting rooms at all railway stations for negroes.

The Legislature promptly got down to work and, at the end of the first three weeks, when it recessed for the Christmas vacation, eighteen bills had been passed by both houses and approved by the Governor. These included not only the separate coach and waiting room act (better known as the "Jim Crow" law), but a bank depositors' guaranty fund act, provision for the immediate transfer of the five million dollars from the Federal Treasury to the custody of the State School Land Commission,⁴ and several others which were regarded as emergency measures.

The election of United States Senators was one of the first duties to which the Legislature had to give attention. The Democratic nominees were Robert L. Owen and Thomas P. Gore, who had been chosen by the Democratic primary election. The Republican candidates, selected by the caucus of the members of the Legislature belonging to that party, were Charles G. Jones, of Oklahoma City, and Clarence B. Douglas, of Muskogee. Messrs. Owen and Gore, receiving the votes of the majority party, were duly elected.

The session, which lasted nearly six months, was given over to the work of remodeling the Territorial statutes and enacting new legislation to make operative and effective the various provisions of the State Constitution. Among the various measures in the way of important new legislation were the law providing for the state guaranty of deposits in banks operating under state charters, the law for the enforcement of the prohibition of the liquor traffic and provision for state dispensaries for the sale of alcoholic liquors for purposes not prohibited, an emergency tax measure, the law requiring separate coaches and waiting rooms for colored people, and many others of less importance. A general election law was also enacted and provision was made for the establishment and location of several additional state institutions—educational, eleemosynary, reformatory and penal.

One of the big questions before the Legislature was that of prohibition enforcement. Senator R. A. Billups, of Washita County, took a leading part in the discussion of proposed legislation on this subject in the Senate, while Speaker Murray led in the discussions along the same line in the House of Representatives. Senator Billups was for the enactment of a law for the absolute enforcement of the liquor traffic, while Speaker Murray favored a state dispensary for the handling of intoxicating liquors for medicinal, mechanical and scientific purposes, on a plan somewhat similar to the state liquor dispensary of South Carolina. The legislation enacted was something of a compromise.

A notable incident in the history of the first Legislature was the visit which

4. Sec. 32 of Art. VI provides that the public land commission, commonly known as the School Land Commission, shall consist of the Governor, the Secretary of State, the Auditor, the Superintendent of Public Instruction and the President of the Board of Agriculture, and the said commission shall have charge of the sale, rental, disposal and management of school lands and other public lands of the State, and of the funds and proceeds derived therefrom under rules and regulations prescribed by the Legislature. The act approved December 17, 1907, authorized the State Treasurer to receive from the Treasurer of the United States the sum of \$5,000,000 appropriated by the Enabling Act for the endowment of the public schools of Oklahoma and transfer the same to the Treasurer of Oklahoma, subject to the direction and instructions of the Commissioner of the Land Office.

it received from William J. Bryan December 21, 1907. A large reception was tendered to the "Great Commoner," who was at his best when he addressed the first officers and the first Legislature in the new state. The exercises of the day were terminated by "a dollar dinner" in the course of which the dominant party of the new state climbed into the Bryan band wagon in anticipation of the result of the campaign for the Democratic presidential nomination for the forthcoming national political struggle.

A bill was introduced into the House of Representatives for the purpose of removing the capital of the state to Oklahoma City and, later, a memorial was presented in the Senate for the purpose of asking Congress to pass an act modifying the Enabling Act in such a way as to permit the people of Oklahoma to locate the seat of their state government without waiting until 1913. Nothing came of either proposition, however. The Legislature adjourned on the 26th of May, 1908.

The Political Campaign of 1908—In the general election held in November, 1908, the people of Oklahoma were called upon to choose the membership of the Second Legislature, except the "hold-over" state senators, whose terms were for four years, and to elect representatives to Congress, as well as part of the members of the Supreme Court and the Corporation Commission to fill vacancies occasioned by expiring terms. They were also privileged for the first time to participate in the election of a President of the United States by choosing presidential electors. The election resulted in a Democratic victory, carrying the State for Bryan, the Legislature being strongly Democratic, though the Republicans gained one seat in Congress. Thomas P. Gore⁵ was the Democratic nominee for the United States Senate to succeed himself, Dennis T. Flynn was the Republican nominee.

The Second Legislature—The Second Legislature convened in Guthrie in January, 1909. Among the measures passed were those for the establishment of several additional state educational institutions. The general election law was overhauled and remodeled and comprehensive insurance and revenue laws were enacted. The session lasted from January 5th to March 12th.

By a decisive vote of the resident citizens of eleven townships and four fractional townships in the western and southwestern parts of Greer County, in an election held on May 22, 1909, Harmon County was set off and organized as a separate political unit of the state. Its county seat was located at Hollis. Ten days later, Governor Haskell issued a proclamation declaring the organization of the new county completed.⁶

5. Thomas Pryor Gore was born in Webster County, Mississippi, December 10, 1870. After receiving a common school education he entered the Law School of Cumberland University, Lebanon, Tennessee, from which he graduated in 1892. Four years later he moved to Texas, and at the opening of the Kiowa and Comanche Reservation to settlement, in 1901, he located at Lawton, Oklahoma. The next year he was elected a member of the Upper House of the Territorial Legislative Assembly. In 1907 he was nominated for United States Senator by the State Democratic primary, was appointed United States Senator by Governor Haskell, November 16, and elected to the same office by the Legislature, December 11, taking his seat in the Senate on December 16. In 1909 he was reelected for the term expiring March 3, 1915. In 1914 he was reelected, but was defeated for renomination in 1920. Senator Gore's achievements are more remarkable because he has been totally blind since childhood.

6. Harmon County was named in honor of Judson Harmon, Secretary of State in the cabinet of President Cleveland, 1893-97.

A Special Session—The Second Legislature was convened in special session January 20, 1910. The session was principally given over to the consideration of measures which were of local concern. However, the election act of the session of 1909 was repealed and a new general election law was enacted. A law was passed providing for the submission of amendments to the Constitution by suggestion of the Legislature. Later a concurrent resolution was adopted under the provisions of the act just mentioned, for the purpose of submitting to a vote of the people a proposed amendment to the Constitution, which became commonly known as "the grandfather clause," the purpose of which was to exclude from the privilege of exercising the elective franchise, all persons who were so deficient in mental or educational qualifications as to be unable to read and write sections of the State Constitution except such as had been duly qualified electors prior to January 1, 1866, and their lineal descendants.⁷ The special session was adjourned March 19, 1910.

Popular Vote on the Capital Location—The fires of local rivalry between Guthrie and Oklahoma City concerning the location of the capital of Oklahoma, had been smouldering for nearly twenty years. True, the breezes of excitement incident to the extension of the St. Louis & San Francisco Railway from Red Fork, in 1896-98, to the struggle over the passage of the Public Building Bill in 1901, and to the tenseness of the feeling over the Omnibus Statehood Bill, in 1902-03, had almost fanned them into flames, but, during the greater part of that long interval, the rivalry was in a quiescent condition. Also, another aspirant for capital location honors had arisen in the enterprising city of Shawnee. The passage of the Enabling Act with its capital location restricted, which stipulated that the capital should be at Guthrie until 1913 was displeasing to the other two towns, of course, but it tended to lull the fears of capital removal at Guthrie and to create a feeling of confidence on the part of her people. However, the purpose which had been baffled only by an executive veto away back in 1890, had remained determined all through the intervening years, for Oklahoma City had only been biding her time for another trial for the political mastery while she was growing and gathering material strength.

When it was finally decided to make an effort to locate the capital, the necessary initiative petitions were prepared and filed and the towns of Guthrie, Shawnee and Oklahoma City were all named in the one petition thus prepared, as candidates for the location of the capital of the state. When all of the conditions and formalities incident to the initiation of a measure of such importance had been complied with, Governor Haskell issued a proclamation calling

7. Sec. 4a: "No person shall be registered as an elector of this State, or be allowed to vote in any election held herein, unless he be able to read and write any section of the Constitution of the State of Oklahoma; but no person who was, on January 1st, 1866, or at any time prior thereto, entitled to vote under any form of Government, or who at that time resided in some foreign nation, and no lineal descendant of such person, shall be denied the right to register and vote because of his inability to so read and write sections of such Constitution.

"Precinct election inspectors having in charge the registration of electors shall enforce the provisions of this section at the time of registration, provided registration be required. Should registration be dispensed with the provisions of this section shall be enforced by the precinct election officers when electors apply for ballots to vote."—Session Laws of Oklahoma, 1916, pp. 114-15.

for an election for the location of the capital of the State of Oklahoma to be held on Saturday, June 11, 1910. An exciting state-wide campaign followed. The amendment to the Constitution authorizing the location of the capital was carried and Oklahoma City was chosen as the permanent capital by a substantial majority.

It was generally expected that the people of Guthrie would resort to every legal expedient to prevent the removal of the public records from that place. Governor Haskell, who was in Oklahoma City on the night following the election, decided to forestall any injunction proceedings so far as he was concerned, so, as soon as it was evident from the returns received from the election that Oklahoma City would have a majority of the votes cast on the location of the capital, he issued a proclamation announcing the result of the election and declaring Oklahoma City to be the capital of the State of Oklahoma. This was quite as much of a surprise to the people of Oklahoma City as it was to those of the state at large, as they did not expect to see the capital removed to Oklahoma City until 1913. The great seal of the State of Oklahoma was carried from Guthrie to Oklahoma City that same night. For some months thereafter the controversy was as to whether the people of Oklahoma had the right to move their capital in spite of the stipulations of the Enabling Act in regard thereto. The State Supreme Court still continued to hold its sessions in Guthrie, but most of the other state officers moved to Oklahoma City. The action of both State and Federal courts was invoked in behalf of Guthrie.

The Political Campaign of 1910—In the general primary election for the year 1910, the Democrats chose Lee Cruce,⁸ of Ardmore as their nominee for governor, while the Republicans selected Joseph W. McNeal,⁹ of Guthrie.

8. Lee Cruce was born at Marion, Kentucky, July 8, 1863. His education was obtained in the common schools, with one year spent in Marion Academy. His early life was spent on a farm. While he was quite young his father died, and after the older brothers had left home to do for themselves, he took his turn in running the farm for his mother. Having decided to take up the study of law, he entered the law school at Vanderbilt University, at Nashville, Tennessee. He spent only one year there, however, his law studies being completed in the office of his brother at Marion. He was admitted to the bar in 1888. Three years later he came to the Indian Territory, locating at Ardmore, where he engaged in the banking business, eventually giving up the practice of law. The only public office he held before being nominated and elected Governor was that of regent of the State University, from 1908 to 1911. Since his retirement from office he has been engaged in business at Ardmore.

9. Joseph W. McNeal was born in Marion County, Ohio, January 9, 1852. He was educated in the public schools with some supplemental work in college. He moved to Kansas while still a youth in his teens, where he taught school, at the same time reading law, and was admitted to the bar before he had attained his majority. He located at Medicine Lodge, then a pioneer border settlement and, when but twenty-one years of age, was elected county attorney. After serving two terms in that office he retired from the practice of law and organized a bank. He continued in the banking business at Medicine Lodge until the opening of Oklahoma, when he came to Guthrie and located on April 22, 1889. There he opened the first bank in that city, if not in the territory. From the first he was prominent in the affairs of Guthrie and the Territory. He remained in business in Guthrie until after the capital was removed, when he settled in Tulsa and engaged in the banking business. He had a very wide acquaintance and maintained a keen insight in all that was going on in the Territory and later in the State. He took an active interest in political affairs, being affiliated with the Republican party. His name was prominently mentioned in connection with the appointment as territorial governor in 1897, though he took no part as an active aspirant. The only time he ever appeared as a candidate was when he received the Republican nomination for Governor, in 1910. For many years he was one of the active directors of the Oklahoma Historical Society and was still serving in that capacity at the time of his death. He died suddenly at San Antonio, Texas, January 30, 1918.

The campaign resulted in the election of Cruce by a plurality of 20,691 over McNeal, their respective votes being 120,218 and 99,527, while Cumbie, the Socialist nominee, received 24,707 votes. The Democrats secured a strong working majority in the Legislature but the Republicans elected three out of the five representatives to Congress.

Selecting a Capitol Site—When the Third Legislature was elected, in November, 1910, it was certain that it would be confronted by the necessity of locating and securing a site for the erection of a State capitol. A week after that election, the Supreme Court of the State rendered a decision which invalidated the special capital location election of the preceding June, because of imperfect ballots, at the same time holding that the location of the capital at Guthrie for a definite period of years, by the Enabling Act, was null and void. Hence, the necessity of legislative action for the immediate location of the State Capitol as well as for the selection of a site and to effect arrangements for the erection of a Capitol Building.

With this situation existing, Governor Haskell summoned the newly elected Third Legislature in extraordinary session, in Oklahoma City, on November 28, 1910, for the special purpose of locating the State Capitol and selecting and securing an appropriate site for the same. As four sites were offered, in and around Oklahoma City, and one in Shawnee, there was much jockeying and maneuvering done during a session that lasted nearly three weeks. In the end, an agreement was reached, a site was selected and the session was adjourned in time for a Christmas vacation, preceding the convening of the regular session, in January, 1911.

The story of the selection of a site for the erection of a State Capitol is not one to inspire either writer or reader. Admittedly, in such a matter, the interest of the people of the State of Oklahoma as a whole should have been regarded as one of prime consideration. Yet, seemingly, in comparison with the personal and material interests involved, on the one hand, and those of personal and political prestige, on the other, the interests of the State of Oklahoma and its people were matters of minor consideration, as also were those of a suitable topographic setting, landscaping possibilities and public convenience. In brief, Oklahoma City might have offered a much better site than it did and the Legislature might have successfully demanded a more sightly location than was accepted.

A tall flagstaff was erected on an eligible site, distant a quarter of a mile from the site described in the metes and bounds. A credulous public accepted the statement that the flagstaff marked the site of the proposed capitol. So did many legislators. Indeed, they trustingly voted for the flagstaff only to learn later that the site which it marked overlooked the lower and much less desirable site, the metes and bounds of which were defined and prescribed in the location bill. The State of Oklahoma has since expended more money for grading and filling the site thus donated than it would have cost to buy a whole quarter section at that time. The landscaper's art has done wonders in making presentable a site upon which Nature had not lavished much in the way of attractiveness, but not even the art of the most skilled landscape

architect can successfully conceal all of the unpleasant facts involved in the transaction.

Governor Cruce's Administration—Governor Cruce was inaugurated January 8, 1911, with the legislative session already under way. The new governor made a number of recommendations, one of the most important of which was the proposed consolidation of the governing boards of several of the State institutions of learning, other than those which were included within the general supervision of the Board of Agriculture. This recommendation was the subject of favorable action by the Legislature, the State Board of Education being given supervisory jurisdiction over the University, the School of Mines, the College for Women, the six normal schools and the two preparatory schools. The duties and functions previously pertaining to the State Textbook Commission were likewise added to those of the State Board of Education. Another very important piece of legislation was an act providing for the creation of a State Highway Department. The general election law was again remodeled and the usual grist of local measures were considered and passed or rejected.

In the political campaign of 1912, the national contest overshadowed state and local tickets in popular interest. Early in that year, the Republican leaders in Oklahoma became agitated over the personnel of the National ticket in the forthcoming general election. "The organization" (i. e., the party's state committee and national committeeman) was strongly supporting the renomination of President Taft, while the progressive wing of the party, claiming to be disappointed in the reactionary tendencies of the Taft administration, favored the renomination of former President Roosevelt for a third term. The administration supporters were very active. There was considerable friction in several of the district conventions but the Roosevelt's supporters had an overwhelming majority in the State convention, which was held at Guthrie, on the 16th of March. While there was no definite separation of the two factions, so far as distinct tickets were concerned, the Republican Party of Oklahoma was virtually in the hands of the Progressive Party leaders during the campaign which followed.

In the Democratic party, conditions were no more harmonious than they were in the Republican party. Representative Champ Clark, of Missouri, had a very enthusiastic following in Oklahoma but he also encountered a very determined opposition. This opposition finally crystalized in support of Woodrow Wilson for the presidential nomination. The state convention was so nearly equally divided between the forces of the Clark and anti-Clark supporters that, without measuring strength in a test vote, an agreement was reached, between the leaders of the two factions, whereby the delegation to the National Convention should be divided evenly between Clark and Wilson.

Strong political pressure had been brought to bear upon Governor Cruce to persuade him to call a special session of the Legislature, early in 1912. Under the new Congressional apportionment, Oklahoma had been allotted eight seats in the National House of Representatives. Oklahoma had but five Congressional districts, hence, one of the most insistent reasons urged

upon Governor Cruce in the effort to induce him to call a special session of the Third Legislature was the proposed creation of three additional Congressional districts. His refusal to accede to the suggestion necessitated the choice of three representatives-at-large from the whole state in the ensuing general election. Thenceforth, his administration become very unpopular with many of the leaders of his own party, due in a large measure to his independence in matters wherein many politicians thought that party interests should have been consulted.

The primary campaign was a very active one. There were twenty-seven aspirants for the nomination for representative-at-large in Congress. Robert L. Owen was a candidate for the nomination to succeed himself as United States senator.¹⁰ Former Governor Haskell also announced himself as a candidate for that place. Senator Owen was renominated by a heavy majority. At the same time a mandatory amendment to the Constitution made it obligatory for candidates for the Legislature to state whether or not they would be bound by the vote of the people as to whom they should support in the Legislature in the election for United States senator.

An initiated bill, proposing the relocation of the capital at Guthrie, was placed before the voters at the November election but failed to win, despite a large "silent" vote. An initiated bill to "recall" the Board of Agriculture, was adopted. The Democrats carried the state for Woodrow Wilson, elected a strong majority of the Legislature, six of the eight Congressmen, and gave mandatory instructions for the reelection of Robert L. Owen over Judge Joseph T. Dickerson, his Republican opponent.

Another new county was added to the list already organized, by the success of the third attempt at the division of Comanche County. By vote of a majority of the citizens of thirteen townships and thirteen fractional townships of the southern part of Comanche County, held on August 22, 1912, Cotton County was set off and organized as a separate political unit of the State of Oklahoma. The organization of the new county was completed by the issuance of a proclamation by Governor Cruce, September 14, 1912. In an election held November 14, following, the town of Walters was chosen as county seat.

The Fourth Legislature—The Fourth Legislature, which convened on January 7, 1913, was not in entire accord with the Cruce administration. Governor Cruce's refusal to convene the Legislature in special session at the behest of party leaders, a year before, with other manifestations of his spirit

10. Robert L. Owen was born at Lynchburg, Virginia, February 2, 1856. His father, Robert L. Owen, was president of the Tennessee Railroad, and his mother, whose maiden name was Narcissa Chisholm, was a member of the Cherokee Nation of Indians. Mr. Owen was educated in the schools at Lynchburg, Virginia, and Baltimore, Maryland, and at Washington and Lee University, Lexington, Virginia. After completing his education he came to the Cherokee Nation, where he engaged in educational work for a time. From 1886 to 1890, he was U. S. Indian Agent at the Union Agency at Muskogee. He has always taken an active interest in public affairs, was nominated (June 28, 1907) for the United States Senate by the Democratic primary and elected (December 11, 1907). When the new Oklahoma Senators entered the Senate, Senator Owen drew the lot which entitled him to a seat for the term ending March 3, 1913. He was reelected in 1912 and in 1918. He declined to be a candidate for reelection in 1924. He is engaged in the practice of law (1929) at Muskogee and Washington, D. C.

of independence, subsequently, had not tended to increase his popularity in certain quarters. This became more manifest after the legislative session became well advanced. Several of the executive appointments failed to receive the necessary senatorial confirmation. Moreover, efforts were made to shear the executive office of much of its power in the way of appointments but these, in most instances, were promptly vetoed. There was much investigation and impeachment charges were filed against two state officials, one of whom resigned and the other was convicted and removed from office, several subordinate officials also resigning. The time for the regular session expired with much unfinished business still on the calendar. Governor Cruce refused to agree to call a special session until much of this had been cleared from the table. The Legislature finally adjourned, on March 17, with the essential appropriations not made.

The State Election Board was reorganized in such a way as to weaken the Governor's power, and the appointment of the Capital Commission was taken out of his hands. Impeachment proceedings were instituted against three State officials, two of whom resigned; the other one stood trial and was removed from office. Senator Owen was unanimously re-elected in response to the electoral mandate of the people at the general election.

Governor Cruce called the Legislature into extraordinary session and it convened the next day after the adjournment of the regular session. Although the Governor had specified the purposes for which the special session was called, the Legislature continued its investigation of affairs in various state offices. Another of the minor state officers resigned rather than face an impeachment trial. The breach between Governor Cruce and the Legislature widened and the possibility of his impeachment was more or less openly discussed. The special session took a forty-day recess, reassembling June 23, for the purpose of completing unfinished business. The session ended on July 5.

The State Board of Education, acting in its capacity as a text-book commission, took up the matter of adopting school text-books for the ensuing five-year period, at its meeting held May 23, 1913. It had planned to take the matter up a year before but Governor Cruce had insisted that such action at that time would be premature. When it was brought up for action the second time, the Governor was reported to have appealed to the Board as a body and also to the members as individuals to defer the matter still further, but his appeal was in vain as, at its close, the Board decided to go on with its preparations for the adoption. As the result of this disagreement, he removed several of the members of the Board from office. They resisted this action by resorting to court procedure. The outcome of the affair was that the old adoption was allowed to stand for another year, when the new adoption was made for a five-year period by a reorganized board.

The Oklahoma anti-monopoly law, enacted by the First Legislature and approved on May 29, 1908, was tested in the courts as the result of the indictment of a number of owners of cotton gins and cottonseed oil mills for a combination in restraint of trade, by the District Court of Logan County. The defendants interposed separate but identical demurrers to the prosecution,

denying the constitutionality of the law under which the action was brought. The court sustained the demurrers. Attorney-General Charles J. West, who had framed the bill thus enacted into law by the Legislature, and James Hepburn, county attorney of Logan County, appealed the case for the State, to the Court of Criminal Appeals. After a careful statement of all the facts in the case, the court unanimously reversed the opinion of the lower court and held that the law was constitutional. This opinion, written by Justice Thomas H. Doyle and concurred in by Presiding Justice Henry Furman and Justice James R. Armstrong, was regarded as not only a decided victory for the State, but also one which was bound to have far reaching effect in future cases of the same nature.¹¹

The Board of Agriculture in a Wrangle—The Board of Agriculture had received a great deal of publicity for several years past, due to petty personalities and puerile political methods. In 1913, disagreement in the meeting of the State Farmers' Institute resulted in the election of rival boards. Moreover, a bill had been initiated providing for the abolition of the eleven-member board thus selected and for the substitution of a five-member board to be appointed by the Governor. This dispute finally got into the courts and was settled by decision of the Supreme Court on May 5, 1914, in favor of the five-member appointive Board of Agriculture.

Political Campaign of 1914—Beginning early in the year, there were seven avowed aspirants for the Democratic nomination for governor. The Republicans of the state called a state preferential convention on March 31st. This convention nominated a full state ticket headed by John Fields, of Oklahoma City, well known in Oklahoma for many years as an agricultural leader and writer.¹² The ticket thus nominated by the party convention was submitted

11. Judge Thomas H. Doyle was born in Worcester County, Massachusetts, December 21, 1863. He was educated in the public schools; studied law and was admitted to the bar in Kansas, in 1887; settled at Perry, Oklahoma, in 1893. In 1896 and again in 1898 he was elected a member of the Territorial House of Representatives, and during the struggle for statehood he was active and prominent among the leaders of the single statehood movement and visited Washington several times in the interest of the same. He has always been an active leader in the Democratic party and several times represented Oklahoma in the National Democratic conventions. At the organization of the State Court of Criminal Appeals in 1908, he was appointed as one of its justices and was elected and reelected to that position in 1910, 1916, and 1922, retiring from the bench in 1929. He served as presiding justice of that tribunal from 1915 to 1923. He has been a director and vice-president of the Oklahoma Historical Society for many years. He was elected president of the Oklahoma State Parks Association at its organization in 1929. He was also selected as one of the organizers of the American Law Institute.

12. John Fields was born on a farm near Davenport, Iowa, July 29, 1871. He graduated from the Pennsylvania State College in 1891 and became a technical expert in chemistry. He was made assistant chemist of the Oklahoma Experiment Station in 1896, and promoted to chemist in 1898. He was made director of the Oklahoma Agricultural Experimental Station in 1899 and served in that capacity until 1906. He also served as an associate professor of chemistry in the Oklahoma Agricultural and Mechanical College from 1888 to 1889, and from 1900 to 1906 was the business agent of the college. He was editor and publisher of the Oklahoma Farmer from 1902 to 1924. He has been a director and vice-president of the Farmers' National Bank of Oklahoma City and, in 1926, he was made vice-president and director of the Federal Land Bank and the Federal Intermediate Credit Bank, both at Wichita, Kansas. For twenty years he was active in Oklahoma Republican politics and was the party nominee for Governor in 1914 and 1922. During the World War he served as an assistant to the National Food Control Administration, in charge of publicity and superintendence of grain production. He is the author of numerous bulletins on agricultural chemistry and allied subjects, published by the Oklahoma Agricultural Experiment Station; also of the volume entitled "Sure Food Crops," and is an experienced, well-known lecturer on agricultural topics before farmers' and bankers' conventions.

to the rank and file of the party for confirmation and endorsement at the regular primary election. The Democratic primary campaign was very hotly contested by the rival aspirants for various State offices. The Progressive party held a convention and nominated a ticket, despite the fact that many Progressives had openly "returned to the Republican fold." The Socialists also nominated a ticket in advance of the primary. The primary election was held on Tuesday, August 4th. The result in the case of some offices was doubtful for several days. Judge Robert L. Williams received 35,480 votes out of 122,258, having a plurality of 2,143 votes over his nearest competitor, Judge James B. A. Robertson, with five other candidates trailing behind. John P. Hickam, the Progressive nominee for governor received less than 2,500 votes and Fred Holt, the Socialist, received about 20,000.

Immediately following the primary election for the nomination of party candidates for State offices, there was much criticism and complaint concerning the operations of the primary election law. Not only did the successful candidate of the dominant party win the nomination for the gubernatorial office, with the support of less than twenty-nine per cent of the votes cast, but two of the six contending aspirants openly charged that there had been manipulation of the results. Particular objection was raised against central control of election machinery. Contests were threatened and demands from the press of the Democratic party for a thorough revision of the primary election law were numerous, some of these even voicing a seeming trend in favor of the abandonment of the primary system of nominations altogether.¹³

The state political campaign of 1914 was much more spirited than any preceding political contest since statehood. The Republicans entered into it with much enthusiasm despite the fact that several of that party's recognized leaders were known to be decidedly lukewarm. The Socialist party also made a very active and aggressive canvass of the State. The latter had a very complete organization, state, county and precinct, which enabled it to accurately check the results of the ensuing election, which was held on the 3d of November. The Progressive party also made a campaign. The result of the election for Governor, as returned by the Election Board, was as follows: Williams, 100,597; Fields, 95,904; Holt (Socialist), 52,703; Hickam (Progressive), 4,189. The Progressive party had dropped to a merely nominal strength. The Democratic nominees for the other State offices were elected by substantial pluralities. The Legislature was also strongly Democratic.

Capitol Construction Begun—The bill making provision for the erection of the State Capitol, which was passed by the Fourth Legislature,¹⁴ created a capitol commission, consisting of three persons, namely, William B. Anthony, of Marlow; Patrick J. Goulding, of Enid; and Stephen A. Douglas, of Ardmore. This law had been tested out in the courts, and the Supreme Court having announced its decision, the commission met and organized on January 13, 1914, and immediately went into session.

13. The *Daily Oklahoman* of August 6, 1914, contained interviews and statements from six citizens of Oklahoma City, all of whom had been prominently in the public life of the State, who expressed disappointment with the primary election law and favored its repeal.

14. Session Laws of 1913, pp. 584-97.



GOVERNOR ROBERT L. WILLIAMS
The War Governor of Oklahoma

Ground was broken for the beginning of the excavation for the erection of the Capitol, on Monday, July 20, 1914. Appropriate ceremonies marked the occasion, Governor Cruce and other State officials participating in the presence of a large assemblage of people.

The firm of Layton & Smith was selected as the architects to draft the plans for the building. The Capitol Commission also secured Mr. Edward P. Boyd, of the staff of supervising architect of the United States Treasury, who had superintended the construction of the Federal buildings at Oklahoma City and Muskogee, as superintendent of construction. Upon the request of the State Capitol Commission of Oklahoma, President Woodrow Wilson directed that Mr. Boyd be granted a furlough for the purpose of enabling him to take up the work of personally supervising the construction of the Oklahoma capitol.

Governor Williams' Administration—The inauguration of Judge Robert L. Williams as governor of Oklahoma, on Monday, January 11, 1915, marked a decided change in the affairs of the State. The new chief executive was already known as a forceful personality, endowed with a positive determination and great physical and mental energy, and a well developed executive ability. His inaugural address was a clearcut and unequivocal outline of the policies of his administration. He immediately devoted his entire attention to the work of his new position, making the necessary appointments, submitting his message to the Fifth Legislature and then closely watching its workings. As a whole, his relations with the legislative branch of the State government were harmonious and reciprocal and, therefore, quite in contrast with the condition existing during the preceding administration.

The session of the Fifth Legislature lasted seventy-eight days and, while seemingly uneventful as compared with some of the preceding sessions, was distinguished for its attention to business. Not a single bill received an executive veto during the session, though several were disapproved after its adjournment. Indeed, it was generally understood that Governor Williams had a large part in the actual preparation of the legislation of the session, possibly as much as that of any member of either house. Moreover, the Legislature restored to the executive practically all of the power which had been taken away from his predecessor and even increased it somewhat. The Capitol Commission law was so amended as to make the Governor not only a member of the commission but also its ex-officio chairman. Impeachment charges were voted against two State officials and the State Senate went into session as an impeachment court immediately after the adjournment of the legislative session. One of the accused officials was convicted and the other acquitted.

The "grandfather clause" of the State Constitution, under the operation of which it had been aimed to eliminate negro suffrage in elections, was the subject of an adverse decision by the United States Supreme Court. In this decision, handed down on June 1, 1915, it was held to be in conflict with the United States Constitution. Thus ended the first effort to accomplish by subterfuge that which could only be achieved by the exercise of constructive

statesmanship of the highest order. That a condition which would have abundantly justified a courageous appeal for the rectification of the most monumental blunder of the Reconstruction Period could not justify a measure which was open to the charge of mere partizan expediency, was not surprising. The question as to the possibility of the permanent endurance of a democracy, or representative republic, the constituent citizenship of which is not of a homogeneous character, is one of grave doubt. In any attempt to find its solution, due regard must be paid to underlying principles; racial integrity is the greatest issue involved and this, with the adaptability or lack of the same on the part of a questionable element, must eventually outweigh prejudice, sentimentalism and even artificially created rights.

An Extraordinary Legislative Session—The undoing of the "grandfather clause" by the United States Supreme Court was the occasion of considerable political uneasiness. While the size of the negro vote in Oklahoma even if it were all cast and counted, was not sufficient to have balanced the Republican strength against that of the Democratic party, it was the subject of much counselling among the members of the last mentioned party. As the year 1915 was drawing to a close, there was much discussion of the expediency of having the Legislature convened in a special session for the purpose dealing with what was regarded as "a chaotic condition." There were editorial expressions in the press and personal statements from some of the political leaders, but no official announcements.¹⁵ Finally, on January 6, 1916, Governor Williams issued a call for the Legislature to meet in extraordinary session on January 17, following. In due time, the members assembled and went into session. The Governor's message, which reviewed state affairs since the adjournment of the regular session, made recommendations concerning details of institutional business procedure, taxation and usury, but made no mention of the discredited "grandfather clause" or of any emergency existing by reason of the Supreme Court ruling thereon. However, in another message, nearly three weeks later, in a brief, two-line mention, there was submitted for consideration "the question of amending the Constitution as to qualification of male electors." Such a measure was framed and submitted to a vote of the people at an election to be held on the first Tuesday in August, 1916. Although this measure was manifestly planned to accomplish the same result as that at which the "grandfather clause" had aimed, it was so skilfully worded as not to come into conflict with the United States Constitution.¹⁶

15. Harlow's Weekly, December 25, 1915, p. 462.

16. "Section 3-A. No property qualifications shall ever be imposed as a requisite for registration or voting in this State, and any other qualification for registration or voting which may hereafter be prescribed by the Legislature or the people of this State shall conform to the Constitution of the United States, and the amendments thereto, and the right of no citizen of this State to vote shall ever be denied or abridged on account of race, color, or previous condition of servitude.

"No person shall be registered as an elector of this State, or be allowed to vote, or be eligible to hold office under the Constitution and laws of this State unless he be able to read and write any section of the Constitution of the State of Oklahoma, but no person who, prior to the adoption of this provision, served in the land or naval forces of the United States, or in the War with Mexico or on either side in any war with Mexico or on either side in any war with the Indian tribes located within the United States, or on either side in the Civil War, or in the National Guard or Militia of any State or territory of the United States, or in the land or naval force of any foreign nation, and all lawful descend-

This referendum measure, which was known as the "Literacy Test," met with an ignominious defeat at the hands of the voters at the primary election. It received but 92,000 affirmative votes, while the negative vote was upward of 132,000. The Socialists were credited with having furnished the majority for the defeat of the measure. Yet, there is no reason to believe that a majority of the intelligent voters of Oklahoma were not opposed to an honest literacy test, as a requisite to the right of the elective franchise. Rather, the vote might have been taken as a rebuke to this second effort to accomplish by subterfuge that which could not be achieved in consonance with the provisions of the Federal Constitution. However unwise these last mentioned provisions may have been and still are, there was and is but one means to bring about the abrogation of the same, and that would be through the medium of a plea to the enlightened judgment of the American people for a remedial amendment to the Federal Constitution—in other words, a frank and courageous demand for the repeal of the Fifteenth Amendment to the Federal Constitution.

The Election Laws—Although the election laws of the state, adopted by the First Legislature, had been revised by each succeeding regular biennial session except the Fifth, there was much outspoken dissatisfaction with it among many Democrats as well as by members of the other political parties. Indeed, most of the open and caustic criticism of the election laws had come from Democratic sources.¹⁷ Republican leaders, while doubtless holding well defined opinions as to the fairness of the law, its intentions and its administration, said little and, apparently, assumed an attitude of patient endurance, presumably in the belief that, for the time being, at least, "might made right." With the development of the Socialist party, however, there came an open and positive protest, which took the form of an initiated bill for the enactment of a "fair election law" by direct vote of the citizens of the State. In the initiation and petitioning of this measure, it was understood that the Socialists had the moral support if not active coöperation of the Republican leaders.

This "fair election law" was presented in the form of a proposed amendment to the State Constitution. Initiated Petition, No. 51, containing the signatures of 64,037 petitioners, was filed by Patrick Nagle, on September 11, 1915, and was designated as State Question No. 78. An executive proclamation, dated August 8, 1916, directed that the bill should be submitted to a vote of the people of the state in the election to be held on Tuesday, November 7, following. This proposition to amend the Constitution by adding

ants of any such person, and of those that served on the side of the Colonies in the American Revolution, and in the land or naval forces of the United States in the War of 1812, or any person prevented by physical disability from complying with such test, shall be denied the right to register and vote because of his inability to so read and write any section of such Constitution. Precinct election inspectors or other officers having in charge the registration of electors shall enforce the provisions of this section at the time of registration, provided registration be required. Should registration be dispensed with, the provisions of this section shall be enforced by the precinct election officers when electors apply for ballots to vote; provided, that it is intended that no part of this provision or section shall conflict with the provisions of the Constitution of the United States, and shall accordingly be adopted and become effective."—Session Laws of Oklahoma, 1916, pp. 144-45.

17. Harlow's Weekly, Vol. X, No. 15, pp. 8-22.

to Article III, thereof, Sections 8 to 23, inclusive, relating to elections and creating a non-partizan state election board, was accordingly placed on the official ballot as directed.¹⁸ The result of the election on this measure, as returned by the State Election Board, was 147,067 votes for the amendment and 157,039 votes against the amendment. Yet, three weeks after the election, Patrick Nagle, who had filed the initiated measure in question, used four pages of paid advertising space in a weekly magazine, published in Oklahoma City, in which he openly charged that there had been an intentional shortage of ballots on initiated questions in over 100 precincts, stating in detail the names, numbers and geographic locations of such precincts, the amount of the ballot shortage in each instance and the name of the committeeman furnishing the information, together with statements as to other irregularities which, if proven, were sufficient to have invalidated such an election.¹⁹

No official cognizance was ever accorded the challenge thus offered, neither did anyone in authority ever venture to dispute the authenticity of its detailed statements. On the contrary, one state senator publicly announced his intention of fathering a movement for the repeal of the initiative and referendum sections of the State Constitution.²⁰

The National Election—In the general election, held on November 7, 1916, Woodrow Wilson carried Oklahoma by a plurality of 40,000 votes indicating a strength much in excess of the straight party vote and representing the support of independents and other voters who had endorsed his pre-war policy.

Through more than two years, the people of Oklahoma had watched the progress of the World War very intently. Mindful of the admonitions of National and State officials, most of them tried to maintain a neutral attitude at first. Gradually, however, popular sympathy with the Allied Nations became not only stronger but more outspoken and many expressed the belief that the United States would ultimately be drawn into the struggle. The policy of President Wilson's administration, in seeking to avoid entanglement, if possible, was generally approved but, by the close of 1916, it was becoming apparent that the only peace with a neutral people which the Central Powers would recognize was that of abject subserviency; hence, many believed that America was being forced to the point where she would have to cast her sword into the balance on the side of the Allies.

18. "There is a very clear and comprehensive reason for this prospective adoption of the socialist measure. It lies in the reputation that has been given Democratic election methods and machinery by Democrats ever since statehood. This reputation is for devious methods and crooked counts. Democratic candidates for nomination have been on hand every primary election since statehood crying fraud and demanding recounts with the allegation that they had been robbed by the election machinery of their party opponents for the office. This accusation by Democrats that elections were being stolen by the Democrats under the Democratic election laws has been made so often and so vehemently that the general run of citizens have come to believe there is frequent fraud and manipulation under the present elective system and machinery. Republicans and socialists may be expected to look with suspicion upon election laws that have been devised by a two-thirds majority party, especially when, as in the case of the recent registration law, the caucus sessions were held day after day behind closed doors in both Houses of the Legislature."—George McQuaid, in *Dallas News*, December, 1916.

19. *Ibid.*, Vol. XI, No. 23 (November, 1916), pp. 12-15. A biographical sketch of the life of Patrick Nagle will be found in Appendix XLVIII-2.

20. (Citation).

Capitol Construction—Work on the erection of the Capitol was pushed during the first half of Governor Williams' administration. The Governor gave the matter his close personal attention and was in constant touch with the superintendent of construction, Mr. Boyd. No details were overlooked or slighted. It was not only well built but it was built at a very reasonable cost, the State receiving full value for every dollar expended. As the end of the second year of the construction of the Capitol (1916) drew near, it found the edifice so near to completion that, by the installation of a temporary heating plant, it was possible to hold the sessions of the Sixth Legislature in the building and also to move the executive offices to the permanent quarters therein.

The operations incident to the finishing of the interior of the building were continued with such energy that the offices of the various departments of the State government were enabled to begin moving into their new quarters in the latter part of June and nearly all of them were duly installed within a month. Of course, much remained to be done in the way of completing the approaches, entrances, etc., but, for immediate purposes, from the pouring of the first concrete to the point where it was ready for occupancy, it had been built in record-breaking time, with no hint of corruption or jobbery and no variation from the plans or specifications except with the best of reasons and the fullest measure of understanding and satisfaction and the safeguarding of every interest of the State and its people. In the original plans for the building, the erection of a dome had been contemplated and footings for its support were included in the construction of the foundations. However, with the advancing cost of structural steel incident to the effect of the war, it was decided to finish the building without such a surmounting superfluity and leave the same to be added at some future time if the people of the State so desired.

The Sixth Legislature—The Sixth Legislature convened in the new Capitol, January 2, 1917. It was distinguished as one of the most hardworking assemblies in the legislative history of Oklahoma. Possibly the most notable action taken was the submission of an amendment to the State Constitution, proposing the extension of the elective franchise to women, to a vote at the next ensuing general election.²¹ The militia law of the State was also revised, doubtless as the result of the mobilization of the Oklahoma National Guard and its induction into the Federal military service for duty on the Mexican border, with possibly the pervasive influence of the European War and the growing belief that the United States might be drawn into it.

Considerable additional highway legislation was enacted but not in codified form. Popular interest in modern highway development was increasing to the point where it was ready to support progressive action at the hands of the Legislature. The Highway Department had developed into a rather extensive office force, with a commissioner at the head of it, with a staff consisting of a chief engineer, an assistant engineer and a consulting engineer

21. Harlow's Weekly, Vol. II, No. 23, pp. 12-15.

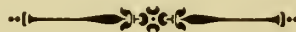
and a secretary. The organization of the force was still in its formative period, however.

The Political Campaign of 1918—When the time drew near for the beginning of another pre-primary campaign for the nominations for party candidates for various state offices, Oklahoma, in common with the rest of the United States, was so deeply engaged in activities incident to the prosecution of the great World War that there was a marked lack of popular interest in political affairs. However, there was no dearth of aspirants for such forms of public service, neither were these backward nor tardy in making their ambitions known. Indeed, the first advertised announcements began to appear nearly six months before the date upon which the primary elections were to be held.

There were seven aspirants for the Democratic nomination for governor and three contenders for the Republican nomination for the same office. The pre-primary campaign was a spirited one. One of the candidates for the gubernatorial nomination stated that it would be his last chance to "have a 'look-in,' politically, as the World War veterans will grab all of the offices at all future elections!" The primary election resulted in the nomination of James B. A. Robertson for governor by the Democratic party, while his Republican opponent was Horace G. McKeever, of Enid. In the November election, Judge Robertson was chosen by an increased Democratic majority.

A Decade of Drouth—During the growing seasons of 1917 and 1918, with their country at war, the farmers of Oklahoma strove to produce record crops as never before. Yet, they saw the drouths and hot winds harvest the crops both years. Even such drouth resisting crops as cotton and Kaffir corn were blasted by the hot, dry winds which blew over them day after day, and week after week, sucking every bit of moisture from the soil. However, these two drouth seasons and consequent crop failures were by no means unprecedented. Indeed, during the decade including the years 1909 to 1918 inclusive, there was but one all round good crop season—the year 1915. There were also fair crops in 1912, but the growing seasons of the years 1909, 1910, 1911, 1913, 1914, 1916, 1917, and 1918 saw great shortages throughout the State, which amounted almost, if not quite, to a total failure throughout its western half.²²

22. A statement concerning the cost of drouth in Oklahoma throughout a period of ten years, will be found in Appendix XLVIII-3.



CHAPTER XLIX

OKLAHOMA IN THE WORLD WAR

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When the great war broke out in Europe in 1914, the people of Oklahoma immediately became interested. Cautioned to maintain a neutral attitude by national leaders, but few would express opinions. However, excepting only those who were of German birth or parentage and who, for sentimental reasons, sympathized with the Central Powers, the people of Oklahoma were almost unanimous in their sympathy with the Allies—probably because of the line of cleavage between Prussian absolutism and the more democratic governments of Great Britain and France. Meanwhile the successive revolutions and counter-revolutions in Mexico had continued. Finally, in June, 1916, conditions on the Mexican border became so tense, that a punitive expedition was organized and the National Guard of Oklahoma and other states was ordered out for induction into the Federal service. The Oklahoma units were ordered out on June 19, being rendezvoused at Fort Sill, where they were inducted into the Federal service on July 4. From thence they were sent by rail to the Mexican border, where they saw active patrol service until returned to Fort Sill eight months later. They were discharged from the Federal service March 2, 1917.

Meanwhile the war cloud had been growing darker in Europe and, by the time the Oklahoma Guardsmen returned to their homes, it was apparent that the Government and people of the United States would be drawn into the conflict. Oklahoma's one infantry regiment was ordered back to Fort Sill for re-induction into the Federal Service, March 31, 1917—less than a month after leaving that post and a full week before war was declared by Congress. The Engineer organization was increased from one company to a three-company battalion. An ambulance company was organized at Tulsa but did not go into training with the rest of the Oklahoma National Guard, being sent to join the 42d (Rainbow) Division for early transportation over seas to France. The Signal Company was likewise sent to join the 42d Division. Both of these units bore an honorable part in the history of that splendid organization.

Immediately upon the declaration of war, the people of Oklahoma and their State government began to organize for service, for all realized that there was a great task to be performed and one which would call for the organization of every resource and industry, civil as well as military, of the whole American people. These included the organization of county and local registration boards, the Red Cross, the state and county councils of defense, the state food control organization. Officers' training camps were established first, while the erection of barracks for the great training camps for men of the enlisted grades were being constructed. The selection of candidates for commissions to be sent to the training camps was necessarily done hastily and in a somewhat arbitrary manner, though the rigorous training camp tests

had the effect of eliminating mistakes made in such selections. In all of this preliminary work the provisions of the selective draft sections of the National Defense Act followed as closely as possible. The site of one of these great military training camps, to be known as Camp Doniphan, was selected on the Fort Sill military reservation. The railroads and express companies of the country were consolidated under Government administration and control. The farmers were organized for maximum crop and meat production and the people were advised that they would be put on limited rations of wheat products, meat, sugar and certain other commodities, as it was known that America would not only have to feed its own fighting men, but also those of its Allies, and a large part of their civilian inhabitants as well.

There were sporadic instances of draft resistance in a few counties in Oklahoma, due mostly to the active propaganda of agitators from other states. However, all these were handled by the local civil authorities, without having to call in any outside help, either civil or military. Shortly after America entered the war, there was an epidemic of matrimony on the part of certain young men who hoped thus to escape being drafted for military service, thus arousing feelings of both amusement and contempt in the popular mind. Comparatively few men of military age tried to evade registration and not many of these succeeded in the effort. In some instances, boys who were under age enlisted for service as volunteers, even before the draft went into operation.

The Governor appointed the county draft boards and the latter then selected and appointed the local boards. Copies of all records thus gathered were sent to Washington. When a given number of men were needed from Oklahoma, they were drawn by lot, each man having a number. In most instances, the members of the county registration boards served also as members of the county exemption boards. Most of these men donated their services on both boards, with the result that the operation of the selective draft cost less in Oklahoma, proportionately, than in any other state. The cost per man, at the time of induction into the service, did not average three dollars, whereas, in some states, the cost was as high as thirty dollars per man.

When it came to raising money for the Red Cross, selling Liberty bonds, enforcing food control regulations and otherwise coöperating for the success of the Allied Nations in the Great War, the public speakers—or some of them—were organized, so that the people might be reached and inspired and enthused and coördinated in the one great undertaking. The Red Cross was not only well organized but also well supported and its members were intensely active, sewing, knitting, making bandages, first-aid packages, comfort kits, etc. All the people were asked to economize, to save, to subscribe and to send as much as possible for the winning of the war. To be sure, there were some selfish souls who, because they had money, thought they need not deny themselves for the sake of the cause but county councils of defense gave close attention to "food hoarders."

There were well-to-do people who doubted whether they had to contribute to war funds or subscribe for bonds, but all such usually found it expe-

dient to fall in line. Prices climbed to very high levels in most lines; while the farmers were limited to two dollars per bushel on wheat, flour and other wheat products and bread was always sold at a profit. Indeed, there was much "profiteering" in many lines of business. Wages for labor went very high and many women and girls worked in lines that had previously been limited to men. But there was not a corresponding rise in some of the salaried lines of employment.

Most of the people of Oklahoma were possessed of the quiet, undemonstrative type of patriotism, who were content to do their part to help win the war without continually trying to advertise the fact. On the other hand, there was a comparatively small class whose noisy and ostentatious demonstrations of patriotic fervor was surprising, since they had never been suspected of being patriotic before; all such were classed as "patrioteers" and it is worthy of remark that none of them have been accused of being patriotic since the war closed. Likewise, in a few instances, there were Red Cross workers who seemed much more greatly concerned as to how much personal credit was to accrue to them and how much and how often their services were recognized by the press than they were in trying to alleviate the sufferings of a war-weary world.

The First Oklahoma Infantry was ordered to Fort Worth, in August, where with the regiments of Texas, it was used in the organization of the 36th Division. The Oklahoma Regiment, never having been recruited to war strength, was consolidated with the 7th Texas Regiment and, thenceforth, was designated as the 142d United States Infantry. At the same time, Colonel Roy Hoffman, who had been in command of the Oklahoma regiment since 1900, was promoted to the grade of brigadier-general in the National Army, while Colonel Alfred W. Bloor, of the 7th Texas, became colonel in command of the 142d Infantry. The other Oklahoma units were inducted into the Federal service about the same time that the Infantry regiment left Fort Sill.

After the training camps had been organized to their maximum efficiency, there was an almost constant movement of Oklahoma recruits to some one or another of these great camps of instructions. While Oklahoma men were trained in nearly if not all of the big training camps of the country, more of them were trained at Camps Bowie (Fort Worth) and Travis (Fort Sam Houston, San Antonio), than at any other camps. The 36th Division was trained at Camp Bowie. It contained a large number of Oklahoma men, as did the 90th Division, which was trained at Camp Travis. The rest of the Oklahoma men who entered the service of the army were scattered among a number of training camps and assigned to service with even a larger number of divisions. There were Oklahoma men in the Navy and in the Marine Corps, also, but the number thus enlisted or assigned was small in comparison with that of those who entered the Army.

There were Oklahoma men in the first contingent of the United States Army that crossed the Atlantic, with General Pershing. The latter, when ranking only as a captain, had seen service in Oklahoma, as a member of the staff of Major-General Samuel S. Sumner, while the latter was in command

of a division with headquarters at Oklahoma City, in 1903-04. General Pershing's first chief of staff, when he went to France, was General James G. Harbord, who, as a lieutenant of the 5th Cavalry, had been stationed at Fort Reno, in the early '90s.

The First Division—When the United States declared war against Germany, April 6, 1917, no forces had as yet been organized to be sent over-seas. A few weeks later, a French mission, headed by Marshal Joffre of the French Army, arrived in America. This mission urged that a military force be sent to France without delay. It was not expected that America would throw much of a force into the contending allied armies until its officers and men could go through intensive courses of field and combat training. Rather, what was most desired was the appearance of officers and men in the uniform of the American Army where the troops of the allied forces could see them and thus have a spiritual, if not a physical, reinforcement to sustain them during the intervening months of struggle. Accordingly, General Pershing selected a force which was to be known as the 1st Expeditionary Division, with headquarters in New York City, from which troops were to be sent over-seas as soon as practicable. This division was composed as follows:

1st Infantry Brigade: 16th Infantry; 18th Infantry; 2d Machine Gun Battalion.
2d Infantry Brigade: 26th Infantry; 28th Infantry; 3d Machine Gun Battalion.
1st Artillery Brigade: 5th Field Artillery (155-mm. howitzer); 6th Field Artillery (75mm. guns); 7th Field Artillery (75-mm. guns); 1st Trench Mortar Battery.
1st Regiment of Engineers.
1st Machine Gun Battalion.
2d Field Signal Battalion.
Trains: Headquarters Trains, First Division; 1st Company Military Police, 2d Company Military Police; 1st Ammunition Train; 1st Mobile Ordnance Repair Shop; 1st Supply Train; 1st Engineer Train; 1st Sanitary Train; 2d, 3d, 12th and 13th Ambulance Companies; 2d, 3d, 12th and 13th Field Hospitals.
Permanently attached units: Machine Shop Truck Units Nos. 2 and 301; Mobile Surgical Unit No. 2; Sales Commissary Unit No. 309; Bakery Unit No. 314; Clothing and Bath Unit No. 319; Pack Train No. 10.

The troops composing this first contingent had been stationed in the Southwest, the 16th Infantry at Fort Bliss, Texas, the 18th Infantry at Douglas, Arizona; the 26th Infantry from San Benito, Texas; the 28th from Fort Ringgold, Texas; Field Hospital No. 13 and Ambulance Company No. 13, from Fort Sam Houston, Texas; and Company C, 2d Field Signal Battalion from Brownsville, Texas. All of these organizations had seen more or less field service during the Mexican Border disturbances, and each was in a highly trained state of efficiency. They were all filled to war strength by recruits who had voluntarily enlisted immediately after the outbreak of the war. All of these recruits were from the Southwest, and most of them were from Texas and Oklahoma, as many of the seasoned veterans of these regiments were also. While these men were volunteers they had all enlisted for service in regiments of the old Regular Army.

On the 3d of June, the journey to Hoboken, the port of embarkation, was begun. Every effort was made to keep the movement secret, but the people along the way guessed the destination of the troops and cheered them as their

trains passed through. The men were in a high state of enthusiasm and were proud of the distinction which had come to their regiments in being thus selected for the first to go over-seas, because of such recognition of their efficiency. The morale of these organizations was as near perfect as such a thing could have been. Most of the troops embarked on the transports on the night of June 9, but it was not until June 14 that anchors were raised and the ships steamed for the open sea amid the cheers of the men on board.

The fleet of transports was organized into three groups with a convoy, consisting of a cruiser and four destroyers, assigned to each group. As this was the first experiment of sending troops overseas from the United States, through submarine infested seas, there was much anxiety at home, as well as on shipboard. The voyage was made without incident, however, and no sign of submarines was seen. The landing was made at St. Nazaire. Company K, of the 28th Infantry, had the distinction of being the first United States troops to set foot on French soil, on June 6, 1917. Thus, by the close of June—less than two months after the visit of the French Mission which came to urge haste in the sending of the first troops, four American regiments with a number of special troops had already landed, the vanguard of the host of more than two million which was to follow. The welcome extended to this first overseas expedition by the people of France was one which touched every American heart. Immediately the men were put to training; they were given experience in marching with full packs upon their backs, a physical exercise to recondition them after their long confinement on ship-board. Neatness of dress and soldierly deportment was emphasized, as the American soldiers were to be largely judged by those who were first to arrive. Naturally, Paris was very anxious to see the American soldiers. Accordingly, the 2d Battalion of the 16th Infantry was selected to represent the American Army in a parade in Paris on the 4th of July.¹

The next day this same battalion entrained for the Gondrecourt Area, to begin the apprenticeship in the art of defeating the enemy by the latest and most approved methods. Within the next few days it was rejoined by the other forces of the division. Meantime the other units of the division were being sent overseas. The 5th Field Artillery left El Paso, Texas, July 23 and arrived at Hoboken four days later. The 6th Field Artillery left Douglas, Arizona, June 23 and embarked at Hoboken five days later. The 7th Field Artillery left Fort Sam Houston, Texas, July 27 and embarked at Hoboken

1. "In this battalion Paris was to see the first evidence of America's determination to return with interest the friendship and support that France had given to the American colonies in their hour of need when they fought for their liberty. Along the historic Champs Elysées the battalion marched calmly and proudly, being conscious of its serious mission, and receiving a continuous ovation from the wildly enthusiastic crowds that lined the famous boulevard. All Paris exulted as it gazed on these first splendid offerings of American manhood to the sacrifice of a war that had brought so much suffering to France. Alas, many of them were destined to sleep in the land that they redeemed by their blood. Marshall Joffre, the idol of France's heroic armies, stood beside the President of the Republic and reviewed the battalion. In this virile manhood from the young nation across the seas the French people visualized a new inspiration, a new hope, and a new determination to win. The march ended at Lafayette's tomb. Here young and vital America, with General Pershing as her voice, gathered around the shrine of America's beloved friend, saluted the spirit of Lafayette and reported for duty in those thrilling words: 'Lafayette, we are here.'"—"History of the First Division During the World War," p. 8.

July 28. The various units of special troops embarked at Hoboken during the last days of July and during the month of August.

As already stated, the units of this division having been long stationed in the active service in the Southwest, contained more men from Texas and Oklahoma than from other states. The division was truly representative of the whole American Union, however, as its personnel contained men from each of the forty-eight states, the District of Columbia, Alaska, Hawaii, Porto Rico, the Philippine Islands, Panama Canal Zone, and Guam.

The men found conditions far from being favorable, but nothing seemed to dampen their ardor. They went through their training period with the aid of experienced officers and non-commissioned officers from such famous French regiments as the Alpine Chasseurs and the Foreign Legion, with a few specialists from the British Army instructors to coach them in the most recent developments in the art of war. The use of trench weapons, grenades, the excavation of trenches, dug-out refugees, etc., the wearing of gas masks, bayonet training and the art of bayonet fighting, these and scores of other forms of fighting technique were gleaned from these experienced and enthusiastic instructors.

The Sommerviller Sector, on the Lorraine front, was selected as the place where the Americans were to be introduced to the German methods of warfare. It was located between Lunéville and Nancy, described as an attractive country along the the Rhine-Marne Canal. It had always been regarded as the probable site of a great struggle between the armies of France and Germany. The heaviest campaigns were fought farther west, however, and though there had been some heavy fighting in that vicinity during the first two years of the war, it had been comparatively quiet during the two years preceding the arrival of the first American troops. Four battalions, one from each of the four regiments were sent into the trenches on the night of October 21. There, the officers and men first came under fire in comradeship with those of the 18th French Division, which was holding the sector and which was charged with the instruction of the newly arrived American units. The Americans were so posted as to aid in case of an attack, but care was taken that the experienced veterans of the French Division should bear the brunt in case of a hostile attack. The highest American command was present in the sector, as were regimental, brigade, and divisional commanders, who were afforded every opportunity to visit their troops.

At 6:05 A. M., October 23, the first shot from an American-manned gun was fired by Battery C, 6th Field Artillery. The first known casualties were suffered the same day and were treated in Field Hospital No. 13. On October 25, the first American officer was wounded; on the 27th, the 18th Infantry captured the first prisoner taken by American troops. On the night of November 2, the 2d battalions of each of the four infantry regiments relieved the 1st battalions.

The first trench raid by the enemy occurred early the following morning. A box-barrage enclosed a platoon of the 16th Infantry, which rendered it impossible for it to withdraw or receive reinforcements. As a result of this

raid, a sergeant and ten men were carried away as prisoners, some of them being wounded, while the corporal and two privates lay dead in the muddy bottom of the trench. The bodies of these men were carried to the rear and sent, on the following day, to the ruined town of Bathelémont where, with military honors from the armies of both France and America, they were buried. French infantrymen, French artillerymen and Americans were formed in a square facing the graves, while the French general in command spoke a brief but eloquent eulogy. He said:

The death of this humble corporal and these privates appeals to us with unwonted grandeur. We will, therefore, ask that the mortal remains of these young men be left to us forever. We will inscribe on their tombs, "Here lie the first soldiers of the United States to fall on the fields of France for justice and liberty." The passerby will stop and uncover his head. The travelers of France, of the Allied countries, of America, and the men of heart, who will come to visit our battlefields of Lorraine, will go out of their way to come here to bring to these graves the tribute of their respect and gratitude. Corporal Gresham, Private Enright and Private Hay, in the name of France, I thank you. God receive your souls.

The division remained on the front in the Sommerviller Sector until November 20, when it was relieved. The total casualties suffered while in that sector were: killed or died of wounds, 36 men; wounded, one officer and thirty-five men; prisoners, eleven men; total one officer and eighty-two men.

Major-General William L. Sibert, who was commanding the 1st Division of the American Expeditionary Forces, issued a congratulatory order when the division was relieved and returned to the training area where, for the first time, all of its units were brought together as a fully organized division. This was continued for a number of weeks. This second training period ended on January 5th, and the division was announced ready to take its place as a combat unit and able to stand alone. Orders were received for the division to proceed to the Ansauville Sector, north of Toul, and relieve the 1st Moroccan Division.

When General Pershing first went to Europe and studied the situation, he arrived at two conclusions, namely, (a), that trench warfare would have to end before victory could be achieved and, (b), that the vital part of the enemy's front from an American objective lay toward Metz. This meant that an advance in such a direction would ultimately involve the reduction of the St. Mihiel Salient. It would lead to the fall of the great fortress of Metz and the enemy's communication westward through Sedan, upon which the enemy had to depend for the movement of troops, supplies, and munitions. Furthermore, it would deprive the enemy of the iron mines at Briey, on which dependence had to be placed for the continuance of the munition industries. It was with this plan in view that the American lines of communication were selected and the location of the Gondrecourt Training Area was selected. It was but logical that the 1st American Division should have begun its active career by taking over a sector on this front. The Ansauville Sector was located about sixteen miles west of Toul. On January 15, 1918, the 1st Division (less the 2d Infantry Brigade, 3d Battalion of the 5th Field Artillery and the 1st Battalion of the 7th Field Artillery) began march-

ing from the Gondrecourt Training Area toward the new sector on the front, to which it had been assigned. It was a hard march with the weather cold and the roads covered with ice and snow. It began to rain in the middle of the day and turned into sleet. The men were heavily loaded, their packs included two blankets, emergency rations, half of the shelter-tent, extra shoes, underwear, mess equipment, and entrenching tools, in addition to the rifle, bayonet, steel helmet, two gas masks, and a full ammunition belt. The heavy rain and sleet naturally increased the weight of this load and the wet skirts of their overcoats tended to impede their movements. With only a sandwich for the noon meal, the men were hungry. The movement of artillery and trains could be carried on only with the greatest difficulty. Some of the infantry regiments marched as much as twenty miles during the day, which would have been a long distance even with good roads. When the 1st Division began to take over the trenches of the Ansaerville Sector it was under the command of Major-General Robert L. Bullard, who had succeeded General Sibert as division commander. The command of this sector as a whole was not turned over to General Bullard until the fifth of February. General Bullard immediately issued a very brief order, that the troops of the 1st Division did not need to wait for the enemy to start a battle, but to fire first and keep control over "no-man's-land" and to raid the enemy's lines wherever possible. The weather was very disagreeable and men had to wear rubber boots constantly. Firing by artillery was kept up constantly on both sides with much rifle and machine gun fire, and frequent action by the enemy's aeroplanes. French planes assisted the American batteries in the judgment of firing against the enemy positions. Trench raids were frequent on both sides. The division held its sector until relieved by the American 26th Division, during the first days of April. During the next two weeks the division rested in the Gisors Area, northwest of Paris.

On April 17 the entire division started over various roads leading to the front, having been assigned to a new sector just north of Cantigny, to a point south of Mesnil-St. Georges, a distance of about two and one-half miles, at the point of the salient established by the German offensive in March. The division was then attached to the 6th French Army Corps, on the 21st of April. In this new position, the 1st Division was chiefly concerned with holding its front. It was generally expected that the enemy would soon undertake to make another drive in the direction of Amiens, and that there would be assaults all along the line in the vicinity of the sector thus occupied. Night raids in "no-man's-land" were frequent; prisoners were captured and brought in. Neither side had had time to complete barbed-wire entanglements in "no-man's-land." The sector received fire from more than ninety German battery positions.

Throughout the greater part of the month of June, the 1st Division was located on the line in Picardy. While the sector thus occupied was not one on which hostilities were as active as elsewhere on the Western Front, the enemy was sufficiently active to keep both interest and discipline keyed up to a high point.

Early in July the 1st Division was transferred to the Marne Salient in the 10th French Army. The division was assigned to the 20th French Corps commanded by General Berdoulat, along with the 1st Moroccan Division. The 1st Division was transferred to this new assignment on the Western Front secretly, moving only at night, its forces being kept in hiding during the day-time in order to prevent the enemy aeroplane scouts from gaining information. The command of the 1st Division had had another change, Major General Charles P. Sommerall having been assigned to lead the division, just as it was ready to enter the new offensive at Soissons. This offensive began at 4:35 in the morning of July 18; this struggle which had scarcely been surpassed in its intensity throughout the great war, lasted all day and was resumed at 4 A. M., July 19, and continued during the four days following.

The losses of the division were very heavy. In one instance, the 2d Battalion of the 16th Infantry, nearly the whole of two companies, had been killed and wounded, including all of the commissioned officers so that the remnant of the battalion was in command of a sergeant. All day on July 19th, the advance was continued with the most stubbornly determined opposition on the part of the enemy. The latter was in a desperate position, since if the salient could be cut and closed, four German divisions would be entrapped and lost. The third night came and with it the order that the advance would be resumed at 4:45 A. M. next day. It was expected that the 1st Division would be relieved on the night following the fourth day of the battle. Late in the day it was learned that a British division, which was to have taken its place, could not arrive in time to do so. That night, as darkness fell, the skies were lit up by fires which showed that the enemy was burning munitions and supplies throughout the Marne Salient in order to keep the same from falling into the hands of the allies. During the night large numbers of German prisoners were captured.

On the 5th day the enemy's aeroplanes were very active, many of them flying low and using machine guns. Advance parties of the British division which was to relieve the 1st, arrived in the morning and made reconnaissance. At midnight on July 22d the command of the sector passed to the Scottish Division, part of the 1st Division being held in reserve to support the latter. The losses of the 1st Division during the battle of Soissons were 77 officers and 1,637 men killed or died of wounds, and 157 officers and 5,335 men wounded, with 76 men missing and 35 men captured. On the 4th day of the attack, the enemy began a general retreat from the Marne Salient. It has been well said that "in these four days, the face of the world had changed for Germany, and that the battle of Soissons was the turning point of the war."

The foot troops of the 1st Division were conveyed by French trucks, on July 23d, to Saizerais Sector. While this sector was comparatively quiet, the position was far from being a peaceable one. While stationed there, about 7,000 replacements, including a large number of officers, came on August 24. The headquarters of the 1st Division was established at Vaucouleurs. The division was assembled in that area for special training for the part it was to

take in the next battle. On September 1st, the movement was begun which placed the division where it was to help reduce the St. Mihiel Salient. This battle began at 1 A. M. on the morning of September 12. Its action during that day was fully equalled to its record in previous battles. Its losses during the day were, killed or died of wounds, 3 officers and 90 men; wounded, 10 officers and 430 men; missing, 5 men; prisoners, 5 men. During the day the division captured 5 officers and 1,190 men, 30 field guns and howitzers, 50 machine guns and large quantities of ammunition, small arms, stores, and equipment, including locomotives, trucks, wagons, horses, forage and artillery carriages.

After the battle at St. Mihiel, the scene of the operations of the 1st Division was transferred to the Meuse-Argonne offensive. The division saw an active participation throughout the eight days of battle, which began October 4 and continued until October 11. During that time the division had advanced a distance of about four and one-half miles and had defeated portions of the eight enemy divisions. It had captured 28 enemy officers, 455 non-commissioned officers and 924 enlisted men. The enemy's loss in killed and wounded was very great because of his stubborn defense. The losses of the division were, killed and died of wounds, 68 officers, 1,526 men; wounded, 128 officers, 5,706 men; missing, 59 men; prisoners, 33 men, total casualties, 196 officers, 7,324 men. The 1st Division was then ordered to Vavincourt Area for a brief period of rest; while there more than 8,000 officers and men were received to again fill the depleted ranks of its regiments and other units. It was not present during the second phase of the Meuse-Argonne battle.

The division again entered the battle line at 5:30 A. M. November 6. The Meuse-Argonne offensive had largely become one of open warfare. Shortly after noon on November 6, a memorandum was received by the commanders of the 1st and 5th Corps, which was to the effect that General Pershing thought the honor of entering Sedan should fall to the 1st American Army. Attention was also called to the effect that a favorable opportunity was then existing for pressing the American advantage throughout the night. The 1st Division was in a peculiarly advantageous position to respond to his suggestion. After reading the order and hearing a few words of explanation as to the intentions of the corps, the division commander responded: "I understand, Sir. I will now give my orders." Between 4:30 P. M. November 5 and midnight November 7, the 1st Division had marched or fought without sleep or rest. During that time the 16th and 17th Infantry had marched over thirty miles, as also had the 28th Infantry, while the 26th Infantry had marched over forty miles. During the course of this advance, the division losses had been, one officer and 73 men killed or died of wounds; 9 officers and 404 men wounded; 4 men missing, and 15 men prisoners, a total casualty list of 10 officers and 496 men. From thence on to the announcement of the Armistice on the morning of November 11th, the 1st Division was in the corps reserve.

It fell to the lot of the 1st Division to form part of the American Army of Occupation. On December 12, it marched into the German city of Coblenz. Although drilling and discipline were kept up, most of the war-time tenseness

was relaxed. Many of the officers and men were given leaves of absence to visit portions of France, Belgium, and England, while passes were issued for men to take excursions up and down the Rhine.

The 1st Division began entraining for the homeward journey on August 15. The first unit embarked at Brest three days later and the last unit arrived at Hoboken September 6. The division had been overseas for more than two years and two months. The troops were stationed temporarily at Camp Merritt, New Jersey, and Camp Mills, Long Island. They were informed that they were to parade in New York City on September 10; General Pershing and his staff having arrived September 8, it was announced that they were to lead the division. Inasmuch as the men had brought only their personal equipment, it was necessary to re-equip the entire division as for war, and to put the new material in condition that would conform to the standards of the 1st Division. Animals had to be shod, harness fitted and adjusted, and horses for the artillery and trains were to be equipped and groomed. Artillery carriages, transport wagons, and trucks had to be overhauled and painted, and all were to be so organized as to display to the American people the correct idea of a combat division at war strength. It took much self-sacrifice, devotion and hard work to accomplish all this in the limited length of time at command. As soon as the march was finished the troops were sent to Camp Mills and prepared for the journey to Washington, which movement was made between September 10 and 16. On September 17 the division paraded in the National Capital, the line of march extending up Pennsylvania Avenue and past the White House, where it was received by the Vice-President and members of the Cabinet, the President not yet having returned overseas from the Peace Conference. From Washington, the division went to Camp Mead, Maryland, where all parade equipment was turned in and the division demobilized. All of the men and many of the officers who belonged to the temporary army were discharged and there remained but a few thousand who had enlisted at the beginning of the war or before, and who were retained by the War Department to complete their terms of service, or await their discharge at the end of the emergency which had called them together for service.

During its service, the division had lost 204 officers and 4,760 men by death; 463 officers and 16,395 men had been wounded.²

The 36th Division—Under the National Defense Act, the first line of defense was the regular army, while the organized militia, better known as the National Guard of the several states, was to constitute the second line of defense. At the declaration of war against Germany, some of the National Guard organizations of Oklahoma and Texas were already in the service and the rest were soon ordered into service. The Oklahoma regiment was already in camp at Fort Sill; the Texas regiments were ordered to the Mexican border. Texas had three National Guard regiments of infantry, designated as the 2d,

2. An acknowledgement is due "History of the First Division During the World War," from which most of the material for the brief sketch of its part in that great conflict was extracted.

3d and 4th regiments. During the summer of 1917, Texas organized four new infantry regiments, respectively designated at the 1st, 5th, 6th and 7th regiments. The old Texas artillery units were increased to two complete regiments of field artillery and the Texas cavalry squad was increased to full regimental proportions. In addition, a battalion of engineers was organized and also a supply train; a field signal battalion; two ambulance companies and a field hospital company.

In Oklahoma no new infantry troops were organized, though it had but one infantry regiment; three new companies of engineers were organized in addition to the one already in existence, thus making a full battalion of engineers, besides a squadron of cavalry and a field hospital company were completed and a new ambulance company was organized. The latter, as well as the Texas supply train, were sent to Mineola, Long Island, where they were incorporated in the 42d or Rainbow Division and served throughout the war with that command. The Oklahoma regiment was kept at Fort Sill for nearly six months, while the three Texas regiments were kept on the Mexican border throughout the same period. The first troops to arrive at Camp Bowie (Ft. Worth, Texas), were the engineer units from Oklahoma, under the command of Major Frank B. King. The Oklahoma Infantry Regiment arrived a day or two later and was under the command of Lieutenant-Colonel Elta H. Jane, who had taken command of that organization when its former colonel, Roy Hoffman,³ had been promoted to the grade of brigadier-general. Later, the Oklahoma Cavalry Squadron arrived under the command of Major Donald Bonfoey, as also the Oklahoma Field Hospital Company, commanded by Major Floyd J. Bolend.

The day following the arrival of the Oklahoma Infantry Regiment, the recently organized Texas troops began to come in—the older organizations not being sent up from the border for more than a month later. The Texas Infantry regiments had been formed into two brigades of three regiments each, with the 7th Regiment extra. The 1st Texas Infantry Brigade was commanded by Brigadier-General Henry Hutchings and consisted of the 2d, 3d and 4th Texas Infantry regiments. The 2d Texas Brigade was commanded by Brigadier-General John A. Hulen, and was composed of the 1st, 5th and 6th Texas Infantry regiments. The 7th Texas Infantry Regiment was commanded by Colonel Alfred W. Bloor, the only one of all the Texas colonels to remain in the command of a regiment throughout the war. Brigadier-General Hulen also retained his command throughout the war, being one of the very few brigadier-generals of the National Guard to be accorded such a mark of efficiency. As each of these regiments was only recruited up to maximum National Guard peace strength—one hundred men per company—and, as the general strength of each regiment in the army was to be two hundred and fifty men per company, with four lieutenants instead of two, all of these regiments were reorganized by consolidation. The 1st and 2d Texas infantry regiments were consolidated, and together redesignated as the 141st United States Infantry. The

3. A sketch of the life and career of General Roy Hoffman will be found in Appendix XLIX-1.

142d United States Infantry was likewise formed and organized by the consolidation of the 1st Oklahoma Infantry and the 7th Texas Infantry.⁴ The 143d Infantry was formed by the consolidation of the 3d and 5th Texas Infantry, and the 144th United States Infantry was formed by consolidating the 4th and 6th Texas Infantry. The 111th United States Engineer Regiment was formed by the combination of the Oklahoma and Texas engineer battalions. The 111th Train headquarters of the military police was formed from similar Texas organizations reinforced by all organizations in the camp. The 111th Ammunition Train was made up of the 1st Squadron of Oklahoma Cavalry, which formed the horse section, and suitable men from all arms of the division to form the motorized section. The 131st Machine Gun Battalion was composed of the machine gun companies of the 1st Texas Infantry and of the 3d and 4th Texas Infantry regiments, together with one additional company which was organized in skeleton form and filled with recruits from the selective draft, mostly from Oklahoma. The 141st Infantry and the 142d Infantry constituted the 71st Infantry Brigade; the 72d Infantry was composed of the 143d Infantry and the 144th Infantry. The 61st Artillery Brigade was composed of the Texas artillery units.

The 36th Division had more Indians in its personnel than any other division in the American Army. Most of these were first placed in the 142d Regiment, in which there was one complete Indian company with fourteen tribes represented. Later these were scattered somewhat by transfer, but the company retained its identity as an Indian company until it was demobilized and disbanded after the end of the war.

The division commander was Major-General E. St. John Greble. General Greble was absent in France during part of the training period, having been sent there for a tour of observation duty.

During the fall of 1917, officers and enlisted men from the French and British armies arrived at Camp Bowie for the purpose of establishing schools for the instruction of officers and non-commissioned officers in warfare as it had been developed during the first three years of the war. They gave courses of instruction in machine gunnery; in the use of the automatic rifle, in bayonet and grenade practice, and the firing of mortars, and in defense against gas; also, a school of military intelligence was conducted and the intelligence section of all units was organized. So efficient was the gas school that every officer and enlisted man in the division passed through the divisional gas chamber sometime during the winter and spring and learned how to manipulate the new gas mask that had been fashioned for the American troops. Each regiment had its own schools for special instruction and bayonet practice, grenade and mortars. The men were also trained in digging and occupying trenches; helmets and gas masks were worn and patrols covered a mimic "no-man's-land." Telephones and the buzzer systems of communication were actually in operation and barrage fire of artillery was represented for the troops to follow in attack and raiding formations. During the spring of 1918 all regi-

4. An account of the consolidation of the 1st Oklahoma Regiment with the 7th Texas Regiment is to be found in Appendix XLIX-2.

mental commanders were sent to school at Fort Sam Houston for six weeks, and other field officers remaining at camp were given special instructions under the direction of British and French officers. Officers who had been found lacking in necessary ability had been sent away for additional instruction or discharged from the service. In addition to this, the division had to give up many of its soldiers who were skilled in the mechanical trades, some of whom were sent to other camps and some sent over-seas to fill gaps that had already been created among the expeditionary forces. In the latter part of May, confidential instructions were issued covering the movement of the division for the port of embarkation. Every detail was carefully worked out, considered and approved, only the actual date of departure was withheld. Finally in June, the actual order for departure was received and published confidentially to the command, railway transportation was centered at Fort Worth and all surplus property was turned in preparatory to departure. The division was transported to Camp Mills, Long Island. The first trains to leave Camp Bowie, departed July 8. As practically all railroads remained available for troop trains, they did not all pass one way. The greatest secrecy was practiced in covering the time of departure of the trains, as well as their identity, in order to prevent all possibility of wrecks. The trip to port consumed an average of four days. General Greble had been relieved of the command of the division when it was sent to the seaboard. Major-General William R. Smith was assigned to the command of the division, a position which he retained until it was returned to the United States.

While the division was stationed temporarily at Camp Mills, its troops were subject to daily inspections as to physical fitness and also as to equipment. Most of the troops sailed from Hoboken, New Jersey, though the 143d Infantry sailed from Newport News. This regiment passed through England and landed at Le Havre. Every effort was made to guard against attack by submarines. One fleet of eight transports, which sailed from New York harbor on the night of July 31st, convoyed by the United States Cruiser "Charleston," carrying the artillery brigade, or ammunition train and the 1st battalion of the 142d Infantry, as well as parts of other units of the division, was attacked three times by submarines. The most serious of these attacks occurred the day before these transports arrived at Brest.⁵

During the course of the training period, in the month of August, the division experienced a second attack of influenza. Fortunately the disease was a milder form than that which it developed in the United States shortly afterward. The engineer regiment was withdrawn and assigned to the 1st Army Corps. Reduction from all causes had brought the strength of the division down to about twenty per cent. below what it should have been. Orders to proceed to the front were received on September 23, and two days later the actual movement of the troops began. By the 29th, the division had arrived in the region surrounding Pocancy. The division was subjected to a visit from the enemy's bombing squadron two days later, giving its officers and men

5. An account of the submarine attack on the transport having part of the Oklahoma troops aboard, extracted from "The Story of the 36th," pp. 33-36, will be found in Appendix XLIX-3.

their first experience of being under the enemy's fire. On the evening of October 4, the movement of the first troops to the front line trenches was begun. Men were moved by camions (trucks). They were not even allowed to light a cigarette as the striking of a match might have disclosed the movement to the enemy. Two hours before dawn on the 5th, the men of the 71st Brigade arrived at Somme-Suippe. There, for the first time, they came in contact with German prisoners, a large number of whom were confined within a barbed-wire enclosure. The officers and men of the brigade were surprised to find that some of these spoke English, having formerly lived in America. Late in the evening of that day the brigade commander (General Whitworth) and his regimental commanders (Colonels Jackson and Bloor) were called to a council by General John A. LeJeune, when it was explained that the 71st Brigade was to be attached to the 21st French Army Corps and, with it, was to relieve the 2d Division on the front line. On Sunday morning, October 6, orders were received for all units of the brigade to get under way for the front. This brigade took an active part in the fighting front of St. Etienne, which began on October 6th and continued until the 10th. Both regiments of the brigade and the 132d Machine Gun Battalion had suffered severe losses. The 142d Infantry had something over eight hundred casualties—officers and men killed and wounded—while the 141st Infantry had suffered the loss of more than seven hundred officers and men. The losses in the Machine Gun Battalion had also been very heavy, considering the number of men engaged.⁶

As the St. Etienne struggle drew to a close, the 72d Brigade had arrived on the field and began to relieve part of the 71st, which had so long been engaged, and also to advance over the ground abandoned by the retreating enemy. The 142d Infantry received a splendid tribute from the commanding officer of the French Division on the left. The latter declared that the work of this American Regiment in holding the ground around the St. Etienne in the face of the enemy's bombardment and counter-attack after the unfavorable manner in which the assault had been launched, was nothing less than miraculous. For the work of the whole 71st Brigade at this point, the entire division received a citation. Whole companies were without officers, yet in all such instances, the companies were reorganized by sergeants and corporals, who seemed able to cope with every condition and meet every emergency. It was reported that after one hot meal at the end of nearly a week of most strenuous fighting, the spirit of the entire brigade was renewed as its columns marched across the ground in advance of St. Etienne, with songs and jokes "bandied about as though they had spent the day before in New York or Paris. There were not as many to sing but they sang with the same spirit as they did when they marched into battle for the first time in their lives." The whole division moved forward on the 12th and the 13th to the valley of the Aisne.

The 36th Division was in the advance northward from the Aisne, through the Forest Ferme. By the 2d of November, the head of its leading columns entered the edge of the lower Argonne forest. Replacements were received,

6. A copy of a letter from Major Harry B. Gilstrap to the widow of Captain Willis L. Pearce, of the 142d Infantry, will be found in Appendix XLIX-4.

many of them being from the 34th Division—National Guardsmen from Nebraska, South Dakota and Iowa, who had long been in training at Camp Cody, New Mexico. The spirit of the officers and men never flagged. The news that sifted in from their friends was making it apparent that the war was drawing to a close.

The prospect of the end of the war did not cause any slackening in the matter of reorganization and reëquipment for a renewal of the struggle. The morning of November 7th brought news that the German government had asked for an armistice and that some of its representatives were on their way to France to treat for terms. It was noticeable that the French people seemed very skeptical as to this. Most of the troops of the division were drilling when news that a truce had been declared and that hostilities terminated, was received. About eleven o'clock in the morning the firing grew in volume; many wondered if the enemy had turned and was delivering an unexpected counter-attack. Very suddenly, then, all firing ceased and there was silence. Then came the message sent by radio from Eiffel Tower, in Paris. The receipt of this was followed by a demonstration of great joy on the part of the soldiers. They would have been ready to return to the coast for embarkation to a home port on short notice. But that was not to be. There was to be no relaxation in the element of preparation for instant action, in case of necessity. The intensive training was to be continued. The question of the occupancy of Germany had not even been considered as yet. So, with a full realization that there might be further need for active service, the men settled down to the daily round of drills, maneuvers and the practice of scouting and patrolling and combat practice of the range.

On November 18 the division received orders to move one hundred miles south from Paris. This move was made by marching and gave the division its most extended experience in that line of transportation. En route they passed through the 13th training area where they were warmly greeted and treated by the French people with whom they had lived while training before being first moved to the front. During the course of this march, the division was transferred from the 7th Army Corps to the 1st Army Corps. The 36th Division was located at Cheney.

It was during the course of this march that the 111th Engineer Regiment rejoined the division, from which it had been separated more than two months before. This regiment, which included the battalion from Oklahoma, had had its full share of hard service. It had engaged in road building and had been under fire, but fortunately, had suffered very few losses. Officers and men of this regiment were never actually engaged in combat action, but they were always ready to "go in" as other similar units did in a number of instances.

After the war was ended and discipline could be relaxed, the men were encouraged in sports; football, basketball, baseball and other athletic sports were very popular. During the winter, officers and men of the division were able to secure passes and visited in Southern France, Italy, England and elsewhere. In addition to this, schools were conducted and universities of both France and Great Britain received officers and men from this division as

students for brief sessions. One of the incidents of this period was the visit and inspection of General John J. Pershing, the American commander-in-chief, on March 9th.

The homeward journey of the 36th Division began on March 17th from Brest. The 142d Infantry debarked at Boston and the 143d at Newport News, all the rest of the division landing at Hoboken. From these ports they were returned to Camp Bowie, at Fort Worth. The 142d Infantry detrained at Oklahoma City and marched in review through the streets to the Oklahoma Capitol. Officers and men of the 36th were mustered out at Camp Bowie as rapidly as possible and permitted to return to their homes.⁷

The 90th Division—The 90th Division was organized and trained at Camp Travis (Ft. Sam Houston, San Antonio, Texas). It consisted chiefly of trained men from Oklahoma and Texas at first. All of the junior officers were graduates of the officers' training school at Camp Travis, and practically all of them were from Texas. It included the 179th and 180th Infantry brigades. The 179th Infantry Brigade was commanded by Brigadier-General J. P. O'Neil and was commonly called the Oklahoma Brigade. It was composed of the 357th Infantry, most of the men of which were from Western Oklahoma and 358th Infantry, most of the men of which were from Eastern Oklahoma. The 180th Brigade was commanded by Brigadier-General William H. Johnston; the 160th Field Artillery Brigade consisted of the 343d, 344th, and 345th Field Artillery Regiments, with a howitzer regiment composing this brigade, which was commanded first by Brigadier-General Edward F. McGlachlan, who was succeeded later by Brigadier-General Francis C. Marshall. The division was commanded by Major-General Henry T. Allen, who assumed command of the camp on August 25, 1917, and the first recruits began to arrive ten days later. As fast as the men were checked in and assigned to companies, the work of drilling and training was begun.

In November, General Allen was ordered to France for observation duty. He was succeeded by Brigadier-General James A. Gaston, who remained only about a month when General William H. Johnston of the 180th Infantry Brigade assumed command. In the late winter and early spring of 1918, the division was called upon to give up many of its officers and men for transfer to other divisions which were more nearly ready to be sent overseas. The depleted ranks were filled by fresh recruits and trained men from other camps. During the week following June 5th, practically every unit was sent from Camp Travis to Camp Mills, Long Island. During the three weeks between June 13 and July 6, the various units composing the division were embarked for the overseas voyage. Part of these units sailed from Boston, some of them from Philadelphia and the rest from New York. Although some of these landed directly in France, the majority passed through England, landing at Liverpool or Southampton. They were sent from England across the channel to Cherbourg or Le Havre; thence they were shipped inland and detrained at Recey-sur-Ource and thence marched to the training area north of Dijon, in

7. An acknowledgment is due to "The Story of the 36th," by Captain Ben Chastain, from which most of the data for the brief account of that organization has been extracted.

the Côte-d'Or Mountains, on the plateau which divides the valley of the Seine from that of the Saône. The 165th Field Artillery Brigade was sent to a new training camp known as Camp Hunt, at Le Courneau, south of Bordeaux; thenceforth its history is separate from that of the rest of the division.

During the ensuing five weeks, the division remained in this area and underwent an intensive course of training. As many of the men were absolutely new recruits at the time they were shipped overseas, they had to pass through all the stages of drilling and intensive training in the brief space of five weeks in order to prepare them for combat service. Eight hours were devoted to drilling, bayonet exercises, intrenching, target practice, minor tactics and maneuvers each day. As many of the officers were absent at special schools, those who were with the troops were constantly engaged on duty. The sector where the Texas and Oklahoma men first entered the battle front was almost due north of Toul. The 90th Division there relieved the 1st Division, which was a regular army organization. It was the first American division to enter the European battle front and its ranks had been greatly depleted by casualties in the recent fighting, some of its companies having lost all officers, killed or wounded, and were in command of sergeants. The relief of the 1st Division took place late in August. During the ensuing two weeks there was not much activity along the front occupied by the 90th Division, though the usual artillery fire, the daily airplane patrol and patrol reconnaissance were kept up. There were only fifty casualties during that period, of which only ten were fatal. Finally the order was issued for the great advance. It was very terse, "The First Army (U. S.) will cut off the St. Mihiel salient." There were 216,000 American troops and 48,000 French troops in line, with about 190,000 American troops in reserve. The big attack was made on September 12. The 90th Division, along with the divisions of the 4th Corps engaged, gave good account of itself during the three days of this first engagement.

Ten days after the battle of St. Mihiel, came the opening of the big American offensive, the operations along the River Meuse. The battle of the Meuse-Argonne began on September 25, when big offensives were made. The advance then slackened. The second phase of the battle began October 4, when the army, with many fresh troops, attacked early in the morning all along the line. In these first two phases, General Pershing, the American commander-in-chief, had been in personal command of the first army. On October 10 its command was turned over to Lieutenant-General Hunter Liggett, who had commanded the 1st Army Corps at St. Mihiel. The 90th Division did not enter the Meuse-Argonne sector until the second phase of the battle, and it rendered its greatest service during the third and last phase. From this on, the 90th Division was constantly engaged and under fire until the hostilities were terminated by the Armistice.

After the cessation of hostilities the 90th Division marched into Germany following up the withdrawal of German forces. The headquarters of the division was established at Berncastel though the march was more like training maneuvers than an advance into the enemy's country. The strictest discipline prevailed. The division remained in the Army of Occupation nearly

five months. The final inspection and review of the division by General John J. Pershing, commander-in-chief, was held April 24th in a field near Wengerohr. The division was then withdrawn from the Army of Occupation, being sent by train to St. Nazaire, which was the port of embarkation for home. It ceased to function as a division when it left Germany. The first unit sailed May 26 and, within a week following, all the remaining units of the division had left France. The troops were debarked at New York City, Boston, Newport News, and Charleston, South Carolina. Most of the men were sent to Camps Bowie (Texas), Pike (Arkansas), Travis (Texas), and Dodge (Iowa), to be mustered out and discharged.

Although the 90th Division lost a large part of its enlisted strength and many of its officers to supply replacements for other divisions which had suffered combat depletions, and although it was so late being sent overseas that its aggregate service on the front lines was less than that of other divisions, its record was one of which its officers and men should always be proud. Forty-one of its enlisted men made the supreme sacrifice on the battle lines, in the camps, or in its hospitals; three of its officers received the distinguished Service Medal, while twenty-two of its officers and fifty-three of its enlisted men received the Distinguished Service Cross before they were mustered out of service. A number of other Distinguished Service Crosses were issued to officers and men of the 90th Division subsequent to its demobilization.⁸

Although Oklahoma is preëminently a land of peace, her people are always ready to do their part in war. War had crossed the borders into Oklahoma during the great internecine struggle of 1861-65; Oklahoma also experienced some touches of Indian wars in the late 'fifties, late 'sixties and early 'seventies. Many more of her young men volunteered for service in the war against Spain than were called for; but Oklahoma's greatest offering was the young men who were willing to sacrifice their all, even life itself, in the great World War. It is impossible to say just how many men entered the military and naval services of the United States during the World War, for the reason that some Oklahoma men entered the service from other states, and some men from other states entered the service from Oklahoma. Under the old volunteer system it might have been possible to make an accurate check on such numbers, but under the National Defense Act, the volunteer system had ceased and was no longer used. The National military authorities have never yet checked up to see just how many men from Oklahoma were in the service. According to the best data available, it is supposed that Oklahoma put in excess of 91,000 men into the defensive forces of the United States during the World War.

While this number of men, if organized separately as infantry, artillery, cavalry and special troops, could have easily constituted four divisions in the National Army, with not less than four division commanders and a dozen brigade commanders, Oklahoma only had two general officers to her credit during the World War—General Roy Hoffman, who entered the service from the Oklahoma National Guard, and General Hugh S. Johnson, who entered the service from the Regular Army, of which he had been an officer since his grad-

8. Acknowledgments are due to "A History of the 90th Division," by Major George Wythe, for most of the material used in the account of that organization.

uation from the United States Military Academy in 1903.⁹ However, if Oklahoma did not have many officers of high rank, she did have many officers and men who distinguished themselves in various ways during the course of the less than two years that the United States was involved in the war. The signal ability of General Johnson above mentioned, though as only a captain, greatly facilitated and expedited the organization of the selective draft at the outbreak of the war, was such as to win for him the commission of one of the youngest, if not the youngest, general officers of the United States Army during that struggle.

It would be a real pleasure to mention by name a number of Oklahoma officers who made good as military commanders and administrators in the course of their army service during the World War if it were possible in a work such as this. The real history of the part borne by Oklahoma men in that titanic struggle remains to be written by some inspired historian of the future. Both officers and men from Oklahoma secured many marks of official approval for their valor and meritorious conduct. This is evidenced by the fact, though there were but fifty Congressional Medals of Honor issued for service during the World War, three out of the fifty came to Oklahoma; six Oklahoma soldiers received the Distinguished Service Medal; while an even hundred received the Distinguished Service Cross. Of the foreign decorations, 259 officers and soldiers received the French Croix de Guerre; eleven were the recipients of the Medaille Militaire; and three the decoration of the Legion d'Honneur—one as comamnder and two as chevalier; one that of an Officer of the Ordre de l'Etoile Noire; six received the Italian Croce di Guerra, and one the Italian War Service Ribbon; one received the Montenegrin Medaille pour le Bravoure Militaire; one received the British Military Medal; five received the British Distinguished Conduct Medal; four received the Belgian Medaille Militaire; and one received the Belgian Crois de Guerre.¹⁰

9. Biographic sketch of General Hugh Johnson will be found in Appendix XLIX-5.

10. Citations and the bestowal of decorations, for exceptional service for valor, are still being made occasionally by the War Department. One of the most recent of these (1929) is the decoration of Dr. William McIlwain, of Lone Wolf, Oklahoma, with the Distinguished Service Cross. He had the distinction of being the medical officer on duty with Major Charles W. Whittlesey's famous "Lost Battalion" of the 308th Infantry, during the time that it was separated from and out of communication with the rest of the American forces on the battle line, in the Battle of Chateau Thierry where, alone and surrounded by the enemy in overwhelmingly superior numbers, it maintained its integrity and its courage for hours until it was enabled to fight its way out and reestablish its contact with the other forces of the army to which it belonged and the splendid spirit of which it typified. Doctor McIlwain, who was over sixty when he sought to enter the service, also has the distinction of being the oldest officer of his rank (first lieutenant) when he entered the army.

CHAPTER L

OKLAHOMA SINCE THE WORLD WAR

CHAPTER L.

OKLAHOMA SINCE THE WORLD WAR.

The Seventh Legislature—The Seventh Legislature was already in session when Governor Robertson was inaugurated.¹ As in the case of his predecessors, Governor Robertson found his first legislature in harmony with his program. Among the laws passed by this Legislature were a number of acts pertaining to highways, highway administration and highway construction. No effort seems to have been made to embody these in one general act, however. Most important in this line was the passage of a joint resolution submitting to the vote of the people, an amendment to the Constitution to be known as Section 25-a of Article X, creating a state highway commission to consist of five persons, the Governor to be a member and ex-officio chairman thereof, and the other four members to be appointed by the Governor, and confirmed by the Senate. The amendment also proposed the building of twenty-nine state highways and finding the routes upon which these were to be built; it also proposed to provide for the issuance of the serial bonds of the State up to an aggregate of fifty million dollars, to defray the cost of such construction.

Several of the state schools which had been temporarily discontinued as the result of an executive veto by Governor Williams, were reestablished. These included the University Preparatory School at Tonkawa, the Eastern University Preparatory School at Claremore, which was reorganized as the Oklahoma Military Academy, and the State School of Mines at Wilburton. In addition to these, another state school of mines was established at Miami. That a need for such superfluous institution did not exist is evidenced from the fact that it was later reorganized as a junior college. It was commonly understood at the time that this school was established as the result of a bi-partisan political deal.

The unified control of all state institutions not specifically under the control of the Board of Agriculture, which had been vested in the State Board of Education during the preceding years, and which had been commonly regarded as a progressive as well as economical educational policy, was repudiated and seven separate boards of regents were established instead.

The State Library Commission was created and given supervisory control

1. James B. A. Robertson was born in Keokuk County, Iowa, March 15, 1871. He removed to Kansas with his parents in 1873; was educated in the public schools and taught school for a time; studied law and was admitted to the bar in 1893; was elected county attorney of Lincoln County in 1900, and served as judge of the Tenth Judicial District in 1909 and 1910. He was a member of the State Capitol Commission for a brief period in 1911, resigning to accept an appointment as a Justice of the Supreme Court Commission the same year. He served in that capacity until 1914, when he resigned to run for the Democratic nomination for Governor. He was a delegate to the National Convention in 1908 and was delegate-at-large to the National Democratic Convention at San Francisco in 1920. He was nominated as a Democratic candidate for Governor in 1918; was elected and served the full term, ending in January, 1923. He has been very active in fraternal circles and was Grand Sire of the Sovereign Grand Lodge of Odd Fellows in 1915. Since the close of his service as Governor he has been engaged in the practice of law at Oklahoma City.

over the public libraries of the State. It also took over the circulating library already started and in operation by the Extension Division of the State University, where it was installed in the capitol and has since been in operation.² It has proven to be a very useful and helpful institution. The Legislature also provided for the creation of a State Issues Commission. This commission was clothed with power to investigate and issue permits for sale of stock by new corporations. Its object was to prevent smooth promoters from selling stock in "blue sky" enterprises under the shadow of authority claimed to be granted by the corporation laws of the State. Similar laws have been enforced in a number of other states. Strange to say, there has been much opposition to it in subsequent legislatures.

An elaborate budget system for estimating needed appropriations for state departments and state institutions was also adopted. It was supposed to be a step in the interest of economy in the matter of appropriations and expenditures in the State's business. Unfortunately the actual results secured do not seem to have warranted all such expectations.

Prior to the special election on the highway amendment to the Constitution, Governor Robertson announced the names of a number of the most prominent citizens and business men in the State, with the statement that the members of the proposed highway commission should be selected from the list. While the names on this list were those of men whose character, ability and judgment was such as to commend them to every intelligent citizen, this announcement did not seem to have any appreciable effect in the election. In the special election, the adoption of fifty million dollar road bond issue was defeated by a majority of nearly fifty thousand votes. There had been organized a movement to defeat the bonds. Senator Elmer Thomas, of Lawton, was the directing head of this opposition movement. Several state legislators and employees, who had been campaigning for the adoption of the bond movement, had their salary bills disapproved by State Auditor Frank Carter. The regular quadrennial discharge of the State Normal School presidents followed the reorganization of the State Board of Education, scholastic administration being still subservient to dominant factional control.

With the gradual withdrawal of the military forces from overseas, the people of Oklahoma were gladdened by the announcement that most of the Oklahoma fighting men would be returned to their homes during the late summer and early fall of 1919. Everywhere they were greeted with splendid demonstrations of welcome; practically every city, town and village in the State turned out en masse to do them honor. But, amid the merry call of the bugles, the crash of martial music, the flutter of the flags in the breezes and the rhythmic tread of marching feet, there was felt, but unheard, a note of sadness, in memory of the lads who had marched away at the call of duty,

2. The circulating library of the State Library Commission reaches nearly every county in the State. There are now sixty public libraries in the State of Oklahoma, not counting those connected with the State institutions of learning. Of these, twenty-eight have been established since the State Library Commission has been created. Oklahoma was practically blacklisted by the library division of the Carnegie foundation because the towns in which Carnegie libraries had been built were not keeping up the agreed maintenance funds. The library commission, by means of careful surveys and tactful influence with municipal officials, succeeded in getting all of these to restore and continue the regular maintenance appropriation.

during the two preceding years, and who were now sleeping beneath the "white crosses, row on row," on the war-torn fields of foreign soil.

Business Conditions—In common with the rest of the country, business did not seem to adjust itself at once to the return of peace-time conditions. The cost of living remained unnecessarily high, and there was much complaint. Prices were still advancing and that without any reason—in other words, profiteering had become a mania. Inasmuch as building operations had been reduced to a minimum, during the war, there was a great shortage of housings in the more rapidly growing cities and towns of Oklahoma. Prices for real estate advanced sharply, while rents went to almost prohibitive prices. Farm lands had advanced also, and prices on farm products, with the exception of that of wheat, which had been limited by the Government, went very high.

During the course of the war, wages were high. The Government had controlled wages in the transportation and coal mining industry, as well as freight rates on coal. With the return of peace, it seemed plainly apparent that coal operators and coal miners were not going to be able to reach an agreement as to wages. A nation-wide coal miners' strike was declared and in October, 1919, the mines of Oklahoma were closed with those of the rest of the country. This action, taking place October 18, the beginning of winter, caused grave apprehension throughout the country. The situation was complicated by reason of the fact that, radical agitators, many of whom were not miners, seized the opportunity to sow still further seeds of dissension. In Oklahoma, as in other states, the Governor seized the mines on behalf of the patronizing public and asked for volunteers to help operate the mines. Detachments of both the National Guard and the Regular Army troops were sent into the coal mining districts of Oklahoma to help preserve order. Negotiations between coal mine operators and strike leaders seemed to make no headway. The matter was finally passed up to President Wilson, and the strike was ended November 13, after six weeks of great anxiety on the part of the patronizing public, as well as that of state and national officials.

Joseph B. Thompson, of Pauls Valley, representative in Congress, from the Fifth District, died quite suddenly, on a train while on his way home from Washington, September 18, 1919. A special election was called to be held November 8, with a primary election for party candidates to be held on October 18. There were eight aspirants for the Democratic nomination, five of these being from Oklahoma City. The primary election resulted in the selection of Claude Weaver of Oklahoma City, former representative-at-large in Congress, as the Democratic nominee, and John W. Harreld, also of Oklahoma City, as the Republican nominee. In the election the latter was successful, receiving a plurality of twelve hundred votes over his opponent.

Campaigns Begin Early—Several aspirants for the Democratic nomination for United States senator in opposition to the renomination and reelection of Senator Thomas P. Gore, were announced considerably more than a year before the time of holding such election. The Republicans' preliminaries began early also, and with the difference that their bone of contention was

the Oklahoma membership of the National Republican Committee instead of the United States senatorship. In each instance the fight, thus begun, became very acrimonious.

Special Legislative Session—On call of the Governor, the Seventh Legislature was in special session from February 23 to February 28, 1920. It was convened for the purpose of ratifying the Nineteenth Amendment to the Constitution of the United States, the purpose of which was to confer the vote of citizenship upon women. Only two bills were passed; one for deficiency appropriation and one for expenses of the special session. Thirteen resolutions, Senate and House, joint and concurrent, were passed.

Political Campaign of 1920—As already stated, interest in the political campaign of 1920 became manifest more than a year before its issues could be settled in an election. This was because of the personalities involved in both parties. In the Democratic party, the struggle took the form of opposition to the reelection of Senator Gore which had been engendered because of the general feeling that he had not been in harmony with the national administration in its war policies and in its efforts to bring about satisfactory peace conditions. In the Republican party, the chief source of contention was the rivalry over the choice of a national committeeman for the ensuing quadrennium. There was much bitterness in each of these struggles.

James J. McGraw, the Republican national committeeman, was a candidate for reelection. Opposed to him was Jake L. Hamon, promoter and railroad builder, of Ardmore. The latter did not hesitate to inject a sectarian issue in his fight against the election of McGraw, who was a Catholic. Money was expended freely—so freely, in fact, that many members of the party were dissatisfied if not disgusted. This resulted in an effort to bring out a compromise candidate, but without avail. Hamon was elected, despite the fact that his methods were decidedly distasteful to a large part of the members of his party.

The opposition to Senator Gore's candidacy for reelection chiefly clustered around and supported the candidacy of Scott Ferris, of Lawton, who, since statehood, had represented his district in the Lower House of Congress. There were other candidates in the field, but none of these seemed to make much headway. Ferris proved to be an easy winner in the primary election. As his Republican opponent at the general election, John W. Harreld, who had been elected to the House of Representatives less than a year before, was nominated.

A condition which was without precedent in the history of primary elections was created in the Eighth Congressional District by the unexpected death of Representative Dick T. Morgan, a month before the primary election but after the time limit for the filing of candidacies for nomination thereby had been closed. As a consequence, the nomination went by default to the only other Republican aspirant, Manuel Herrick, whom no one had ever taken seriously as a Congressional possibility. Bad as this was, however, the prevalence of a partisan spirit which sent him to the halls of Congress, to make Oklahoma the laughing stock of the nation, was worse.

Another incident which aroused much popular interest, just about a month before the primary election, was occasioned by several pardons and paroles which had been issued under rather unusual circumstances. Governor Robertson had been severely criticized because of his rather free use of the executive power in the pardon and parole of convicted criminals. Campbell Russell, well known as a tireless agitator for the civic betterment, regardless of partisan considerations, had initiated a bill for the regulation of pardon and parole matters, which measure was to be voted upon by the citizenship of the State at the ensuing general election. Governor Robertson had left the State to attend the National Democratic Convention, at San Francisco, leaving Lieutenant-Governor Trapp as acting Governor in his absence. Several days later, the latter was called out of the State on personal business, leaving the president of the Senate as acting Governor. The latter proceeded to issue pardons to Oklahoma's most notorious "bootlegger" and two of his confederates, after which he, too, departed from the State, leaving the speaker of the House of Representatives as Governor ad interim. Not to be outdone as a dispenser of executive clemency, the latter then issued a pardon to the defaulting president of an insolvent bank and to a convicted violator of one of society's most sacred laws.³

The political campaign of 1920 was a hotly contested one in Oklahoma, considering the fact that the election of state officers was not to be held that year. The presidential nominee of both political parties visited Oklahoma to meet and greet and address its citizens, marking a measure of interest in the state and its people that was without precedent in most of the states of the Union. President Wilson was also scheduled to speak in the State, but his sudden physical collapse at Wichita, Kansas, necessitated the cancellation of his engagement, greatly to the disappointment of the vast throng of Oklahoma people who had gathered at the State Fair to see and hear him. Moreover, for the first time in its history, a very determined effort was made by the Republicans to secure the election of their nominee for the United States Senate.

The result of the election was surprising to the Democratic leaders of the State, which gave its electoral vote to Harding and Coolidge and sent John W. Harreld to the United States Senate. In addition to this, the Republicans also elected a strong working majority in the lower branch of the State Legislature; though the Democrats still held control of the Senate, it was by a reduced majority. The Republicans also elected four justices of the Supreme Court, one justice of the Court of Criminal Appeals and one member of the Corporation Commission. The Republicans also elected five out of eight members of Congress in Oklahoma and one of these, Miss Alice Robertson, of Muskogee, was not only the first woman so honored by an Oklahoma Congressional district, but also the second woman elected to membership in the National House of Representatives.

The Eighth Legislature—When the Eighth Legislature convened in January, 1921, it was the first time in the history of the State Government that

3. *Daily Oklahoman*, July 8, 1920; also *Oklahoma News*, July 3, 6, 7, and 8.

an administration had been confronted with a condition wherein one branch of the Legislature was controlled by an opposition party. The Republican party having always recognized the fact that it was in the minority, it had often permitted some of its party nominations, even for very important offices, to go by default. In the campaign of 1920, this had been permitted to happen again in a number of instances, both in the Legislature and in the case of some of the higher offices involved. The result was that though it had a majority in the House of Representatives, not all of the members so elected were peculiarly adapted for such service. The convening of the Legislature was the signal for the gathering of the Republican party leaders of the State. They made no secret of the fact that the organization of the House of Representatives, and the policy of the dominant party therein, should be subject to the influence and control of the Republican State Committee; in other words, it assumed a guardianship, if not, indeed, a dictatorship over the Republican majority in the House of Representatives. At the same time, the State Committee and its leadership was manifestly much more greatly concerned in the expediency of an effort to investigate and secure proof of corruption on the part of Democratic officials than it was in the formulation of a strong legislative program, consequently, the opportunity which had been presented to the Republican party was wasted and the vantage-ground which it had gained was lost.

The Eighth Legislature was memorable as being the first one in which women sat as members. Mrs. Lamar Looney, of Hollis, represented the Fourth District in the State Senate; Mrs. Bessie McColgin, of Rankin, represented Roger Mills County, in the Lower House. Senator Looney was a Democrat and Mrs. McColgin a Republican. It is worthy of remark that the two ladies thus honored, each resided in Western Oklahoma within a few miles of the Texas Panhandle line.

Before the legislative session was half through, it was apparent that there would be no constructive legislation. Anything that the Republican-controlled House of Representatives might pass was sure to receive scant, if any, consideration at the hands of the Democratic majority in the Senate and, on the other hand, anything that was championed and passed by the Democratic Senate was sure to encounter a mighty slim chance for passage when it reached the Republican Lower House. In the House of Representatives the chief ambition of the leaders seemed to be to find something with which to discredit the individual Democratic State officers. Impeachment charges were voted by an investigating committee against Lieutenant-Governor Trapp and against State Treasurer A. N. Leecraft. Similar charges were also proposed to be filed against Governor Robertson but did not secure quite enough votes. The party program included also, the removal of several other State officials. The prosecution failed to make a case against Lieutenant-Governor Trapp. The House refused to adopt an impeachment resolution against State Treasurer Leecraft. In the end, the investigation failed to accomplish any tangible results.

The session dragged out to an unprecedented length. Finally on April 2 the House of Representatives suddenly voted unceremoniously, to adjourn

sine die, without consulting the Senate. The House claimed that the Senate had been playing politics and the Senate claimed that the House had been playing politics; as a matter of fact, each could see the mote in the other's eye, without recognizing any intervening beam. The press of the State bristled with belligerent comment in which honors were about even between the two parties. The most important appropriation measures had not been passed, consequently the talk of an extra session soon became mooted. The Governor convened the Legislature in extra session the 25th of April, which was adjourned May 21.

The net result of the two sessions did not mean a great deal in the way of legislation to the State as a whole. There was a large grist of local bills, mostly relating to salaries, of particular county officials in various counties. The Soldiers Relief Commission was created and its powers and duties defined. Five hundred thousand dollars were appropriated to be expended by this commission for the erection of a memorial hospital and \$50,000 was appropriated to carry on relief work among sick, wounded, and disabled ex-service men of the World War, their destitute wives, widows and minor children. Provision was also made for an educational survey of the State, of which a more extended mention is made elsewhere in this volume.

Reorganization of the National Guard—The Oklahoma National Guard had first been organized during the early part of the Territorial period. Naturally, it was not very well supported and there was but little to hold its organization together, except the enthusiasm and devotion of its officers. At the outbreak of the Spanish-American War, Oklahoma was allowed a small quota in the formation and the organization of the 1st United States Volunteer Cavalry (Roosevelt's Rough Riders) and, later, it was permitted to recruit and organize a full battalion for the 1st United States Territorial Volunteers. In the latter instance, however, the call disregarded National Guard organizations and service and most of the selections for commissions in volunteer service were made directly from civil life.

In 1899 the Oklahoma National Guard was reorganized as a full regiment of infantry, with a signal company, and an engineer company was added in 1903. This remained the form of the organization until statehood. Several years after the State was admitted to the Union, two troops of cavalry were added, and this constituted the force of the organized militia of the State at the time that the United States entered the World War on the side of the Allied National. In due time all of these organizations were inducted into the Federal service and their designations changed.

Early in 1918, while the World War was at its most critical period, it was decided to organize additional National Guard troops in Oklahoma; in the spring and summer of that year the 2d and 3d regiments were recruited and organized under the National Defense Act, the old Guard all having been called into service. Later one separate battalion of infantry was organized. The old 1st Regiment was never reorganized after its officers and men had been discharged from the service at the close of the war. In the meantime, the separate battalion had been absorbed by the 2d and 3d regiments to

replace other companies mustered out of the service. These two regiments constituted the whole of the organized militia of Oklahoma until the National Defense Act was further amended in 1920.

Throughout the entire history of the Guard, from its reorganization in 1899, there had always been more or less political favoritism used in selection of officers, and in promotions from one grade to another. In some instances officers who had been careful, conscientious students were "jumped over" by the juniors of much less military service, experience, knowledge, and skill. Such a condition naturally made for demoralization rather than development. There were governors who, as commanders-in-chief, not only knew nothing about military matters themselves, but they also knew nothing about the selection of military advisors. Indeed, instances were not lacking in which the adjutant-general could only approach the commander-in-chief through an intermediary who was himself lacking in a knowledge of military affairs. Moreover, most adjutant-generals themselves were selected from civilian life and wholly without previous military experience of any character whatsoever.

Under the provisions of the amended National Defense Act of 1920, the United States was divided into nine army corps areas, the several states being assigned to such corps areas in groups according to geographical location and population. Oklahoma was assigned to the 8th Corps Area along with the states of Texas, Colorado, New Mexico, and Arizona, with the corps headquarters at Fort Sam Houston (San Antonio), Texas. The troops of each corps consisted of one Regular Army division, two National Guard divisions and three Reserve divisions. When this new scheme of organization was put into effect, the adjutant-general of Oklahoma was Brigadier-General Charles F. Barrett, who had seen longer and more continuous service as an officer of the Oklahoma Guard than any other individual of either enlisted or commissioned grade.⁴ By reason of this long service and experience and his careful study of military matters, he was far better qualified to fill that position than any of his predecessors. Because the Oklahoma National Guard had been inadequate as to strength and organization, its troops had suffered badly in the matter of securing state recognition in the World War. Indeed, with approximately ninety thousand Oklahoma troops called to the colors, with the exception of the 141st Machine Gun Battalion, not a single state organization of Oklahoma had received either designation nor recognition as such. For this reason, General Barrett determined that Oklahoma should receive due recognition in the reorganization of its National Guard under the National Defense Act. Consequently, at the earliest practicable moment, the work of organizing new units was begun. First, the designation of the two regiments already existing were changed, the 2d Regiment being designated as the 179th United States Infantry and the 3d Regiment likewise having its designation changed to the 180th Infantry. General Barrett also took up with the Army authorities at the 8th Corps Headquarters and with the War Department at Washington, the matter of securing authority for the organization of additional regiments in Oklahoma, his request being practically an insistent demand. The result was that Oklahoma was finally authorized to organize

4. A sketch of General Charles F. Barrett will be found in Appendix L-1.

three regiments of artillery, the 120th Medical Regiment, also one battalion of the 120th Combat Engineer Regiment. The artillery regiments were designated respectively as the 158th and 160th United States Field Artillery regiments (both equipped with French "75's," horse-drawn) and the 189th Field Artillery (equipped with "155's," tractor-drawn). These troops were organized into the 90th Brigade of Infantry and the 70th Brigade of Field Artillery. Because of its size and population, Texas was allowed one full division of National Guard troops. Oklahoma, because of its population and the strength of its organized National Guard, received the Division Headquarters of the 45th Division, with the organized National Guard of the other three states of the 8th Corps Area composing the rest of the Division.

During the Territorial period, the National Guard held annual encampments for instruction and drill. These encampments were moved from year to year among six or eight of the larger cities and towns of the Territory. After statehood, a military camp ground was established at Chandler, despite the fact that there were two Federal military reservations in Oklahoma to which the Territory and State would have been welcome to send the citizen-soldiers for such practical military training. When General Barrett assumed charge as acting adjutant-general, in 1919, he made arrangements for the annual encampment of the Oklahoma National Guard to be held on the Fort Sill military reservation, where it has been held annually ever since.

Considering its size and population, Oklahoma has one of the strongest and best National Guard organizations in the United States. In this connection, it is worthy of remark that a citizens' military training camp is also held at Fort Sill each summer. Permanent buildings for National Guard encampments have been constructed. The Guard has a large modern equipment and is fitted to render a good account of itself whenever called upon in a military emergency.

The Ku Klux Klan—In 1920, a new organization, known as the Ku Klux Klan, made its appearance in Oklahoma. Not only did it appropriate the name of the ghostly, night-riding regulators of the Reconstruction period, but it also adopted the same livery and regalia, and a very similar form of organization. Moreover, it also announced itself as the champion of "white supremacy." However, the race issue was a matter of minor consideration in comparison with its other purposes, namely, that of opposition to Catholicism and adherents of the Roman Catholic Church and also to all Jewish people. This organization grew by leaps and bounds so that, within a year or two, it was reputed to have secured a membership of many thousands in Oklahoma and neighboring states. It then began to take an active part in political affairs.

Professedly standing for civic and social righteousness and holding a deep reverence for law, it was charged with having arrogated unto itself the right to compel others to respect and obey the laws and certain canons of social conduct. It was accused of sending warnings to evil doers, and failures to heed the same were alleged to have been punished by clandestine whippings and other forms of physical violence. Inasmuch as such whipping parties were always masked and robed, whether the Ku Klux Klan was always responsi-

ble for such visitation, or otherwise, it always received the blame for such unlawful manifestations. That the spirit thus displayed was, in part at least, the outgrowth of the hysteria which had been inculcated under the forms of law by some of the councils of defense during the World War, is not improbable.

Its tenets were alleged to have included a belief that the Catholic Church and its communicants were very intolerant, yet, from much preachment concerning the evil effects of the alleged spirit of intolerance in others, it rapidly became imbued with an equally intolerant spirit from its own view-point. Moreover the effects of its existence and activities were such as to breed suspicions, jealousies and enmities in nearly every community in which it had been organized. These also afforded the calculating demagogues such an opportunity for passionate appeals to prejudice as had not been presented in years. That trouble should follow the existence of such a condition was only to have been expected.

The organization and operation of a political secret society has never been justified in a nation where free institutions exist. All previous efforts in such a line had failed, just as the Ku Klux Klan was destined to fail, despite the seeming success of its efforts at organization for a time. It is not only an unwise way to attempt any political end but is also destructive and may prove to be very dangerous as well.

The Tulsa Race Riot—On the evening of June 1, 1921, there occurred a disgraceful race riot at Tulsa. At least one hundred people were killed and property to the value of approximately one and one-half million dollars was destroyed. Three hundred officers and men of the Oklahoma National Guard were placed under arms and ordered to the scene of the disturbance, Adjutant-General Charles F. Barrett personally taking charge. As soon as the militia had restored order, the civil authorities at Tulsa and in Tulsa County, exerted themselves to the utmost to alleviate the suffering and distress of the negro people whose homes and other property had been destroyed. The city of Tulsa promptly announced that it would rebuild their homes.⁵

Red River Dispute—One of the most important incidents during the Robertson administration was the dispute concerning the ownership of the river bed, or channel, of Red River, between Texas and Oklahoma. This dispute was due to the fact that oil operators were beginning to drill oil wells in the channel of the river. In the treaty between Spain and the United States the northern boundary of Texas which was then a part of the Spanish-Mexican dominions, was declared to be the south bank of Red River. This stream has a wide, sandy channel, most of which is not navigable. There never had been any cause for dispute in regard to the ownership of the channel before.

When oil was discovered in Northern Texas, however, the question as to the ownership of that part of the bed of Red River which was located in the oil fields suddenly became very important. The State of Texas claimed the south half of the channel and issued oil leases on the same. The State School

5. A further discussion of the Tulsa race riot will be found in Appendix L-2.

Land Department of Oklahoma laid claim to the entire channel and made oil leases which over-lapped those of Texas. In addition to this, certain Indian allotments were claimed to extend to the middle of the river or beyond, and oil leases were issued on these by Indian Service officials. At the same time, there were other people who, believing that a river bed between two states belonged to the United States, proceeded to file mineral claims on these river bed areas, under the Federal mining and mineral land laws. With so many conflicting claims to portions of the river bed, it was not strange that a dispute soon found its way into the courts. In due time the Supreme Court of the United States decided that the river bed, so far as the middle of the stream was concerned, belonged to the United States, hence the leases made by the Oklahoma State School Land Department for drilling oil wells on the north half of the Red River channel, were confirmed.

Business and Politics—During the World War there was a rapid increase in prices on all commodities, both agricultural and manufactured, wages of laboring men, rents, and the cost of living also advancing sharply. The end of the war found many of the European nations impoverished and without means to purchase even the necessities of life in the markets of the world. As a result of this, the people of the United States soon found that the demand for American goods was rapidly declining, and prices, generally, began to drop. With the decline of the price of wheat, cotton and meats, the values of land and livestock and other farm property rapidly decreased. This agricultural depreciation affected business of nearly every other kind. A financial stringency followed, money was scarce, numerous banks had to close their doors, and mercantile houses were forced into bankruptcy; employers were planning to lower the wages of laboring men. There was small prospect of an immediate recovery for the farming industry, many farmers having lost nearly everything.

At this juncture, a conference was called to be held at Shawnee, September 17, 1921, by leaders of the State Federation of Labor, the Farmers' Union and members of some of the railway organizations. About six hundred delegates were present. After considerable discussion, a new political movement to be known as the Farmer-Labor Reconstruction League was organized. To some extent, it was modeled after the Non-Partisan League which had been dominant in North Dakota politics for several years preceding. A platform was adopted. This, while brief, voiced in incisive terms some very insistent demands. These included: the extension of the scope of State and National coöperative laws; increasing the scope of the Department of Agriculture, especially with regard to grading and marketing farm products; the establishment of a state bank; a system of home ownership; free textbooks in the schools; an eight-hour day for labor; prohibition of child labor and a minimum wage for women. It was proposed to take an active part in state political affairs.

The year 1922 was still young when the preliminary movements and announcement of aspirants for party nominations began to appear. The Farmer-Labor Reconstruction League held a convention at Shawnee, Febru-

ary 22-23-24, with the result that it endorsed candidates for all important offices on the Democratic ticket. The proposed endorsement of Mayor John C. Walton, of Oklahoma City, for the nomination for Governor was the signal for a most enthusiastic demonstration on the part of the convention. While Walton had not made a previous announcement of his candidacy, it had been an open secret that he would do so if he was "drafted." Walton was nominated on the Democratic ticket in the state primary election, which was held in August. Walton's political opponent was John Fields, who had been the Republican nominee for Governor eight years before.

During the campaign which preceded the primary election, there was very keen rivalry for the nomination for State Superintendent of Public Instruction, so much so that in two instances at least, the aspirants were willing to make a sacrifice in salary as compared with those of positions then held. In one instance, indeed, a candidate who was receiving an annual stipend of \$4,200.00, with house-rent furnished in addition as president of a normal school, was very keen to secure a nomination and election as state superintendent, at a salary of \$2,500.00 per year.

In addition to the support of the Democratic party and with a strong following in the Reconstruction League, Mr. Walton also had the support of most of the Socialists and former Socialists. He was elected by a large majority. Most of the members of the Legislature who were chosen at the same time, were more or less in sympathy with the ideas and policies of the organization which had championed his nomination and election.⁶

The Walton Administration—The inauguration of Governor Walton was noted for the most picturesque demonstration ever witnessed in Oklahoma—a monster parade followed by the biggest barbecue dinner ever given in America. Thousands of visitors from every part of the State, and some from the surrounding states, crowded the capital city.

The new Governor devoted himself to the task of persuading the Legislature to pass such measures as had been demanded by those interests which had been responsible for his nomination and election. In this effort he was not wholly successful. Immediately after the close of the legislative session, the capital was besieged by crowds of office seekers. Many new offices had been created but the applicants for these far exceeded the number of places to be filled. The Governor tried to favor his friends as far as possible. In the departments where he had full control, there were more clerks appointed than were necessary for the work. The State educational institutions were for the

6. John Calloway Walton was born in Indiana in 1881. During his boyhood his parents moved to Fort Smith, Arkansas, where he was educated in the public schools and in a business college. He served for a time as a railway mail clerk and as a railway brakeman; subsequently as a terminal superintendent and as an engineer. He came to Oklahoma City in 1908 as a commercial traveler, later became interested in engineering and contracting. He was elected a member of the city commission in 1917 and, in 1919, was elected mayor. A strong partisan, he made a successful appeal to a large part of the citizenship of Oklahoma City and eventually came before the people of the State as a whole. Since the end of his brief term as Governor he has only lived in Oklahoma a part of the time and now resides in Houston, Texas, where he is engaged in the oil business, though he still claims Oklahoma City as his legal residence. Since his appearance as an aspirant for the Democratic nomination for United States Senator, in 1926, he has not taken a very active part in the political affairs of the State, though did some campaigning in 1928 for the National Democratic ticket.



GOVERNOR JOHN C. WALTON

most part reorganized, many of the members of the different faculties being removed or forced to resign, among them the presidents of both the University and the Agricultural College. At the same time, much criticism was caused by the Governor's free use of his power to pardon and parole convicts in the penitentiary and the jails. Then a majority of the members of his own party in the State Senate met in Oklahoma City and, after due consideration of the matter, addressed a letter to him, urging that he be more careful in his official course. A few days later, without offering any explanation, he suddenly replaced some of his appointees on the governing board of the Agricultural and Mechanical College, with the result that the newly appointed president of that institution was discharged.

In some parts of the State, especially in the vicinity of the oil fields, there was much lawlessness. Officers of the law in some instances made little effort to enforce the laws. Conditions became intolerable. In some cases, flagrant law violaters were taken out and whipped by bands of citizens who were disguised. It was charged that all of these self-appointed agents of order and decency were members of the secret society known as the Ku Klux Klan. Governor Walton warned sheriffs and county attorneys of several counties that such acts were as lawless as those which they were trying to punish. Finally, he issued a proclamation placing Okmulgee County under martial law, National Guard troops being ordered to that county to relieve the civil officers and to preserve order. Later Tulsa County was placed under martial law, it being charged that a state of insurrection existed, though the civil officers of the county had made no complaint of their inability to enforce the laws. Finally, martial law was extended over the whole State, though it was only put in force in a few places.

The Governor continued his drastic actions still further. In Oklahoma City, a grand jury, which had been ordered for the purpose of considering the lawfulness of the actions of some of the Governor's appointees, was forbidden to convene. The right of the writ of habeas corpus, guaranteed by both Federal and State constitutions, was declared suspended. So he was regarded as taking advantage of his position to increase his authority. It was proposed that the Legislature should be assembled on its own initiative for the purpose of investigating the Governor's official acts. There was doubt as to whether it had a constitutional right to do so unless called by the Governor.

The House of Representatives did attempt to convene but was dispersed by order of a National Guard officer, acting under orders of the Governor. A special election had been called for October 2, 1923, to adopt or reject several referendum measures which had been submitted by the Legislature. Another measure had been initiated for the purpose of conferring upon the Legislature the right to convene upon call of a certain number of its own members, instead of waiting to be called by the Governor. This was also to be voted upon, October 2, but the Governor and his appointees were opposed to the last-named measure and attempted to call off the election altogether. There was much excitement and popular sentiment was strongly opposed to the Governor's course. The election was held in spite of his efforts

against it. The initiated measure granting the Legislature the right to call itself received an overwhelming majority of the votes cast. A day or two later, a call was issued for the House of Representatives to meet in two weeks. Then the Governor issued a call for both houses to meet in a week, for the purpose of passing an anti-Ku Klux Klan law.

The Legislature met on the date set by the Governor, but the House of Representatives promptly began to investigate the official actions of the Governor. As a result of its investigations, impeachment proceedings were instituted, formal charges being filed with the State Senate, as provided by the Constitution. The Governor was suspended and Lieutenant-Governor Martin Edward Trapp became acting governor.

Governor Walton was tried by the State Senate, sitting as an impeachment court with the Chief Justice of the Supreme Court of the State presiding. On Monday, November 19, 1923, Governor Walton was convicted on eleven of the sixteen charges upon which he had been tried and was declared to have forfeited his office as Governor of Oklahoma.

The North Canadian Flood of 1923—The most disastrous flood in the valley of the North Canadian River since the settlement of Oklahoma, occurred during the first week in October, 1923. The flood was the result of torrential rainstorms in the upper reaches of the Canadian River and its tributaries, especially Kiowa Creek in Beaver County and Wolf Creek in Woodward and Ellis counties and the Texas Panhandle. Estimated destruction of property was in excess of one hundred million dollars. Great interest was aroused in the subject of flood prevention. The special session of the Legislature which followed, enacted a law providing for the creation of a conservation department with a commissioner in charge. The Tenth Legislature amended the law by replacing the commissioner with a commission of three members; the law was still further amended by the Eleventh Legislature in 1927. There has been much agitation concerning the development of a storage reservoir system and the conservation of surplus storm-water for useful purposes. A survey of the drainage area of the North Canadian, as well as those of several other streams in the State, was made under the direction of the newly created department. More recently the United States Government has likewise been doing some preliminary surveying in the same areas.

Governor Trapp's Administration—When the Senate voted to impeach Governor Walton and removed him from office, Lieutenant Governor Trapp automatically became Governor.⁷ The Ninth Legislature was already in extra session and so continued for many weeks, following this change. The House

7. Martin Edwin Trapp was born at Robinson, Kansas, April 19, 1877; moved to Oklahoma with his parents, in 1889; educated in the public schools and Capital City Business College at Guthrie. He taught school for several years and, in 1904, he was elected county clerk of Logan County, serving until 1907, when he was elected State Auditor, serving until 1911. In 1912 he was admitted to the bar. He was elected Lieutenant-Governor of Oklahoma in 1914 and reelected in 1918 and 1922. He became Acting Governor of Oklahoma when Governor Walton was tried under impeachment charges and, following the conviction and removal of the latter, he succeeded to the office of Governor, November 19, 1923, in which capacity he served until the end of the term, in January, 1927. His home is in Oklahoma City and his business is that of a dealer in municipal securities.



GOVERNOR MARTIN ED. TRAPP

of Representatives had been re-organized at the beginning of the session, electing a new speaker and other officers. A number of measures, which had been passed at the instance of Governor Walton, were repealed or modified.

The State Highway Department—Down to the beginning of the Trapp administration the highway department had always been under the direct administrative supervision of the commissioner, and, without exception, all persons hitherto selected to fill that position had been personal political appointees of the Governor. Governor Trapp recommended that this law be changed in such way as to place the administration of the affairs of this department under a commission of three members instead of a single commissioner. When the desired legislation had been enacted into a law, he selected as the first state highway commission, three prominent business men of the State, namely, Cyrus S. Avery, of Tulsa; F. J. Gentry, of Enid, and Roy M. Johnson, of Ardmore, the latter being the Republican member of the board. The new Highway Commission met and organized and immediately began to reorganize and systematize the work of the department as it had never been done before. The construction of modern hard-surfaced highways was speeded up very materially and many unsurfaced highways were put under constant care and supervision, in order that they might be maintained in the best possible condition.

The Political Campaign of 1924—At the beginning of the political campaign of 1924, Senator Robert L. Owen announced that he would not be a candidate for reelection. This announcement immediately resulted in the development of a number of other candidates for the place. The friends and supporters of former Governor Walton were inclined to feel, with him, that he was entitled to a "vindication" as a result of his impeachment and removal from office. He, therefore, announced his candidacy for the United States Senate. There were four other aspirants for the nomination, thus cutting the vote up until it was almost certain to result in a minority nomination. Walton received a total of 62,247 out of a total of over 210,000 Democratic votes, which was 4,000 more than his nearest competitor. There were six candidates for the Republican nomination. Republican interest was not nearly so keen as that which was manifested in the Democratic party, as the Republican primary vote was very low in comparison. William B. Pine,⁸ of Okmulgee, was nominated by a vote of nearly two to one over his nearest competitor.

The opposition to the election of former Governor Walton to the United States Senate was not limited to Republican voters. Many of the most outstanding Democratic leaders of the State refused to be bound by his nomination. On his part, he put on a very enthusiastic campaign not unlike the one which resulted in his election as governor two years before. Popular interest in the election of the United States senator went to a high pitch; while

8. William B. Pine was born at Bluffs, Illinois, December 30, 1877, and was educated in the public schools. He settled in Oklahoma in 1904, engaging in the oil business on his own account. In more recent years he has been interested in banking, manufacturing, and other business lines as well. In his election to the United States Senate, in 1924, on the Republican ticket, he received the largest vote ever accorded to any candidate of the State down to that time. His home is at Okmulgee, Oklahoma.

Walton's opponent, Mr. Pine, was a successful business man, he was not so well known, but he made a very vigorous campaign. The result of this election was astonishing, Pine receiving 312,000 votes to 181,000 for Walton, a plurality of over 131,000 votes.

The Eleventh Legislature—The session of the Eleventh Legislature was comparatively uneventful. Numerous local bills were being considered, most of which were subject to favorable action. Two measures of public interest were passed which were the occasion of considerable criticism and unfavorable comment. One of these was the Revokable Permit Act which virtually removed from the municipal councils or commissions the right of action on petitions or requests for the renewal of franchises for public service corporations, that power being transferred to the State Corporation Commission. The other act which was the occasion of considerable criticism was the repeal of the law which required that all goods manufactured by convict labor should be so labelled. A State Forest Commission was created providing for the selection of a trained forester as secretary and executive officer. The duties of the commission were to cooperate with the owners of farm lands and to aid in the creation of an intelligent public opinion concerning forest conservation, forest extension, and silviculture. A new State flag was also adopted.⁹

Interest in the political campaign of 1926 began more than a year before the general election, the talk centering upon the nomination for governor and for United States senator. When Governor Trapp succeeded to the governorship, after the impeachment and removal of Governor Walton, he did not take an oath as governor but served as governor by virtue of his previous obligation which he assumed when he was inaugurated as Lieutenant-Governor. As the new campaign developed it became noised around that Governor Trapp merely regarded himself as acting governor instead of as governor in fact and that, consequently he regarded himself as eligible to nomination and election as Governor of the State, regardless of the fact that the State Constitution expressly prohibited any governor from serving two consecutive terms in that office. Another candidate who was prominently mentioned from the first, was Henry M. Johnston, of Noble County, who was a member of the State Senate during the First Legislature and who was president pro tempore of the Senate in that memorable session. He had also served as a delegate in the Constitutional Convention. He had been prominent in fraternal affairs, had a wide acquaintance throughout the State and was generally regarded as the candidate favored by the members of the Ku Klux Klan.

Governor Trapp's ambition to secure the nomination was brought to the official attention of the State Supreme Court which ruled that he had been governor in fact and he therefore, was not eligible to nomination and election for the ensuing term, because of the Constitutional provision which prohibited any body serving as governor one term in immediate succession to another. There were three other aspirants for the Democratic nomination. A pre-primary campaign was very warmly contested. The result was that Senator Johnston led his closest opponent by a plurality of 14,000 votes. On

9. Description of the Oklahoma State Flag will be found in Appendix L-3.



GOVERNOR HENRY S. JOHNSTON

the Republican side there were three candidates for the nomination, Omer K. Benedict, of Tulsa, winning the nomination by a fair plurality over his nearest rival. Senator Harreld was renominated by the Republicans, while the Democrats named former Congressman Elmer Thomas, of Lawton, as their candidate.¹⁰

The vote on the Democratic nomination for Attorney-General was very nearly evenly divided between the two high men, with practically all reports during the first two or three days following the primary showing a slight lead in favor of O. H. Searcy over Edwin Dabney, while the State Election Board reported that the official figures showed the nomination for Dabney by a slight plurality. Searcy endeavored to secure a recount but was not successful. Again there was much criticism of the primary law, in consequence of this incident.¹¹

Governor Johnston's Administration—When Governor Johnston¹² was inaugurated, he made no secret of the fact that he wished to reorganize some of the departments of the State Government, especially the State Highway Department, presumably for the reason that members of the commission had not supported his candidacy for the nomination. He therefore asked the Legislature to revise the law, changing the number of members of the commission from three to five, which was done, thus ending at once the terms of the two commissioners who would have otherwise held over.

Governor Johnston's course in other matters caused much surprise. He demanded the reestablishment of the position of confidential advisor to the

10. Elmer Thomas was born at Greencastle, Indiana, September 8, 1876. He graduated from the Central Normal College, Danville, Illinois, 1897, and received his A. B. degree from De Pauw University, in 1900. He was admitted to the bar in Indiana, in 1897, coming to Oklahoma in 1900, locating at Oklahoma City, and settling at Lawton when that town was founded a year later, in 1901, practicing law at Lawton until 1911. He is also the owner and operator of Medicine Park, Oklahoma. He served continuously in the Oklahoma State Senate from 1907 to 1920, and was president pro tempore of that body from 1910 to 1913; was chairman of the Democratic State Convention in 1910; Democratic nominee for Congress from the 6th Oklahoma District in 1924, and was elected to the United States Senate for the term extending from 1927 to 1933, inclusive. His home is in Medicine Park.

11. Oklahoma City Times, August 10, 1926.

12. Henry S. Johnston was born in Evansville, Indiana, in 1870; was educated in the public schools. He studied law and was admitted to the bar at Denver, Colorado, in December, 1891. He practiced law there until September, 1893, when he settled in Perry, Oklahoma. He was elected a member of the Territorial Legislative Council in 1896. He subsequently served two terms as county attorney of Noble County; in 1906 he was elected a delegate to the State Constitutional Convention. When the Democratic members of that body organized a caucus, he was elected as its chairman and, acting in that capacity, it was his privilege to call the convention to order and preside during its organization session. He took an active part in the deliberations of the convention. In the first State election which was held at the time of the adoption of the Constitution, he was elected a member of the State Senate for the district consisting of Noble and Pawnee counties. In the organization of the State Senate in December, he was elected president pro tempore of that body and, because of the physical indisposition of the Lieutenant-Governor, he presided over most of its meetings in the five months' session which followed. His term as Senator being a short one, he was nominated for Congress in opposition to Bird S. McGuire, in the one Republican district, in 1908. Subsequently he was again nominated as the Democratic candidate in the Eighth District, which was also the one safely Republican district after the reapportionment following the thirteenth census. He was elected as a delegate to the Democratic National Convention in 1912 and in 1924, but did not attend the one last mentioned. He has been distinguished as a fraternalist and served one term as Grand Master of the Masonic Grand Lodge of Oklahoma. After leaving the Governor's office he resumed the practice of law at Perry. After the close of his official career as Governor of Oklahoma, Governor and Mrs. Johnston were tendered a public reception by the people of Perry and Noble counties, which served to attest the esteem in which they were held by the folks who had known them longest and best.

governor, a place which had existed only during the brief Walton administration. He suddenly and without explanation broke with the man who had been recognized as his closest and most influential advisor during the campaign. Before the end of the legislative session, there was much dissatisfaction among legislators and party leaders. Some of his best friends in the Senate made an unsuccessful effort to avert disaster by proposing to force the retirement of the confidential advisor. They were prompted by the belief that he was being misled by harmful influence that used this position as a medium of approach.

The new Highway Commission never succeeded in gaining the confidence which had been given to the one which it replaced. Dissatisfaction increased until, in the autumn of 1927, there was much talk of a special session of the Legislature. Finally, four members of the House of Representatives, who became known as the "four horsemen," led in calling the members of the Legislature into special session under the provisions of the initiated measure, "No. 79," which had been adopted by popular vote, on October 2, 1923, whereby the Legislature was granted the right to convene on its own motion. However, the day before the date for the Legislature to convene, the Supreme Court ruled that the initiated measure, "No. 79," was unconstitutional.

The legislators met in defiance of the Supreme Court and proceeded to name a committee which began its work of investigating the departments of the State Government. Thereupon, early one morning, the National Guard, under orders of Governor Johnston, took its position at the Capitol and prevented the legislators from meeting in the building. The legislators then proceeded to hold sessions in a down-town hotel. The investigating committee of the House of Representatives drew up and presented five articles of impeachment against Governor Johnston to the State Senate. The Senate was sitting as a court of impeachment without being called by Governor Johnston. It suddenly voted to refuse to consider the charges drawn up by the members of the House and adjourned, thus ending the attempted special session of the Eleventh Legislature.

By the beginning of the presidential campaign in 1928, Governor Johnston had many bitter political enemies. The people of Oklahoma took keen interest in the presidential campaign, the results of the election showing that an unprecedented majority of more than 170,000 had cast Oklahoma's electoral vote for Herbert S. Hoover, the Republican nominee, for President of the United States. The final count of the election also showed that forty-seven Republicans and fifty-seven Democrats had been elected to the House of Representatives in the State Legislature. These results indicated that Governor Johnston had a hard fight before him when the Twelfth Legislature should convene.

The Twelfth Legislature began its session with Governor Johnston's friends nominally in control. However, nine of the Democratic House members were opposed to Governor Johnston and these pledged themselves to vote with the Republicans for an investigation. These nine "irreconcilables" did vote with the forty-seven Republicans in reorganizing the House the second day. A committee to investigate the State Government was appointed. As



GOVERNOR WILLIAM J. HOLLOWAY

Photo by Watton Studio.

a result of the investigation ten articles of impeachment were presented against Governor Johnston.

The State Senate was resolved into a court of impeachment and the House charges were accepted. Governor Johnston was suspended from office on January 21, and William J. Holloway, Lieutenant-Governor, became acting Governor during the impeachment trial which began on February 6 and lasted six weeks. During the trial, Governor Johnston took the stand in his own defense, and those who were prosecuting him failed to break down his testimony. At last on March 20, the trial ended with the Senate voting to impeach Governor Johnston on the charge of general incompetency in office. Immediately, William J. Holloway took the oath of office as the eighth governor of Oklahoma.

Governor Holloway's Administration—With the regular session of the Twelfth Legislature already in session when he assumed the duties and responsibilities of the executive office, Governor Holloway¹³ found much to occupy his immediate attention. He was fortunate in that, previous to his election as Lieutenant-Governor, he had served eight years in the State Senate, so he had a thorough acquaintance with the affairs of the State. Without any ostentation or the exercise of any formalities, he immediately addressed himself to the task with which he was confronted. He made comparatively few changes in the matter of subordinate appointments and none without justification. One of his first objectives was the reorganization of the Highway Department on a more efficient basis. At his instance, the law was so modified as to reestablish the three-member Highway Commission and, having done this, he named as its chairman, Lew Wentz, well known as a successful oil operator and as a Republican leader, thus placing the department upon a non-partizan basis. The other commissioners—Messrs. S. C. Boswell, of Durant, and L. C. Hutson, of Chickasha—were likewise well known business men of outstanding ability. No one of the three was an office seeker, neither did any of them care to enter the public service, which necessarily interfered with their own personal affairs to a greater or less extent. But each agreed

13. William Judson Holloway was born December 15, 1888, at Arkadelphia, Arkansas. His parents were Rev. Stephen Lee Holloway, a Baptist minister, and Mrs. Mollie Horne Holloway, both of whom were of American descent for several generations back. He was educated in the public schools of Arkansas and Ouachita College at Arkadelphia. After four years in college he received his bachelor's degree in 1910. He attended one summer session of the University of Chicago, in 1911. After graduating from Ouachita College he became principal of a ward school at Hugo, Oklahoma, during the years 1910 and 1911, and during the ensuing three years he was principal of the Hugo High School. He then matriculated in the law school of Cumberland University at Lebanon, Tennessee, from which he graduated in 1915, following which he returned to Hugo, where he began the practice of law, after being admitted to the bar in the Oklahoma courts, in September, 1915. In 1916 he was elected prosecuting attorney of Choctaw county. After one term in that office he retired to private practice. In 1920, he was nominated and elected to the State Senate as a Democrat and, in 1924, was reelected to the same place. In the legislative session of 1925 he was elected president pro tempore of the Senate, and as such was Acting Lieutenant-Governor from 1925 to 1927. In 1926, he was the Democratic nominee for Lieutenant-Governor and was elected to this office, his term beginning January 10, 1927. He was in the military service for a brief season, just before the end of the World War, as a student officer at Camp Zachary Taylor, Louisville, Kentucky. He became Governor of Oklahoma March 20, 1929, upon the impeachment of Governor Henry S. Johnston. Governor Holloway's chief interests as a legislator pertained to public education and he served as chairman of the Committee on Education while in the State Senate. He was also very active in legislation affecting the State highway development. He was married to Miss Amy Arnold, Texarkana, Arkansas, June 10, 1917.

to accept such an appointment because Governor Holloway insisted that experienced business men rather than mere politicians were needed to promptly and efficiently attend to the State's biggest business for the time being.

The sessions of the Twelfth Legislature, regular and special, are too recent to warrant an attempt for a thoroughly dispassionate and unbiased attempt to record the same. Suffice it to say that, in several respects it resembled those of the Eighth Legislature, the utter lack of harmony and coöperation between the two houses being painfully apparent. In addition to the charges of impeachment against the Governor by the House, which were confirmed by the action of the Senate, similar impeachment charges were also voted against two members of the Supreme Court, but in neither instance were these seriously considered by the majority of the Senate membership. The two sessions, regular and special, extended over a period of approximately six months—the longest practically continuous assemblage of a legislative body in the history of the State, and also the most expensive. Whether the combined length of the two sessions, or the cost of the same, was fully justified, only time can tell. It is doubtful, in the light of public sentiment, whether any political reputation or prestige in either branch of the Legislature was enhanced as the result of these long continued sessions.

The Legislature refused to submit to a vote of the people a proposition for the issuance of bonds of the State, to speed up highway construction, though of course it is by no means certain that the people would have ratified such a proposition, even if it had been submitted to them for approval. Another matter of more than passing interest, was the enactment of a "run-off" primary law, whereby there shall be no more minority nominations. Had such a "run-off" primary been in operation ever since the State was admitted to the Union, its history might have been materially different from what it has been thus far. This safeguard is expensive, but unless something equally as efficacious and less costly can be evolved, it will abundantly justify the added expense.

Few people in Oklahoma realize the extent to which legislation that is only local in its application and effect, and which is of no interest or concern to the people of the State as a whole, has grown. In the First Legislature, approximately ten per cent. of the measures passed and approved were local bills. During the administrations of Governors Cruce and Williams, the number of bills, passed and approved, which could be classed as local rather than State-wide in their application and effect, was kept low. Beginning with the 7th Legislature, however, the time and attention occupied in the consideration of local legislation, to say nothing of its effect on legislation of State-wide import, has assumed the proportion of a positive abuse. There were especially heavy increases in the number of local bills which were passed and approved in the sessions of 1923 and 1927, while the maximum was reached in the session of 1929, when more than forty-four per cent. of all the new laws which were placed on the statute book were of a class that could not have even found a place on the legislative calendar of several of the neighboring states. Each of these pertain to the affairs of counties and townships, to those

of cities, towns, villages and school districts. In the vast majority of such instances, they relate to matters which should have been left to adjustment by county or municipal officials, possibly with the aid of the courts—they certainly have no rightful claim upon the time and consideration of the Legislature of the whole States. The constant tinkering with the salaries and pay rolls of individual counties has been especially demoralizing in its effect. The will and financial ability of the taxpayers as well as the judgment of the boards of county commissioners have alike been ignored. How much strategic capital they may have furnished for legislative trades, is not a matter of record, though it must be admitted that the system has its corrupting possibilities. The growth of this abuse has been so gradual that even the most thoughtful and conscientious legislators have not realized the baneful extent to which it is leading. The Legislature of the State of Oklahoma has, or should have, more important business in hand than those which, strictly speaking, should be left entirely for local consideration and adjustment.



CHAPTER LI

MEDICINE AND SURGERY IN OKLAHOMA

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MEDICINE AND SURGERY IN OKLAHOMA.

The first doctors of medicine in what is now Oklahoma, of whom there is any record, were those which were connected with exploring expeditions or attached to the Medical Department of the Army. A medical officer was included in the military forces stationed at Fort Smith, on the eastern border, from the date of its establishment, in 1817, until after the establishment of other military posts, in the interior of the Indian Territory. In 1820, the exploring expedition to the Rocky Mountains, which was commanded by Major Stephen H. Long, passed across the present Oklahoma in two divisions, one of which, under his personal command, came eastward through the central part, following the course of the Canadian River, while the other, commanded by Captain John R. Bell, descended the valley of the Arkansas, from Colorado through Kansas. This expedition had set forth with two physicians, but one had sickened and died early in the westward journey. The other, Dr. Edwin James, made the return march across the plains with Captain Bell's detachment. Mr. Thomas Say, the naturalist, who accompanied the party that came down the Canadian, was skilled in the knowledge of medicine, though whether he had a doctor's degree is not known. In addition to their professional services, medical officers on Government exploring expeditions quite generally acted as biologists and geologists, making collections for herbariums, museums and laboratories, and contributing materially to scientific knowledge.

With the establishment of the earliest mission stations in the Indian Territory, there came a few medical missionaries, who were not less devoted in their service than the ordained ministers, teachers and instructors in the mechanical, agricultural and the domestic arts. Each of these soon found that his practice must spread far beyond the bounds of the community in which the mission was located. At that time, no physicians or surgeons were furnished by the Government for duty with the Indian agencies. Hence, the first knowledge and acquaintance with white physicians and their service among many of the Indian people, came through the medium of the mission stations.

With the establishment of Forts Gibson, Towson, Washita and Arbuckle, each garrison was accompanied by one or more medical officers. The names of these are not known locally, though doubtless a careful search of official records would disclose them all. One medical officer, whose first assignment to duty was at Fort Washita, and who was the first surgeon to be stationed at Fort Arbuckle, was Dr. Rodney Glisan, whose book, "A Journal of Army Life," was published many years afterward, depicting the story of that service.

Medical officers on duty with frontier military posts, like physicians attached to mission stations, were wont to extend their helpful and sympathetic ministrations far beyond the limits of the garrisons to which they

belonged, especially as these were located in sparsely settled regions where there was an utter lack of competent medical talent.

Among the medical missionaries who first came to the Indian Territory there might be mentioned Doctors Elizur Butler, Marcus Palmer and Roderick Dodge, among the Cherokees; Alfred Wright, among the Choctaws, and George L. Weed, among the Creeks. Doctor Butler will be remembered as the man who, before coming to the Indian Territory, with Rev. Samuel A. Worcester, suffered imprisonment in the Georgia Penitentiary because of his devotion to the persecuted Cherokees. He was eventually ordained to the ministry. Rev. Alfred Wright, while primarily a clergyman, also practiced medicine. Being the only physician in his part of the country, his practice was very large, especially in sickly seasons and during epidemic outbreaks, when he often made as many as fifteen to twenty professional calls in a day. Yet, despite this, he acted as superintendent of the Wheelock and Norwalk missions and, with the aid of his good wife, found time to translate the New Testament and sixty books, pamphlets and tracts into the Choctaw language, in which they were printed.

In his annual report to the Commissioner of Indian Affairs, five years after the removal of the Choctaw people to their new country in the West, Agent William Armstrong made the following recommendation:

I would respectfully suggest that the Government could render these unfortunate people some medical aid, either from the forts or from any other quarter and, by furnishing medicines, &c. It would be an act of humanity and would go farther to convince them of its humane and philanthropic intention than the funds expended in endeavoring to educate them. While thousands are lavished to teach them to live, and love our modes of living, they are suffered to be swept off by hundreds in a settlement, without the hand of charity being extended towards their preservation.¹

The logical result of the condition arising from such a lack of medical service was the appearance and settlement of unlicensed practitioners, at various places in the Indian Territory. True, some of these had served a sort of an apprenticeship when they had "read medicine" for a time, in the office of some reputable physician, "back in the states." Others, however, were the veriest quacks, who not only had no knowledge of the sciences upon which the medical and surgical arts were founded, but their success in such an avocation depended almost entirely upon the facility with which they could impose upon the credulity of their patients and patrons.

In Isaac McCoy's "Annual Register Within the Indian (or Western) Territory," for 1837, makes mention of Dr. John Thornton, a Cherokee, who had been educated in the United States. A year later, the statement is made that there was "one regular physician and, *unfortunately* several steam doctors." Other young men of the Five Civilized Tribes occasionally left the Territory to go east for the purpose of pursuing thorough courses in medicine and surgery. One of these was Walter Thompson Adair, who was born in Georgia, shortly before his people moved to their new country in the West and who,

1. "Annual Report of the Commissioner of Indian Affairs," 1837, p. 581.

after having been educated in the Cherokee national schools and completing the course at the Male Seminary, began the study of medicine in the Missouri Medical College at St. Louis, in 1855, graduating in 1858. At the outbreak of the Civil War, he became the surgeon of Colonel Stand Watie's Cherokee regiment and, eventually was promoted the chief surgeon of the Indian Division, on the staff of General Douglas H. Cooper. A young Choctaw, T. J. Bond, by name, was one of the first of his people to go East to study medicine. Others followed from various tribes. In his first annual report to the Commissioner of Indian Affairs, Agent Douglas H. Cooper wrote in part as follows:

The United States could not confer a greater boon upon the Indians than by holding out encouragement in some way for the location of scientific physicians among them. Thousands die for want of proper medical advice and medicine.²

Eventually, a reluctant Congress made provision for the appointment and support of agency physicians. The establishment of additional Indian reservations and agencies in the western part of the Indian Territory, therefore, had the effect of increasing the number of professionally trained physicians and surgeons within its limits, as also did the establishment of new military posts during the first decade following the close of the Civil War. Moreover, the construction of the first railways, in the early '70s, had the effect of bringing in several competent railway surgeons who settled in some of the railroad towns. A civilian physician who was on duty as an acting assistant surgeon, during the beginnings of Fort Sill—Dr. Robert H. McKay, has preserved to posterity a faithful depiction of the life and post of that period in a small volume entitled "Little Pills."

By the terms of an act approved November 24, 1873, the Cherokee National Council made provision for the practice of medicine within the limits of that nation. This law made provision for the appointment of a board of competent examiners and required that all practitioners should take an examination and secure a certificate entitling the bearer to secure a physician's permit from the principal chief.³ Provisions for the enforcement of the law were so lax, however, that it remained practically a dead letter.

The Indian Territorial Medical Society was organized at a meeting of physicians and surgeons, held at Muskogee, April 18, 1881. Dr. B. F. Fortner, of Claremore, was chosen as the first president; Drs. G. W. Cummings, of Muskogee, and Felix McNair, of Locust Grove, as vice-presidents; Dr. M. F. Williams, of Muskogee, was elected as secretary, with Dr. R. B. Howard, of Fort Gibson, as treasurer. This organization was practically continuous for twenty-five years, though some apparent inactivity caused it to be reorganized, in 1889, with the reelection of Doctor Fortner for a second term.

In the autumn of 1884, Dr. E. N. Wright, who had graduated from the Albany (N. Y.) Medical College but a few months before, persuaded Governor Edmund McCurtain and the Choctaw National Council to pass a law for the

2. *Ibid.*, 1853, pp. 155-68.

3. "Laws of the Cherokee Nation" (1892), p. 366.

regulation of the practice of medicine in that nation. As in the Cherokee Nation, a competent board of examiners was to be appointed, with the expectation that the quack doctors would be speedily weeded out; years passed before the law could be fully enforced, though it was a long step in the right direction. Governor McCurtain appointed Dr. E. N. Wright, Dr. L. C. Tennant and Dr. Kendrick as examiners. As many of the practitioners would not meet this board of examiners at appointed times and places, the members of the board, like "Mahomet going to the mountain," had to take their examinations to the unwilling practitioners. The ignorance discovered in the course of this organized effort to regulate the practice of medicine within the limits of the Choctaw Nation was appalling. A few one- and two-course students were found practicing, but the great majority of the practitioners had never even seen a medical school. A few of these agreed to quit, but most of them merely moved—to other parts of the Indian Territory, outside the limits of the Choctaw Nation. Some of them evidently returned, later, however, as Choctaw authorities had trouble with quack doctors, off and on, for a decade and a half afterward.

When the Oklahoma country was opened to homestead settlement, in 1889, several physicians who had located in the newly-established communities became affiliated with the Indian Territory Medical Society and a few of them maintained membership therein and occasionally attended its meetings until a similar organization was effected in Oklahoma Territory. At that time, the Indian Territory Medical Society held meetings four times each year, such gatherings convening in the various towns of the Territory. In the meeting which was held at Vinita, October 10, 1889, two Oklahoma physicians were present. Among the papers which were presented at that session was one by Dr. James R. Brewer, of Muskogee, entitled "Legal Homicide," in which, as reported by the Vinita chieftain:

He called attention to the great damage to state and society by the unrestrained ravages of uneducated and unqualified practitioners of medicine, especially in the Indian Territory.

Progress was being made, however. In 1891, it was reported that the total number of professionally trained and educated physicians in the Indian Territory was seventy-five.

The Oklahoma Territorial Medical Society was organized at Oklahoma City, May 9, 1893. Dr. Delos Walker was elected as the first president; vice-president, Dr. O. E. Barker, of Guthrie; secretary, Dr. C. D. Arnold, of El Reno; treasurer, Dr. E. J. Trader, of Council Grove. The Committee on Constitution and By-Laws reported a recommendation that the Constitution and By-Laws of the Indian Territory Medical Society be adopted with a few slight changes and the report was accepted. Thirty-four physicians were present, which was but little more than ten per cent. of the total number of physicians then practicing in Oklahoma Territory. Fortunately, the new territory did not have to contend with quacks and uneducated practitioners, as had been the necessity in the Indian Territory, since the First Territorial Leg-

islative Assembly has enacted a law with provisions for the regulation of the practice of medicine in 1890.⁴

By the terms of an act of Congress approved April 23, 1904, the practice of medicine by any person other than registered physicians and surgeons was forbidden in the Indian Territory, with suitable penalties for violation. It was provided that the judge of each court district should appoint a board of three reputable physicians and surgeons to examine the qualifications of applicants for permission to practice medicine in the Indian Territory. The enforcement of this law effectually terminated the operations of quack practitioners after more or less unavailing efforts had been made to that end, throughout a period of more than thirty years.⁵

In the course of his address before the annual meeting of the Indian Territory Medical Society, as its president, in 1904, Dr. E. N. Wright, who has already been mentioned as one of the original board of examiners in the Choctaw Nation, took occasion to urge that that society and the Oklahoma Territorial Medical Society should be merged into one organization to be known as the Oklahoma State Medical Association. The appointment of a committee to consider the suggestion was authorized. The report of this committee was favorable. Similar action was taken by the Oklahoma Territorial Society, both acting upon the proposition in the annual meetings of 1905. This union of the two societies was completed in the meeting held at Oklahoma City, in May, 1906—several weeks before the passage of the Congressional act which made possible the uniting of the two territories in the organization and for its admission into the Federal Union as a single State. At this first meeting of the Oklahoma State Medical Association, Dr. B. F. Fortner, who was one of the organizers and who was elected as the first president of the Indian Territory Medical Society, twenty-five years before, was chosen as the first president of the State association, while Dr. E. O. Barker, who had been the first vice-president of the Oklahoma Territorial Medical Society, was elected as the first secretary of the State Association.

Medical Education—The establishment of a medical school in Oklahoma City was proposed as early as 1901. As there was some question concerning the professional standing of the principal projector, however, conservative members of the profession held aloof from the proposition, so it was finally abandoned. In 1906, a medical school was organized in connection with Epworth University, a Methodist institution then in operation in Oklahoma City. It was operated for three years, but was abandoned when the School of Medicine of the University of Oklahoma was organized, in 1909. The latter has now (1929) been in operation for twenty years and is accorded an A-rating in the classification of American medical schools, as to its organization, support, equipment, required standards, etc. It was formerly conducted at the seat of the University, at Norman, but it is now housed in its own new building, erected and furnished with modern equipment as complete and

4. "Statutes of Oklahoma" (1893), p. 123.

5. U. S. Statutes at Large, Vol. 33, p. 299.

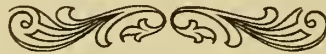
up-to-date as that of any institution of its class anywhere else. It is located in Oklahoma City and a large hospital with modern equipment is operated in conjunction.

Publications—The Oklahoma Medical Journal issued its initial number in January, 1893, at Guthrie, under private auspices. During the ensuing fifteen years, it experienced a number of changes in editorial and publication management, location of publication office, etc. In 1908, the Oklahoma State Medical Association put out its first official issue, since which time it has been regularly published, with the secretary of the association as its managing editor.

State Board of Health—The State of Oklahoma has a well organized Board of Health, with the secretary as its active executive director. County and municipal health officers are also maintained throughout the State.

Hospitals—Oklahoma is well supplied with hospitals, Federal, State, municipal, denominational and private. All of these fall within the scope of public inspection and oversight. The Federal Government maintains a large hospital (originally built as a memorial by the State) for disabled soldiers of the World War, at Muskogee. It also maintains a hospital for Indians, at the Fort Sill sub-agency, near Lawton. The State maintains the University Medical School Hospital (already mentioned) and the Hospital for Crippled Children, both at Oklahoma City; also, the Tubercular Sanatorium for Soldiers, at Sulphur, and two similar institutions for tubercular patients, located respectively at Clinton and Talihina. In addition to these, there are three hospitals for the insane, located, respectively, at Norman, Supply and Vinita.

Several of the religious denominations have hospitals, which are located in the principal cities and towns of the State. Private hospitals are numerous and are to be found in practically all of the important population centers.



CHAPTER LII

THE BENCH AND BAR OF OKLAHOMA

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When the governments of the Five Civilized Tribes were instituted and organized in the Indian Territory, they were modeled after those of some of the states of the Union, with legislative, executive and judicial branches. With written statute laws, their courts, court procedure, trials, juries and judiciary were much like those which prevailed in the white man's law courts. Likewise, there were not only Indian judges and jurors, but also Indian lawyers. While the practice of law before the tribal courts possibly involved fewer intricacies and technicalities than those of the states and organized territories, there were able attorneys to be found among the Indian people and some of these would have held their own in their championship of a cause at the bar of any white man's court.

As stated elsewhere, all law cases originating in the Indian Territory in which white people were involved, and all those in which Indians had been charged with the violation of Federal laws as well, had to be taken before a Federal court for trial, under the provisions of an act of Congress approved June 17, 1844. Until 1883, the United States Court of the Western District of Arkansas was clothed with original jurisdiction in all Federal cases from the Indian Territory, with the court sessions at Fort Smith.¹ By an act of Congress approved January 6, 1883, all that part of the Indian Territory north of the Canadian River and west of the Cherokee, Creek and Seminole nations (and including also the reservations attached to the Quapaw Agency) was attached to the judicial district of Kansas, with court sessions at Wichita and Fort Scott. By the same act, all that part of the Indian Territory south of the Canadian River and west of the Chickasaw Nation, was attached to the judicial district of Northern Texas, with court sessions at Graham, Texas. This left the area owned and occupied by the Five Civilized Tribes still attached to the Western District of Arkansas.²

The stories and traditions of Fort Smith and its Federal court and of the connections and relations of the same with the people of the Indian Territory, would fill a fair-sized volume. The famous "hanging judge" (Hon. Isaac C. Parker), who undoubtedly sentenced more convicted criminals to death than any other single magistrate in the history of American courts and judiciary; the culprits and renegades who were haled before the bar of this noted tribunal; the jurors—some of whom were capable and devoted and some of them not only incompetent but indifferent as well—into whose hands was committed the determination of the fate of the accused; the throngs of witnesses who had been transported thither for long distances, at the instance and expense of the prosecution, and the fewer (and more furtive) witnesses, who

1. U. S. Statutes at Large, Vol. V, p. 680.

2. U. S. Statutes at Large, Vol. XXII, p. 400.

came, some of them with perjury in their hearts and falsehood on their lips, at the instance of resourceful and not always scrupulous defense attorneys; the picturesque and sometimes swaggering deputy marshals, at least a few of whom were no more worthy than the accused defendants whom they led to the bar in manacles and chains; the idly curious public; the gallows and the hangman, the quaint architectural lines of the court building, with its clinging associations and memories of a pretentious frontier military post dating back more than a generation—all these united to form a picture which, once seen, could never be forgotten. This court was not always infallible, even though its presiding judge aimed to be fair and just in his rulings, for there were some miscarriages of justice—some in which innocent men were convicted on appearances or circumstantial evidence and others in which the guilty were cleared and went forth free to commit other deeds of violence and, mayhap, in the end, to meet a justly deserved fate in a more summary manner.³

While the Federal Court at Fort Smith held jurisdiction over the whole of the Indian Territory, a large part of the legal business from that source was handled by Fort Smith attorneys and legal firms though, occasionally, lawyers from the Kansas border on the north, and from the Texas border on the south, appeared in that tribunal to represent clients from the Territory. The division of the Indian Territory jurisdiction, whereby portions of its area were assigned to the Kansas and Northern Texas districts, had the effect of bringing more attorneys from those states into contact with Indian Territory affairs and materially lightened the work of the Fort Smith court, though it still had to handle the greater part of the Indian Territory cases. A few of the Indian lawyers had working agreements with Fort Smith attorneys and legal firms, helping to gather evidence and in the preparation of cases for trial. Fewer still of the Indian lawyers ever appeared in the Federal courts as practicing attor-

3. Romance, pathos, tragedy, despair—in fact nearly every phase of human sentiment and human fate—seemed to converge amid the scenes in the Federal court at Fort Smith. On one occasion, a young Creek Indian had been tried on a charge of murder, found guilty and sentenced to death. As the day of his execution drew near, the memories of his earlier life came flooding through his mind. In his early youth, he had been a pupil in the industrial school which was operated in conjunction with the Tullahassee Mission. In the midst of the gloomy and gruesome environments of the Federal jail, with the certainty of his impending fate before him, his thoughts turned back to the days when he was a pupil in the school at Tullahassee, where Mrs. A. E. W. Robertson had been his teacher. He wrote a letter to her, in his own language, for he knew that she could read it and that she would sympathize with him. He placed the letter in an envelope and addressed and sealed it. But he was penniless—he did not even have three cents with which to purchase a postage stamp. Without a stamp, it went to the jailor's office. The jailor and the guards all had other matters to occupy their attention and, besides, their experience in life had been such as to make them hard-hearted. Moreover, the condemned man was "only a bad Indian," who had forfeited all consideration of law-abiding people. The letter awaited the attention of some sympathetic soul who would see to it that it was sent to its destination. The day set for the execution arrived and the young Indian was led out to the gallows, where he paid the price of his crime which was exacted in the name of organized and orderly society. The unstamped letter still laid on the desk of the jailor, merely a curious memento of a misspent and broken life. One day, more than two years later, a casual caller at the jail office picked up the time-soiled missive and made an idle inquiry concerning its presence there. The story which followed appealed to his sense of appreciation of the pathetic. He stamped the letter and mailed it. The great-souled, gentle-spirited woman to whom it had been addressed so long before, received and read and understood the message which seemed to have come from the dead. In her heart, which seemed to encompass the whole of the Creek people, to whose betterment her life had been devoted, she mourned for the schoolboy of other days, whose steps had turned into the paths of evil, but who had remembered her and her teachings as his life was drawing toward its tragic end.

neys. There were virtually no white lawyers in the Indian Territory, other than the very few who had been adopted as inter-married citizens.

By the terms of an act of Congress, approved March 1, 1889—only two days before the passage of the Indian Appropriation Act with the amendment providing for the lands of the Unassigned District to homestead settlement—there was created a tribunal to be known as the United States Court of the Indian Territory, which was to hold its sessions at Muskogee.⁴ It was to have jurisdiction in all offenses against the Federal Government except such as had penalties involving capital punishment. All of the Chickasaw Nation and three-fourths of the area of the Choctaw Nation were placed in the newly created District of Eastern Texas, with its seat at Paris.

The appointment of court officials for the newly created District of the Indian Territory was among the first matters to receive the attention of the new administration of President Benjamin Harrison. General James M. Shackelford,⁵ of Indiana, was appointed as judge of the new court; Zachary T. Walrond,⁶ of Kansas, was named as the district attorney; Thomas B. Needles,⁷ of Illinois, was chosen as the United States marshal of the court. These officers promptly repaired to Muskogee and reported for duty. The first term of court was set for Tuesday, April 2, 1889—three weeks, lacking a day, before the opening of the Oklahoma lands to settlement. There were nineteen attorneys present and seeking the privilege of practicing before the new court. The names of these were: Z. T. Walrond, D. Stewart Elliott, Townsend N. Foster, Napoleon B. Maxey, Walter A. Ledbetter, S. E. Jackson, Ridge Paschal, Sampson O. Hinds, Elias C. Boudinot, Preston S. Lester, Joseph G. Ralls, Robert L. Owen, J. H. Crichton, W. D. Crawford, G. W. Pasco, S. S. Fears, James H. Atkin, D. M. Wisdom and W. C. Jackson. Part of these were possessed of credentials which secured their admission without examination and some of these were appointed as members of an examining committee to pass upon the qualifications of those who did not have certificates or

4. U. S. Statues at Large, Vol. XXV, pp. 783-88.

5. James M. Shackelford was born in Kentucky, in 1827. While but a youth in years, he served as a lieutenant of Kentucky volunteers during the Mexican War. After his return to civil life, he studied law and was admitted to the bar. At the outbreak of the Civil War, he was commissioned colonel of the 8th Kentucky Cavalry and was later transferred to the colonelcy of the 25th Kentucky Infantry. He resigned from the service in January, 1862, and, in March following, was commissioned a brigadier-general of volunteers. In July, 1863, he was in command of the troops which captured General John Morgan, the noted Confederate raider, who had crossed the Ohio River into Indiana and swept thence eastward, nearly across the state of Ohio. Shortly afterward, General Shackelford was assigned to the command of the 3d Brigade of the 4th (Cavalry) Division of the 23d Army Corps. Some months later, he was assigned to the command of the division. After the close of the war, he settled in Indiana, where he became active and prominent in political affairs. He served as judge of the United States Court of the Indian Territory from 1889 to 1893. When he retired from that position, he opened a law office at Muskogee, where he made his home until his death, in 1909.

6. Zachary T. Walrond was a citizen of Kansas, where he had been in public life, resigning a seat in the State Senate to accept the appointment as United States Attorney for the Indian Territory. After the expiration of his term in that office, in 1893, he opened an office for the practice of law at Muskogee, which he continued until his death, twenty-five years later.

7. Thomas B. Needles was appointed as the first United States marshal for the new Court of the Indian Territory, from Illinois. Some years after the expiration of his term in that office, he was appointed a member of the Commission to the Five Civilized Tribes, serving from 1897 to 1905.

credentials. Of the nineteen, three—Elias C. Boudinot, Ridge Paschal and Robert L. Owen—were members of the Cherokee tribe of Indians. Boudinot, already past the mature years of life, was one of the best known and ablest attorneys in the Southwest and had long been practicing before the Federal courts. Although a citizen of the Cherokee Nation, he was then a resident of Fort Smith. Paschal was a man of mature years, descended from a noted Cherokee family on his mother's side, while his father, a white man, had been an eminent jurist. Robert L. Owen, then in his early prime, was already prominent in the affairs of the Indian Territory. Of these nineteen attorneys, only five survive and none of them are as active as they were during most of the intervening period. With three or four exceptions, all of them were citizens of the states, though most of them subsequently became citizens of the Indian Territory and, eventually, of Oklahoma. Such, in brief, is the story of the coming of the first white man's court to what is now Oklahoma. Though its bar was small in the beginning, it numbered among its members some very able and worthy attorneys—men who were destined to have a large part, not alone in professional practice but also in civic and political leadership that came into play in the founding of a great commonwealth.

The bringing of a Federal court into the Indian Territory after a delay of nearly a quarter century following its first promise in the treaties of 1866, was not generally considered a great improvement over attachment to the respective jurisdictions of Federal courts in adjacent states, especially if it could meet only in one place and that not centrally located. In consequence of the dissatisfaction incident to such a condition, therefore, an increase in the number of towns in which terms of this court should be held soon began to be mooted. In September, 1889, a group of Congressmen who were members of the House Committee on Territories, including Representatives Samuel R. Peters and Bishop W. Perkins of Kansas; Charles H. Mansur, of Missouri; John M. Allen, of Mississippi; Charles S. Baker, of New York, and William M. Springer, of Illinois, visited the Indian Territory—including the newly opened and recently settled Oklahoma country. During the course of the visit of these gentlemen at Muskogee, the matter of the proposed division of the Indian Territory and the establishment of Oklahoma Territory was under discussion, the question of a suitable boundary line between the two territories being under consideration. While the northern and western boundary lines of the Chickasaw Nation were being pointed out on the map as an inevitable part of the boundary between the two territories, Mr. Allen (who was popularly known as "Private" John Allen) called attention to the distance of the Chickasaw country from the seat of the Federal court at Muskogee, and exclaimed: "The United States Court of the Indian Territory should hold one or two terms at Ardmore, each year." Indirectly the remark thus made led to the initiation of a movement which resulted in Ardmore being made the second Federal court town in the Indian Territory, a few months later.⁸

By the provisions of Section 9, of Chapter 182, of the acts of the 1st Session

8. A brief account of the beginning of the movement to have terms of the United States Court of the Indian Territory held at Ardmore is to be found in Appendix LI-1.

of the 51st Congress, approved May 2, 1890, commonly known as the Oklahoma Organic Act, there was created the Oklahoma Territorial Supreme Court, to consist of one chief justice and two associates.⁹ The duties and powers of this court were fully defined and prescribed. The individual members of this court were each to serve as judges of the Territorial districts as well, and as such, they were to have Federal as well as Territorial jurisdiction. The Organic Act made due provision for inferior courts, also.

Under the provisions of Section 30, of the same act, the United States Court of the Indian Territory was reorganized in three divisions, though with but a single judge. The first division, which was to be located at Muskogee, was to have jurisdiction over all cases arising in the Cherokee and Creek countries and also in those of the tribes belonging to the Quapaw Indian Agency. The powers and duties of this court were still further defined and amplified by other sections of the same act. Provision was made for the appointment of an assistant attorney and for the appointment of a deputy clerk in each of the two divisions of which the district attorney and the clerk were not residents. The work of the court was rendered much more effective by the grant of authority to the judge to appoint not exceeding three United States commissioners in each division.¹⁰ This reorganization of the Federal court in the Indian Territory afforded a measure of relief, though distances from some parts of the Territory to towns where court sessions were held still occasioned great inconvenience.

President Harrison appointed as chief justice of the Oklahoma Territorial Supreme Court, Edward B. Greene, and as associate justices, Abraham J. Seay and John G. Clark. In 1891, Justice Seay was appointed as Governor of the Territory and John H. Burford was appointed to fill the vacancy. With the change of the National administration at Washington, there came changes in the personnel of the courts of both Oklahoma and Indian territories in 1893. Charles B. Stuart was appointed to succeed Judge Shackelford as judge of the United States Court of the Indian Territory, while Justices Greene and Clark, of the Territorial Supreme Court of Oklahoma, were superseded by Frank Dale and Henry W. Scott.

An act of the 53d Congress, approved December 21, 1893, made provision for the increase of the size of the Territorial Supreme Court of Oklahoma by the addition of two more justices, Andrew G. C. Bierer and John L. McAtee being appointed to fill the new positions.¹¹ Later on in the same session, by the terms of an act of Congress approved March 1, 1895, the Federal Court of the Indian Territory was reorganized by making provision for two additional judges, the three districts being designated and composed as follows: (1) the Northern District, including the Cherokee Nation and the reservations attached to the Quapaw Agency; (2) the Central District, including the Creek and Seminole nations, and (3) the Southern District, including the Choctaw

9. U. S. Statutes at Large, Vol. XXVI, pp. 85-86.

10. *Ibid.*, pp. 93-94.

11. *Ibid.*, Vol. XXVIII, p. 20.

and Chickasaw nations.¹² The extra-territorial powers and jurisdiction of the Federal district courts of the adjacent states was ended and the Federal district courts of the Indian Territory were granted with exclusive jurisdiction. To this end, the three judges were also clothed with authority as ex-officio justices of the Indian Territory Court of Appeals. Constantine B. Kilgore, of Texas, and William M. Springer, of Illinois, both former representatives in Congress, and the latter one of the sponsors of Oklahoma in the House, were appointed to fill the newly created places on the Federal bench in the Indian Territory. Incidentally, the salary of the Federal judges in the Indian Territory was advanced from \$3,500 to \$5,000 per year, while that of the judges of the Territorial courts of Oklahoma remained at \$3,000 per year until before the end of the Territorial period, when it was raised to \$4,000—a discrimination that was not justified by the difference in the amount or character of the service rendered. It should also be remarked in this connection that all Federal judgeships in the Indian Territory were filled by appointment from outside its bounds, while only part of the appointments on the Oklahoma Territorial Supreme Court were of the class which was popularly known as “carpet bagger” appointments, *i. e.*, from outside the limits of the Territory.

When the majesty of the law first presented itself in parts of the two territories to which such institutions were new and unknown, it had to face some very novel conditions. This was especially true of some portions of Western Oklahoma Territory, where settlers were few and cattle range ideals and customs still prevailed. Judge John H. Burford’s reminiscences of his first term of court at Beaver, while related in a humorous vein, were not lacking in the element of grim earnestness as he told how he found it necessary to require everyone in the court room—attorneys, litigants, witnesses, jurors and idle visitors and loafers as well—to turn in their “shootin’ irons” to the deputy marshal and the court clerk, taking receipt for the same, so that each might claim his property after court adjourned, so that the custom of carrying six-shooters to court passed out of style, right from the start. Notwithstanding his preliminary course of taming, however, Judge John L. McAtee (who was a Maryland appointee) found some of the western Oklahoma counties “too wild and woolly” for his comfort and feeling of personal security, so he asked to be relieved of his assignment to preside over the district court terms in that part of the Territory, whereupon Judge A. G. C. Bierer who, having lived in the West almost from his youth, was able to adapt himself to the circumstances and conditions (and who is still engaged in the active practice of his profession in Oklahoma), volunteered to take that district—where he immediately won the confidence and respect of all who came in contact with him. The judge who rode such a circuit had long and not always pleasant trips to make, driving overland with a buggy or buckboard. Moreover, the hotels of that day, in the new towns, were not models of comfort or convenience, but a judge who could adapt himself to the conditions, and who could prove himself affable and a “good mixer,” never failed to win his way with the people.

12. *Ibid.*, pp. 693-98.

The population was increasing in both territories, hence the necessity of additional judges. The number of court districts in the Indian Territory was increased from three to four, by an act of Congress approved June 17, 1897.¹³ Its bounds included the whole of the Chickasaw country and it was designated as the Western District. The seats or locations of the courts of the four districts were, respectively, at Vinita, Muskogee, McAlester and Ardmore. The Indian Territory Court of Appeals was located at McAlester, the judge of the Southern District being its presiding justice. Most of the judges of these courts were selected as the result of political endorsements, yet, at that, they averaged fairly well as jurists. Most of them had been in public life (though few in judicial positions) before coming to take up service in one or the other of the two territories. Each of the two territories had unpleasant experiences with at least one misfit. The arbitrary and high-handed course pursued by one judge in Oklahoma was such as to almost lead to a local uprising and, eventually, it led to his involuntary retirement. Some of the ablest and most respected judges, on the other hand, were men who had been appointed from "the states" and who came under the "carpet bagger" classification, remained as citizens of territory and state after their official tenure had ended. Others, who were mere partisan opportunists, disappeared as soon as they were separated from the official pay-roll.

Although there was but little for lawyers to do in Oklahoma Territory until after the Organic Act was passed and went into effect, yet there was an over-supply of lawyers, good, bad and indifferent, right from the start. The opportunity to "help build another new state" had its appeal which could not be resisted. To the young men of the legal profession, it offered certain allurements that might easily be blended with the vocational career. To those of middle or later life, upon whom fate had not lavished her favors, it seemed to offer "another chance" for success in life. With the rest, the field seemed to beckon to some men of high character and worthy experience and to others of varied attainments and brilliant mentality. With these, unfortunately, there came an over-supply of professional adventurers, pettifoggers, shysters, and tricksters, who lacked not alone in ability but also in the elements of worthy ambition, purpose and common honesty.

An act of Congress, approved May 2, 1902, created places for two additional justices on the Oklahoma Territorial Supreme Court.¹⁴ By the act approved February 13, 1903, Congress made provision for the creation of twenty-six recording districts in the Indian Territory, each of which had its "court town," in which terms of the district court were held and in which deputy clerks of the court were required to keep offices. In a way, these recording districts and court towns corresponded to counties and county-seats, respectively. The deputy court clerks were ex-officio recorders of deeds. With the building of new railways, the discovery and earlier development of the oil resources and the rapid increase of population, there came such a growth

13. *Ibid.*, Vol. XXXI, p. 86.

14. *Ibid.*, Vol. XXXII, p. 184.

in the business of the courts that, in 1904, Congress authorized four new judges—one for each of the existing districts—in the Indian Territory. These were to have concurrent jurisdiction with those already on the bench, though with the distinction that they were not to serve on the bench of the Appellate Court of the Indian Territory. Each was, therefore, assigned to preside over the courts of certain recording districts, though, in emergencies, there might be temporary assignments elsewhere. The number of United States Commissioners had also been gradually increased, as population and business developed. These officials handled much of the business that would have been transacted by justices of the peace and by county courts, under state governments, as well as carrying out the instructions of the district courts and performing certain prescribed functions pertaining thereto.

With the coming of statehood in 1907, the territorial courts of both territories ceased to exist and were immediately replaced by the courts of the new State of Oklahoma. The new Supreme Court has consisted of a chief justice and eight justices. All are elected as justices, the members of the court electing the chief justice for the term of one year, thus making it possible to pass the honor around, not always with regard to eminent professional qualifications. While such a custom may have pleased the spirit of complacency in some instances, the position has sometimes failed to hold the distinction which should pertain to that high office. The choice of the chief justice, as such, rather than by perfunctory election by the other justices of the court would undoubtedly have a beneficial effect. The peculiar methods attendant on the campaigns which precede primary elections have had the effect of discouraging the aspirations of much of the really available judicial material; certainly, some of the personal campaigns which have been made for nomination to judicial offices of Oklahoma have not been such as to command the respect with which the courts of law should be held in the estimation of the citizenship of the commonwealth.

The over-crowded docket of the Supreme Court has resulted in the creation of supreme court commissions by legislative action by several sessions of the Legislature. Such tribunals were clothed with full appellate jurisdiction on all cases assigned by the Supreme Court. Each has been created for a definite term of from two to four years, its existence expiring by limitation.

A court of Criminal Appeals, clothed with exclusive jurisdiction in all appellate matters arising from the action of lower courts of the State in regard to criminal cases, was created by the First Legislature in 1908.¹⁵ This tribunal has always consisted of three judges or justices. It was first created to fill a temporary need and was to expire by limitation at the beginning of 1911. The Second Legislature passed an act giving it continuous existence unless otherwise provided by subsequent statutory enactment. This court has received national recognition because of its efficiency and fidelity to the recognized principle of justice and law, with the human element embodied as something more than merely an abstract fact.¹⁶

15. Session Laws of Oklahoma, 1907-08, p. 290.

16. Judge Thomas H. Doyle, who served continuously as a justice of the Court of Criminal Appeals, from the establishment of the Court in May, 1908, to January, 1929, not only served longer than any other judge of either of the appellate courts of Oklahoma but

During the earlier biennial sessions of the State Legislature, new tribunals designated as "superior courts," having concurrent jurisdiction with the district courts, were created for a number of counties. There was no popular demand for the establishment of such courts and, in most instances, no apparent need for such an additional means of public justice. Rather, they were commonly regarded as a means of rewarding aspirants for judicial honors who might otherwise have failed to be the beneficiary of public preferment, the positions thus created being filled by appointment of the Governor. Eventually these special courts were abolished by act of subsequent legislatures.

The ease with which appeals may be taken from the findings and rulings of lower courts in Oklahoma and the trivial pretexts upon which many appeals have been based, have resulted in not only overloading the dockets of the appellate courts but also in a distinct lowering of the feeling of respect for the courts on the part of the citizenship of the State. In numerous instances, at least, appeals have been filed merely for the purpose of delaying execution of judgment and without the remotest hope of ever being able to secure a reversal. A large part of the membership of the bar of Oklahoma is as thoroughly disgusted with the existence of such a condition as is the average intelligent citizen of the State. At this writing, the Oklahoma State Bar Association is striving for a more strict enforcement of professional ethics—an effort that is worthy of the encouragement and active support of the laity.

The bar of Oklahoma numbers among its members men who, in ability, integrity, leadership and personality, would be the peers of the ablest and most influential and useful in their profession anywhere. The influence of such men is being constantly exerted in the direction of higher standards of qualification for admission to the bar. Eventually, such an influence must result in great improvement and in ultimate benefit to society as a whole.

also gained nation-wide distinction because of the soundness and fairness of the opinions which he handed down and is generally recognized as Oklahoma's most eminent jurist. His rulings have also been accorded international recognition in the courts of some of the other English-speaking countries, which are members of the British Empire.



CHAPTER LIII

OKLAHOMA'S EDUCATIONAL SYSTEM

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When Oklahoma was opened to white settlement, in 1889, the organization of a public school system was not possible until after the passage of the Organic Act and the installation of a Territorial Government. During the year which intervened between the date of the opening and the establishment of the Territorial government, subscription schools were maintained in the larger towns and cities. The Organic Act provided for the organization of a system of public schools and appropriated the sum of \$50,000 for the support of the same until the necessary revenue could be raised by local taxation for their maintenance.

In accordance with the law under which the lands of Oklahoma were opened to settlement, two sections of each township (16 and 36) were reserved for the benefit of the public schools of the future commonwealth. When the Territorial government was installed, the organization of a public school system was promptly undertaken under the provisions of the Nebraska Statutes, which had been adopted by Congress to serve as the laws of the new Territory until its Legislative Assembly should amend or modify the same or substitute others in their stead. Professor J. H. Lawhead, of Kingfisher County, was appointed as Territorial superintendent of public instruction, and county superintendents were appointed for each of the seven counties. Superintendent Lawhead, who had been State superintendent of public instruction in Kansas before coming to Oklahoma, died before the expiration of his term of office and was succeeded by Reverend J. H. Parker, of Kingfisher. Superintendent Parker was one of the founders of Kingfisher College, a Congregational institution. He also served as president of that institution for several years.

In June, 1890, at the suggestion of Governor Steele, an educational meeting was held at Edmond. At this meeting a committee of teachers consisting of E. H. Umholtz and J. A. J. Baugus, of Oklahoma City; G. D. Moss, of Kingfisher; Mrs. Lucy E. Twyford, Mrs. Daisy Uhland Svegaberg and W. A. L. Hoff, of Edmond; and Henry C. Decker, of Guthrie, was selected to undertake the work of drafting a code of school laws for submission to the Legislative Assembly. This committee did most of its work at Oklahoma City. About three weeks were spent in the formulation of the measure which served as a basis for public school legislation during the session of the First Territorial Legislative Assembly which followed. The members of the committee served without compensation other than their expenses, which were defrayed from a fund that was raised by popular subscription among the citizens of Oklahoma City.¹

The First Territorial Legislative Assembly enacted the necessary laws

1. Personal information furnished to the writer (J. B. T.) by Superintendent George D. Moss.

for the location and establishment of the University, at Norman, the Agricultural and Mechanical College, at Stillwater, and the Normal School, at Edmond. All of these institutions were organized during the following years. Changes in the administration of the Agricultural and Mechanical College and the Normal School were frequent during their earlier years. Some able men were called to fill these positions, but petty politics and the machinations of agents and schoolbook publishers disgusted and drove several of them from the Territory. Dr. David R. Boyd, who was selected as the first president of the University of Oklahoma, succeeded in steering clear of such troubles and filled that position until the university was reorganized under the State government, in 1908.

The Legislative Assembly of 1897 passed an act providing for the establishment of the Northwestern State Normal, at Alva. In 1901 the Assembly made a provision for the establishment of two additional State schools—the Southwestern State Normal which, after some contention and litigation, was finally located at Weatherford, and the University Preparatory School, which was located at Tonkawa.

After the homestead lands of Oklahoma were mostly taken up, inquiries reached the Governor of the Territory as to when the school lands would be placed on sale. In reply to all such inquiries it was stated that the lands could not be sold until after Oklahoma had been admitted into the Union as a State. Some of these lands were already occupied by squatters who were using the same without permission and without paying rent. The matter was referred by the Governor to the Secretary of the Interior. Shortly afterward, the United States Senate passed a bill, the purpose of which was to provide for the leasing of the public school lands of Oklahoma Territory. The bill unfortunately did not pass the House of Representatives. The Fifty-third Congress, however, did pass an act which authorized the Territory to lease the school lands under proper regulation, and the course thus taken was followed and continued with but little change until the end of the Territorial period.² The moneys derived from leasing were divided among several counties pro rata, according to their school population. A district school was established in nearly every community within a year after its settlement. These pioneer school houses were not always pretentious. Indeed, when funds were scarce or lacking altogether, the humble edifice was often built by community effort, with the materials at hand. Those in the eastern counties, where the timber was plentiful, were built of logs. In the prairie region, the first school house in the district was sometimes built of sod or turf. In either event, such a building served its purpose for the time being.

In the Indian Territory, each of the Five Civilized Tribes had its own educational system, with its national superintendent of schools. These schools consisted of two classes, namely, (1) the district schools which, while somewhat primitive in type and in character of work done, were analogous to the rural district schools then maintained in the states and other territories, and (2) the tribal academies and seminaries, most of which were of the

2. United States Statutes at Large, Vol. XXVI, p. 1023.

grammar school grade, though there were a few which approximated the high school grade. In addition to these there were a number of mission schools scattered throughout the Five Civilized Tribes, and operated by missionaries of some one or other of the various evangelical mission boards. The town of Muskogee was quite an educational center during the larger part of the period between 1890 and 1910. Bacone Indian University, a Baptist institution, Harrel International Institute, a Methodist institution, and Henry Kendall College, which was under the patronage and control of the Presbyterian Church, were leading institutions of this class. There was also a Catholic College established and maintained at Muskogee. Willie Halsell College, at Vinita, and Hargrove College, at Ardmore, both under the patronage of the Methodist Episcopal Church, South, also flourished at this period.

A number of denominational colleges had been developed in the former Territory of Oklahoma, including Kingfisher College (Congregational); Phillips Christian University, at Enid; Oklahoma Methodist University (now the Oklahoma City University) at Guthrie; and the Oklahoma Baptist University, at Shawnee. Kingfisher College continued for a number of years after the State was admitted to the Union, but was finally discontinued for lack of adequate support. On the Indian Territory side, Henry Kendall College was moved from Muskogee to Tulsa, where it has since been reorganized and which is now known as the University of Tulsa. Sacred Heart Mission and School (Roman Catholic) was established in the Pottawatomie country in 1873, by the Benedictine Order. While this mission and school has been continued on the old site, St. Gregory's College, at Shawnee, also conducted by the Benedictine Order, was practically an outgrowth of the mission and school at Sacred Heart. The Catholic College and St. Joseph's Academy were instituted under the direction and management of the Sisters of Charity, at Guthrie in the early Territorial days.

When the University of Oklahoma was reorganized in 1908, Reverend A. Grant Evans, who was long associated with missionary education in the Indian Territory and who served for many years as president of Henry Kendall College, was installed as president, a position which he held for three years. Reverend Theodore F. Brewer, who had served as president of Harrell Institute, at Muskogee, during the Territorial period, was also connected with the university for a time after its reorganization. Within three years after the organization of the State, the number of state institutions of learning was increased by the addition of a School of Mines, at Wilburton; the College for Women, at Chickasha; three more normal schools, located respectively at Ada, Durant and Tahlequah; six district agricultural schools, located respectively at Lawton, Tishomingo, Warner, Broken Arrow, Helena and Goodwell. (The agricultural schools at Helena and Broken Arrow were subsequently discontinued.) One additional university preparatory school was established at Claremore, thus making a total of eighteen State educational institutions, exclusive of the Industrial and Normal School for Colored People at Langston (established in 1897), and those of eleemosynary, or reformatory character.

With the passage and approval of the Curtis Act, in 1898, the control of the school systems of the Five Civilized Tribes was taken over by a Federal school administration. The tribal funds were supplemented by Federal appropriation which made it possible to furnish schooling also to the children of non-citizen white people, who were mostly tenement farmers. Also the common schools of the Five Civilized Tribes were brought under a uniform system for the first time. To the supervision of this important work, John D. Benedict, an Illinois educator of experience and standing, was appointed. He was assisted by four district supervisors. Under his direction the schools of the Indian Territory were radically remodeled and improved. The standard of requirements for teachers was raised and normal institutes were regularly held at different points in the Territory each year. As far as possible, the facilities afforded by the tribal schools were made available to the children of non-citizens who resided in the Territory, the tribal school funds being supplemented as already stated, by a Federal appropriation made partly for that purpose. As the various towns and cities were surveyed and incorporated, they were enabled to levy taxes for the building and support of schools. The first school district organization in the Indian Territory was effected at Wagoner, in 1897, that town having been incorporated a short time before. Although each of the local school districts was independent of the Federal Indian school system, the local and Federal school authorities coöperated in maintaining the best standards possible. Superintendent Benedict remained at the head of the Indian school service until statehood had made possible the organization of a permanent school system.

One of the provisions of the Enabling Act, by which Oklahoma was to be admitted to the Union, was an appropriation of \$5,000,000 to the permanent school fund of the new State, for the reason that there had been no lands reserved for the benefit of schools in the Indian Territory. The management of this \$5,000,000 appropriation for the endowment of the public schools has been administered by the State School Land Board. A large portion of the school lands were sold and money placed in a permanent school fund, being invested in first mortgage farm land loans.

The Eighth Territorial Legislative Assembly enacted a law in 1905 to authorize the consolidation of rural school districts in the larger communities. People were slow to adopt this system, but the number of consolidated district and township schools in Oklahoma is slowly increasing and good high schools are thus maintained in a number of rural communities, where it was formerly believed that only the old time district school with its meager facilities, low standards and minimum achievements was possible.³

3. When the bugle sounded the call to arms for the War with Spain in 1898, many an Oklahoma school boy felt his pulse quicken and a number of them enlisted in either the regular or voluntary military service. One of these, Roy Cashion, who had graduated from the Hennessey High School less than a year before, enlisted in the 1st United States Volunteer Cavalry (Roosevelt's "Rough Riders") and was killed by a Mauser bullet during the charge up San Juan Hill—the first Oklahoma school boy to give his life for his country on foreign soil. His remains were subsequently brought back for burial at his home and a subscription was started for the purpose of erecting a monument to his memory. This was afterwards supplemented by a legislative appropriation. A handsome monument was erected and unveiled in the presence of a large gathering of patriotic citizens.

The honor of being the first to fill the office of State Superintendent of Public Instruction fell to Reverend E. D. Cameron, who had previously served as Territorial Superintendent of Public Instruction for one term (1893-97). The first State Legislature enacted a law providing for a uniform system of textbooks throughout the State, and the first adoption was made in the summer of 1908. The system of county normal institutes which had prevailed in Oklahoma Territory was continued for a number of years after statehood was attained, but eventually these gave way to summer sessions at State institutions.

At the beginning of the administration of Governor Cruce (who had himself served as a regent of the university), a progressive step was taken in the unification of the supervisory control of all State institutions of learning, except those which, by law, were under the control of the Board of Agriculture, with the State Board of Education at the head of the system. This system was continued through Governor Williams' administration. In 1919, however, the Legislature enacted several measures whereby seven new boards of regents were created for as many different State institutions, while the State Board of Education was left in control of the normal schools. Thus, with the Board of Education, the Board of Agriculture and the seven boards of regents, there is a total of nine boards of control, the functions of all of which are successfully and economically performed in other States by a single board of control.

While the legal proviso that all agricultural and mechanical schools and colleges should be under the control of the Board of Agriculture was doubtless made with the best intention, it can scarcely be said to have operated as satisfactorily as its projectors had hoped. Indeed, the harmful effects of the machinations of petty politics have all too frequently been manifest; moreover, the unnecessary duplication in supervisory control has prevented unification in other educational lines, as, for instance, in the creation of still another State board for the direction of vocational training, because neither the Board of Education nor the Board of Agriculture would have been content to see the performance of such functions by the other.

Regrettable as it may seem, all that has been said of politics in the agricultural schools has been equally true of the normal schools. Of this, the multiplicity, variety and differing attainments of the normal school presidents that have passed across the stage of temporary prominence may be cited as abundant evidence. While some able and worthy men have been included in the list, these seemed to fare no better than the less competent and least worthy. Whether Oklahoma's higher educational system has yet reached its permanent form, remains to be seen since, in the long run, it must be judged by its efficiency, rather than by its size.

Governor Cruce urged that the Legislature reduce the number of State institutions but, since their influence stood as a unit in that body, no action was taken in regard to the matter. Governor Williams went farther, however, in that he vetoed the appropriations for several of the less important State institutions, so the same were virtually discontinued for a time. Those minor and secondary institutions which had thus been temporarily discon-

tinued as the result of the exercise of the veto power by Governor Williams, were not only rehabilitated, but one additional State institution—a second school of mines at Miami—was established in 1899, however! The folly of such an unnecessary duplication having become apparent, this last school was subsequently reorganized as a junior college.

While it is a fact that has quite generally escaped public notice, the most pronounced feature in the way of educational development in Oklahoma, since the advent of statehood, has been that of its secondary school system. The high schools of Oklahoma have been largely standardized in recent years not only as to requirements for admission, courses of study, etc., but also the qualifications of instructors. Vocational training has been successfully introduced into a number of the leading high schools of the State and is proving such a valuable adjunct that it is evidently only a question of time until instruction in such beneficial branches is quite generally introduced and maintained in all high schools throughout the State.

The high schools of several of the larger towns of the State are offering a year or more of post-graduate work, for which credit can be received at the University of Oklahoma. More and more, are the high schools of Oklahoma being drawn into active affiliation with the higher educational system of the State. And, since the education of but a small percentage of the population can ever be carried beyond the high school, it is eminently fitting and proper that the attractiveness, efficiency and usefulness of the high schools of Oklahoma should be pushed to the highest possible stage of development.

An Educational Survey—The special session of the Eighth Legislature passed an act, approved May 16, 1921, providing for the creation of an educational survey commission and making an appropriation of \$20,000.00 for the purpose of defraying the expense of such a survey. The commission was to consist of five members, one of whom was to be the State Superintendent of Public Instruction and the other four to be appointed by the Governor. Governor James B. A. Robertson appointed Messrs. George F. Southard, of Enid; Charles L. Brooks, of Sapulpa; J. A. Duff, of Cordell, and Cyrus S. Avery, of Tulsa, as members of the commission, with State Superintendent Robert H. Wilson as chairman *ex-officio*.

The commission met and organized in Oklahoma City, November 15, 1921, at which time its chairman was authorized and directed to enter into negotiations with Commissioner of Education John J. Tigert, of the United States Bureau of Education, with a view to having the actual work of making such a survey under the direction of the educational experts of that office. The negotiations thus opened were continued for some weeks with the result that, January 17, 1922, the bureau accepted the invitation to conduct the survey as requested by the Oklahoma Commission.

Although the estimated budget of field and office work, transportation and compensation of investigators, other than members of the bureau staff, was nearly \$5,000.00 in excess of the sum appropriated, the gathering of the desired information and the arrangement and tabulation of the same was mostly

performed during the year 1922. Ten members of the bureau staff and thirteen educational experts from other States, were employed on the undertaking. A voluminous report, replete with findings, constructive criticisms and recommendations was rendered. Of this report, a digest was published, summarizing the facts as disclosed by the survey.

While the money thus appropriated and used was believed at the time to have been wisely expended, Oklahoma has not profited by most of the work thus carried out, for the reason that no serious effort has been made, either by the succeeding legislatures or the educators of the State, to give Oklahoma the benefit of the systematic study thus made. The one possible appreciable beneficial result of this survey may be found in the passage of a bill making a liberal appropriation for the aid of weak schools, whereby districts having property valuations too low to warrant the maintenance of at least an eight months' term, have been enabled to conduct schools for such a minimum term each year. This was provided by the Legislative sessions of 1925-27 and, presumably, such a policy will be continued by succeeding legislative sessions so long as the same may be necessary.

Indian Education—Since the admission of Oklahoma to the Union, the number of schools and other institutions devoted to the education and training of Indian children and youth has steadily decreased, for the reason that, more and more, they are attending the public schools. By the process of consolidation and abandonment, more than two-thirds of the government, or reservation schools have been discontinued until not more than half a dozen of these are still in operation. The noted Indian Industrial School, at Chilocco, in the northern part of Kay County, at which there is a general attendance of representatives from many tribes, not only from Oklahoma, but also from a number of other states, is still maintained by the Government. It carries courses not only in the grades, but also those of a full high school curriculum. It gives thorough training in agriculture, the mechanic arts, domestic science and household economy.

Of the Five Civilized Tribes, only two—the Choctaw and Chickasaw nations—still operate any tribal schools. In the Choctaw Nation, Jones Academy (for boys), at Hartshorne, and Wheelock Seminary (for girls), at Millerton, are still in operation. Armstrong Academy and Tushkahoma Seminary, were also continued for several years after the admission of Oklahoma as a State, but each was accidentally destroyed by fire and neither was rebuilt. In the Chickasaw Nation, Bloomfield Seminary was rebuilt at Ardmore, after its last disastrous fire on the original site. All of the institutions are supported by funds derived from royalties on coal, mined on lands jointly owned by the Choctaw and Chickasaw people, and from rentals on segregated and unallotted lands.

In addition to the foregoing, there are several educational institutions for Indians which are conducted by various religious denominations. Of these, St. Patrick's Mission, at Anadarko, and St. Agnes Academy, at Antlers, are established by the Roman Catholic Church. Dwight Indian Training School which was among the Western Cherokees, in Arkansas, in 1821, and moved

to the new Cherokee country, on the Sallisaw, in the present Sequoyah County in 1829, and which was reestablished in 1884, after having been abandoned in 1861, is still in operation. Although located in the Cherokee country, its students represent several tribes. Goodland Mission, established in 1847, has the distinction of being the oldest institution of its class in Oklahoma that has been in continuous operation ever since. For many years, its superintendents have been full-blood Indians. It is located a few miles southwest of Hugo, in Choctaw County, and practically all of its pupils are of the Choctaw tribe. Both Dwight and Goodland are maintained under Presbyterian missionary auspices.

Bacone College, at Muskogee, was founded by the Baptist Church, back in Territorial days, exclusively for the education of Indians, and it has been continued for that purpose to the present time. It is now a well equipped institution, having a large and sightly campus, a number of buildings and an able corps of instructors. The University of Tulsa, originally established as Henry Kendall College, at Muskogee, was also designed for the education of Indians and, indeed, most of its students and graduates were of that race, down to the time of its removal to Tulsa.

Not only do Indian pupils attend the public schools but Indian students and those of Indian descent may be found in representative numbers in most of the State's higher institutions of learning, whence many of them have graduated.

Much more might be written of the University of Oklahoma, of the Agricultural and Mechanical College and of the several teachers colleges. All of these have been the recipients of generous support at the hands of the commonwealth, and each is well equipped for its work. There has been some needless duplication and not all are located as well as might have been, while several might have had more sightly topographical settings. However, considering the circumstances and influences under which each was founded, each is filling the purpose for which it was designed. Each is well patronized and the helpful effect and beneficent influence of these institutions is already being made manifest in the progressive and resourceful leadership which is now coming on the stage of action in the life of Oklahoma.

Education Associations—The Territorial Teachers' Association was organized early in the Territorial period of Oklahoma. County teachers' associations were likewise instituted in all of the counties of the Territory, meeting quarterly. The Territorial Association held annual meetings.

After the Federal Government took over the administrative supervision of national school systems of the Five Civilized Tribes, in the Indian Territory, in 1899, local and territorial teachers' associations were organized and maintained in the Indian Territory also. After the two territories were united in the organization of the State of Oklahoma the old territorial teachers' associations were merged and reorganized under the name of the Oklahoma Education Association. This institution has the largest membership of all of the professional associations in Oklahoma.

The Oklahoma Teachers' Association maintains an office in Oklahoma

City, with a salaried secretary and office staff. The association published a monthly magazine, called the "Oklahoma Teacher," of which its secretary is the editor and manager. Through the mediums of this publication and the correspondence of the secretary's office, the Oklahoma Education Association is enabled to keep in close and intimate relationship with the educational interests of the entire State.

The Oklahoma Historical Society—The Oklahoma Historical Society was organized at Kingfisher, Oklahoma, May 27, 1893, during the course of the annual meeting of the Territorial Press Association. Mr. William P. Campbell, of Kingfisher, who, as a member of the Kansas Editorial Association, had assisted in organizing the Kansas State Historical Society, in April, 1875, discussed the advisability of organizing a similar society in Oklahoma, and closed by moving that the editors assembled in their annual association meeting proceed to organize the Oklahoma Historical Society.⁴ The motion prevailed and Mr. Campbell was chosen as the first custodian of the newly organized historical society. Two days later issued the following "Circular No. 1," which was widely disseminated over the Territory:

KINGFISHER, OKLA., May 29, 1893.

At their annual meeting in this city, May 27th, the editors of Oklahoma created a department in connection with the association, to be called the Oklahoma Historical Society, of which the undersigned was elected as secretary and custodian to serve for the ensuing year.

The object in establishing this department is the collection of newspapers, books and periodicals, productions of art, science and literature, matters of historic interest, etc. It is especially desired that publishers send regularly two copies of their publications to be filed and bound at the end of each year.

While this is designed as an Oklahoma institution, anything of the nature suggested, will be thankfully received from any source, and will be given a proper place among the exhibits.

For the present, headquarters will be at Kingfisher, where a suitable building has been secured for the storage, safe care and proper exhibition of contributions.

Those feeling an interest in laying the permanent foundation for one of the most important institutions of Oklahoma, are requested to forward as early as possible, and as often as they secure them, any articles that may seem of historic interest, beautiful, instructive or curious. Address prepaid.

W. P. CAMPBELL, Historical Custodian, Kingfisher, O. T.

The county commissioners of Kingfisher County furnished the room in which the beginning of the collections of the new society could be assembled. The custodian and his brother furnished stationery and postage, and means for other small incidental expenses. And thus the newly created "institution" made its bid for popular interest and support. What was lacking in the way of support was more than made up by the never failing enthusiasm of the Society's projector and custodian. A year and a half later when the Third Territorial Legislative Assembly was asked to make a modest appropriation for the support and continuance of the Society's work, a bill

4. There were more newspaper men in Oklahoma from Kansas during the earlier years of its Territorial period than from any other State. The newspaper men of that State had a large part in the organization of the Kansas Historical Society. In a number of cases editors and publishers were sending copies of their papers to the Kansas Historical Society for preservation, just as they had done while living in that State. Consequently, Mr. W. P. Campbell's suggestion about the organization of a similar institution in Oklahoma was like good seed on fertile soil.

was formulated and introduced for this purpose. Later on, certain amendments innocent enough in appearance, were made to the bill, and with the cordial endorsement of Governor Renfrow, this measure was passed.

It so happened that, though the Historical Society had been organized for nearly two years, and had been actively engaged in collecting newspaper files, books, documents and other data, it had not taken the precaution to secure articles of incorporation. A meeting of the society was called to convene at Perry, on the 13th of February, 1895, for the purpose of arranging to incorporate. It was then found that, on the 16th of the preceding month, an association identical in name and purpose had been organized at the University at Norman, and that it had filed articles of incorporation as "the Oklahoma Historical Society," January 21, 1895. Inasmuch as Governor Renfrow had specifically mentioned the original organization in his message, ten days before the organization of the new society at Norman, there is no reason to believe that those who inspired the last-mentioned movement were in ignorance of what had already been done at Kingfisher. However, it was evident that in case of a conflict of claims before the Legislative Assembly, neither society could hope to secure any support by public appropriation, consequently a consolidation was effected, and the headquarters of the society were established at the university.

Custodian Campbell was instructed to ship the collections of the Society to the Territorial University at Norman, which he did. After the material had been received there and duly installed by him, he was informed that his services were no longer needed. As there had been no intimation of such action prior to the shipment of the collection to Norman, nor during the time he was engaged in installing the same in the University building, this was naturally more than a mere surprise to him, though it was characteristic of practical politics as the game was then being played in Oklahoma. Subsequently William T. Little,⁵ of Perry, was appointed as custodian, a position which he held until the summer of 1899 when he resigned. During the ensuing two years the custodianship was held by several university students in succession. During this time the collections of the Society, aside from the newspaper files of the State, received little, if any attention.

When the Fifth Legislative Assembly was considering the item of an appropriation for the Oklahoma Historical Society, a proviso was inserted, giving to the governing board authority to move the collection away from the university, in case it was deemed advisable, in order to place it where it would be more secure. Nine months later, it was moved to Oklahoma City, where it was offered fireproof quarters in the newly erected Carnegie Library. (This was a most providential change, as the building in which it had always been quartered at the University was destroyed by fire, fifteen months later.) Sidney Clarke served as custodian for a time, as also did Mrs. Marion Rock. In 1904, Mr. W. P. Campbell, the real founder of the Society and its first custodian, was asked to take charge of its collections again, and it remained the center of his interest and activities until the time of his death.⁶

5. For sketch of W. T. Little, see Appendix LIII-1.

6. For sketch of William P. Campbell, extracted from *Chronicles of Oklahoma*, Vol. II, p. 2, see Appendix LIII-2.

In 1908, the collections of the Society were temporarily removed from the Carnegie Library building and placed in storage while that structure was being remodeled and enlarged. With the occasional help of temporary employees, Mr. Campbell continued as the sole member of the Society's staff until 1908, when the permanent employment of a file clerk was authorized. Shortly after that, the quarters of the Society becoming overcrowded, part of the collections were stored in another building. In 1917, the new capitol having been erected, quarters were secured for the Oklahoma Historical Society in the basement thereof and two additional employees were added to the staff. Since that time the collections of the Society have continued to grow and there has been much congestion of its quarters in consequence. Since 1922 it has regularly published a quarterly magazine called, "Chronicles of Oklahoma."

The Eleventh Legislature made an appropriation for the purchase of additional library and magazine equipment, since which time the library and museum collections and offices of the Society have been moved and re-installed in more commodious, though still inadequate quarters in the basement and corridors of the Capitol. In 1929, the Twelfth Legislature appropriated \$500,000.00 from the State's public building funds, for the erection of a building specially suited for the housing and installation of the Historical Society and its collections. It is worthy of comment that this measure passed both branches of the Legislature with but two dissenting votes in each house. The signal success of the Society in its effort to this end was due chiefly to a favoring public sentiment rather than to skillful lobbying. The new building is to be erected on the grounds of the State Capitol and will eventually constitute one of the most interesting and useful edifice in the ultimate capitol group.

For many years the Society membership was limited to newspaper publishers, who contributed their files for preservation in its collection. Naturally but few of these took an active interest in the undertaking, most of them being members in name only. In addition to the publishing members, the Society now has a large list of voluntary members, both annual and life. Its influence and usefulness has grown with the years, and its library and documentary collections are being increasingly used for research purposes by students, writers and others.



CHAPTER LIV

COMMERCIAL AND FINANCIAL

CHAPTER LIV.

COMMERCIAL AND FINANCIAL.

As stated in one of the earliest chapters in this work, traders entered the present Oklahoma within a very few years after the expedition of the first French explorers. French traders, operating from the Post of Arkansas, on the lower Arkansas River, and from Natchitoches on Red River, in Louisiana, plied their business in Oklahoma throughout the last two-thirds of the eighteenth century and until the arrival of the first English-speaking American traders, after the close of the second war with Great Britain, in 1815.

The French traders carried in stock those lines of goods for which there was a keen demand, including blankets, shawls, red flannel, beads, cheap jewelry, knives, mirrors, etc. In bartering such wares with the Indians, the French traders received furs, pelts and robes, chiefly. Most of the transportation of goods and wares was by water, in pirogues (dug-out canoes) or bateaux, though pack horses were in use to some extent.

The first American traders came just as the French traders had, by the rivers. They also carried much the same stocks in trade, with the exception that they were forbidden to trade or even carry intoxicating liquors in the Indian country. They bartered for the same sort of Indian wares that the Frenchmen had taken in trade, also purchasing horses. Some of this trade was carried on in substantial trading posts, built of logs which were set on end in the ground, picket fashion. However, much of it was sent directly to the Indian camps with wagons or pack trains. This mode of traffic continued as long as the Indians hunted buffalo.

The first merchants, in the ordinary sense of that word (*i. e.*, those who established and maintained a permanent place of business, or "store,") came with Indian migrations from the East, though these were commonly called traders. While these carried in stock many of the same commodities that had been handled by the old time Indian trader, they also carried goods and wares that were suited to the needs of the civilized Indians and frontier white settlers, including boots and shoes, cheap clothing, dry goods, garden tools, simple farm implements, saddles, harness, etc.

As the lands of the Indian Territory were developed, not only Indian farmers, but white tenant farmers as well, engaged more or less extensively in the production of cotton. Cotton, being grown almost exclusively on many farms, it followed that many if not most of the cotton farmers had to be financed at least in part. The result was the development of credit-dealing traders who furnished the necessities of life "on time" and, at the end of the crop-growing season, purchased the cotton and effected settlements with the indebted growers. While not much can be said in favor of such a system of husbandry, it was based on a scheme of business organization through the operation of which some men were enabled to achieve financial independence.

During the period just described—from 1875 to 1889—all banking had to

be done across the line in neighboring states, as there were no banks in the Indian Territory. During the cotton ginning season, when all cotton buying traders had to carry considerable cash on hand, considerable sums, in specie and bills, were carried in from banks in towns across the line on the border of neighboring states, sometimes by some very guileless looking travelers.

Simultaneously with the opening of the Oklahoma country, the first banks were opened for business in the Indian Territory towns of Ardmore, Muskogee and Vinita, just about the same time that the first banks were opened for business in Guthrie and Oklahoma City. Indeed, the dispute as to which town had the first bank is still unsettled.

The opening of Oklahoma brought all forms of retail business to the new towns, many lines being badly overcrowded. Banks, too, soon appeared on the scene. One of the leading business houses of Oklahoma City, at the present time, was opened in a tent while the newly settled community was still trying to "find itself." A few days later, it moved to a hastily constructed shack and, after several weeks, to a framed building. Likewise, the beginning of Oklahoma City's leading bank now in operation was opened for business in a tent. The story of the earlier development of the banking business in Guthrie, Oklahoma City, and other towns of Oklahoma Territory, during the pioneering period, of the vicissitudes through which they had to pass and of the expedient to which they had to resort, would fill a fair sized volume of really thrilling interest. Among other experiences, they had to meet panic conditions and face runs on the part of excited depositors, which was a very grim phase of the business.¹ It is a long call from the small banks of the early pioneering period of the Territory to the great institutions which are now the head of bank chains, with not only great resources in cash and unquestionable securities behind them, but also with wonderful organizations which guarantee their safe and conservative management.

There was no wholesale business in the Indian Territory. Its traders depended on St. Louis, Kansas City, Fort Smith and Texas wholesale points for supplies to replenish their stocks when depleted. So, too, the retail merchants of the newly settled towns of Oklahoma secured goods to keep up their stocks from Kansas City, Wichita, Fort Worth and Dallas. The single exception was the one small wholesale grocery house of the Williamson-Halsell-Frazier Company, at Guthrie. When the St. Louis & San Francisco Railway was extended to Oklahoma City from Sapulpa, in 1898, this Guthrie wholesale grocery house opened a branch house at Oklahoma City. This small branch house was the nucleus of Oklahoma City's wholesale trade. Within a year thereafter, there were half a dozen other wholesale houses in Oklahoma City, so that it became the first wholesale and jobbing center in Oklahoma Territory. Practically all lines of wholesale trade have been represented for a number of years past. Not only has the number of lines increased, and the number of firms and corporations in each line also, but several of the first wholesale firms in the field have increased their business, buildings, equipment and stock to many times what the same were in the beginning. This

1. A story of the bank run in Oklahoma City, during the panic of 1893, is to be found in Appendix LVI-1.

premier lead in wholesale trade has been successfully maintained by Oklahoma City, as indicated by freight traffic and express statistics, bank clearings and postal receipts, as well as by the number of corporations and firms engaged in the wholesale and jobbing business.

After Oklahoma City and Tulsa, would come Muskogee, Enid, and Ardmore, all of which have fair volumes of trade and are recognized as wholesaling centers. There are ten or a dozen other cities in Oklahoma which have considerable local wholesale trade, though, of course, not many lines are included.

In the Indian Territory, the passage of the Curtis Act and the increasing activities of the Dawes Commission, during the closing years of the nineteenth century, seemed to give promise of more settled business conditions within a few years, consequently the first wholesale houses began to appear in Muskogee, Ardmore and McAlester. Then, with the dawning of a new century, came the discovery of the first oil wells at Red Fork. A few miles distant, across the Arkansas River from the Red Fork oil field, was the town of Tulsa, as yet little more than a village, with practically nothing to even suggest any more promise of the development of a city of metropolitan proportions than any one of twenty-five or thirty other Indian Territory towns of that day. Oklahoma City, distant more than a hundred miles to the southwest, and near the geographic center of the two territories, with three railway lines in operation and others projected, was already on the way to commercial supremacy. Muskogee, sixty miles down the Arkansas River, located at the "Three Forks," had been foretold by the noted traveler and scientist, Thomas Nuttall, more than eighty years before. Moreover, in the matter of the diversity of the resources of the surrounding region, the location of Muskogee was unsurpassed by anything in the two territories. In the other hand, Tulsa was merely located where the Arkansas River was intersected by the St. Louis & San Francisco Railway, with several oil fields, proven but small, in contiguous territory. The makings of a great city were not apparent, even to many keen-eyed observers. But Tulsa had men—men who possessed vim as well as vision—and these, with the coöperation and support of others who joined them afterward, have made the dreams of that day of beginnings come true.

In each of the two territories the banks were of two classes, namely, (1) national and, (2) territorial. All national banks, of course, were organized and conducted in conformity with the Federal banking laws, just as that class of institutions were in the states. In the Indian Territory, the territorial banks secured their charters from the clerk of the Indian Territory Court of Appeals, at McAlester, who was empowered to perform that duty by act of Congress, which adopted the banking law of the State of Arkansas for use in the Indian Territory. The banks of this class were usually of small capitalization—\$5,000.00 or \$15,000.00—and few of them had an authorized capital of more than \$25,000.00. As these charters were made perpetual, a number of such banking institutions are still in existence, including several that have an authorized capitalization of only \$5,000.00.

The Territory of Oklahoma had its own banking laws, which were admin-

istered under the direction of an officer known as the Territorial Bank Commissioner. There were a number of banks in Oklahoma Territory which were chartered for a minimum capitalization of \$5,000.00. All such charters have expired, however, and in applying for a renewal, each of these was required to increase its capital to at least \$10,000.00, which is the minimum capitalization allowed by the state banking law. Indeed, for a number of years past, the State Banking Board has issued no charters for any new banks with a capitalization of less than \$15,000.00, though the law permitting the establishment of a bank with a capitalization of only \$10,000.00 is still in effect. The State Banking Board consists of three members, appointed by the Governor, the same to be selected from a list of nine nominations submitted by the State Bankers' Association. The Governor also appoints a state bank commissioner who is ex-officio chairman of the State Bank Commission.

One of the real problems of the banking business has always been that of making deposits secure to the patrons. Various plans have been tried in different states, some of which have been successful for a time, but, eventually, all have failed. Oklahoma had a bank depositors' guaranty law for a number of years, but its strength was not equal to the strain that was put upon it so it met with ultimate failure. Eugene P. Gum, secretary of the Oklahoma Bankers' Association delivered an address at Boulder, Colorado, in June, 1924, in which he fully explained the workings and weak points of the guaranty law. Mr. Gum spoke in part, as follows:

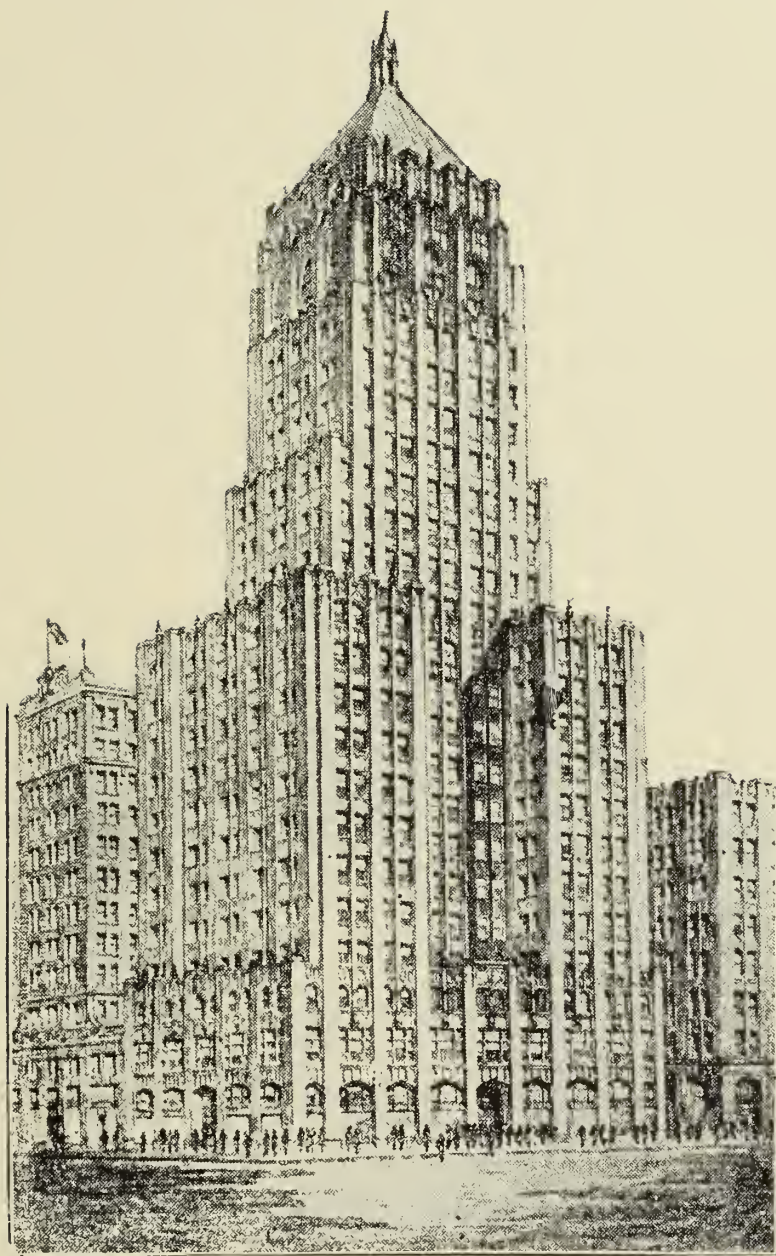
The demand for such a law in Oklahoma was raked to the surface by C. N. Haskell, who attempted to read the guaranty of deposits into the State Constitution when the convention was held in the fall of 1907, but failing in this he outlined a bill of this character which was introduced in the House December 5th, passed the 17th of December, was passed in the Senate and immediately signed by the Governor and it became a law February 14, 1908. The original act called for a tax of one per cent. of the average daily deposits in all the State banks to constitute a guaranty fund. A higher assessment was made in 1909 and, in 1913, it was fixed at two per cent. of the deposits.

In 1911, another change was made in the law. To secure their liability to the fund, each bank was required to deposit with the banking board bonds or warrants equal to one per cent. of their deposits, with a minimum of \$500.00. No deposit was guaranteed that drew interest at more than four per cent., fixed by the commissioner, and no bank could organize after the passage of the act, without paying into the fund three per cent. of its capital before the charter was issued.

Many big bankers were opposed to the law, but assumed a passive attitude because it was a popular measure. No sooner had the law gone into effect than it was tested in the courts by an injunction filed by the Noble State Bank, in the Logan County District Court. The injunction was denied and on appeal, Chief Justice Williams sustained the decision of the lower court, and later the Supreme Court of the United States upheld the constitutionality of the law.

The first big failure, that shook the guaranty fund like an earthquake, occurred when the Columbia Bank & Trust Company of Oklahoma City closed its doors on September 21, 1909. The small depositors were paid first. One hundred and nineteen banks were allowed to select paper due the bank for their balances. The closing of this bank did not cause a ripple on the surface at Oklahoma City, though it called out a special assessment of three-fourths of one per cent. This great bank failure cost the banks of the state \$582,283.00.

From March 1, 1908, to November 16, 1909, there was an increase of one hundred and ninety-two banks, or forty-one per cent., a decrease of ninety-two national banks, or thirty per cent., which shows the psychological effect



WAITE PHILLIPS BUILDING, TULSA
21 Stories; Cost \$2,500,000; Work Starting February, 1927

of the law, coming as it did on the heels of the panic of 1907. In concluding his address, Mr. Gum said:

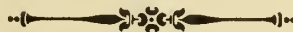
"The law vitalizing the guaranty of deposits died at the hands of the Legislature, in the spring of 1823, and I assure you no crepe was hung on the State House door and no flags were ordered at half-mast. The only requiem sung was, 'Oh, grave, where is thy victory; oh, death, where is thy sting?'"

There were three hundred and twenty-five national banks in Oklahoma, reporting on December 31, 1928, when their aggregate deposits were \$354,806,000.00. There were three hundred and thirty-nine state banks, reporting on March 31, 1921, with an aggregate capital and surplus of \$8,783,000.00 and \$35,146,000.00 in deposits.

The Oklahoma Territorial Bankers' Association was organized early in the territorial period. There was also an Indian Territory Bankers' Association. These two organizations were merged in that of the Oklahoma Bankers' Association at the beginning of the statehood period. All banks of both classes are included in the membership of the association. While the depositors' guaranty law was in operation, the state banks effected a separate organization for the promotion and protection of common interests. This organization, known as the State Bankers Association, is still in existence.

The Federal Reserve Bank has a branch in Oklahoma City. This branch bank is one of the largest, outside of the great centers in which the first Federal Reserve institutions were established, measured by the number of items handled, frequently surpassing some of the original reserve institutions first established.

The first building and loan association in Oklahoma was The Guthrie Building and Loan Association, organized in July, 1895. The next one organized was the Oklahoma City Building and Loan Association, in December, 1898. The first institution of that class in the Indian Territory was the Indian Territory Building and Loan Association, organized at Durant, in August, 1901. There are now ninety building and loan associations in Oklahoma, with assets aggregating over \$130,000,000.00, the resources of institutions of this class in Oklahoma City, alone, aggregating over \$50,000,000.00. They are well distributed throughout the State, most of the counties having at least one. They are subject to the supervisory inspection and regulation of a division of the State Bank Commissioner's office. These institutions have stimulated thrift, savings and home ownership wherever they have operated.



CHAPTER LV

MATERIAL RESOURCES AND DEVELOPMENT

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The prehistoric aboriginal inhabitants of Oklahoma made little if any use of its natural resources. Their agriculture was limited in its scope, though not unimportant to them. Their commerce consisted in bartering corn, salt, bow wood (*bois d'arc*), pottery, etc., with the peoples of distant and less favored tribes. Aside from salt, silicious stones from which were flaked weapons and implements used in tillage or the domestic arts, pottery clays and certain pigmentary substances from which decorative paints were made, but little was known of the value of the mineral resources which were trodden under foot.

The first European exploring expedition, both Spanish and French, found Indians growing corn; they also noticed the evident fertility of the soil, the luxuriance of the verdure, the varied growth of timber in forest and along streams, the variety of indigenous fruits and the abundance of wild game, both feathered and four-footed, all of which betokened the possibilities of vast and varied agricultural resources. Outcropping ledges of gypsum and building stones stretched athwart the course pursued by the Spanish explorer and the French explorers who came later, found potential quarries of building stone, deposits of coal and great forests of pine, oak and other valuable timber trees. They also saw the Arkansas, Red and other rivers, which were suggestive to their mind of the possibilities of commercial development. Other resources were there but were hidden from the discerning eyes as also from those of several succeeding generations who were to follow.

Agriculture—The agriculture of Oklahoma is one of the most varied of any state in the Union. This is due to its location and climate. It is almost equidistant between the Atlantic and Pacific oceans, and is also several hundred miles from both northern and southern frontiers of the United States. Because of this fact, it cannot therefore, be classed distinctly either as a northern state or a southern state. Within its limits there are successfully grown most of the crops which are ordinarily produced in the northern states, and also most of the crops which are commonly grown in the southern states.

Because of its variation in altitude, in basic rock formations, soils and the range in its annual rainfall, it may be divided into seven crop zones, respectively designated as (1) High Plains, (2) Gypsum Hills, (3) Prairie Plains, (4) Timbered Plains, (5) Coastal Plain, (6) Ozark Plateau, (7) Ouachita Mountain Plateau. As to location this might also be designated respectively, (1) Northwestern, (2) Southwestern, (3) Central, (4) East Central, (5) Lower Red River, (6) Northeastern, (7) Southeastern. The lowest altitude and the greatest rainfall is to be found in the extreme northeastern part of the State where the land is about three hundred and twenty-five feet above the sea level, with a mean annual rainfall of nearly forty-five inches per year. The highest altitude and the lowest rainfall, on the contrary, are found in the

extreme northwestern part of the State, where a height of slightly more than 4,800 feet above sea level is attained, with a mean annual rainfall of not to exceed twenty inches every year. The variation in altitude and rainfall is more or less uniform between these two points.

The basic rocks include granite and others of igneous origin, limestone, sandstone, gypsum and shale, there being much variation in the quality and composition of the various types of each of these. The soils formed by the decomposition of these basic rocks, likewise, show great variation in composition and consistency. In addition to the soils derived from the decomposition of such rocks, some of the soils of Western Oklahoma are composed, in part, of materials of volcanic origin also. The variation in soil, as well as in rainfall, has had much to do with the particular adaptability of any given district or origin to the agriculture and successful production on any particular crop or class of crops.

Throughout the central and western part of the State wheat is commonly regarded as one of the staple crops and cotton is grown throughout the central and southern parts of the State. Indian corn is a staple crop throughout its central and eastern portions. In the western part of the State, where the rainfall is deficient, Indian corn, or maize is very largely replaced by the non-saccharine or grain sorghums. Oklahoma holds the first place in the production of broomcorn brush which is largely grown in certain sections of limited area.

Although not all of Oklahoma is included within the cotton growing country, it ranks high among the other cotton producing states. One of the disadvantageous features of cotton growing, especially by tenant farmers, is the tendency to fall into the one-crop system of farming. The destruction of the boll weevil has had the effect of forcing popular attention to the wisdom of diversified farming in many cotton growing communities, however.

Truck farming has not been specially developed to any great extent except in a few communities, and even then it has been mostly limited to potatoes, sweet potatoes and melons. The canning industry has been developed as yet only in a very limited way. There are portions of the State in which the truck growing industry should be much more fully developed.

Oklahoma is especially rich in the number of its species of native fruits, thus giving evidence of the adaptability of its climate and soil to the cultivation of domesticated varieties while fruit culture has been carried on to the limited extent as part of the scheme of general farming, but has not yet been developed as a specialty in many parts of the State. Apples, peaches, plums, grapes and strawberries have been the fruits most largely grown, though many other kinds have been found suitable to culture within the bounds of the State. The cutting up of large farms into smaller holdings will doubtless result in the development of special lines in this branch of agriculture.

The native nut trees and bushes, of Oklahoma, include the walnut, hickory nut, pecan, chinquepin and hazel—some twelve or fifteen species in all. Other nut trees have been introduced in artificial cultivation. In recent years, much attention has been given to the planting of groves and orchards of pecans of

the better varieties, and the production of nuts of this species gives promise of becoming of great commercial importance in the State.

The livestock industry was one of the first to be developed in Oklahoma, the cattle ranch taking the place of the buffalo range. It is still well established in all parts of the State, with many herds of pure-bred beef and dairy cattle. The production of swine is chiefly limited to those portions of the State in which corn is also produced. The best swine are produced, however, in counties that have abundant crops of both corn and alfalfa. Stock feeding is a business that is largely followed, especially in communities where cottonseed oil mills furnish abundance of cottonseed meal and cottonseed hulls to be fed with corn and other stock feeds. The dairying industry is fairly well developed throughout the greater part of the State. There are numerous creameries with much cream shipped from localities that have no creameries. The cheese-making industry has not been developed as yet, though there should be a good opportunity for it. Oklahoma is one of the leading poultry states of the Union, as might have been expected, gallinaceous wild game having fairly swarmed through the greater portion of the State while it was in its formative condition. Beekeeping has been generally introduced but not as largely developed as it should be. Most of the honey comes from alfalfa and sweet clover. The chief forage crops of Oklahoma are alfalfa, the grain sorghums and sudan grass, together with a great deal of prairie hay.

Agriculture was wholly without organization in Oklahoma and, as elsewhere, it has been very slow in its progress to that end. The Farmers Alliance organized in Oklahoma and Indian Territories about the time of the Organic Act. As elsewhere, it had a brief era of activity and then disappeared. The Farmers Union was organized in the two territories a dozen years later and this organization has been permanent or continuous, at least down to the present time. The Patrons of Husbandry or the Grange, as it is commonly called, was organized in Oklahoma a dozen years or more after the Farmers Union, and still maintains its organization.

Under the provisions of an act of the Sixth Territorial Assembly, the Oklahoma Territorial Board of Agriculture was formally organized in December, 1902. The ensuing legislative session made a small appropriation for the beginning of its work, and its office was opened at Guthrie in March, 1903, with J. B. Thoburn as secretary in charge. Under his direction the organization of the county farmers institute system was completed. The following year, the office was largely concerned in helping to keep the Oklahoma exhibit at the Louisiana Purchase Exposition filled with fresh displays from farm, garden and orchard. The office also was called upon to take an active part in the agitation for the development of conservation, irrigation and drainage reclamation. With the adoption of the constitution and the organization of a state government, the president of the Board of Agriculture also became a member and active director of the office staff and its work, since which time the board has been so much involved in politics as to greatly impair its usefulness to the people of the State, because of the discord thus engendered.

The Board of Agriculture also became ex-officio board of regents for the

Agricultural and Mechanical College and other agricultural and industrial schools of the State. These, too, have suffered severely as the result of too much political influence exerted through the medium of the governing board. In this connection, however, it is worthy of remark that the extension system of the Agricultural and Mechanical College, together with the county farm agents and the "4-H Clubs" have been largely free from political influence much, if not most, of the time; also that the agents last mentioned have exerted a potent influence for good throughout the entire length and breadth of the State. Many of the farm demonstration workers, county agents and leaders of the boys' and girls' "4-H Clubs" have proven to be most faithful, loyal and devoted in their unselfish service as real community leaders. The effects of their work have already been plainly manifest in the farm life of Oklahoma for several years past, and these are due to become increasingly noticeable as the beneficent influence of such work continues throughout the years to come.

For a number of years past, the State has maintained a market commission in conjunction with the Board of Agriculture. Much remains to be done in the way of development in the successful marketing of agricultural products; however, state-wide coöperative market associations have been active for a number of years past, especially by wheat growers and by cotton growers.

Oklahoma agriculture has been represented at several of the big expositions, where it secured medals of honorable awards. Oklahoma wheat from Oklahoma Territory received the award of a gold medal at the World's Columbian Exposition at Chicago, in 1893, less than five years after Oklahoma had been opened to settlement.

The Oklahoma Agricultural Experimental Station, in coöperation with stock judging teams selected from the students of livestock husbandry in the Agricultural and Mechanical College, have made numerous annual entries of some of their best animals for exhibition and in competition with the best stock from other states in the big stock shows at Chicago, Kansas City, Oklahoma City and elsewhere. These have captured a number of awards for first prizes, while stock judging teams have also walked off with first honors upon several occasions, thus proving that Oklahoma's livestock industry has reached an enviable stage of development.

Mineral Resources—Few states in the Union can equal Oklahoma's diversity in the way of mineral resources and none can surpass it in that line. These include extensive deposits of oil and gas bearing sand, coal, asphalt, building stone of many varieties, the basic materials from which lime, Portland cement, plaster of Paris and other cement and plaster products are manufactured, lead and zinc ores, glass sand, building and concrete sand and gravel, clay, shale, and salt in practically unlimited quantities. Iron ore is found in a few localities but has not as yet been developed commercially or industrially.

The Oil Industry—Oil was first discovered and commercially developed in a small way in the northeastern part of Oklahoma, in the early 'nineties. The



VIEW ON NORTH ROBINSON STREET, OKLAHOMA CITY

real development of the oil industry of the State dates from discovery of the first wells in the vicinity of Red Fork, in the spring of 1901, though there had been some prospecting and leasing done during the preceding five years. After the Red Fork discovery, there was much more general and intensive work done in the way of prospecting and "wild cat" test drilling. The discovery of the first oil fields in the Osage Nation (now Osage County) and those of Pawnee, Rogers, Nowata and Washington counties began in 1904.¹ The first oil well was "drilled in" in the Ardmore field in 1905; in 1906 the famous Glenn Pool, with its marvelous "gushers," was discovered. From that time on, Oklahoma has been accounted as one of the big factors in the petroleum industry of the United States.

Oklahoma's oil deposits are accounted a part of what is commonly known as the "Mid-Continent Field." It may be described as extending from South-eastern Kansas, across the State in a southwest direction, into Northern Texas. In Oklahoma it is approximately 250 miles long by 175 miles wide. Many if not most of the "pools" (of which not less than 250 have been thus far developed in the State) were carefully surveyed and mapped, geologically, before being developed.

When a new oil pool is discovered, the oil is stored in large tanks and (in an emergency) in open reservoirs made by throwing up earthen embankments until larger storage facilities may be secured. In some cases, scores and even hundreds of great steel tanks, each capable of holding many thousands of barrels are grouped over an area of one hundred or more acres, such tracts being called "tank farms." Eventually, nearly every oil pool is connected with one or more of the pipe lines, through which the crude product is pumped to the Gulf Coast, the Great Lakes or the Atlantic Seaboard. Some of it also is transported by rail, in tank cars.

Much of the Oklahoma oil is refined locally, extensive refineries being located at Tulsa, Bartlesville, Ponca City, Enid, Okmulgee, Ardmore and other points throughout the oil producing region. The refinery products include kerosene, gasoline and other distillates, lubricating oils of many grades and gravities, heavy lubricants and greases, vaseline, paraffine, asphalt and others. Much of the lower grade crude oil is used locally as fuel for locomotives, power plants, factories and for heating purposes.

Between 1891 and 1893, inclusive, the total oil production of Oklahoma was 193,565 barrels. By 1923, the State was producing twice that amount of oil every twenty-four hours. The daily average production of oil in Oklahoma during the first week in May, 1929, was actually 670,050 barrels. The aggregate production of crude oil in the whole of the United States, down to 1901, was approximately 1,000,000,000 barrels. Since that time, the aggregate production has been well over 8,000,000,000 barrels of which more than one-fourth was produced in Oklahoma. Over 125,000 oil wells have been drilled in Oklahoma. Of these, more than twenty per cent. have been dry

1. The amazing development of the Osage people would, in itself, if given in detail, form one of the most romantic chapters in the history of Oklahoma. A brief statement concerning the same will be found in Appendix LV-1.

holes. More than sixty per cent. of the producing wells are still yielding oil in commercial quantities.²

While the oil industry in Oklahoma has produced wealth in unprecedented amounts, not all efforts in that line have been attended by success. More than \$500,000,000.00 have been expended in sinking wells in which no oil was found, not to mention investments in the stock of oil companies, which have failed either because of unfortunate locations, mismanagement or fraudulent promotion.

It is of interest in this connection, to know that the science of petroleum geology was largely developed as well as quite generally used in the oil fields of Oklahoma. It is also worthy of remark that the geological department of the University of Oklahoma has not only had its classes largely attended but also that, from its staff of instructors and its student body, have come a large number of the most successful geologists and geological engineers in America.³ The comparative proximity of the Arbuckle mountains, wherein much more than a mile of the vertical rock formations of the surrounding region are horizontally exposed in a practically perfect cross section, has afforded a really marvelous opportunity for study. As a means of physical illustration, it has furnished a vast out-door laboratory to which, since 1901, thousands of students have gone to tramp and camp and study at first hand, from what is, at once, one of the most interesting as well as one of the most instructive chapters that Nature has opened for men to read.⁴

The story of the discovery and development of the oil industry in Oklahoma is one which is in keeping with the rest of the history of the State, in that it is rich in romantic incident and situation. Instances in which the enterprising and persistent developer has struck "a streak of luck" that suddenly lifted him from a state of bankrupt poverty to one of affluence and wealth beyond the dreams of ordinary mortals, have not been rare. Likewise, tales of royalty fortunes that have fallen into the laps of mortgage-ridden land owners, are even more numerous. With these, there are also associated the sordid accounts of the parasitic element that is ever ready to play upon the trustfulness and credulity of the inexperienced and incompetent beneficiaries of such good fortune. This has been especially true of a conscienceless crew that has preyed upon some of the backward full-blood Creek and Seminole Indians, who through the political machinations of these unscrupulous schemers, were released (*i. e.*, had their restrictions removed) from the jurisdiction of the Indian Bureau. Other full-bloods whose holdings brought in wealth before being released by the bureau, seemingly have been guarded by some departmental officials but, even then, the prosperity of these people remained insecure from those who claimed to be working for the good of

2. One of the most recently discovered oil fields is located immediately contiguous to Oklahoma City, where wells have been drilled to a depth of over 7,000 feet.

3. Pierce Larkin, who graduated from the University of Oklahoma, in 1906, was its first alumnus to take up active work as a professional petroleum geologist. He worked out the Adagas field, which was developed in 1908-09.

4. The American Association of Petroleum Geologists was organized at Norman, in January, 1916, by Oklahoma geologists. It now has a membership of 1,700.



OIL FIELD NEAR TULSA

the Indians. Many ignorant freedmen allottees of the former Creek and Seminole nations, have always been preyed upon. What with the imperfections and laxities of the marriage, divorce and other domestic relations, and the genealogical intricacies involved in some freedmen and a few Indian heirship cases, with the "crooked" lawyers and, in a few cases at least, corrupt collusions in courts of first instance, not forgetting the colorful ministrations of the "professional" guardians, Oklahoma has had more than its share of unfavorable advertising along such lines.

Of the men who have become multi-millionaires in the oil industry of Oklahoma, much might be written. Of course, practically all of them have been men of pronounced personality, with keen, well developed business ability and boundless resourcefulness. Most of them have been honest and honorable in all that those terms imply in the world of affairs, but some others have not been distinguished by reason of their devotion to "the square thing." Some of the most successful have been men who would scorn to stoop to a dishonorable deed, while others (happily in the minority) have been willing to pollute and corrupt anything that came in their way, if material profit might be gained or increased thereby. Equally pitiable are the antics of some of those who, having suddenly achieved great wealth, not only become unduly ostentatious but aspire to social distinctions for which mentality, personality and breeding have not fitted them. But be it said to their honor a number of the State's leading citizens are included among its wealthiest oil men, not alone because of the possession of that wealth, but also because of the sense of stewardship with which it has been administered and of the public spirit, liberality and munificence which they have manifested in the way of civic leadership.

Oklahoma has vast deposits of building stone, of many kinds. The Tishomingo and Wichita Mountain granites are used to a limited extent. The Cherokee marble, of the eastern part of the State, is also worthy of much more general use than it has had. It should have been used, in part at least, in the erection of the State Capitol and other public buildings. However, stone from outside the State was specified for use because it was alleged to have been cheaper, the price probably having been cut below the possibility of profit in order to prevent the development of quarries in Oklahoma. This was also doubtless due in part to freight rate discrimination, of which Oklahoma has always had just cause to complain. Repeatedly, Oklahoma shippers have had to protest against freight tariffs on grain as being discriminatory, which forces shipment to the Chicago markets instead of to Houston or Galveston, although the latter points are but half the distance from Oklahoma City, hence the possibility of shipping building stone in from another State cheaper than an Oklahoma stone can be delivered.

The asphalt deposits of Oklahoma are located in the southern part of the State. Most of them are in the vicinity of the Arbuckle Mountains, though some minerals of this class may be found in the mountainous portions of the old Choctaw Nation. There are several different varieties, some of which are of such utility in the arts as to give them much value. The

coarser grades, however, are most numerous and these have come to be more noticed since the beginning of systematic efforts in the construction of permanent hard-surfaced highways.

Sand and gravel are dredged from river beds, especially in the eastern part of the State. These are largely used in highway construction, as ballast for railway tracks and in the erection of concrete structures. There are stone crushers also in several portions of the State, most of these being used in crushing limestone, though granite boulders are also crushed for the same purposes. Along with gravel, sand and crushed stone, there should also be mentioned the finely broken or flaked limestone obtained in separating the lead and zinc ores, which is commonly known as "chat." It is also used in building and paving purposes. There are two large plants for the manufacture of Portland cement in the State, one at Dewey and one at Ada. In the western part of the State there are several plants for the manufacture of gypsum plaster, which is produced in a number of varieties and grades.

Although limestone is abundant in the State, not much lime is burned, most of the lime used in Oklahoma being shipped in from other states.

Saline springs occur in a number of places in the eastern half of the State and, in the western half of the State, there are three large salt plains, one each in Alfalfa, Woods and Harmon counties. In addition to these, there are salt springs in Blaine County. Although salt is thus very readily accessible, practically none is produced commercially in the State.



CHAPTER LVI

JOURNALISM AND LITERATURE IN OKLAHOMA

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It may truly be said that, if it had not been for publicity, Oklahoma might even now be just emerging from a wilderness. In other words, had it not been for the newspaper space that was given to the preliminary agitation for the opening of certain unoccupied lands to homestead settlement, all of the organized movements to that end probably would have ended in failure. Moreover, the newspapers in the neighboring States and in the eastern States would have failed to carry any Oklahoma news or stories, had it not been for a very few correspondents, who never failed to throw a glamour of romantic association and picturesque interest in everything that they wrote about the interdicted lands. Consequently, stories of the half-mythical, half-real Oklahoma country commanded instant attention on the part of practically every reader.

The dean of this little corps of special correspondents was Milton W. Reynolds, who is mentioned several times elsewhere in this volume, as a pioneer newspaper writer and legislator of both Nebraska and Kansas, a press correspondent who had been sent to report the proceedings of the great peace council at Fort Smith, in the early autumn of 1865, and again at that other great peace council which was held in the valley of the Medicine Lodge River, two years later. Distinguished more for the brilliancy of his rhetorical style than for the absolute accuracy of his statements, his contributions never failed to attract instant attention and hold it to the end. The beginning of the agitation for the opening of the lands of the Oklahoma country found him doing duty as a special correspondent for the Kansas City "Times." Years before, while at the Medicine Lodge Peace Council, he had met and learned to admire and respect the Kiowa Indian chieftain, Kicking Bird. After the death of the latter, in 1875, Reynolds had assumed the name of his Kiowa friend as a *nom de plume* and it was over the signature of "Kicking Bird" that he made the name of Oklahoma a household word, albeit, most people who lived at any distance from its borders pronounced it as if spelled O-c-k-l-a-h-o-m-a in those days. Payne and Couch might be the leaders of the forlorn hope for the right to effect a settlement in the Oklahoma country, but "Kicking Bird" was always and ever its prophet. He it was who coined the phrase "the Land of the Fair God"—a resonantly impressive phrase but, unfortunately or otherwise, utterly lacking in the elements of association or significance—which still found usage among writers of a certain class down to a comparatively recent time. He came to Oklahoma, at the opening, in 1889, to make his home here. He secured a homestead near Edmond and, within a few weeks, established the Edmond "Sun," a weekly newspaper, which is published to this day. A year later, when the members of the First Territorial Legislative Assembly were to be chosen, twenty-five districts were defined for the election of the same number of representatives, while one representative was to be elected at large from the whole Territory—an

arrangement which had been made for the special purpose of permitting "Kicking Bird" to represent all of the people of Oklahoma. He was elected but, only three days later, the summons came for him to cross the Great Divide and join the others of that generation of great pioneers who had gone before.

The story of the beginnings of the journalism of Oklahoma Territory would fill volumes if the same could be collected and compiled, complete in all of its details. Suffice it to state that Oklahoma newspaperdom passed through as many afflictions, trials and vicissitudes as did the settlers on its rural homesteads. Many of them failed and even the names of some of them have faded from human memory. The field was badly overcrowded and it was manifest from the first that, in some communities in which there were too many newspapers, it would be a plain case of a "survival of the fittest," though, unfortunately, even the fittest did not survive all of the lean years which were due to follow.

After the discontinuance of the publication of the Oklahoma "War Chief," in 1886, the first newspaper to carry the name of Oklahoma in its title was the Oklahoma City "Times," dated at Oklahoma City, December 29, 1888. Hamline W. Sawyer, of Wichita, Kansas, was editor and publisher, while the name of B. R. Harrington appeared as local editor. The paper was a seven-column folio, the two outer pages being ready-print, while the inside pages were filled with editorial, descriptive and news matter pertaining to the Oklahoma country. Four issues are known to have been published before the Oklahoma country was thrown open to settlement on the 22d of April, following. Harrington, the local editor, made his headquarters at Oklahoma City or, rather, at the station of Oklahoma, on the Santa Fe Railway, in the valley of the North Canadian, for a time.

In the freight congestion at Oklahoma City and Guthrie, immediately following the opening of Oklahoma, there were a number of printing and newspaper plants to be found scattered through the heaps of baggage, household goods and merchandise which were awaiting distribution. At Guthrie, the first printing plant to be secured by its owner and installed in a tent was that of William T. Little, who furnished the "copy" and caused the type to be set up for a small three-column folio called the Guthrie "Get-Up," which was printed on a job press and which is said to have been the first publication actually printed in Oklahoma after the opening. Frank H. Greer, of Winfield, Kansas, established the Oklahoma State "Capital," the first issues of which were printed in the office of the Winfield "Courier" until he could get his printing plant installed and in operation. Several other newspapers were established at Guthrie shortly after the opening day, some of which survived for many months, though eventually they succumbed to the lack of support.

Hamline W. Sawyer, of Wichita, settled at Oklahoma City, on the opening day, bringing his Oklahoma City "Times" with him. A. C. Scott and W. W. Scott of Iola, Kansas, established the Oklahoma City "Journal." Frank McMaster, of Chicago, established the Oklahoma City "Gazette," which he conducted for a number of years. McMaster, who was a brilliant writer, subsequently established and, for several years, published McMaster's Oklahoma

"Magazine." The "Gazette" was issued as a daily publication right from the start—less than a month after the settlement of Oklahoma City. In the inevitable readjustment in an overcrowded field, the "Times" and the "Journal" were consolidated, under the name of the "Times-Journal," under the editorial management of J. J. Burk.

When the Oklahoma country was settled in a day, there were many newspaper men in the throng, as already intimated, so many, in fact, that it would be impossible to mention them all by name. One of these was Captain Jacob L. Admire, of Osage City, Kansas, who had been appointed as receiver of the United States Land Office, at Kingfisher. In Kansas, Captain Admire had been well known as the editor and publisher of the Osage City "Free Press." (Although, like all other Federal appointees in the Oklahoma of that day, he had necessarily been selected from one of the states, he was not a carpet-bagger in spirit, as he remained a resident and a citizen of Oklahoma from the day of his arrival to that of his death). In due time, after he had disposed of his Kansas interests, he engaged in the newspaper business as the editor and publisher of the Kingfisher "Free Press." His name was prominently mentioned in connection with the appointment of the first Governor of Oklahoma Territory but, not being from Indiana, he did not receive much, if any, consideration in that connection at the hands of the Harrison administration.

The opening of the Iowa, Sac and Fox and Pottawatomie-Shawnee Indian reservations, in September, 1891, and that of the Cheyenne and Arapaho reservation, in April, 1892, saw the arrival of other newspaper outfits with their owners and operators. Among the latter was Thompson B. Ferguson, from Chautauqua County, Kansas, who established the Watonga "Republican" and who was destined to become Governor of the Territory, nine years later. After the close of his service in that capacity, he returned to Watonga and resumed his chosen work as an editor and publisher, which he continued until the time of his death, when his wife, who had been his faithful and efficient associate through the years, assumed the sole control as editor and manager. Mrs. Ferguson has not only made a success as an editor and publisher but she holds the admiration, esteem and respect of thousands of Oklahoma people, the list extending far beyond the bounds of her home county.

With the passing of years, either by the process of discontinuance or that of consolidation, the number of newspapers in most of the larger towns was materially reduced. Thus there was afforded an opportunity for new initiatives in the journalistic field. In 1892, Grover Cleveland had been reëlected in a Democratic landslide, thus forecasting with certainty an administrative change in the public affairs of Oklahoma Territory. Manifestly, the victorious party should have an organ in the Territorial capital. Promptly with the beginning of the new year (1893), appeared the Guthrie "Daily Leader," with Roy Hoffman (then a young lawyer in his early twenties) as its editor and publisher. It appeared as a morning paper, though chiefly with "grapevine" telegraph service, leaving the evening field to Frank Greer's "Daily State Capital." A year and a half later, and simultaneously with the announce-

ment of his own appointment as assistant United States district attorney, Roy Hoffman sold the "Daily Leader" to Leslie G. Niblack, who continued as its editor and publisher for more than thirty years.

That the size of the burial ground for deceased newspapers was no more deterring in Oklahoma City than it was in Guthrie, and despite the fact that the former, though a much smaller town than the latter, still had two daily papers (the "Times-Journal" and the "Press-Gazette"), an organization headed by Rev. Sam Small (then noted as an evangelist and a popular lecturer) projected a new morning paper which was formally launched with the beginning of the new year, 1894. It was soon in the slough of financial embarrassment, however, and it found rough going, with several changes of editorial and business management during the first few weeks of its existence. The outcome was that the "Press-Gazette" was consolidated with the "Oklahoman," under the name of the latter, with Charles F. Barrett (since well known in the public life of the State) as managing editor. Eventually, it was sold to R. Q. Blakeney, who remained as its publisher until the beginning of 1900.

The opening of the lands of the Cherokee Outlet or "Strip," in September, 1893, resulted in the arrival of many new newspapers and newspapermen, with the business as badly overdone in some of the new towns as it ever had been in the towns of "old Oklahoma." The town of Pawnee, for instance, which, for many years past, has had but a single newspaper, had to worry along with no less than five publications of that class, one of which was a daily, during the first year or two of its existence. One of the most picturesquely unique characters who came with this last wave of journalistic immigration was that of William E. ("Billy") Bolton, of Kiowa, Kansas, who located at Woodward, where he established the "News" and where, a number of years later, he also established the "Live Stock Inspector." He served for years as secretary of the Territorial Press Association. After the death of Bolton, another pioneer of that community, Hon. David P. Marum, hitherto an attorney, became the editor of the Woodward "Democrat" and was quite generally recognized as the nestor of Woodward journalism from that time on. A kindly disposed soul who could find something good to say of every man, he was also and always a devotedly loyal promoter of everything that made for the benefit or betterment of his home town.

If a prospective change in the political administration of Territorial affairs had brought the "Daily Leader" into the field at Guthrie, in 1893, so too, a like cause resulted in a readjustment in newspaper circles in that town, four years later. The election of McKinley, as President, had so infused the Republicans of the Territory with new hopes and aspirations that Frank Greer announced that his "Daily State Capital" would change from the evening to the morning field, with a limited amount of Associate Press service, early in 1897. Simultaneously, the "Leader" abandoned the morning field and thereafter appeared as an afternoon publication. In these kaleidoscopic changes there figured as writing assistants more than half a score of newspaper men each of whom was noted locally in his way and day. There was John Golobie, of foreign birth and meagre education but of brilliant men-



BIRDS-EYE VIEW OF TULSA'S BUSINESS SECTION AS SEEN FROM THE ROOF OF THE CATHOLIC CHURCH.
IN THE FOREGROUND SOMETHING OF THE BEAUTY OF TULSA'S STREETS MAY BE SEEN

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talities, who had arrived in Guthrie as a tramp printer; who had personal knowledge of nearly everything that transpired in the Territory's political metropolis; who, after being an hireling for a dozen years, became a part owner of a weekly newspaper which he edited for nearly a quarter of a century; who sat several terms in the State Senate and was mentioned for an appointment in the diplomatic service and whose passing was the occasion of the largest funeral concourse ever assembled in Guthrie; then there was Fred L. Wenner, whose resourcefulness and versatility were such that he subsequently served successively as private secretary to three of the Territorial governors, and who still lives, universally recognized as one of Guthrie's most useful and respected citizens; Harvey Olds, keen, far-sighted and wise to the ways of politics and politicians (deceased); George McQuaid, of Irish extraction, generous, devoted and always ready for a fair fight, who passed away in 1928, while connected with the staff of the Dallas "News"; Frank Prouty, who was not of a temperament to become excited or in a hurry about anything (deceased); Eugene Gill, who is reputed to be high up in the Ford organization, at Detroit; Otto Beckmeyer, who stuck so closely to his work that comparatively few of the people in town knew him, even by sight; Zell Hopkins, who is assistant to the president of one of the great railway systems that extends westward from St. Louis; Henry E. Derwin, as self-effacing and faithful a soul as ever helped to make a success of the other fellow's business and who, several years ago, drifted into the oil game; Earl Keys, known in public life and now an Oklahoma City business man, and, last but not least, "Corb" Sarchet, recognized as an able special correspondent and publicity director, who, for a number of years past, has been secretary of the Chamber of Commerce at Ponca City. There were others, of course, not so well known, if at all, to this writer. Each of these saw much more varied service and therefore achieved a measure of personal distinction that seldom comes to the specialist in the more elaborately organized staff of a modern daily paper.

It is not to be forgotten that, while the newspaper business was being planted and developed in a small way in Oklahoma Territory, it was also being developed, though in a smaller way and more slowly, in the Indian Territory. There were local newspapers, published in a few towns mostly on the railroads, in the Indian Territory. The difficulties and handicaps under which these had to operate, however, were such as to limit the growth of such enterprises. The "Cherokee Advocate," the "Indian Journal" and the "Indian Citizen" had been running for years. The "Indian Chieftain" (Vinita) had also been published for seven years, so that it promised a degree of permanence that was quite in contrast with the brief and inglorious careers of a dozen or more journalistic experiments which had failed in other parts of the Indian Territory. Notwithstanding this, however, there were signs of advancement. Railway extensions and new lines had been built and others were projected. More railways were interpreted as meaning more people and more people certainly meant more newspaper opportunities. In this connection, the following brief statement as to the number of publications which were regularly issued in each of the two territories, each year through a series

of years, after the development of both territories was well under way, would seem to be of pertinent import and interest.

	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.
Oklahoma Territory	61	117	127	90	98	106	111	117
Indian Territory	32	33	44	47	58	70	75	81

Leo Bennett, who had been publisher of the "Indian Journal" for a time, began the publication of the Muskogee "Phoenix," in February, 1888. Frank C. Hubbard, who also had a prominent part in Indian Territory affairs, was associated with the enterprise as local editor. After having been operated as a weekly publication for more than thirteen years, the "Phoenix" put out its first issue as a daily paper, August 25, 1901. In 1902 Colonel Clarence B. Douglas became the editor and publisher of the "Phoenix," continuing for more than six years. Tams Bixby, who had succeeded to the chairmanship of the commission to the Five Civilized Tribes and who, after 1906, occupied the position of sole commissioner to the same, became interested in the "Phoenix" and, after his final retirement from the public service, he assumed its management. After his death, he was succeeded by his sons, who still continue to direct its operations. Originally, it was Democratic and Republican by turns but, for many years past, it has been independent in its attitude toward party lines and party policies. It is a morning paper.

In September, 1896, a weekly paper, called the Muskogee "Times," made its appearance. A few months later, the Muskogee "Democrat," also a weekly newspaper, issued its initial number. Eugene Kerr purchased these two journals which he merged under the name of the Muskogee "Times-Democrat." Its first daily issue as an evening newspaper appeared January 1, 1899. It still occupies the evening field in Muskogee; there have been several rival aspirants for that honor during the thirty years which it has been serving the public.

The year 1890 saw three rather pronounced figures enter the field of Indian Territory journalism. Of these, the senior in years was J. S. Holden, who established the Muldrow "Messenger," which he published for eight or nine years. After disposing of it, he purchased the Fort Gibson "Post." Having thus taken up his abode in a center of historic interest, the really romantic history of which seemed to have been sadly neglected, he devoted himself to its rescue and restoration. Whatever he may have lacked in the way of accuracy and skill in such a laudable effort, his zeal in the cause was never questioned. Moreover, he was an expert in the matter of dissemination, with the result that some of the tales concerning that famous old frontier fort, which he put into circulation, are still regarded as authentic in some quarters. He was a well meaning man, of kind-hearted disposition and, in his way, did much to arouse a popular interest in the old fort and its romantic place in the early history of Oklahoma. Lewis N. Hornbeck founded the Minco "Minstrel," which was unique among the newspapers of both territories because of the literary quality of its editorials. Hornbeck was easily one of the most gifted writers of the local newspaper profession during the territorial era and his paper was possibly more widely quoted than any other

journal of its class in either territory. William H. Walker became connected with the Purcell "Register," which had been established in 1888. Unlike most Indian Territory editors, he was a strong advocate of single statehood for the two territories—a cause to which he devoted his best efforts, even when it was unpopular, and one to the ultimate success of which he contributed a powerful influence.

The South McAlester "Capital" was established in 1893. It was published by Hinds & Jobe and, in 1896, a daily edition was started—"the first daily newspaper ever published in the Choctaw Nation." In 1902, a second daily newspaper, the "News," was launched, with Henry P. Robbins as editor. The "Capital" was Democratic, while the "News" was Republican. In September, 1908, the two papers were consolidated under the name of the "News-Capital," a Republican organ, under the editorial direction of Henry P. Robbins. For nearly five years, this publication had the unique distinction of successfully holding the local daily newspaper field as a Republican paper, issued in a Democratic community, county and State, against one Democratic competitor after another. Finally, on August 1, 1913, the "News-Capital" passed into the ownership and control of J. Roy Williams, of Lawton, well known as a journalist, former president of the Oklahoma State Press Association and also as a leading Democratic politician and legislator. Henry Robbins betook himself to the fields of metropolitan journalism outside of Oklahoma, with the general realization among Oklahoma people that the profession in this State was losing one of its most able and brilliant members.

In 1902 the "Daily Oklahoman," began a career of expansion, Edward K. Gaylord and associates purchasing a large interest in the publishing company, of which Roy E. Stafford was the principal stockholder. A perfecting press was installed and morning telegraph service was taken. Eight years later, the "Oklahoman" moved to its own new building. Eventually, with the retirement of Roy Stafford, in 1918, E. K. Gaylord became the head of the Oklahoma Publishing Company, a position which he has since held. A man of modest and retiring disposition, he has proven a master in his line. At the beginning of the year 1915, the publishing company purchased and took over the Oklahoma City "Times" (which was the "Times-Journal" down until 1908), an evening paper, which has been published jointly with the "Oklahoman" ever since. The Oklahoma Publishing Company has also published the Oklahoma "Farmer-Stockman," of which Carl Williams, well known as an agricultural writer and in public life, who is at present a member of the National Farm Board, has been editor for many years. During the course of its growth from a small town daily to one of metropolitan proportions, the "Oklahoman" has attracted to its service some gifted personalities and talented writers. In 1913 its managing editor, Preston McGoodwin, was called to the diplomatic service as a minister plenipotentiary. Its present chief editorial writer, former State Senator Luther Harrison, who has long occupied that position, is rightly regarded as a man of unusual ability in his line. Miss Edith C. Johnson, who began her service with the "Oklahoman" as a society reporter, has long held a justly deserved recognition as a columnist and a special writer on matters of particular interest to women

and is the author of two published volumes. Walter M. Harrison has held the position of managing editor for a dozen years past, ready, resourceful and responsive as well as responsible, in which capacity he has abundantly proven himself big enough for what has grown to be "a big job." At present he is the president of the American Society of Newspaper Editors.

Alexander Posey, the brilliant young Creek Indian poet, saw some service in the journalistic field, especially as editor and publisher of the "Indian Journal," of Eufaula. His tragic death by drowning, in May, 1908, put a premature and greatly lamented end to what had promised to be a most useful and unusual career.

In August, 1902, Edgar S. Bronson, with a youthful associate, N. A. Nichols, installed a country newspaper plant in a cornfield in the central part of Custer County, where the town of Thomas subsequently developed. The firm made a success of its enterprise. After more than a dozen years of success as the publishers of the Thomas "Tribune," they transferred the scene of their activities to El Reno, where they took over the "American." Mr. Bronson was, for a number of years, secretary of the Oklahoma State Press Association, in which position he rendered valuable service. He was mightily interested and very influential in helping to get the rural newspaper business out of haphazard methods and to induce the general adoption of carefully planned methods instead. He also took great interest in the development of the school of journalism in the University of Oklahoma. As an evidence of the esteem in which he was held among the newspaper men of the United States, he was elected to the presidency of the National Press Association, while he was on his death bed.

About the time that Bronson and Nichols were invading the Custer County cornfield, a former rural school teacher, George Riley Hall, by name, broke into the newspaper game at Henryetta, with an effort entitled the "Free Lance." Originally, he was reputed to be a rustic fiddler and something of a poet, besides, but he long since "hung up the fiddle an' the bow" and he has but seldomed lapsed from the vow to write no more poetry. He has not only made a success of his newspaper business but he has also become one of Oklahoma's best loved editors—not only by the members of his family but by a host of friends as well.

The first newspaper to be published at Tulsa was the "Review," which was established in 1893. Several years later, its name was changed to the Tulsa "Democrat." In 1895 another local newspaper, called the "New Era," was established at Tulsa. Its name was likewise changed, several years later, when it became known as the "Indian Republican." Both of these enterprises passed through vicissitudes and trials incident to pioneer journalism, because of meagre support, and each experienced several changes in editorial and business management. After the discovery of oil in adjacent sections, in 1901, business took an upward trend there and several other newspapers appeared in the local field from time to time. The "Democrat" appeared as an evening daily publication, in 1904. Within a year or two, it passed into the control of William Stryker, who had been prominent in Kansas educational circles. He remained as its editor until the end of October, 1916, when it was

purchased by Charles Page, the Sand Springs capitalist and philanthropist. Page had previously purchased the Tulsa "Morning Times," which had been established August 1, 1916, and Vernon L. Smith, who had been managing editor of the latter assumed a like position with the "Daily Democrat" as well. On December 6, 1919, both papers passed under the control of Richard Lloyd Jones, of Madison, Wisconsin; three weeks later, the papers were merged under the name of the Tulsa "Tribune," under which name and management it still continues.

The Tulsa "World" began publication as a morning daily newspaper, in 1905. A couple of years later, Thomas A. Latta, the founder of the Bartlesville "Enterprise" and a native of the Indian Territory (though tracing his ancestry back through parents who were natives of South Carolina and Massachusetts), became associated with the editorial management of the "Enterprise," finally becoming editor-in-chief, which position he retained for a number of years. In 1911, Eugene Lorton became interested in the publication of the "World," of which he has been the sole owner and manager since 1917. Nominally Republican in politics, it manifests a decidedly independent policy at times. The "World" is now generally recognized as one of the big newspaper enterprises of the Southwest.

In 1906, the Scripps-McRae newspaper syndicate, established the Oklahoma "News," an afternoon paper, in Oklahoma City. During the intervening period there have been numerous changes in the editorial and business managements of this publication, in the course of which it has trained and sent forth a number of bright young journalists to other places of usefulness. One of the ablest of these is George B. Parker, an Oklahoma University man, who went to the editorship of the Cleveland "Press" and from that to the position of editor-in-chief of the entire system of the Scripps-Howard newspapers, of which the Oklahoma "News" is a member. Carl Magee, the present editor of the "News" is a man of nation-wide note as a newspaper writer. Mrs. Walter Ferguson, a contributing member of its staff, has also gained a wide reputation as a special writer.

One of the tragic features of the removal of the State capital from Guthrie to Oklahoma City was the fact that it put a period to the publication of the "Daily State Capital," which had been continuously published by Frank H. Greer, from the opening of Oklahoma to homestead settlement, more than twenty-one years before. Both the man and the newspaper had been inseparable from the story of the commonwealth, down to that time. Resourceful and ever ready in expedient, Greer had put the energy and talent of a lifetime into those twenty-one years and his loyalty to Guthrie was as true as the needle to the pole. When his printing plant was a total loss as the result of a fire, in the early part of 1902, Oklahoma City stood ready to offer substantial inducements if he would transfer his business and rebuild in Guthrie's rival town, which was even then beginning to forge ahead of the Territorial capital in the elements of population, wealth and business activities, but he would not listen to such a proposition. Although his career in public life had been limited to a single term in the Legislative Assembly, it

is probable that no other single business man in Oklahoma had reached and influenced more people, personally and through a newspaper medium, than he had. No town in the State, at the time that it was of the same size and population as Guthrie, ever had as pretentious and vigorous a journalistic exponent as the capital city of the Territory had in Greer's "Daily State Capital." Indeed, for years, it was really a newspaper of and for the whole Territory. The reasons that made its fight a losing one need not be recounted here and now—it suffices to say that its pluck lasted to the end and it went down with its colors flying. Everyone—former opponents as well as friends and admirers—rejoices that, in another and less conspicuous field of activity, and under more favoring auspices, Mr. Greer is meeting with deserved success in life. In a quiet and undemonstrative way, he has been recognized as one of the builders of the great city of Tulsa, since 1911.

A brief review of outstanding editors and publishers of Oklahoma would not be complete without a few words of reference to John Fields and his Oklahoma "Farmer." It may well be doubted whether any other writer in Oklahoma ever wielded a wider influence in Oklahoma, or a more constructive one, than John Fields. Though he, too, has been called to another sphere of activity, his service in the effort to make the business of farming a successful one for the many who found it a struggle, is gratefully remembered in many a rural home in Oklahoma today.

Mention has already been made of McMaster's Oklahoma "Magazine," which was published for a time during the last half of the first decade of Oklahoma Territorial history. Brilliant, interesting and pertinent, it failed for lack of support. Others have followed in its wake only to meet with the same fate.

Sturm's Oklahoma "Magazine," founded at Tulsa, in 1905, and later moved to Oklahoma City, weathered the storm for five years under the editorial and business management of O. P. Sturm. Its subject matter was carefully selected and well edited. Its illustrations were attractive and appropriate and, for a time, there seemed to be a prospect that it might make a permanent place for itself in Oklahoma but, seemingly, in an era of cheap magazines, it was a losing fight. That its files are treasured in a few of the libraries of Oklahoma today is an evidence of its real but unappreciated worth when it was published.

Harlow's "Weekly" was established by Victor Harlow, in August, 1912, and has been regularly issued as a small magazine ever since. Its specialty is the editorial discussion of matters of State-wide interest and importance, with cross sections of public opinion in the commonwealth, as indicated by numerous quotations and citations of editorial expressions of the press of Oklahoma. That it fills a useful sphere in the life of the State and of its people there can be no question. That such a publication should be more widely circulated and more generally read is equally evident.

One of the largest and most prosperous class publications, issued weekly, is the "Oil and Gas Journal," of Tulsa, which is now running its twenty-eighth consecutive volume. It has an extensive circulation and a large and profitable advertising patronage.

Numerous other magazines have been established in Oklahoma, some of which have been really notable in their way but so transient in their existence that they cannot be enumerated.

During the course of the Territorial period, several of the outside newspapers—including the Kansas City "Journal," the Kansas City "Star," the Dallas "News" and the Wichita "Eagle"—kept correspondents at Guthrie. While most of these newspapers made more or less frequent changes in these positions of special correspondent, the Kansas City "Star" sent Frederick S. Barde to Guthrie as its Oklahoma correspondent in 1897, and he was retained on that assignment until he voluntarily relinquished it, more than thirteen years later. While he was gifted with a keen, analytical mind, which enabled him to sort out the essentials and to locate and secure the underlying facts, figures and features, the thorough acquaintance which he gained among the men and affairs of the two territories, soon gave him a tremendous advantage over other correspondents in the same field, where they were comparatively transient and necessarily lacking in the elements of first-hand knowledge and personal acquaintance and, with these a ripened judgment that caused men in public life to highly regard his opinions concerning politics and public affairs, generally. When the capital was removed from Guthrie he resigned his position as a correspondent of the "Star" and, thereafter, he devoted himself to work as a special correspondent for a number of eastern newspapers and magazines. His death, in 1916, was quite generally regarded as a distinct loss to Oklahoma.

Oklahoma in Literature—While Oklahoma has furnished material, theme and inspiration for writers from outside of its bounds, for more than a century past, it has been slow at developing a literature of its own. It is true that an examination of old scrapbooks and newspaper files will reveal the fact that in the days of the old Indian Territory, before the present commonwealth was even a dream in the minds of men, there were poets and essayists, and philosophers and sages, who knew well how to wield the pen, though they wrote only for the few who were to be reached and influenced for the time being. Then, forty years ago, with the beginning of legalized white settlements, there began also an era of rapid material development in agriculture, commerce and industry which so engrossed the popular attention that literature, art and music and the other manifestations of life which make for culture and refinement, were largely neglected, if not overlooked altogether in many instances. However, with the establishment and development of universities, colleges and other institutions of learning and the gradual growth of more stable conditions, socially and politically, interest in art, literature, music and other esthetic phases of life began to make their appearance. The fact that Oklahoma may seem slow in its development in such lines, augurs nothing as to ultimate possibilities. Every other commonwealth in the American Union in which cultural development in the arts has reached fruition, has had to attain a respectable age before achieving special distinction on such account. With Oklahoma's varied topography and scenic settings and with its picturesquely romantic historical background, all these things

—epic poetry, thrilling drama, enduring romance, music such as America has not yet produced, sculpture and painting before which an admiring mankind shall stand in silent awe—all these are within the bounds of possibility in the future. Indeed, the curtains of a cultural dawn are only now being lifted and only the first faint rays of the light of a great day are giving promise of what is to be a generation or two hence.

Scott Cummins, of Woods County, known also as "the Pilgrim Bard," has already been mentioned in this volume as the poet of the short-grass plains, the gypsum canyons and the shifting sand dunes. A pioneer of the pioneers, his homely, wholesome verses will live long after more pretentious compositions of better educated writers shall have been forgotten.

Freeman E. Miller, of Stillwater, another pioneer Oklahoma poet, was born to the literary purple, since he is a native of the Hoosier State. He has been possibly Oklahoma's most prolific writer of verse and, for years, could always be depended upon to fill in every special occasion with appropriate lines. His "Oklahoma Sunshine" dispelled the darkness in many a discouraged heart.

John M. Oskison, a native of Oklahoma and of Cherokee Indian extraction, has followed literature as a profession, in New York City, for nearly thirty years past. Originally, he devoted himself largely to short story writing but in recent years he has put out several volumes of fiction which have been the subject of favorable criticism.

Vingie E. Roe came to Oklahoma as a child, her father being a pioneer physician, at Guthrie. As a young woman still in her college student days, she achieved notice as a writer of western poetry of the most striking type. She later developed as a writer of short stories and, still later, as the author of fiction that is published in book form.

Jennie Harris Oliver, a neighbor and pupil of Vingie Roe, has developed as a writer of both prose and poetry. She writes of the homely things near at hand—the things that every-day folks can understand and appreciate.

General Hugh S. Johnson, who came to Oklahoma with his parents, as a young boy, when the Cherokee Outlet was opened to settlement in 1893 and a sketch of whose life and career as an army officer appears elsewhere in this volume, has done some very creditable work on the side as a short story writer, his productions appearing in some of the most popular magazines.

Walter S. Campbell, who writes under the nom de plume of Stanley Vestal, who was one of Oklahoma's men to secure a Rhodes scholarship at Oxford and who for more than a dozen years past has held a chair in the department of English in the University of Oklahoma, is becoming known as one of the State's most prolific producers, with a number of volumes to his credit in very recent years. Like all of the foregoing, his themes are all western.

There are a number of other writers in the making who will be well and favorably known in Oklahoma and doubtless elsewhere within a few years. But, as yet, the surface of things literary in Oklahoma has scarcely been scratched.

CHAPTER LVII

RELIGIOUS, SOCIAL AND FRATERNAL

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The story of the churches in Oklahoma, during the old Indian Territory days has been fairly well told, though in a somewhat disconnected way, in the chapters relating to the life of the Indian peoples, the missions and missionaries among them and their educational interests and institutions. Suffice it to say that, previous to the readjustments incident to the close of the Civil War, practically all of the church denominations operating in the Indian Territory were the Congregational, Presbyterian, Baptist and Methodist bodies, the Moravian Church also having a small mission in the Cherokee Nation. At the time of the Civil War, if not before, most of these bodies were divided, largely along geographical lines. Thus, in 1845, the Methodist people of the South withdrew almost in a body and organized the Methodist Episcopal Church, South. This new organization fell heir to all of the missionary work of the Methodist Episcopal Church in the Indian Territory, the few northern missionaries withdrawing from the service in the territory and returning to their homes in the North.

With the approach of the Great War between the States, the American Board of Commissioners for Foreign Missions (Congregational) withdrew from connection with the missions in the Indian Territory, the work being taken over by the Presbyterian Church, which had been for many years associated with the Congregational body in the support of the American Board, but which already had missions of its own in the Choctaw, Chickasaw and Creek nations. When the Presbyterian Church divided, all of the missions and followers of that denomination in the Choctaw and Chickasaw nations went with the Southern branch. In the Creek and Seminole nations and, to some extent, in the Cherokee Nation, most of the Presbyterian people retained their affiliations with the original or Northern branch of the denomination, for a time at least. Indeed, in the two nations first mentioned, Presbyterians who sympathized with the aspirations of the Southern States, quite generally withdrew from that denomination and affiliated with the Baptist Church. On the other hand, in the Cherokee Nation, the Baptist people, who were mostly of the full-blood element, were almost a unit in their support of the Federal cause in that great struggle.

After the end of the war, the Baptist Church was divided geographically, regardless of political or sentimental differences, the Indian Territory falling within the scope of the Southern Baptist Association, as Oklahoma is to this day. The Southern Presbyterian Church (Presbyterian Church of the U. S.) succeeded to the control of the work of that faith among the people of the whole Indian Territory, though several former missions were gradually reopened by the Northern branch of the church (Presbyterian Church of the U. S. A.) in the Creek and Seminole nations. In 1879, the work of supporting the missions in this field proving too heavy for the Southern branch of the

church, its sister denomination effected an arrangement whereby it was to resume its former work in the Indian Territory as fast as workers and means could be secured, four ministers being sent to the Choctaw, Creek and Cherokee nations, immediately schools were reopened at each of the mission stations thus reestablished.

With the removal of other Indian tribes from Kansas, the Roman Catholic Church began its work among the people of several Indian tribes, including especially those of the Pottawatomie and Osage tribes and also the Quapaw. The first Quakers, or Friends, came in with the Indian agents of that faith, during the Grant administration. In the main, however, most of the religious work in the Indian Territory remained in the hands of the Baptist, Presbyterian and Methodist bodies until the opening of the Oklahoma country, in 1889. The Methodist Episcopal Church (sometimes mis-called "Northern") began the organization of its work with the institution of its Indian Mission Conference, in 1888.

When the Oklahoma country was opened on April 22, 1889, among the pioneers who wrapped themselves in blankets and laid down on the prairie turf on the new townsites of Guthrie, Oklahoma City, Kingfisher and the other throng-crowded settlements, and looked up into the stars of Heaven, were Baptist parsons, Christian (Disciples of Christ) elders, Presbyterian domines, Methodist circuit riders and Catholic priests as the representatives and forerunners of the faiths that are ever in the van, nor wait for more settled or stable conditions. Others might come afterward, when cultural conditions were ripe, but these, with a sprinkling of minor denominations of related faiths, were the trail blazers—others might follow later, when the paths were smoothed, but their place was at the front, with a constructive program at the beginning of things.

Some pessimists bewail the fact that "religious influences are on the wane," yet in Oklahoma, there are bigger churches, stronger congregations, more and better attended Sunday schools than ever before in its history. Several of its denominations have not only established and are supporting institutions of higher education but, as previously stated elsewhere, they have a number of hospitals to help alleviate human suffering and to preach the gospel of good health and right living. It is a long call from the small, plain, pioneer church or chapel to the stately edifices of cathedral-like architectural proportions, but it was the spirit that builded the one that laid the foundations for the other. Moreover, purity, humility, the spirit of self-sacrifice and the contrite heart are just as necessary and just as becoming in the great, modern metropolitan temple as ever they were in the homely and unpretentious pioneer sanctuary.

Social Institutions—Oklahoma seemingly has its full share of social, educational, professional and intellectual organizations. Its first women's clubs and their Territorial Federation, date away back when everything was still in the pioneering period. And such organizations have not been either idle or merely nominally constructive in their efforts, their influences or their achievements. More often than not, it has been the club women of the

community who took the lead in the establishment of the local public library, the parks, the playgrounds and other resultant benefits of public spirit and organized enterprise.

Every city and town in the State has its chamber of commerce or other similar community organization. These institutions foster and promote the efficient coördination of popular effort for community betterment. They take the lead in many matters that might otherwise be neglected for, even though every intelligent citizen knows what is necessary or expedient yet, as a rule, he lacks the influence that would warrant a personal initiative. The earlier organizations in this line were rather sorry in comparison with the highly developed and systematized institutions which are now exercising such a powerful and beneficent influence in community and civic affairs.

The place of the commercial organizations in the life of the community is ably seconded by the active participation of the noon-day luncheon club members. These, which are mostly affiliated with nation-wide organizations, have been and are very active, not only in aiding the busy citizen to forget his own troubles and perplexities, for the time being, but also to get interested in the affairs of his fellow man and to make himself useful and agreeable and open-minded as a social being. They furnish a forum for the informal discussion of matters of popular interest and they surely help to put community spirit behind every worthy public undertaking. They make for tolerance, fair-minded regard for differences of opinion and view-point and the broadest intelligence in all that pertains to public interests. In this connection, it is well to remember the beneficial work of the Boy Scout organizations, world-wide in their distribution and interests and nowhere more active or more useful than in Oklahoma.

Professional, industrial, trade, and occupational organizations are numerous and well supported. Labor is well organized in most of the larger towns and cities and also in the mining regions. Farmers' organizations have flourished at several periods in the history of the State, though popular interest and support has fluctuated from time to time. The order of the Patrons of Husbandry, commonly known as the Grange, has been carrying forward its work in Oklahoma for a number of years past, while the Farmers' Union has maintained State and local organizations throughout a period of more than twenty-five years. Coöperation among farmers has been the subject of much agitation in Oklahoma, especially among wheat growers and cotton producers. Other special branches of agricultural industry which have formed particular organizations or associations are the livestock, dairy, horticultural, nursery, and poultry interests. Last but not least in importance of the organizations which have to do with farm life are those of the "4-H" boys and girls, whose activities are revolutionizing living conditions and improving the social atmosphere of the farm as well as increasing its production and stabilizing its economic affairs. Moreover, the result of such organized efforts is such as to offer great promise for the future of agricultural industry in Oklahoma, as well as elsewhere.

Of the patriotic societies and those which depend upon military service or upon descent from those who have rendered military or naval service in

past wars, Oklahoma has its full share. Among these, the Grand Army of the Republic, the United Confederate Veterans, the United Spanish War Veterans and the American Legion, easily occupy the most popular places in public interest and esteem. The ranks of the veterans of the contending armies of the great Civil War (no longer enemies, but for many years past, neighbors and friends) have been thinned out so rapidly in recent years that there remain but few survivors, awaiting the final muster-out and the bugle to sound the sadly sweet notes of "taps" for each of them, as it has for the comrades who have gone on before them.

Along with the patriotic societies, there should be mentioned the Oklahoma Historical Society, several county and local organizations of like purposes and aims and numerous "old settlers" organizations and reunions, all of which aid in keeping alive a popular appreciation of the pioneers and their part in the founding and earlier building of the Commonwealth. In recent years, there have been annual gatherings of Indians and people of Indian descent in State assemblages, thus evidencing the pride of the descendants of a once-primitive race in the achievements of their forebears as pioneers and as citizens of the Indian republics which helped to pave the way for the development of a great State.

Fraternal Organizations—Practically all of the secret societies and fraternities are represented in Oklahoma. The Masonic order dates back to the days of the old Indian Territory, before the Civil War, when a very few "blue lodges" were organized under charter or dispensation from the Grand Lodge of Arkansas. These, however, ceased to exist during that struggle. After its close, the process of reorganization was very slow and some years passed before there were a sufficient number of lodges organized to make possible the institution of a grand lodge. After the settlement of the Oklahoma country and the division of the original Indian Territory into two territories, a separate jurisdiction, with a new grand lodge, was organized in Oklahoma Territory. The organization of the York Rite bodies followed in due course and, several years later, a consistory of the Scottish Rite was instituted at Guthrie, where a temple, or cathedral, was erected. In more recent years, the latter has been superseded by an elaborate and massive structure of white marble, of classic architectural design, and costing over \$3,000,000. After the admission of Oklahoma as a state, a second Scottish Rite consistory was instituted and located at McAlester. The Masonic grand lodge maintains an extensive home for aged members of the order, and for the widows and orphans of Masons, at Guthrie.

The Independent Order of Odd Fellows instituted lodges in some of the towns of the Indian Territory and in all of the principal towns of Oklahoma Territory, with organizations for the advanced degrees in the larger cities. Before the admission of Oklahoma into the Federal Union, the Oklahoma Grand Lodge of the Independent Order of Odd Fellows had located and established a home for aged or disabled members and for widows and orphans of members, at Carmen. The Knights of Pythias also instituted lodges throughout both territories, with grand lodges. With the dawning

of statehood, the grand lodges of all of the fraternal orders were merged into single organizations for the entire State. The Knights of Columbus has flourishing lodges in all communities where the Roman Catholic Church has a strong constituency. Practically all of the secret fraternal societies have women's auxiliaries. In the case of the Masonic bodies, there are juvenile or junior societies as well.

The coöperative life insurance organizations, which are organized along the lines of fraternal secret societies, are numerous and well organized. In their way, these have been of material benefit, in many instances wherein the old line insurance companies might have been passed up. It is noticeable that, however altruistic the aims of such organizations at their inception and during the earlier period of their respective activities, sooner or later, they have had to study well the estimates and conclusions of the professional actuaries and, ultimately, in most instances, to revise their rates to a measure of conformity therewith.

Although Oklahoma, as a State, is nearing the end of the first quarter of a century of its existence as a self-governing commonwealth, its social conditions, institutions, ideals, traditions and precedents have not yet entirely emerged from the formative period. Indeed, in most of the other and older States, the period of formative development was much longer than that which has elapsed since the settlement of Oklahoma. That there should have been some measure of shortcoming in the attainment of cultural and ethical ideals, during the period of pioneering, was only to be expected, since a cross-section of human nature, within its geographic limits, has not been materially different from that of neighboring States. Much yet remains to be done before the ideals with which the minds and hearts of its most constructive leaders have been inspired can be achieved. There have been obstacles, natural and artificial, in the path to such an end and, what is more, there will be opposition to every measure and movement which has for its purpose the betterment of the commonweal, but the leaven of progress and civic righteousness is here and, in due time, it will make manifest its influence and power.



APPENDIX

APPENDIX

APPENDIX VIII—1.

ITEMS ON EARLY DAY STEAMBOATS ON THE ARKANSAS

Beginning with 1828 the "Arkansas Gazette" (Little Rock, Arkansas) gives items from time to time concerning the "Facility" and other steamboats with Captain Pennywit master;

"The steamer 'Facility,' Captain Pennywit, arrived at this place, on Saturday morning last, from New Orleans, bound for Cantonment Gibson. In consequence of the present low stage of the river, we understand she will remain until the water rises sufficiently to admit of her proceeding on her voyage."—February 3, 1829.

"A sufficient stage of water on the river permitted the 'Facility' to get under way to Cantonment Gibson, on Saturday, March 7th. She grounded on a sandbar, between forty and fifty miles below her destination and had to wait for another rise."—March 25, 1829.

"The steamboat 'Facility,' Captain Pennywit, arrived at this place, on Wednesday last (April 8th), with a full load of furs, peltries, hides, cotton, &c, &c, bound for New Orleans. About dark the same evening, the steamboat 'James O'Hara,' Captain Stewart, arrived at our landing, from Louisville, with a cargo of provisions for the U. S. troops at Canton Gibson and 65 Cherokees (all, however, nearly white) who are emigrating from the Old Nation, east of the Mississippi, to the Cherokee Nation on the Arkansas. At the time that these boats arrived, the Arkansas was at so low a stage as to make it quite certain that the 'James O'Hara' (which draws about six feet of water when loaded) could not reach her destination without a very considerable rise of water, of which there was but little prospect. In consequence of this, an exchange of cargoes was proposed with the 'Facility,' which was acceded to and both boats commenced discharging on the following morning and completed reloading on Saturday. The 'James O'Hara' left here, for New Orleans, on Saturday afternoon, with one of the most valuable cargoes of furs, peltries, hides, cotton, &c, &c, that we presume, has ever left Arkansas. We have heard no estimate made of its value and have no data by which to form one ourselves. It, however, must be very large. The 'Facility' left here, about ten o'clock Saturday night, for Cantonment Gibson with a full cargo of provisions for the troops at that post, and has left here sufficient freight for another load. She also took on board the Cherokees who came up on the 'James O'Hara.' It is probable from the present stage of the river, that she will perform her trip in a week."—April 15, 1829.

"When the steamboat 'Facility' undertook to deliver the cargo of the 'James O'Hara' to Fort Gibson, the stage of water became so low in the river that the freight had to be landed at the mouth of the Sallisaw. The 'Facility' then returned to Little Rock to take on board the rest of the 'James O'Hara's' cargo, arriving there, April 22d and, after reloading, got under way up stream the following day."—April 29, 1829.

"The steamboat 'Facility,' Captain Pennywit, succeeded in landing her last above mentioned cargo at Cantonment Gibson and, returning, arrived at Little Rock May 10th—May 13, 1829. Meanwhile the 'James O'Hara' had arrived from New Orleans and had discharged her cargo to be reshipped farther upstream on the 'Facility,' which got under way for Cantonment Gibson on the evening of May 11th. She arrived at Little Rock on the morning of May 24th and left in the afternoon of the same day for New Orleans.—May 27, 1829. She arrived on her return voyage from New Orleans, on the evening of June 16th, laden with a keel-boat in tow having on board several Cherokee mixed-blood families from the Old Nation, who were emigrating to the new Cherokee Nation on the

Arkansas. She got under way to continue her upstream voyage, in the evening of the following day but had to unload at Dardanelles, because of the low stage of water in the river. She left Little Rock on the morning of June 24th, for Louisville."—June 24, 1829.

"In the autumn of 1829, Captain Philip Pennywit, pioneer navigator of the upper Arkansas, purchased a new boat, the 'Waverly,' with which he descended the Ohio and Mississippi rivers from Louisville to New Orleans in October, 1829, and announcing that the craft would be placed in the Arkansas River trade upon return voyage up the Mississippi. The 'Waverly' arrived at Little Rock, on the evening of November 26, 1829, on her initial voyage up the Arkansas, carrying freight and passengers for points as far up as Cantonment Gibson, but finding the stage of water in the river insufficient, finally unloaded at Little Rock and started back to New Orleans."—January 1 and 9, 1829.

"Captain Pennywit's steamboat, the 'Waverly,' on her second voyage from New Orleans, arrived at Little Rock, December 22, 1829, having made the round trip down and return in a few hours over twenty days. She left the next morning for Cantonment Gibson."—December 23, 1829.

"The 'Waverly' left Little Rock for New Orleans, January 2, 1830, having failed to reach Fort Smith, had landed its cargo at Morrison's Bluff. The steamboat 'Industry,' Captain Johnson, and the 'Waverly,' Captain Pennywit, arrived in Little Rock on the 26th and 27th of January, 1830, respectively. In addition to freight cargoes and some white immigrant passengers, each carried about two hundred Cherokee immigrants, bound from the Old Nation, east of the Mississippi, to the new Cherokee country on the upper Arkansas."—February 2, 1830. "Both vessels were detained by the low water less than fifty miles above Little Rock. Both boats finally reached Fort Smith, where the 'Industry' discharged her cargo. She left Little Rock, bound down stream, March 10, 1830. The 'Waverly' was reported still waiting a rise in the stage of the river that would enable her to proceed to Cantonment Gibson."—March 16, 1830.

"The steamboat 'Amulet,' Captain Potter, arrived at Little Rock, from Pittsburgh, March 15, 1830, with contractors' supplies for Cantonment Gibson, also carrying ninety white immigrants for western Arkansas. The steamboat 'Industry' arrived from the mouth of White River, two days later, carrying about seventy-five emigrating Cherokees who were to settle in the new Cherokee country."—March 23, 1830. "The 'Industry' and the 'Waverly' passed Little Rock, March 22d, down stream—the 'Industry' bound for the mouth of the White River and the 'Waverly' for New Orleans. The 'Amulet' passed down the next day, bound for the mouth of White River, whence she returned to Little Rock on the 28th with another cargo of contractors' supplies and also sixty Cherokees emigrating from their old country to the new Cherokee Nation west of Arkansas."—March 30, 1830. "The 'Amulet' reached Little Rock, from Cantonment Gibson, April 14th, and left a few hours later for New Orleans. The 'Waverly,' ten days out from New Orleans, reached Little Rock on the following day, bound for Fort Smith and Cantonment Gibson."—April 20, 1830. "The 'Waverly' returned from Fort Smith, April 21st, and passed on to the mouth of White River. The 'Waverly' arrived at Little Rock, with a full cargo, much of which was unloaded April 26th, and the rest taken on up to Cantonment Gibson. The 'Industry' passed Little Rock, bound from Cantonment Gibson for the Mississippi, April 29th."—May 2, 1830. "The 'Waverly' passed Little Rock, May 6th, en voyage from Cantonment Gibson to New Orleans. The 'Industry' passed Little Rock, bound from the mouth of White River to Cantonment Gibson."—May 11, 1830. "The 'Waverly' passed Cantonment Gibson June 2d, en voyage to the mouth of White River, and arrived at

Little Rock on the return voyage to Fort Gibson, heavily laden with cargo, on June 8th."—June 8, 1830.

"The steamboat 'Waverly,' Captain Pennywit, left our landing about noon, on Tuesday last (June 8th) and returned thence at sunrise this morning. After a detention of two or three hours, she departed at sunrise this morning for the mouth of White River and may be expected back on another trip to Cantonment Gibson, on Sunday next."—June 15, 1830.

"The steamboat 'Waverly,' Captain Pennywit, arrived here on Saturday night last, with a full freight, from the mouth of White River, and departed the next morning for Cantonment Gibson. We understand that the 'Waverly' will make one more trip (after the present one) from the mouth of White River to Cantonment Gibson, after which she will proceed to Louisville."—June 22, 1830.

"The steamboat 'Waverly,' Captain Pennywit, arrived at this place on Thursday afternoon, from McLean's bottom, Crawford County (being unable to proceed farther in consequence of the low stage of the river), and, after stopping an hour or two for freight and passengers, departed for the mouth of White River. She may be looked for back, about the middle of this week, and will depart hence for Louisville, about the 5th of next month."—June 29, 1830.

"The steamboat 'Neosho,' Captain P. Pennywit, arrived on Wednesday evening, last, from Cincinnati, with two keel-boats in tow. After discharging her cargo (finding the river too low for her to proceed higher up), she left on Friday evening for the mouth of White River. She may be expected back in a day or two and will proceed up the river if its stage will admit of her doing so.

"The 'Neosho' is one of the finest boats of her class. Her burthen is ninety tons and draught about twenty-four inches when light, and about three feet when loaded. She has a spacious, airy and comfortable cabin for the accommodation of passengers. She is intended exclusively for the trade of the Arkansas River, and in connection with the steamboat 'Arkansas' (which will run on to the Mississippi), will form a line between the several landings on our river and New Orleans, exchanging freight at the mouth of Arkansas and White rivers."—December 2, 1834.

"'Neosho,' Pennywit, down, July 27, 1835, from Fort Gibson to Cincinnati."

The "Arkansas Gazette" for February 14, 1837, gave an account of the loss of the "Neosho," which was snagged near Thedford's landing, February 7, and a statement concerning the same, by the passengers.

APPENDIX VII.—2.

THE UPPER RED RIVER COUNTRY.

Garrett Igo, called on behalf of Oklahoma and United States, testified:

I am 80 years old, and have lived in this country since 1848. In 1848 I came to Red River County, Texas, and located at Clarksville, which is about twenty miles from Red River. I was frequently at the steamboat landing at old Rowland, before the Civil War. My first adventure on the river was in the sixties. I first ran a steamboat then. I have been up and down Red River from the mouth to the head; from the Panhandle and the Staked Plains to where it empties into the Mississippi. I traveled to the lower reaches of the river by steamboat only. We considered the Kiamichi the head of navigation; from there we went in wagons. In 1854 I was at Bonham and Sherman. Thirty years ago I went to the head waters up in the Staked Plains, with some surveyors, in the Greer County case. I was a witness in the Greer County case. Since I first knew the river many cut-offs have occurred. There were no hills on this side of the river until the Kiamichi was reached. The valleys were from one to two miles wide. They were rich, fertile sandy land, chocolate in color, and some red clay looking land. The wider valleys were on the Oklahoma side.

Cut banks occur by the land caving off and leaving a bluff. The top of the first bank is generally considered forty feet above the bed of the river at low water.

Sand-bars occur on the river opposite cut banks; some of them are a half and some three-quarters of a mile wide; these slope back to the Texas bluff. Cottonwood first grows on these bars; it grows very

quickly.

Where Red River is now, fifty years ago there were good farms. Changes take place by the sloughing off of one bank, and the building of sand-bars on the other. After a rise the sandbars will appear higher towards the bank; they appear on the side opposite from that on which the sloughing off takes place. One difference in the river when I first knew it in 1866, and now, is the number of the Texas side. Another is, there is less rain now than then. Then a boat could usually navigate more than two or three months in a season; there is not now so much water.

Along about old Preston there were high banks on both sides. A rock formation was underneath the bank, and they did not cave off up there, but farther west the country was mostly prairie, and the banks were low and flat. When I first knew the river it had small low banks, some places there would be islands in the middle of the river in low water. These islands were formed by sand catching on an obstruction and dividing the current; there are a number of islands adjacent to this country. There were cutoffs at Steamboat Bend, Big Eddy Bend, and Nine-Mile Line, as we called it then. These cutoffs occur by the river forming in a horseshoe shape, and then cutting through at the heel. Several of them have occurred within my memory. In the main they have been cut off from the Texas side. In the early days McCurtain County was known as Red River County, Choctaw Nation. The big Eddy cutoff occurred in 1872. The 1866 cutoff was in front of old Rowland, Texas, and cut off from the Texas side to the Oklahoma side in 1866. The next cutoff was at Johnson, which cut off the Texas side, up close to Albion, in 1888 I think. Another cutoff occurred up the river above Albion; I cannot give you the name of it. I know from tradition that the Horseshoe bend cut off from the Texas side to the Oklahoma side. This occurred before I came to Texas in 1847.

I navigated Red River from 1866 to 1874. I was captain on the "Belle Crook," which was in 1866. I was on the "J. L. Briley" in 1872 and 1873. I made a trip or two on the "R. T. Briley," which was put on in 1876. These boats ran from Fulton, Arkansas, to the mouth of the Kiamichi, which was then considered the head of navigation. They were nearly altogether stern wheel boats, drawing about four feet of water, and carrying 1,000 bales of cotton. They were nearly all flat bottom boats. There were a number of other boats on the river during that time. We generally ran from January up until April. About half a bank stage was required to run a boat. When they were not in use they were tied up either at Fulton or New Orleans. The boats would go through to New Orleans once or twice in a season. There was a raft in the river at Fulton which was sometimes very difficult to get through. It would take about ten days to make the round trip from the mouth of the Kiamichi to New Orleans. We waited for water to come from the staked plains. The local rains here did not do much good. There was more water down at Fulton, Arkansas. We freighted molasses, whiskey, and groceries up Red River before there were any railroads; that was our business, to sell the farmers, and we took back cotton, cottonseed and salt. We usually tied them up when there was no freight to carry. In very low water we had to sound the bottom frequently for bars, by sending a skiff out in front to take a sounding. In low waters we went very slowly, because if we stuck on a sandbar we might stay there a week or a month. This did not occur very often. I have known of boats to be snagged and sunk. The "Ham Howell" was one such, and the "Cleviss" another. At the old Rowland landing I have seen as many as four big sidewheel steamboats there at one time, some of which would take 1,700 bales of cotton. We had a great deal more water in the seventies than we have now. Those large boats ran then.

When the railroads were built, the steamboats were put out of business for commercial purposes except an occasional cottonseed boat. I saw one or two big trading boats in 1906. I saw the Government dredge boat once or twice when it was up in this country.

Red River has been considered a navigable stream only in the winter season. We could not compete with railroads. It has been twenty years since I have observed Red River except to cross it at different

STEAMBOAT ADVERTISEMENT IN CHEROKEE ADVOCATE, 1845

NEW ORLEANS AND FORT GIBSON STEAM PACKET
EVERETT.
 B. IRWIN, MASTER.
 WILL run as a regular season, between New Orleans, touching at all the intermediate ports. The season being having undergone thorough repairs, cannot be surpassed by any boat in the river, for speed in the execution of passing to and fro, or in the carrying of passengers and freight, or in the carrying of mail.
 Van Buren, Ark. Jan. 29 - 1844.

NOTICE.
 ALL persons indebted to me are requested to come forward and settle without delay.
 GEO. M. MERRILL.
 Jan. 16th, 1845.

TOWNSEND.
 CHAS. FISKE, Gov. of the State of New York.
 and DE. JEFFERSON.

B. IRWIN, MASTER.
 WILL run as a regular season, between New Orleans, touching at all the intermediate ports. The season being having undergone thorough repairs, cannot be surpassed by any boat in the river, for speed in the execution of passing to and fro, or in the carrying of passengers and freight, or in the carrying of mail.
 Van Buren, Ark. Jan. 29 - 1844.

STEAMBOAT ADVERTISEMENTS IN A
FORT SMITH NEWSPAPER, 1850

ARKANSAS RIVER PACKET.
 THE LIGHT DRACHT
STEAMER TRUSTEE,
 THOMAS, MASTER.
 WILL ply, during the ensuing season, as a regular Packet from Cincinnati to the various landings on the Arkansas river, and will carry freight and passengers at reasonable terms as any regular boat in the river.
 November 22, 1850-3-13-11

Arkansas River Packet.
 FINE Blue, Little Rock, Van Buren, Fort Smith, Fort Gibson, and all intermediate landings.
 THE STANCH AND VERY LIGHT DRACHT STEAMER PHILIP PENNYWIT.
 THOMAS A. APPELATE, MASTER.
 WILL resume her regular trips during the ensuing season, in the New Orleans and Arkansas river trade, and, when the stage of the river will permit, will ascend to Fort Gibson, Fort Smith, and all the intermediate ports and landings.
 Nov 29-1-14

Arkansas River Packet.
 THE ENTIRELY NEW
STEAMER REPUBLIC,
 S. H. ABRAHAM, MASTER.
 WILL run as a regular Packet from Van Buren to Little Rock, Van Buren, Fort Smith and Fort Gibson, and all the intermediate ports and landings, and will carry freight and passengers at reasonable terms as any regular boat in the river.
 Nov 29-1-14

points. We could navigate some localities of it now by catching high water, if we did not have the railroads.

I have seen the river rise eighteen feet in one night. I think the river is usually at its highest about the 15th of May. I have seen head rises occur on the river. We might have had more trips from Fulton to the mouth of the Kiamichi, but there was nothing to carry out; after we got all the cotton, there was no occasion to go back.

I know from tradition that the highest water on the river occurred in 1892. There was a very big rise in 1866 and another in 1888; the biggest overflow in a good many years occurred in 1908.

The banks on either side of the river are mostly sand. There is a rock bank at Mound City, and another bluff bank at Albion, though Albion is now a long ways from the river. A farm has gone into the river at the old Albion steamboat landing. Opposite a cut bank a bar appears. These bars range from a quarter to half a mile, gradually rising from the river. On the edge of these bars the soil is pure sand, but in four or five years, cottonwood growth changes it, and cultivation makes other changes. There is now a fine farm in front of Mound City, and one in front of the old Rowland, of 200 acres, where the bed of Red River was before the Civil War. The overflows left rich deposits; this sediment deposits, then the sand makes land fit for cultivation.

Cross-examination:

Where the river runs against the bank it is perpendicular, of clay foundation. Rock banks appear only at one or two places, and there the hills come into the river sometimes on both sides. Hills run along back of the valleys on both sides. They are two or three miles back from the river on the Oklahoma side, and are closer to the river on the Texas side. Where the river is now, a mile from where it was fifty years ago, the valley has been gradually built up by a gradual formation. My daughter lost a one hundred-acre farm which caved in on the Texas side of the river. The river there cut away the residence, farm and all, and made a great beach on this side. It was a gradual process; it had first been built over there, and then cut off and thrown back on this side. This made land is composed of sand, salt and clay. Logs sometimes catch the drift. The sediment is generally in the eddies and back washes. The banks when I first knew the river were more perpendicular than they are now. Cane brakes grew right down to the waters' edge, but as the land has been cultivated, it caves worse. The roots of the cane and timber seem to hold the land better. It was a mistake for the Government to cut the timber off the land. I have known as much as five acres of timber land to go in at one time because of the river cutting it, and there was quicksand underneath. My daughter's house slipped into the river when the river was a hundred yards from it; the river was cutting underneath in the quicksand.

I once owned a Spanish grant. When we attempted to resurvey its lines, there were 444 acres of the survey, we missed the corner one hundred and fifty yards. This grant fronted on Red River. I knew of a suit tried by Judge Gaines; the patent called for the bank of Red River, and he won nearly a half mile of land that had been built by gradual formation. The cut banks are formed by the water running against them. The banks are not so high as you get further up the river.

I have seen one keel boat on Red River. That was just a hull of an old boat that had been used. It was at old Rowland. I knew from tradition that it came up about 1834. Keel boats were used in navigation before the invention of steamboats. Keel boats and row boats were operated before the coming of steamboats. They drew about three feet of water. I have operated flat boats on Red River where a cotton boat sank, and took the cotton off with flat boats. We used our steamboats as trading boats, bringing up sugar, coffee, molasses, etc., and buying beef, cotton and cottonseed. These trading boats operated on the river until the railroads came; after that, whiskey boats continued to come up the river. I have been up to old Preston twice, in 1849 and in 1909. These upper Red River boats carried from 800 to 1,000 bales of cotton; they were flat bottomed boats, one hundred feet long, and thirty or forty feet wide. Thirty feet was the average. Most of the boats running on the

river were stern-wheel boats. In my judgment the river was deeper, and there was more water prior to '70 than thereafter. The steamboats had no effect on the sandbars. The "Ham Howell," the "R. T. Briley," the "Bonnie Lee" and the "Royal George" ran after the Civil War. I remember Ben Kuntz and John Kuntz. Their boats were called the Kuntz lines. The "Era" and the "New Era" both ran before the Civil War. The Kuntz line and the Morgan line ran up and down upper Red River; they had a number of boats running on upper Red River along in this section of the country. I remember a boat called the "Red River Planter"; it ran on the river in this section of the country. Captain Cheatham ran the "Frontier"; he had a salt works up on the Kiamichi River, and ran another boat called "The Southern." I remember a boat called the "Francis Jones," and the "R. M. Jones," and the "Walla Busha." The "Jones" boat was built to haul cotton off of the old Shawneetown farm. I remember a boat called the "Jim Turner."

People living along Red River in those days marketed their crops from October until along in the spring. During the summer months there was nothing up here for boats to haul out. During the fall and spring when there was anything to ship out, and the river was at the correct stage, the boats would come up and take it out. The boats brought merchants' goods to Clarksville, Sherman and Honey Grove. Passengers came on those boats. Except for conveyance by wagon from Shreveport and Gains' Landing, the navigation of Red River by boat was the only means of commerce for this section of the country. It was a matter of debate whether the removal of the raft in Louisiana did more to hinder or help the navigation of Red River up along the Texas border; some thought it made the water shallower, and some thought it helped. I remember a steamboat by the name of the "Oliver" that ran to Clarksville, Texas. Fort Towson is just a little east of the Kiamichi River. Boats sometimes went a mile up the Kiamichi River to get Cotton.

When I first came to this country, in 1847, there was a great deal of timber growing in the valleys on Red River, both on the Oklahoma and the Texas side. Cottonwood, walnut, hickory, pecan, ash, sycamore, gum and bois d'arc. I have seen cottonwood trees that were five feet in diameter. I have seen a walnut tree that was four feet in diameter; that walnut log sold for \$900.00. These valleys on both sides of Red River have changed only by the timber being removed, and the land being put in cultivation. The majority of it is good soil.

When I came here thousands of deer, turkey and bear were in the river bottoms; this game was hunted, and after 1870 there was a regular game market at Clarksville, Texas. Deer skins and bear skins were shipped out of the country. The river was full of fish then. I have known of a one hundred and twenty-five pound cat fish that was caught out of Red River. I have known of men who fished commercially.

Redirect examination:

The raft I have spoken of as being in the river was about four miles below the Arkansas line.

Recross-examination:

The islands I have spoken of as being in the river were little sandbars which were formed by sand drifting up against a snag.

Redirect examination:

During the days when crops and commodities were moved by boat, it was the custom to hold the early picked cotton until the water permitted the boats to come up for it. Cotton would be picked and ginned from September to March. Passengers were accustomed to travel on the boats to a small extent, newcomers coming to this country. Travel by boat was uncertain only in the winter season, and sometimes there would be a month between the arrival of one boat and another. Whiskey was frequently sold to the Indians from the whiskey boats on the river, but it was sold on both banks of the river. I knew of one boat that was tied up on a sandbar to evade the United States officers. I never knew of any whiskey being seized when the boat was on the Texas side of the river. The trade of the character and species I speak of did not go very far above Arthur City. Arthur City is twenty-five miles north of Paris, Texas. When I first came to this country there were very few white people living on the Oklahoma side of the

river, and the fishing and hunting was done principally by Texas citizens.

Further cross-examination:

The cotton would be stored in warehouses on the river, after it was picked and ginned, waiting for the fall rises to come so the boats could come up and get it, and the boats continued to come up as long as there was cotton and the water was suitable.

Redirect examination:

The rainy season of the West generally began to set in the latter part of January. I was on Red River in 1866 and 1862, a month or two each year before January. The fall rises occurred those years. There were other rises which occurred nearly every winter, but the river did not stay up long enough to boat any except these years I have mentioned, during the time I was running a boat on the river.

In the Supreme Court of the United States, October Term, 1921, No. 20, Original, The State of Oklahoma, Complainant, vs. The State of Texas, Defendant; the United States of America, Intervener. Volume IV, pp. 1587-92.

APPENDIX VIII—3.

ITEMS APPEARING IN THE CHOCTAW INTELLIGENCER, DOAKSVILLE, CHOCTAW NATION.

CHEAP CASH STORE BETHELET & JONES

We have been receiving goods of every description from New Orleans, since the commencement of the season, until we have attained as large and general a stock of goods as any house in the Nation. And we are determined, having bought out goods at the very lowest cash prices, not to be undersold by any other house. We have a large assortment of

DRY GOODS

such as French, English and American Prints, Mousline de Laines, Alpacos, Gingham, Chintzes, Jackonets, Sheetings, Choctaw Stripes, plain, fancy and striped Domestic, a heavy lot of red, green, blue and White Blankets, Casimeres, Satinnetto, Vestings, Laces, Ribbons, Braids, Ladies' Fancy, etc. We also have a large stock of

GROCERIES

Consisting in part of loaf, crushed and brown Sugar, Rio and Lagaira Coffee, Teas, Molassas, Pepper, Salt, Spices, etc., etc. Our stock of

HARDWARE

Cutlery, Hollow Ware, Tin Ware, Glass, Earthen, Crockery and Queens Ware is quite extensive.

BOOTS AND SHOES

Our assortment is very extensive, among which may be found Partridge's water proof Boots, Calf Boots, pegged and sewed Calf Kip, Russett and Seal Brogans.

SLIPPERS AND PUMPS

Ladies Kid, Morocco, Calf Slippers and walking shoes.

SADDLERY

We also have a large stock of ladies and gentlemen's Saddles, also Bridles, collars, Traces, etc.

We invite our old customers and friends, and the public generally to call and price our goods, and we are satisfied they will not leave without dealing as we are determined to sell our goods at the very lowest living rates for cash.

BETHELET & JONES

Red Store No. 5 Commercial Row
—Choctaw Intelligencer (Doaksville, Choctaw Nation), Wednesday, Oct. 15, 1851.

The same issue of the "Intelligencer" stated that the price of steamer passage from New Orleans to Alexandria was \$20.00. The usual price in good navigation was \$5.00 or \$6.00.

In the same issue the following items appear:

MORE NEW GOODS

Our friends, Messrs. Bethel & Jones have just received from Shreveport, nine wagon loads of goods. Call and see them.

OTHER ADVERTISEMENTS INCLUDE

Proposals for furnishing corn at Fort Towson, was opened on Saturday last, and awarded as follows:

S. Folsom 3,000 bushels at 95 cents per bushel.
Bethel & Jones 3,000 bushels at 98 cents.
Robert M. Jones 500 at 87½ cents.

NEW GOODS

P. COLBERT

Has just received per steamers "Texas" and "Woodsmen," a large stock of well selected and seasonal goods which he will sell as low as any other house in the place.

The following are a few among the leading articles:

- 500 pieces assorted Calicoes, French, English and American prints.
- 20 pieces Jackonette.
- ½ doz. fancy new style Lawns.
- ½ doz. Mourning do.
- ½ doz. pieces Irish Linen.
- Linen sheeting, 12-4 wide.
- 5 pieces unbleached sheeting, 12-4 wide.
- 2 doz. fine Jenny Lind Skirts.
- 1 doz. Mohair do.
- 20 pieces Gingham.
- 25 pieces assorted bleached Skirting.
- 75 pieces assorted Cottonades.
- ½ dozen pieces fancy Tweeds.
- 4 doz. linen Table Cloths.
- 4 doz. Napkins.
- 6 doz. linen Towels assorted.
- 2 doz. Russian Diaper.
- 30 pieces ass'd. silk Hdks.
- 30 bales Domestic, assorted.
- 4 bales Choctaw stripes.
- 10 bales Blankets, assorted.
- 2 bales Spun Cotton.
- Parasols, Handkerchiefs, Cravats, Shovels, Gloves, Cord, Hosiery, Thread, Shell combs, ass'd., 15 boxes Tobacco, Jenny Lind, Rose Dunbar, Bell, Buena Vista and Lewis Cass brands.
- 50 sacks Rio Coffee.
- 40 bbls. Sugar, crushed and loaf do.
- 7 bbls. N. O. Molasses.
- 2 bbls. Sugar House do.
- 4½ bbls. No. 1 Mackerel.
- 30 bbls. Flour.
- 4 bbls. Vinegar.
- 100 sacks Salt.
- 1 cask Rice.
- 6 boxes Star Candles.
- 4 boxes Sperm Candles.
- 2 boxes Vermicelli.
- 6 boxes Soda Crackers.
- 24 boxes Sardines.
- 3 boxes Lemon Syrup.
- 2 boxes Saleratus.
- 2 boxes Pearl Starch.
- 5,000 Cigars, regalia, principe, etc.
- 25 bags assorted Shot.
- 10 kegs Powder.
- 4 tons assorted Iron.
- A general assortment of Hardware and cutlery.
- A large assortment of glass.
- Queens and Crockery Ware.
- 12 cases assorted Shoes and Boots.

Our old customers and others will do well to call and examine for themselves before purchasing elsewhere, as we are satisfied that our prices will suit them.

S. FOLSOM, Agent.

—Ibid., Wednesday, October 15, 1851.

FOR CASH SALES ONLY. DOAKSVILLE PRODUCE

MARKET

Corn	\$1.00 per bushel
Fodder02 per bundles
Oats75 per bushel
Irish Potatoes75 per bushel
Sweet Potatoes50 per bushel
Lime50 per bushel
Lumber at the Mills	1500 M.
Bacon	12½ cts.
Butter	12½ cts.
Chickens	1.50 doz.
Eggs	12½ cts. doz.
Meal	1.00 per bushel

GROCERIES

Sugar per lb.	9 12½
Coffee per lb.	14
Molasses	50 to 62
Salt per sack, coarse	4.00
Rice	8 to 10 cts.
Iron	8 to 10 cts.
Nails	8 to 10 cts.
—Ibid.	

The "Choctaw Intelligencer" is published every Wednesday in English and Choctaw. Terms—Only Two Dollars per year. Invariably in advance. L. D. Alsobrook & J. G. Wright, Editors and Proprietors.

APPENDIX VIII.—4.

A VISIT TO ABEL WARREN'S TRADING POST,
ON RED RIVER.

Abel Warren, a resident of Fort Smith, had a trading post on the Red River. It was surrounded by a strong, heavy picket or palisade of logs planted in the ground, about fifteen feet high. On two of the corners were log towers (or blockhouses) with port-holes which covered the approach to the palisade walls on the outside. These log towers, or bastions, were about twelve feet square and were furnished with sleeping bunks for the men. In each there were a dozen muskets and rifles, always loaded—the muskets with buckshot for fighting at close range. On two sides of the enclosure there were strong gates for the ingress and egress of stock and wagon trains. Sheds and warehouses were built around the inside walls of the palisade and there was a corral for stock on the prairie outside.

"A stay of a few weeks at Warren's Fort gave the writer some insight into the trade and life of the post. The year round was occupied mostly in trade with small parties of Indians in the various tribes—Comanches, Kiowas, Wichitas, Tonkawas, Caddoes and Delawares. The stock was driven out of the fort corral at daylight to be herded on the prairie, in sight of the watchman on the tower, and was driven in and corralled at nightfall. There were eight white men and four Delaware Indians in the little garrison, in addition to which there were generally a few hunters and friendly Indians in the immediate vicinity. No danger was apprehended as the fort was strong enough to withstand an attack from any but a very large band of Indians of a known desperate character and, even then, if such an attack were successful, it would be a fearful sacrifice in killed and wounded among the attacking party. The Indians of the wild tribes of the Plains knew this and they always ignored game that was not worth the candle. A few men in each tower, with their stacks of muskets ready loaded, could make terrible havoc in a horde of savages, most of whom were armed only with bows and arrows and lances.

"It was in the fall of the year and great droves of buffalo were making their way to the plains of Southwestern Texas, away from the blizzards of the Northern Plains country. Some of the droves passed within a short distance of the fort and it was necessary to keep the stock corralled in order to prevent a stampede and loss. To a tenderfoot such scenes furnished an exciting novelty. The buffalo would rush along in compact masses, with tails erect, for a mile and then check up and radiate from the center, grazing upon the sun-cured grasses of the plain. After a while they would close up and rush forward again, drove after drove. They were three days passing in sight of the fort. Scores of Indians were in the rear, the men charging into the herds, with bows and arrows and lances, and the women and boys catching and killing the crippled and the weakling calves.

"A few days afterward, we were aroused one morning by whoops and yells and the tramping of horses around the enclosure. Several hundred Comanches had arrived and many were setting up their buffalo skin lodges close by the fort. Young men dashed around on horseback, old women were shrieking, and children were chattering and playing. Little columns of 'slow rising smoke' were seen above the gypsy kettles suspended from tripod sticks. Young women were 'toting' water in water skins on their backs, while other girls led ponies laden with calf-skin water bags. Women were stretching and pegging buffalo skins on the ground and scraping them. Others were unloading buffalo meat from the ponies and cutting it in

slices for frying. Many of the young men were staking out their horses and rubbing them. Old dignitaries stood around, smoking and waiting for the kettle to stew. Our stock of horses and cattle were driven from the corral into the enclosure, where they were secured in the sheds inside, and the gates were carefully closed and securely fastened.

"Presently the Indians came in crowds to the fort to trade, with bundles on their backs. After much wrangling without interpreter, they were admitted, three or four at a time, each being required to leave his belt knife, hatchet and other weapons outside. The chief of the band was there. He said nothing but looked at the trader. The trader looked at him a moment, then took down a bridle which was richly ornamented with red woolen fringe and tin stars, and gave it to him with a plug of tobacco. This was supposed to be his license and good will for trading. The chief grunted, nodded, lit his pipe and that part of the formality was over. The trading went on and lasted for several days. The Indians first asked for liquor (which the trader did not keep), and were much displeased when he told them that he had sold out all he had. Their stock in trade consisted of furs of all kinds, dressed buffalo robes, dressed and raw deer skins, dried buffalo tongues and beeswax. Some of them had Mexican silver dollars. They bartered for red and blue blankets, strips of blue cloth, bright colored gingham handkerchiefs, hoop-iron (for arrow and lance points), glass beads, heavy brass wire (which they wound into bracelets for the left wrist to protect it from the recoil of the bow-string), vermilion, red and yellow ochre (for face paint), bright hued calicoes and wampum beads, which they wound around their necks in great quantities. These beads were from two to four inches long, pure white, and resembled clay pipe-stems in size. They were highly esteemed and served the part of currency in their dealings with one another. They wanted guns but the Government forbade the selling of firearms to the wild Indians at that time. Much of the trading was done by means of signs. One finger was one dollar; five fingers, five dollars; crossed forefinger, half a dollar, etc. Stretching out the arm and touching the shoulder was a yard, or unit of measure for cloths and fabrics.

"An hour after the Comanches began to break camp the entire band was out of sight. After they had left we learned that they had three white captives, all of whom had been kept out of sight. Letters were promptly dispatched to the commandants at Fort Gibson and Towson, apprising them of the facts. Some time afterward, Captain Nathan Boone, with his company of dragoons went out on the plains and rescued these captives from the Comanches. They proved to be a woman and two children captured while washing clothes at a branch or creek near their home in Texas. They were restored to their family and friends. At the same time, a Mexican boy was rescued from captivity among the Comanches. He spoke both Comanche and Spanish but he had lived with the Indians so long that he could not tell his own name nor could he give any information as to the location of the home of his family. He remembered that the Indians had killed his father and grandfather at the time he was carried into captivity."

THE TRADER AND THE RENEGADE.

"Two white renegades, Tom and Bob Merritt, by name, were scouting in the Indian Territory. McIntosh was on his way home from one of his solitary trading trips out to the plains. He had four horses—a saddle horse and three that were packed with such robes, furs and other articles as he had secured in trade with the wild Indians. While he was still several days out from Fort Gibson, he was surprised and captured one morning at his campfire by the Merritts. They robbed him of everything, took his horses, provisions and packs of Indian goods and turned him loose. They let him keep his gun and two charges of powder and a ball to shoot something to eat until he could reach the Cherokee settlements on the Verdigris, and then left him.

"Did Charley curse his luck and give up to the situation?

"No, he merely sat down and watched them until they were out of sight and then he arose and followed their trail like a sleuth hound. At night he came in

sight of their campfire. It was dark and he crawled up noiselessly to reconnoitre. The horses were staked out at some distance from the camp. They had finished a good supper from Charley's grub and were smoking and jesting over the day's achievement. The fire was built before a large log. Big Tom Merritt was resting with his back against the log, his head resting above it. Charley sneaked out among the horses and made some disturbance among them. Bob Merritt arose from the fire and went to examine the horses, whereupon Charley quickly made his way back to the log and, taking careful aim, shot big Tom through the head with one of the two bullets. He then secured the guns of the outlaw brothers.

"When Bob Merritt heard the shot he fled to the bushes. Charley McIntosh recovered his own horses and also took possession of the two horses of the robbers. Loading up his packs, and taking with him the weapons and ammunition of the renegades, he resumed his journey toward Fort Gibson with no fear of Bob Merritt. On his arrival at the post he was greeted with great enthusiasm when his exploit became known and a round of dinners and dances were given in his honor. Stanley, the artist, painted his portrait at full length and dubbed him 'the hero of the Verdigris.'"

[The allusion to Stanley in this connection would seem to fix the date of this occurrence at 1843 or 1844. Charles McIntosh was himself killed in a private altercation on Vian Creek, in December, 1847.]

LETTERS WITH REFERENCE TO THE WOUNDS RECEIVED. NE-COMING, A DELAWARE CHIEF.

Cantonment Gibson, 1830.

It is hereby certified that Ne-coming, a war chief of the Delawares, was, with his party, encamped near Cantonment Towson, in 1828, when two of the soldiers were murdered by hostile Indians. When the fact was ascertained, a party consisting of a small detachment from the garrison, some citizens, with Ne-coming and some of his party, at the request of the commanding officer, proceeded in pursuit of the enemy. They came upon them in about three days, while dancing round the soldiers' scalps. They rushed on them, and Ne-Coming, at the head of the party, received a poisoned arrow in the fleshy part of his thigh. He was brought to the garrison, and remained on his pallet for some weeks, totally blind, in consequence of the injury, and left at last with very imperfect vision. I have recently seen him, and have no doubt that his present impaired eyesight is attributable to the arrow wound.

J. THURSTON,
Assistant Surgeon U. S. Army.
Headquarters, 7th Infantry,
Cantonment Gibson, July, 1830.

The bearer, Ne-coming, a principal warrior of the Delaware tribe of Indians, is reported to be a man of good character and I doubt not, from my knowledge of him, that he merits the favorable opinion entertained of him. It is understood that he served during the last war under General Harrison and other officers on our northwestern frontier, and that he has at all times been a firm friend to the United States; he was at Cantonment Towson (Red River) about the last of August, 1828, when two soldiers of the garrison were killed by a party of the Pawnee Indians [Plains Indians]. He immediately turned out by the request of the commanding officer (Brevet Major Birch, of the 7th Infantry) with several of his warriors, on horseback, in company with a detachment of soldiers and other mounted men. The Pawnees were overtaken, and several of them killed; Ne-coming, it is reported, was among the foremost in the attack, and that after killing a Pawnee, was severely wounded in the thigh by a poisoned arrow, which occasioned him much pain, and was the cause of doing great injury to his sight. He, therefore, hopes that the Government will allow him such annual sum as will enable him to support himself in his present infirm condition.

I am of the opinion that Ne-coming has a strong claim on the bounty of the Government, and therefore trust that the agent for his nation will assist him in obtaining a suitable reward for his services, and the injury he has received in the service of the United States.

M. ARBUCKLE, Colonel 7th Infantry.

—Sen. Doc. 512, Indian Removals, 23d Congress, 1st Session, Vol. II, pp. 727-8.

APPENDIX XIII—1.

NOTES ON THE GOVERNMENT AND CHIEFS OF THE CHOCTAWS IN MISSISSIPPI.

The greater portion of the Choctaw settlements were to be found in what are now Neshoba, Kemper, Lauderdale, and Newton counties, Mississippi. Up to 1826 the Choctaw Nation was divided into three districts, supposed to contain 7,000 to 8,000 inhabitants each. For sometime before this, perhaps from time immemorial, a high chief called the 'miko' (pronounced 'minko,' corrupt spelling 'mingo'), ruled over each of the three tribal districts, having equal power and rank. These chiefs had gradually risen to their station by the consent of other leading men of the Nation, but without a formal election. Besides the district chiefs, a headman was appointed over each village or settlement, whose rank was indicated by the English word 'captain,' without any meaning in its military sense. In each of the three districts (designated as the Northeastern, the Northwestern, and the Southeastern or Southern districts) there were about thirty captains who were raised to their positions by the consent of their neighbors and the Miko. The common men of the Nation were the warriors. A council of the chiefs, captains, and warriors was held irregularly, usually called by the chiefs.

With the advancement of the teachings of the Christian missionaries, there had arisen a "Christian party" among the Choctaws, composed mostly of young men who had received the benefits of an English education. Early in 1826, fearing that their people would be led away into dissipation and thinking that the district chiefs at that time were inefficient in carrying out the laws of the tribe and the United States, members of this party especially conferred together and succeeded in having a council called in the Northeastern District about the middle of April. In this council David Folsome, one of the leaders of the Christian Party, became the speaker. Chief Mosholatubbee, of the Northeastern District, was charged with being a bad ruler and was told that, while the people did not want "to hurt a hair of his head," if he would resign they would pay him \$400; if not, they would elect another chief anyway. In his reply to these accusations, Chief Mosholatubbee claimed that he had always tried to be just and had done no wrong; that he believed that the people generally were not against him, on the other hand that all these complaints were due to the "white men" (half-breeds). He called for an opinion of those present at the council. The question was put, "Are the people here assembled in favor of a change of measures?" The answer was unanimously in the affirmative. Thereupon Mosholatubbee resigned and received the \$400 that had been offered him. Upon his resignation, a constitution was adopted for the Nation, by the council, the district chiefs to be elected for a term of four years, and the legislative power being invested in a national committee or council, whose acts after being approved by the chiefs were to be the supreme law of the Nation. David Folsome was unanimously chosen chief of the Northeastern District by the council, thus becoming the first elected district chief of the Choctaw people. Within a few months, a second council was held and a code of twenty-two written laws was adopted, covering theft, murder, infanticide, marriage, polygamy, making wills and settling estates, trespass, false testimony, and what constituted a lawful fence around an enclosure.

The Northwestern District soon followed the example of the Northeastern District, electing Greenwood LeFlore, of French descent, as district chief. The Southeastern District elected Isaac Garland as chief. In each case the ruling chief who had been unwilling to lead the people away from the old tribal customs was forced to resign. The three new chiefs were sons of white men who had married Choctaw women. They were young men who had spoken English from their earliest years and who were ready to lead their people into the ways of civilization.

When the question of the removal of the Choctaws to the West was seriously considered in 1829, the three district chiefs were opposed to the proposition. However, during the following winter LeFlore spent some time among the Cherokees in Tennessee and returned to the Choctaw Nation, favoring removal as the only means that would save his people. On March 15,

a council was held near David Folsom's place, at which all three of the chiefs were present, besides several hundred Choctaws from LeFlore's district, only a few persons attending from the other two districts. For reasons best known to themselves, Folsom and Garland resigned their positions, though outsiders thought it was because a recent Mississippi law made it a fine of one thousand dollars to be a chief of an Indian tribe within the borders of the State. LeFlore, who hoped for "indulgence from Mississippi," as his influence would be for the removal, was considered chief of the whole Nation by the consent of those present at the Council. The question of removal was fully discussed. During these proceedings, LeFlore argued in favor of a treaty, the captains and a number of warriors in the Council remaining opposed to such a measure, though they were finally forced to concede to the arguments put forth by LeFlore. The draft of the proposed treaty was prepared in the handwriting of Rev. Alexander Talley, the most prominent of the Methodist missionaries among the Choctaws, of whom there were several present at the Council. There was one missionary of the American Board of Commissioners of Foreign Missions present, but being alone, he had nothing to do with the preparation of the treaty nor was his advice sought. The document was read, approved, and signed by many Choctaws present at the Council, among them being David Folsom and Isaac Garland. The two latter attached their signatures as private citizens, not as chiefs, claiming they did this as a matter of expediency.

Immediately upon hearing of the action of the Council of March 15, Mosholatubbee and Nitakechi, leader of the Kusha (pronounced Koonsha) clan, with their followers forwarded a vigorous protest to the President against the proposed treaty. They charged that only a few Choctaws from the Northeastern and Southeastern, or Southern, districts had been present at the Council and that the measures submitted were unjust; that bringing the whole Nation under one chief was a usurpation of power; that the people would not submit to LeFlore but would have their own council and elect their own rulers, since the "extinction of two council fires" was unjust. They claimed further that Christianity had ruined the Choctaws, and, since the Methodists had been instrumental in framing the draft of the treaty, all missionaries and Christian work were special points of attack. The policy of Mosholatubbee and his followers, who styled themselves the "Republican Party" and their opponents the "Despotic Party," was to endeavor to make the best terms possible in favor of the Choctaws in a removal treaty, since they did not maintain they could remain in Mississippi, but wished to keep the power in their own hands instead of in the hands of the Christian chiefs. Within a short time Mosholatubbee was reinstated as chief of the Northeastern District, and Nitakechi was made chief of the Southern District. They were duly recognized in their positions by the United States Government in the negotiations held between its commissioners and the Choctaws, later in the year.

APPENDIX XIII—2.

A CREEK PROTEST TO THE SECRETARY OF WAR.

The communication of the Creek delegation, in Washington, to the Secretary of War was in part as follows: "Brother: The great object assigned to our care to this place, was to intercede with your department for the removal of white citizens from our lands; and, in the event of a failure, to petition the Congress of the United States, your answer upon that subject having satisfied us that our only and last alternative is before Congress.

"The circumstances in which we are unfortunately placed, compel us to this resort. Our aged men and women beseech us to remain upon the land of their birth; they view a removal as the worst calamity that can befall them. By these circumstances, we, as their representatives, feel not authorized, even in the failure of the last effort, to enter into any definite arrangement with your Government here, to change their situation; and have concluded to leave the city of Washington on Thursday morning next, leaving behind our friend and special agent, Colonel Brodnas, with one of the delegation, to await the result.

"We feel ourselves persuaded to do so, for the purpose of placing before our head-men and warriors, as early as possible, their true situation; and, after hearing our report, should they consider best to do that which we feel unauthorized to do, our friend will be informed; and, through him, the particulars will be made known to you."—Senate Document 512, Indian Removals, 1st Session, 23d Congress, Vol. II, p.

APPENDIX XIII—3.

NOTES ON THE GOVERNMENT OF THE CHEROKEES.

The population of the Eastern Cherokees was estimated in 1824 as approximately 13,500. The first law printed in the Nation was passed by the Cherokee Council of chiefs and warriors in 1808, providing for the organization of "regulating parties," composed of a captain and a lieutenant and four privates, to assist in the execution of the tribal laws. In 1817 the Cherokee Council passed an act providing that a standing National Committee of thirteen members, to be elected every two years, should have charge of the affairs of the Cherokee Nation. John Ross was president of this committee for ten years. In 1820, by resolution of the National Committee and the Council, the Cherokee Nation was organized and laid off into eight districts: namely, the First District, or Chickamaugue; the Second District, or Challegee; the Third District, or Coosawatee; the Fourth District, or Amoah; the Fifth District, or Hickory Log; the Sixth District, or Etoah; the Seventh District, or Tahquohee; the Eighth District, or Aquohee, the boundaries of each being established under the law. Each district was to send four representatives to the National Legislature, which would meet at New Town, or New Echota, the capital, at the forks of the Coosawatee and Conasauga rivers, near the present site of Calhoun, Georgia. By a resolution of the National Council, an election was held in the various districts to select delegates to a convention, which assembled July 4, 1827, for the purpose of drafting a republican constitution for the government of the Cherokee Nation. This constitution was adopted at New Echota, July 26, 1827. It defined the boundaries of the Nation which remained divided into the eight districts as formerly; and provided for the legislative, executive and judicial departments of the government. Charles R. Hicks was elected the first principal chief, with John Ross as assistant chief. The following year John Ross became principal chief, which position he held until his death, nearly forty years later. Though only one-eighth Cherokee himself, he remained the leader of the full-blood element of his people, especially during the agitation for the removal, which he strenuously opposed to the bitter end.

After the Georgia Legislature passed an act prescribing a penalty for exercising the powers of the Cherokee government within the limits of the State, the Cherokee Council passed an ordinance, in July, 1832, continuing the office of the chief and positions of the members of the Council "ad infinitum," since they were unable to hold an election in their country. On this account a party was organized among the members of the tribe, who were determined not to submit to the authority of John Ross. Though this party was weak numerically, as time passed some of the leading men among the Cherokees joined its ranks and favored negotiating a removal treaty with the United States.

APPENDIX XIII—4.

GOLD IN THE CHEROKEE NATION.

"The gold region is situated very near the thickly inhabited part of the frontier part of the State."

"Since the discovery of gold in the Cherokee country, the opinion very generally prevailed that those who engaged in digging for it violated no right except that of the State; and that, after the passage of the law extending the jurisdiction of the State over that country, the Government of the United States would have no authority to enforce the non-intercourse law. What effect the proclamation, prohibiting all persons, both Indians and whites, from digging gold, may have in allaying the excitement among the persons who

have been removed as intruders, is very uncertain. It is probable that it may prevent an immediate attack upon the Indians so employed, from the expectation that they will be restrained by the authority of the State.

"I shall be compelled to resort to the tedious process of the courts for this purpose, the laws of the State not having invested the governor with the power to protect the public property by military force.

"In the meantime, it is very desirable that the President would direct the officers commanding the United States troops to prevent intrusion upon the property of the State by the Indians, at the same time defending the occupant rights of the Indians from intrusion by the whites." Excerpts from the letter of George R. Gilmer, Governor of Georgia, to President Andrew Jackson, dated June 17, 1830.—Senate Document 512, Indian Removals, 1st Session, 23d Congress. Vol. II, pp. 229-31.

APPENDIX XIV—1.

MEMORIAL OF THE CREEK INDIANS TO PRESIDENT ANDREW JACKSON

"Father (President Jackson): We, the chiefs and head warriors of the Creek Nation, west of Arkansas Territory, having met in council for the purpose of taking into consideration such measures as might add to the happiness and security of our Nation, have concluded to send you this our talk, which we hope you will communicate to the great council of the United States Government, when they meet at Washington City, in December next.

"Father: When we removed from the land of our forefathers agreeably to our treaty with the Government of the United States, we left behind us the bones of those whose memory we held most sacred; the scenes of our youth are still dear to us, and causes us to regret that stern necessity and misfortune has driven us into this western wilderness. We, however, trust to the vigorous support and protection of the Government of the United States, as was promised in our treaty, and we rely upon the sympathetic feelings of our white brothers in supporting us, when we only ask what is just.

"We knew we were coming to a land of strangers, and that our intended neighbors were red brothers who had not received the advantages of civilization as we, and the rest of your red children who had resided east of the Mississippi. These wild Indians depend almost altogether upon the chase for support, and their glory is war. We are anxious to pursue a different course. Our object is to cultivate the land, to support our families by our industry, and to preserve peace not only with our white, but with our red brothers. We are, however, subject to depredations from small bands of those Indians (Comanches) who live on our southern and western frontier, which keeps us in continual alarm for the safety of our people, more particularly our women and children. These small bands generally make their attacks at night, and before the alarm can be given their escape is almost certain as they are so well acquainted with the country.

"Father: Our object in making this appeal to you is, that we hope you will recommend to Congress to appoint commissioners, with the power of making selections of deputations from different tribes west of the Mississippi, to hold a general council with the view of making such arrangements, as that peace may hereafter be preserved amongst the different tribes; and as we are convinced that the success of such an understanding depends much upon the selection of those who are to compose the commission, we do anxiously recommend our friend, Colonel Auguste P. Choteau, of St. Louis, Missouri, to be one of the commissioners, as we have full confidence in his integrity and knowledge of the tribes, language, manners, customs, &c., which qualify him in a superior manner for so responsible a duty.

"Father, this, as far as we have been able to ascertain, is the general wish of the Creeks, Cherokees, and Osages, and we hope you will listen to the voice of your red children.

"Witness our hands and seals in council, this twenty-ninth day of October, 1831.

Roley McIntosh,
Chilly McIntosh,

his x mark
" x "

Fusby Hatchee Micco,	"	x	"
Cowarcutchee Emarthla,	"	x	"
Hothlepoir Tustenaggee,	"	x	"
Spohoki Harjo,	"	x	"
Hospetark Harjo,	"	x	"
Ista Caharer Micco,	"	x	"
Hillabee Tustenaggee,	"	x	"
Samuel Perryman,	"	x	"
Tuckabatihee,	"	x	"
Istacharco Harjo,	"	x	"
Holtata Thlouo,	"	x	"
Co. Emarthla,	"	x	"
Coosa Yahola,	"	x	"
Tus Kenehaw,	"	x	"
Tom Stedhan,	"	x	"
Sacota Tustenaggee,	"	x	"
Nocosee Tustenaggee,	"	x	"

Witnesses present,

Thos. Anthony, Acting U. S. Sub-agent for Osages.
Benjamin Hawkins.

To his Excellency Andrew Jackson,
President of the United States.

—Sen. Doc. 512, Indian Removals, 23d Cong. 1st Sess., Vol. II, pp. 637-8.

APPENDIX XIV—2.

MOUNTED RANGERS

"We insert in our first page, the act authorizing the raising of 600 Mounted Rangers to be employed in the defense of the frontiers and, by reference to a subsequent column, it will be seen that Mr. Jesse Bean, of Independence County, is authorized to raise one of the companies, to consist of 100 men, in Arkansas, within thirty days of receipt of his orders and that he is to have command of them and the selection of his subaltern officers. The time allowed for raising the company we think too short for a country where the population is so sparse as it is in Arkansas, though we have no doubt the number of men required can be raised within the time specified. But if sixty or ninety days had been allowed to making enlistments among the hunters on the western border of the Territory, a much more efficient company of experienced woodsmen would have offered their service than can be obtained in the short period of thirty days. In the selection of a commander of the Arkansas corps, we think the President has been quite fortunate. A more experienced woodsman, or one better acquainted with the Indian mode of fighting, can hardly be found in any country than Captain Bean. He took a gallant part in the principal engagements at New Orleans, while that city was invested by the British Army, in 1814-15, and was with General Jackson in the subsequent Indian wars in Florida, where he commanded a company of spies (scouts?) and rendered important services for which he was highly complimented by the commanding general.

"We would advise all who are desirous of joining Captain Bean's company to lose no time in proceeding to Batesville (near which place Captain Bates resides), with their horses and necessary equipment."—*"Arkansas Gazette,"* July 18, 1832.

"The Arkansas Mounted Rangers.—We learn, by letter from Captain Jesse Bean, that, in consequence of absence from home, he did not receive the instructions to raise a company of Mounted Rangers until the 27th ult. He immediately gave notice that he would be at Batesville on the 30th, for the purpose of receiving recruits and that, on that day, had the satisfaction of enrolling thirty recruits, nearly all of whom are active and intelligent young men and he expresses his confident belief that he shall be able to organize his company in a few weeks. He has appointed the following gentlemen to be officers of his company, viz.:

Joseph Pentecost, first lieutenant.
Robert King, second lieutenant.
George Caldwell, third lieutenant.

"Lieutenant King visited this place, last week, for the purpose of receiving recruits and left, on Sunday, for Pope County on the same business. He requested us to give notice to all suitable persons wishing to join the company, that if they will rendezvous at Batesville, by the 22d, with their horses and equipments, they will be received.

"We most sincerely wish Captain Bean success in

raising his company and hope it will be composed of such materials as will redound to his credit and the honor of the Territory."—"Arkansas Gazette," August 8, 1832.

"The Arkansas Rangers.—We are gratified to learn, by a gentleman from Batesville, that Captain Bean has succeeded in raising his company, and that the members of it were to rendezvous at Batesville, on Monday last, preparatory to taking up their line of march for Fort Gibson, to which post Captain Bean had been ordered to report himself and company."—"Arkansas Gazette," August 29, 1832.

APPENDIX XIV—3.

BIOGRAPHIES OF MAJOR FRANCIS W. AND CAPTAIN WILLIAM ARMSTRONG.

Francis Wells Armstrong, son of Colonel James (called "Trooper") Armstrong and Susan Wells Armstrong, was born about 1783 in Virginia. He was a citizen of Tennessee at the time he entered the military service as a captain of the 24th Infantry, in March, 1812. At the end of the War, in June, 1815, he was honorably discharged, but six months later he was recommissioned as captain of the 7th Infantry, with the brevet rank of major. He resigned his commission in the army on April 30, 1817. On the authority of the late Dr. James Park, of Knoxville, Tennessee, Major Armstrong was the inventor of the Derringer pistol. Dr. Park said, "My brother William Park and Hugh L. McClung were with Francis Armstrong when he gave the pattern of the pistol to Derringer." William Park was a brother-in-law to Major Armstrong, having married the latter's sister, Jane Crozier Armstrong.

At the beginning of the Jackson administration, Major Francis W. Armstrong was appointed United States Marshall of Alabama. President Jackson also appointed his brother, General Robert Armstrong, as postmaster of Nashville, Tennessee. (General Armstrong was appointed consul to Liverpool by President Polk, in 1845.) Major Armstrong received a special appointment to take a census of the Choctaw Nation, in Mississippi, in the summer of 1831. In the following September, he was appointed as Choctaw agent west, his agency being located fifteen miles west of Fort Smith. In 1832, in addition to this position, he was also appointed superintendent for the removal and subsistence of the Indians west of the Mississippi, which positions he was holding at the time of his death in 1835. Early in the 'thirties, Major Armstrong had married Ann Willard, of Baltimore and Washington. Their one son, Frank Crawford Armstrong, was born in 1835, at the Choctaw Agency, afterward known as Skullyville. Many years later Frank C. Armstrong figured prominently in the history of the Indian Territory as a member of the Dawes Commission, which brought about a settlement of the affairs of the Five Civilized Tribes preparatory to statehood for Oklahoma.

At a meeting of the officers of the garrison at Fort Coffee, held on the 7th of August, 1835, appropriate resolutions, deploring the death of Major Armstrong, and expressions of sympathy for his stricken family, were adopted. Notice of the death of Major Armstrong is here quoted from the "Arkansas Gazette" of August 18, 1835, as follows:

"Died, at the Western Choctaw Agency, on the 6th of August, instant, Major Francis W. Armstrong, agent for the Choctaws and superintendent of Indian Affairs, west, and late of Nashville, Tennessee. His remains were taken to Fort Coffee and there interred with the honors of war. Few have gone to the grave more sincerely lamented than the subject of this notice. He early embarked in the service of his country and, in her civil and military departments, has held high and responsible positions. He occupied at the time of his death an important and honorable situation, in which the interests of his country and of numerous Indian tribes were deeply involved. To every subject he brought a mind matured by reflection and experience, a judgment sound and correct in all its operations. Prompt and decisive in the exercise of his official duty, he gained the esteem and confidence of all with whom he was publicly or privately connected. All his purposes were settled on a permanent basis.

His services to his country have reached a goodly measure and he has now closed his labors, and finished his record. He has left a numerous circle of friends and relations to deplore his untimely loss and weep over his monument; but may they find consolation in the reflection that his reward is with the God of heaven, whose peculiar care is extended over all the children of man."

At the death of Major Armstrong, his brother, Captain William Armstrong, assumed the duties as Choctaw agent and acting superintendent of Indian affairs. William Armstrong was born about 1800. He participated in the Battle of New Orleans and, like his brothers, was a personal friend of President Andrew Jackson. Captain Armstrong was appointed superintendent of the Choctaw removal east of the Mississippi, in 1832, serving in that capacity until the end of the main immigration of the Choctaws to the Indian Territory.

Rev. William H. Goode in relating his experiences in the Choctaw country, while superintendent of Fort Coffee Academy for Boys, in 1843-45, wrote the following paragraphs in his book, entitled "Outposts of Zion:"

"Major William Armstrong was a native of Tennessee, and a brother to General Robert Armstrong, late Consul to Liverpool, and long the intimate friend of General Jackson. Another brother had held the place of Choctaw Agent, and, dying, was succeeded by the acting incumbent. Major Armstrong was one of 'nature's noblemen;' of commanding person and noble bearing; courteous, gently, and hospitable; with a soul that scorned the thought of profiting by a mean act, whether at the expense of a white or red man. He was emphatically the friend of the Indian, and especially of the Choctaw; and, as a result, he possessed their confidence and even affection in a very high degree.

* * * Major Armstrong highly approved the educational movements among this people, encouraged missionary labor, and vigorously seconded every effort for their improvement. This much is due to the memory of the Indian's friend and protector, a worthy man and faithful public officer. Would that among the appointees of the Government to Indian Agencies such examples were not so rare!"

Captain (in his later years called "Major") Armstrong married Nancy Irwin at Nashville, on July 1, 1823. She died in Tennessee on September 28, 1836. His death occurred at Doaksville on June 12, 1847.

APPENDIX XV—1.

LETTER OF REV. ALEXANDER TALLEY.

Kiametia, Choctaw Nation West,
June 1, 1831.

Sir: It has become necessary that I trouble you with a few lines on the necessity of directing the payment of certain expenses incurred in the emigration of the Choctaws. As I had acted under the direction of Col. Leflore, I deferred a direct communication on the subject, hoping that he would have visited this country, and relieved me from responsibility and anxiety before this time. But as the funds of the northwest district must be appropriated according to the direction of the Department of War, and as these expenses are expected to be met by the funds of that district, it becomes necessary that the department be apprised of the nature and probable amount of the claims.

In my communication of October, I apprised you of the violent efforts then making to put down the chief, and to prepare the materials to prevent the ratification of the treaty. I also apprised you of the difficulties that must result from the removal of the chief; that any engagement entered into by me, for corn, a smith, iron, &c., might fall on me as an individual. The publication of the letter of Col. Leflore greatly assisted me in accomplishing the desired object. But it also necessitated my assuming responsibility in certain cases not provided for by Col. Leflore. Col. Leflore furnished me with authority to purchase one thousand dollars worth of corn, if necessary, and to assure the person of whom I purchased that the money should be paid in July next, out of the annuity of the northwest district. I purchased corn to that amount

in January, and issued about ninety bushels before the arrival of Lieutenant Stephenson. I immediately transferred the remainder to him. About this time the advance party of emigrants reached their place of destination, after very great suffering from the unparalleled severity of the winter. One of this party having perished with cold and hunger, I determined to prevent a like evil occurring in future, by having supplies furnished from Coafabrica [Ecore de Fabre?] to this place, a distance of one hundred and sixty miles, through which all the emigrants had to pass, and in which very little cane or grass could be had for their horses, and neither meat or corn could be had for their party. Thus situated, their sufferings must have been extreme, but for supplies furnished them. But these supplies were not directed by the chief. I have assumed the responsibility, relying upon the necessity of the case, to justify the expectation of the prompt attention of the War Department. The demand to meet these engagements will be one hundred and fifty or two hundred dollars.

Col. Leflore requested that I would procure tools and iron, and put a shop in operation. This I have done with much difficulty. The smith has been engaged near two months, and will be continued a third month, if iron can be had. It was expected, by the chief, that the ferriage in crossing the Mississippi would be the only expense of that kind; but, in this particular, we have found it necessary to depart from his instructions. With the second company of emigrants, Mr. Meyers, one of our teachers, was sent, with his family, as the leader of the whole of the emigrants, and by the example of whose family that the Choctaws might be stimulated to press through every difficulty. Mr. Meyers found the first party on the bank of the Mississippi, and with much difficulty had a boat prepared to cross them. He then left most of the people and advanced to the saline, where he was detained five weeks, preparing a boat. At Coafabrica the ferriage was engaged for the whole of the emigrants, and again, at Little River. It is impossible to say what will be the demand on this item.

I enclose you a letter from Mr. Haley, illustrative of the feelings that influenced me and the chief, when I left the nation, and under the influence of which I acted.

PROBABLE AMOUNT OF ENGAGEMENTS.

Corn, furnished in the nation, say	\$100.
Corn and meat furnished on the way	200.
Smith, two months, at \$40	80.
Striker, two do., at \$15	30.
Board, four do., at \$10	40.
Iron, steel, &c.	120.
Smith's tools	35.
Ferriages	150.
	<hr/>
	\$755.

It is hoped that these payments may be ordered to be made by some officer in this country, as the delay produced by forwarding them through the agent of the old nation will be very sensibly felt by some of the people having demands, and may shade the liberal spirit manifested by the people of the territory, in meeting the wants of the Choctaws.

Most Respectfully, &c.,
ALEXANDER TALLEY.

To the Secretary of War.

APPENDIX XV—2.

RESIGNATION OF CAPTAIN CLARK.

Little Rock, August 5, 1831.

General:—By letter of this instant, I informed you that I would not make a contract to supply Indians on the route, as per my advertisement enclosed to you in that letter, until I could get something more definite as to the time when the removal would commence. By Major Hook's letter of the 9th ultimo, I am informed that a large party will start in September next. I will therefore go on to make arrangements for their arrival on this side of the Mississippi in October next. My prospect so far is not flattering, and I will be agreeably disappointed if the removal, during the approaching fall, should pass off only tolerably well. With a hope that you may find, without difficulty, a

person every way better qualified to superintend a matter of so much responsibility than myself, I have only to say that you will add to the very many obligations I owe you already, by having me relieved as soon as practicable.

I am, sir, with great respect,

Your most obedient servant,

J. B. CLARK,

To General Geo. Gibson, Captain, U. S. Army.
Commissary General Subsistence,
Washington City.

APPENDIX XV—3.

ORGANIZATION OF THE CHOCTAW EMIGRATING PARTIES, 1831.

The party that went by way of Memphis was under the leadership of Peter P. Pitchlynn, and directed by Thomas McGhee, assistant agent. Upon their arrival at Memphis, the emigrants embarked on the steamboat, "Brandywine," for Arkansas Post, under the direction of Dr. T. J. Fulton, assistant agent of the western organization, arriving the last week of November, 1831. Leaving Arkansas Post eight weeks later, they passed Little Rock on January 23, on board the "Reindeer" with a keel-boat in tow, bound for Fort Smith. Delayed by the low stage of water in the Arkansas, they did not reach their destination until nearly the end of the first week in February, 1832.

The parties that proceeded to Vicksburg arrived there in relays and camped on the hills outside the town. Though Colonel Gaines had made efforts to secure steamboats by advertising, none were ready at the river landing to receive the emigrants. At last four steamboats were secured at very high prices: namely, the "Walter Scott," the "Reindeer," the "Talma," and the "Cleopatra."

The "Walter Scott" steamed up the Mississippi for Arkansas Post, with about fourteen hundred Choctaws under the leadership of Nitakechi, and directed by Wharton Rector, assistant agent of the western organization. Colonel Gaines had an attack of influenza at Vicksburg, on account of which he had persuaded Rector to direct the party to the Post, though this meant a countermand in Captain Brown's orders, since he was to have had charge of the parties by way of Lake Providence and Ecore de Fabre. About twelve hundred emigrants of Nitakechi's party arrived at Little Rock on January 16, having been transported on board the "Reindeer" from Arkansas Post. The remainder of this party traveled overland from the Post, all of which started overland for the Kiamichi by January 25, and arrived at their destination about March 1, 1832. The delay of more than a month at the Post had been necessary to await the arrival of the horses belonging to these emigrants. Robert Jones, a half-breed Choctaw, had been given charge of driving the herd of five hundred horses from Vicksburg through the swamps to Arkansas Post. During the blizzard about two hundred head starved to death.

The "Reindeer" had started up the Mississippi from Vicksburg in November, for Little Rock, with six hundred emigrants on board, under the leadership of David Folsom, directed by Nathaniel Norwood of the eastern organization. Upon arriving at Arkansas Post, the boat was commandeered by Colonel Maury and one hundred troops of the 7th Infantry. Norwood landed his party at the Post, though against the express orders of Mr. Colquhoun, assistant agent with Colonel Gaines. This party, under the direction of Lieutenant Ryan, left the Post on December 13, although the weather was extremely cold, and passed from the vicinity of Little Rock on December 29, with forty-five wagons in the train, none hauled by less than four horses or oxen, and many by six. Three or four days before this party reached Little River, the Government ferry boat at that stream was designedly destroyed by unknown persons. This detained the emigrants several days until a new boat could be made, during which time the settlers in the vicinity took advantage of the situation, charging \$2 a bushel for corn and 4 cents a pound for beef. The Choctaws arrived in the vicinity of Fort Towson and were discharged by Lieutenant Ryan on January 27 to 29, 1832.

The "Talma" and the "Cleopatra" went down the Mississippi for the Ouachita River to Ecere de Fabre, with the two parties of Choctaws, numbering about five hundred each, under the leadership of George W. Harkins and Joel H. Nail. They arrived at Ecere de Fabre on December 9. After traveling overland, they reached Fort Towson and were discharged by agents Sommerville and Everitt from January 30 to February 1, 1832.

Most of the commutation (self immigrating) parties crossed the Mississippi at Point Chicot. One of these was the party of about two hundred Choctaws, emigrating under the leadership of Robert and Jerry Polson. They were detained in the swamp on the east bank of the Mississippi during the blizzard, and suffered every hardship from the severe weather. They arrived in the vicinity of Fort Towson early in March, 1832. The last party to leave Vicksburg, December 10, 1831, was made up of about two hundred emigrants under the leadership of Captain S. D. Fisher, a half-breed from Colonel LeFlore's district. They had set out down the Mississippi on board the "Walter Scott" (which had returned from its trip up the river), miserable and wretched after having walked barefoot through the snow and ice twenty-four hours before arriving at Vicksburg. They reached the vicinity of Fort Towson from Ecere de Fabre early in the spring. The number of commutation tickets issued, according to the reports on April 20, 1832, was 873 Choctaws and 11 negro slaves. Subsequent to this date, other commutation tickets were issued to a few emigrants who had received no assistance in the journey to the West.

APPENDIX XV—4.

LETTERS FROM CAPTAIN BROWN.

Excerpts of letters from Captain Jacob Brown to General Gibson, written from Little Rock, Arkansas Territory, 1831:

November 30, 1831.

"Sir:—I am just informed that upwards of 500 of the emigrants have arrived at the Post of the Arkansas. They embarked at Vicksburg in steamboats, and were landed at the post on the 26th instant:—Our progress will necessarily be slow; the days are short and the season cold and stormy; and the whole surface of the country is either covered with water or so much saturated as to render the travelling exceedingly bad."

December 10, 1831.

"Weather for the last ten days exceedingly cold—atmosphere varying between eight and sixteen freezing degrees. At 7 o'clock this morning the mercury was down to Zero!—About six inches of snow—ground hard frozen—Arkansas choked with ice, and has been for two days past. Such, at this season of the year, has never before in this section of the country been witnessed. Our poor naked emigrants must suffer. However, they are, and have been in as comfortable a condition as it were possible for them to be."

December 15, 1831.

"This unexpected cold weather must produce much human suffering. Our poor emigrants, many of them quite naked, and without much shelter, must suffer: it is impossible to be otherwise; and my great fears are, that many of them will get frosted. It is impossible to make any progress in movements to their destination: hence, how unfortunate the time for this operation! An over-land journey just commenced, of about three hundred and fifty miles, to be accomplished at mid-winter, through a country little settled, and literally impassable to anything but wild beasts. How I shall succeed with such elements to contend against, is impossible now to tell, and can only say that I am prepared to avail myself of the first favorable change of the weather, with all the team force that can be obtained within one hundred miles of this place."

December 20, 1831.

"You will perceive in the estimate that a large expenditure is for teams, which I am compelled to hire in order to accomplish the objects of present movements, as well as a very considerable increased expenditure incidental to the very singular turn and course the emigration has taken, that is, instead of crossing the Mississippi at the four places pointed out

at an early period, viz, Vicksburg, Chicot, Helena, and Memphis, and in about equal quantities at each place, the whole or greater portion of them have been sent to the Post of Arkansas, and that, too, without any previous knowledge, or even intimation, that such would be the case."

January 11, 1832.

"Four of my agents are now in charge of emigrants, and all are begging for funds. They tell me it will be impossible to sustain themselves and parties much longer. Drafts are coming in from all quarters; the holders are disappointed, they are clamorous; some have come two hundred and fifty miles, and have had to return without their money."

"The consequences resulting from much longer delay in the receipt of money will be terrible; and with many, I fear, greatly to be deplored, independent of the injury it will be to the cause of the emigration."

"I shall do every thing that is within the scope of human possibility. Three days ago, I parted with the last five dollars of my own money to start an express to the post. God grant the speedy arrival of funds."

APPENDIX XV—5.

IN THE SWAMP NEAR LAKE PROVIDENCE.

This commutation party had been ferried across from Vicksburg to Lake Providence. Upon hearing of the plight of the emigrants in the swamp, Agent Cross, who had accompanied the parties by steamboat from Vicksburg to Ecere de Fabre, returned to rescue them. Of their condition, a resident of Lake Providence wrote a few months later:

"I do not know who is the contractor for furnishing them rations. But be he or them, who they may, their object is to make money without the least feeling for the suffering of this unfortunate people. From Vicksburg to this place is sixty-five miles. On this route they received a scant supply, and only then a part of the parties once. Here they received worse than a scanty supply, to do them eighty miles through an uninhabited country, fifty miles of which is overflowed swamp, and in which distance are two large deep streams that must be crossed in a boat or on a raft, and one other nearly impassable for them on the way. This, too, was to be done during the worst time of weather I have ever seen in any country—a heavy sleet having broken and bowed down all the small and much of the large timber. And this was to be performed under pressure of hunger by old women and young children, without any covering for their feet, legs, or body, except a cotton under dress generally. In passing before they reached this place for getting rations here, I gave a party leave to enter a small field in which pumpkins were. They would not enter without leave though starving."

"These people have with them a great number of horses, and some cattle, chiefly oxen. The time required to get the horses and cattle together in the morning when travelling through a country thickly covered with strong cane as this is, must be very considerable in good weather, and in bad weather days are often spent at the same camp." Letter of Joseph Kerr to Hon. Lewis Cass, Secretary of War, dated from Lake Providence, La., June 14, 1832.—Senate Document 512, Indian Removals, 23d Congress 1st Session, Vol. I, pp. 719-20.

APPENDIX XV—6.

FAREWELL TO THE CHOCTAWS.

The Vicksburg "Sentinel," of February 18, 1845, referring to the removal of some of the Choctaws at that time said:

"The last remnants of this once powerful race are now crossing our ferry on their way to their new home in the far West. To one who, like the writer, has been familiar to their bronzed, inexpressive faces from infancy, it brings associations of peculiar sadness to see them bidding farewell to the old hills which gave birth, and are doubtless equally dear, to him and them alike. The first playmates of our infancy were the young Choctaw boys of the ten woods of Warren County. Their language was once scarcely less familiar to us than our mother English. We know, we think, the character of the Choctaw well.

We knew many of their present stalwart braves in those days of early life when Indian and white alike forget to disguise, but, in the unchecked exuberance of youthful feeling, show the real character that policy and habit may afterward so much conceal; and we know that, under the stolid and stoic look he assumes, there is burning in the Indian's nature a heart of fire and feeling and an all observing keenness of apprehension that marks and remembers everything that occurs and every insult he receives. Cunni-at-a-hah! "They are going away!" With a visible reluctance which nothing has ever overcome but the stern necessity which they feel impelling them, they have looked their last upon the graves of their sires—the scenes of their youth—and have taken up their slow toilsome march with their household gods among them to their new home in a strange land. They leave names to many of our rivers, towns and counties and, as long as our State remains, the Choctaws, who once owned most of her soil, will be remembered."

APPENDIX XV—7.

CHOCTAW EMIGRANTS AT ECORE DE FABRE, 1831.

Two parties under the leadership of George W. Harkins and Joel H. Nail, from the Northwestern and the Southern districts, respectively, numbering about five hundred emigrants each, were transported in steamboats from Vicksburg to Ecore de Fabre, under the direction of Assistant Agent S. T. Cross and his assistants, A. H. Sommerville and A. W. Everitt. Upon their arrival at Ecore de Fabre, there was no agent of the western organization at this point, nor within less than 165 miles, to take charge of the emigrants. When Agent Cross returned from rescuing the party of Choctaws from the swamp, he found orders from Colonel Gaines to proceed to Point Chicot to issue commutation tickets to those Choctaws who traveled by that route. This left assistant agents Sommerville and Everitt (a nephew of Gaines) to conduct the emigrants from Ecore de Fabre to Fort Towson. R. C. Byrd and L. Belding, men of political influence in Arkansas, were the contractors for furnishing supplies by way of Lake Providence and Ecore de Fabre. Their contract called for 12½ cents per ration, whereas elsewhere the contracts called for 6 to 6½ cents per ration.

In securing transportation from the settlers in the vicinity of Ecore de Fabre, the assistant agents were forced to pay at the rate of \$7 a day for wagons and teams, the teamsters in turn to Byrd and Belding \$2 a bushel for corn for feed. When the accounts were presented to Captain Brown, he refused to honor them, saying the prices were exorbitant (the contract for rations had been made before his arrival at Little Rock), and that the contracts for wagon hire were made by agents of the eastern organization for which he was in no way responsible. In the final settlement, the department found that many of the irregularities in the way of proper receipts, etc., were due to unbusinesslike methods in the hurry and pressure of circumstances at the time of the emigration. The contractors claimed that the high prices for rations and corn were due to the severity of the winter and the scarcity of provisions at that time. Agent Cross was held in no way responsible, though General Gibson was inclined to blame him at first; he was a model of efficiency in his work and remained in the employ of the Government during the period of removal of the Indians.

APPENDIX XV—8.

CHICKASAW EMIGRANTS, 1837.

A regular route overland had been selected between Little Rock and Fort Coffee, by Government officers, along which supplies had been provided for the emigrating Chickasaws. Upon arriving at Little Rock, the first party of about 350 emigrants refused to go by way of Fort Coffee (five miles from Skullyville), taking the road toward Fort Towson. Mr. John Millard, conducting agent for the Government, and Lieutenant Gouverneur Morris, of the 4th Infantry, United States Army, acting as a disbursing agent in the

Chickasaw removal, with Daniel McCurtain, a Choctaw, to act as interpreter, set forth from the Choctaw Agency to overtake the refractory party of Chickasaws. They met the emigrants a short distance from Little Rock and proceeded with them toward Fort Towson. The Chickasaws resented this action and did everything they could to show their displeasure, delayed along the way, would not obey orders, and even threw their baggage out of the Government wagons. In view of this rebellious spirit, Lieutenant Morris threatened to send for troops from Fort Towson with the idea of compelling the emigrants to proceed out of Arkansas Territory toward their destination.

The weather was extremely hot, water was scarce, there were many cases of fever in the party, and a number of the emigrants died. As the party traveled through Arkansas, a gang of horse thieves stole several fine horses belonging to the Chickasaws, and a crowd of citizens of the Territory followed at a little distance along the road, in order to tempt the emigrants into buying whiskey from them. At last after much difficulty and delay, the party arrived at Colonel David Folsom's, twenty-two miles west of the Choctaw line, where arrangements were made with him to furnish rations to the Chickasaws for the time being, at 8 cents a ration.

Early the next spring, 1838, some of these emigrants proceeded to Boggy Depot where William R. Guy, Assistant Agent in the Chickasaw removal, was stationed as issuing commissary, contracts having been made with other persons to furnish supplies. On June 7, Agent Upshaw, then at Pontotoc, Mississippi, received a letter from Mr. Guy, written from Boggy Depot and telling of conditions in the vicinity. He wrote in part: "I am here starving with the Chickasaws, by gross mismanagement on the part of the contractors, and when our situation will be bettered it is hard for me to tell, for it is one failure after another without end. You or Col. Armstrong are very much needed here, at this time; for there is such a propensity to play Farrow at Fort Coffee that I begin to think that we will have to starve to death, or abandon the country. There has been corn within forty miles of this place for four or five days, without moving a peg to relieve the sufferings of the people of Blue or Boggy."

APPENDIX XV—9.

WILSON LUMPKIN ON CHEROKEE REMOVAL.

As the apologist for Georgia in his two volumes, "Removal of the Cherokee Indians from Georgia, 1827-35," Hon. Wilson Lumpkin, successively member of Congress, Governor of Georgia, special commissioner under the Cherokee Treaty, and United States Senator, manifested extreme hostility toward John Ross. He stated that all the troubles of the Cherokees were due to "the obstinacy of this remarkable man." In a communication to President Jackson, he wrote, "Through General Wool, and other channels of information, you are fully apprised of the mischievous efforts of John Ross and his white associates to prevent a speedy and faithful execution of the late Treaty. This man Ross, sir, has already been the instrument in the hands of bad men to bring more than enough evil upon his unfortunate race—the Cherokees."—(Vol. II, p. 44.)

At the end of his first volume, Mr. Lumpkin made the statement, "While I viewed John Ross and a few of his prominent followers as very selfish, bad men, the Ridges, Boudinot and many others had gained my confidence as high-minded, honorable and patriotic men—men devoted to the best interest of their people: men whose civilization and intelligence justly entitled them to a place in the confidence and brotherhood of the first statesmen and philanthropists of the age."

In addressing the United States Senate on May 15, 1838, Mr. Lumpkin particularly praised the character of John Ridge, as a leader of the treaty party. He said that many of the Eastern Cherokees had emigrated "and taken up their abodes in their new country, where they are quiet, happy and contented, and are anxious to see the balance of their tribe join them in the West, and participate in their rich inheritance. Among these emigrants are Mr. Ridge, the writer of the letter to which I referred, who is a man of strong

native mind, improved by education and cultivation. He is a man of great integrity of character, whose lofty spirit became restless under the conflicts and controversies of his people with the Government of the State of Georgia and other States, which terminated in the annihilation of the Cherokee Government.

"Under these circumstances, Mr. Ridge and his friends yielded to the force of circumstances, choosing to abandon their country rather than be deprived of their native rights, which they had long been accustomed to exercise—self-government."—(Vol. II, p. 201.)

APPENDIX XV—10.

MOONEY'S DESCRIPTION OF CHEROKEE REMOVAL.

James Mooney in a historical sketch included with his "Myths of the Cherokee," 19th Annual Report, Bureau of American Ethnology, pp. 130-31, says:

"A Georgia volunteer, afterward a colonel in the Confederate service, said: 'I fought through the Civil War and have seen men shot to pieces and slaughtered by thousands, but the Cherokee removal was the cruelest work I ever knew.'

"To prevent escape the soldiers had been ordered to approach each house, so far as possible, so as to come upon the occupants without warning. One old patriarch, when thus surprised, calmly called his children and grandchildren around him, kneeling down, bid them pray with him in their own language, while the astonished soldiers looked on in silence. Then rising he led the way into exile. A woman, on finding the house surrounded, went to the door and called up the chickens to be fed for the last time, after which, taking her infant on her back and her two other children by the hand, she followed her husband with the soldiers.

"All were not thus submissive. One old man named Tsali, 'Charley,' was seized with his wife, his brother, his three sons and their families. Exasperated at the brutality accorded his wife, who, being unable to travel fast, was prodded with bayonets to hasten her steps, he urged the other men to join with him in a dash for liberty. As he spoke in Cherokee the soldiers, although they heard, understood nothing until each warrior suddenly sprang upon the one nearest and endeavored to wrench his gun from him. The attack was so sudden and unexpected that one soldier was killed and the rest fled, while the Indians escaped to the mountains. Hundreds of others, some of them from the various stockades, managed also to escape to the mountains from time to time, where those who did not die of starvation subsisted on roots and wild berries until the hunt was over. Finding it impracticable to secure these fugitives, General Scott finally tendered them a proposition, through (Colonel) W. H. Thomas, their most trusted friend, that if they would surrender Charley and his party for punishment, the rest would be allowed to remain until their case could be adjusted by the government. On hearing of the proposition, Charley voluntarily came in with his sons, offering himself as a sacrifice for his people. By command of General Scott, Charley, his brother, and the two elder sons were shot near the mouth of the Tuckasegee, a detachment of Cherokee prisoners being compelled to do the shooting in order to impress upon the Indians the fact of their utter helplessness. From those fugitives thus permitted to remain originated the present eastern band of Cherokee."

APPENDIX XV—11.

THE WESTWARD JOURNEY OF THE CHEROKEES.

James Mooney gives the following description of the journey of the exiled Cherokees to the West:

"It was like the march of an army, regiment after regiment, the wagons in the center, the officers along the line and the horsemen on flanks and at the rear. Tennessee River was crossed at Tuckers (?) ferry, a short distance above Jollys Island, at the mouth of Hiwassee. Thence the route lay south of Pikeville, through McMinnville and on to Nashville, where the Cumberland was crossed. Then they went on to Hopkinsville, Kentucky, where the noted chief Whitepath, in charge of a detachment, sickened and died. His people buried him by the roadside, with a box

over the grave and poles with streamers around it, that the others coming on might note the spot and remember him. Somewhere also along that march of death—for the exiles died by tens and twenties every day of the journey—the devoted wife of John Ross sank down, leaving him to go on with the bitter pain of bereavement added to heartbreak at the ruin of his nation. The Ohio was crossed at the ferry near the mouth of the Cumberland, and the army passed on through southern Illinois until the great Mississippi was reached opposite Cape Girardeau, Missouri. It was now the middle of winter, with the river running full of ice, so that several detachments were obliged to wait some time on the eastern bank for the channel to become clear. In talking with old men and women at Talequah the author found that the lapse of over half a century had not sufficed to wipe out the memory of the miseries of that halt beside the frozen river, with hundreds of sick and dying penned up in wagons or stretched upon the ground, with only a blanket overhead to keep out the January blast. The crossing was made at last in two divisions, at Cape Girardeau and at Green's ferry, a short distance below, whence the march was on through Missouri to Indian Territory, the later detachments making a northerly circuit by Springfield, because those who had gone before had killed off all the game along the direct route. At last their destination was reached. They had started in October, 1838, and it was now March, 1839, the journey having occupied nearly six months of the hardest part of the year."—Historical sketch included in "Myths of the Cherokee," 19th Annual Report, Bureau of American Ethnology, pp. 132-33.

APPENDIX XV—12.

REPLY OF SECRETARY CASS TO THE GOVERNOR OF ALABAMA.

In his reply to Governor John Gayle, of Alabama, over the question of intruders in the Creek cession, Secretary Cass sustained the position of the President in carrying out the terms of the Creek Treaty. He said in part: "Since the ratification of this treaty, repeated representations have been made to this department by the public agents, by respectable individuals, and by the Indians, that gross and wanton outrages have been committed upon the latter, by persons who have intruded upon their ceded lands. It has been stated that the houses of the Indians have been forcibly taken possession of, and sometimes burnt, and the owners driven into the woods; that their fields and improvements have been wrested from them and occupied by white persons; that aggravated injuries have been committed upon the persons of Indians; that their horses, cattle, hogs, and other property have been forcibly taken from them. . . . You suggest that the law of Alabama, providing for the removal of intruders by actions of forcible entry and detainer, would be found sufficient for the protection of the Indians, and propose proceedings under it should be adopted with that in view. To this suggestion, the President sees two objections.

"1st. The treaty expressly provides a different mode, and therefore leaves no discretion with the Executive; and

"2d. There is every reason to fear that the remedy pointed out, would, if adopted, be found wholly insufficient. * * *"—Letter of Lewis Cass to Governor John Gayle, September 5, 1833.—Senate Document 512, Indian Removals, 1st Session 23d Congress, Vol. III, pp. 763-66.

APPENDIX XV—13.

THE SEMINOLE DAMON AND PYTHIAS

In Niles' "National Register" of September 25, 1841, there appeared the following extract from a letter written by an army officer who was on duty in Florida:

"In my last hurried note to you I mentioned having witnessed a scene here a few days before which, in my humble judgment, put the famed story of Damon and Pythias quite in the shade. I will now give you some of the particulars.

"A party of Indians was recently discovered by some of our troops, who succeeded in capturing three of their warriors; the rest of the party, consisting of

three men, and women and children, and numbering in all about twenty, fled. The captives were brought to this place, where they were interrogated by the Colonel (William J. Worth), during which it was discovered that two of them had been concerned in killing and burning a mail rider some time in March last. They were told that, for this cruel act of theirs, they would be hung within fifteen days, unless within that time the rest of their people should come in. They were then placed in chains and were permitted to send the third man of their party, with a talk, to bring in the rest of their people, while they were committed to the guard. The man thus sent out returned in five days, bringing with him a warrior by the name of Holate Fixico, and some women and children, among whom were the mother and sister of one of the prisoners, whose name is Talof Hadjo. The scene which followed may be dramatized thus:

"Scene, an open court in front of the commanding officer's quarters—Indians discovered seated under the trees, among them Holate Fixico (Pythias), on the grass, in Indian posture—Talof Hadjo (Damon), in chains, on a bench, his head resting against the trunk of a tree, looking toward the heavens, with a countenance indicative of resignation—his mother and sister lying on the grass at his feet, the mother weeping at the fate which awaits her son—the colonel and other officers are discovered at a distance from the group of Indians.

"Colonel, to Holate Fixico—Where are the rest of the people sent for?"

"Holate—They have separated and cannot be found. Your troops have scattered them and they have taken different paths.

"Colonel—Know you not that, unless they are brought in, these men (pointing to the prisoners) will be hung? (A pause; the Indians disconsolate but apparently resigned.) If I send you out for the people, will you bring them in in time to save their lives?"

"Holate—They have gone off and I know not where to look for them. Like the frightened deer, they have fled at the presence of your troops.

"Colonel—Indian can find Indian. If they are not here in ten days, these men will surely die.

"Holate—The track of the Indians is covered; his path is hidden and may not be found in ten suns.

"Colonel, to Talof—Have you a wife?"

"Talof—My wife and child are with the people. I wish them here that I may take leave of them before I die.

"Colonel—Do you love your wife and child?"

"Talof—The dog is fond of its kind; I love my own blood.

"Colonel—Could you find your people who are out?"

"Talof—They are scattered and may not be found.

"Colonel—Do you desire your freedom?"

"Talof—I see the people going to and fro and wish to be with them. I am tired of my chains.

"Colonel—If I release you, will you bring in the people within the time fixed?"

"Talof—You would not trust me. Yet I would try.

"Colonel—If Holate Fixico will consent to take your chains and be hung in your place if you should not return, you may go. (A long pause. Talof continues throughout the scene with his eyes fixed on the heavens—his mother and sister now cast imploring looks towards Holate, who, during the last few questions, has struggled to maintain his composure, evincing, by the heaving of his breast and his gasping, as though the rope were already about his neck, that he is ill at ease—all eyes are turned toward him—he recovers and with the utmost composure and firmness replies—)

"Holate—I have no wife, or child, or mother. It is more fit that he should live than I. I consent to take his chains and abide his fate. Let him go.

"Colonel—Be it so. But do not deceive yourselves. So sure as Talof Hadjo brings not in the people within ten days, Holate dies the death of a dog.

"With the utmost solemnity the two Indians were then marched to the armory, where the chains were transferred and, in fifteen minutes after, Talof was on his journey. Yesterday a messenger arrived, bringing intelligence that Talof Hadjo was on his way in, with his people, and that he might be expected here tomorrow or next day."

APPENDIX XVI—1

THE DRAGOON CAMPAIGNS TO THE ROCKY MOUNTAINS

Briefly stated, "The Dragoon Campaigns to the Rocky Mountains" was a small volume which was published in New York City in 1836. Its subject matter related entirely to the organization and earlier activities of the 1st Regiment of United States Dragoons, including particularly an account of the participation of that regiment in the Leavenworth-Dodge Expedition of 1834. The book was published anonymously so far as its authorship was concerned. The writer first read this volume in 1907. He found it to be very interesting.

The putative author of the Dragoon Campaigns to the Rocky Mountains claimed to have been born and reared on a western New York farm; also that, while on a visit in Buffalo, New York, he had been persuaded to enlist for service in the 1st Regiment of United States Dragoons for which recruits were then being sought, preparatory to organization. From Buffalo he was sent with a small squad of other recruits by boat to Erie, Pennsylvania, where they all landed and took an overland conveyance to Pittsburgh. There, they met a much larger company of recruits who had enlisted in Boston, New York, Brooklyn, Philadelphia, and Baltimore. All of the recruits thus assembled at Pittsburgh were then marched aboard a river steamboat by which they were transported down the Ohio and up the Mississippi to Jefferson Barracks, a few miles below St. Louis, where the new regiment was to have its rendezvous where it was to be organized, mobilized, and sent forth on its first expedition. It was from Jefferson Barracks that it marched to Fort Gibson, where it was to form part of the expeditionary force which was to be placed under the command of General Leavenworth.

The author of "The Dragoon Campaigns" was possessed of a sprightly, vivacious literary style. He also wrote with a degree of frankness that was unusual in military circles. It so happened that this regiment had been organized during Andrew Jackson's second term as President. While many of the commissioned officers of this regiment were selected from other regiments already long in the service, it was openly charged at the time that, in several instances at least, the President had used military commissions in paying off some of his political debts. The author of this volume was remarkably free in criticising the military shortcomings of such politically appointed officers. Parenthetically, the fact should also be mentioned that he claimed to have had a comrade who had seen military service in the British army. This British comrade is mentioned a number of times, finally receiving the nick-name of "Long Ned." As indicated in his criticisms of inexperienced or untrained officers, the writer of this volume was possessed of such a thorough knowledge of military matters, discipline, etc., as could scarcely have been expected of a young soldier who had but recently emerged from a western New York farm. Furthermore, the author was seemingly well posted as to the world and its ways and as to life and its philosophy, as would have been practically impossible for a young man fresh from the farm. Considering all of this, the writer hereof was forced to the independent conclusion that, so far as the Western New York farm boy was concerned, the authorship of "The Dragoon Campaigns" was a myth, and that the real author of the book must have been the alleged British comrade; also that, if the latter had been in the British army, it had not been as an enlisted man but as a commissioned officer. The further inference was that he had probably gotten into trouble which had forced him to throw up his commission and flee to America as a self-exiled refugee.

Five or six years after reading this volume, the writer had occasion to visit Vinita. While there, he spent an evening with the noted Cherokee leader, Colonel "Hooly" Bell. In the course of conversation, the writer happened to mention Dr. William L. G. Miller, an intermarried white man who came into prominence in the Cherokee Nation during the Civil War, when Colonel Bell exclaimed: "Pardon the interruption, but Dr. William L. G. Miller was one of the most remark-

able men whom I ever knew." (This was a very strong statement when the fact was borne in mind that Colonel Bell had represented the Cherokee Nation as an accredited delegate in Washington during nearly every Congressional session for ten or a dozen years). Colonel Bell then proceeded to tell what he knew and thought of Doctor Miller, as follows:

"William L. G. Miller first came to the Cherokee Nation, in 1834, as an enlisted man in the Dragoon regiment. His stay was not a lengthy one, as the troops of that regiment were frequently shifted up and down the Western Frontier. He served three or four terms of enlistment—which were five years each at that time—so he saw service with the regiment until 1848 if not until 1853, including participation in the war with Mexico.

"When he was finally discharged he returned to the Cherokee Nation where he married a young woman of unmixed Cherokee blood and settled down in a log cabin near the Grand River, where he made his home during the rest of his life. In this log cabin he gradually accumulated the finest private library in the Cherokee Nation, barring none. He also took up the study of medicine without a preceptor or instructor. After several years of diligent study, there being no law to the contrary, he began the active practice of medicine, in which he achieved an enviable degree of success. He also kept a small stock of drugs for the convenience and necessities of people of that sparsely settled community. He gradually gained and always held the confidence, respect and friendship of the people who came to know him.

"Unlike practically all of the other intermarried citizens of the Cherokee Nation, he remained loyal to the Union at the outbreak of the Civil War, though he took no active part in that struggle. When John Ross left the Cherokee Nation after the Federal troops had taken their permanent position at Fort Gibson in 1862, Doctor Miller went with him. Then he went to the White House and arranged for an interview between Ross and President Lincoln, later accompanying Ross to the White House, introducing him to the President and remaining as a personal witness to the interview. After the death of Ross, Doctor Miller became executive secretary to Principal Chief Lewis Downing. After the death of Downing he served in a similar capacity with the succeeding full-blood chiefs, writing their messages and state papers and otherwise making himself an able counsellor and helper.

"When I was with Doctor Miller, I could never shake off the feeling that he was a scion of British nobility. He showed all the ear-marks of such a probable origin. In spirit, he was a true democrat, using the word in its unrestricted sense, and as whole-heartedly American as any native born citizen of this country could be. Despite all this, however, his well-bred culture betrayed the fact that he was not born and reared amid plebeian surroundings. He always signed his name William L. G. Miller until late in life, when he occasionally wrote it William L. Gordon Miller. I have always suspected that Gordon was part of his real name—I never believed that Miller was a part of his true name.

"Doctor Miller claimed to have served for many years in the United States Army. He also admitted that, before coming to this country he had served for a time in the British Army. I have always surmised that, if he had seen service in the British Army, it had been as a commissioned officer and not as an enlisted man. I would like to see a register of the gazetted personnel of the crack guard regiments of the British Army, for 1831-2-3, and then, if we knew his real name we would know something of the antecedents of this very remarkable man."

Needless to state, the writer hereof listened to Colonel Bell's recital with almost breathless interest and, when the latter had concluded the writer exclaimed, "Now, Colonel, I want to tell you a story," following with a brief statement concerning the reading of the volume entitled "The Dragoon Campaigns to the Rocky Mountains," and the conclusions and inferences to which it had led, and ending by asking, "Colonel, do you see how these two accounts dove-tail together?"

"Certainly! Miller wrote that book! I never heard of it before, but I know he wrote it. I would like to see it."

The writer promised to see that Colonel Bell had a chance to read the book but the latter died a few months later and the writer never saw him again. As the writer had frequently pondered concerning the identity of the author of "The Dragoon Campaigns to the Rocky Mountains" before having had this interview with Colonel Bell, so, too, he subsequently began to wonder if it might not be that the author of that remarkable volume might not also have written a later volume in which there might be a clue to his antecedents. Almost unconsciously, in scanning catalogues of second-hand books, the writer began to look for a book the title of which he knew not and the authorship of which was almost certain to be anonymous. Several years passed before his eye fell upon such a catalogue item, entitled "Reminiscences of a British Soldier in the American Army." The book was ordered but had already been sold. A year and a half later another copy was located, ordered and secured. It was a great disappointment. It lacked the literary flavor which distinguished "The Dragoon Campaigns." It proved to be the rather tedious tale of a Briton who came from London to New York in 1845, just in time to enlist in a battery of artillery and go through the Mexican War in the armies of General Taylor and Scott. The disappointment soon gave way to reassurance, however, with the thought that "this did not keep Miller from writing another book." Six months later the writer was gladdened when his eye fell upon another item in a second-hand book catalogue. This item was entitled "Recollections of Service in the United States Army [as a Dragoon]," indicating that the last three words were supplementary and not a part of the title. The authorship of this work was hidden in the words "By an American Soldier." This book was ordered and secured also.

"Recollection of Service in the United States Army" proved to be a volume of short stories of service on the western frontier. Scenes were likewise located at Fort ——— or some other fictitious post and regiments were designated as the "First Invincibles" or some other title never bestowed upon any organization occurring in the United States Army. Its literary style comports very closely with that of the Dragoon Campaigns. Moreover it makes mention of "Long Ned." In this book, in the third person, the author lifts the veil and tells us briefly of his forebears, of the high social station into which he had been born and of his life and career previous to his coming to America. He had been an officer in the British Army and he had been the heir to a British earldom, according to this tale.

Although the authorship of both of the above mentioned books has been frequently credited to one James Hildreth, it has always been with a measure of doubt on the part of the bibliographers. It has been surmised that possibly Hildreth actually was the Western New York farm boy, who might have been persuaded to smuggle the manuscript for "The Dragoon Campaigns" out of the West and find a publisher for it, after having been discharged from the military services for some good and sufficient reason. It is obvious that its publication under the name of the author would have led to serious disciplinary consequences to him had his responsibility for its authorship and publication been suspected and proven.

William L. G. Miller died about 1879. He left no children. The writer asked Colonel Bell what became of his library. He did not know, but subsequent investigation disclosed the fact that Doctor Miller's widow burned part of his library after his death and that a kinsman of hers burned the rest of it after her death, more than twenty years later.

An effort was made to secure a transcript of Doctor Miller's service with the 1st United States Dragoons. This effort failed for the reason that the name of William L. G. Miller does not occur on the rolls or records of that famous old regiment. Plainly, if he changed his name when he crossed the sea and enlisted for service in the United States Army, he must have changed it again when he quit the army for civil life.

If the publication of this account helps to enlighten the few surviving friends who pondered over his interesting personality and who were puzzled as to his antecedents, it must also quicken the curious interest of a host of Oklahoma people as to his real name, the

identity of the family from which he came, his rank in the British regiment in which he served and the name under which he served and the rank which he held in the 1st United States Dragoons.

APPENDIX XVII—1.

EARLY DESCRIPTION OF DWIGHT MISSION.

"The mission family at the new station consists of missionaries, assistant missionaries, teachers and their children, Indians & negroes; the whole number amounting to about 100 persons. The negroes are slaves, belonging to people in the white settlements. The missionaries always endeavor to contract with the masters so that the slaves shall receive the reward of their labor & thus be able to buy their liberty. Many have consequently been relieved from bondage & some have become decidedly pious. The mission family dwell in many small houses & not in one large building as some have supposed. The houses are built of hewn logs, containing two rooms of common size on the floor & a garret where an adult may stand erect in the center. There is one large house, called 'the store-house,' two stories high, where the supplies of the American Board are deposited & all the corn & groceries which are procured from any quarter. Rev. Mr. Washburn is the oldest missionary & a man rich in faith & 'always abounding in the work of the Lord.' He occupies, with his wife and children, a two-story house with several small rooms. Some of these are reserved for company, such as missionaries from other stations, people from the forts, Cherokees who come to visit their children & any people who may be directed that way. Miss Stetson, who has the care of the girls out of school, lives in a one-story house with several rooms on the floor, where the little Indian girls sleep with no other accommodation than a blanket in which to wrap themselves as they lie down upon the floor. This is their accustomed mode of sleeping at home & they prefer this way at school. A piazza connects the house occupied by Miss Stetson with the one which contains the girls' school-room & which is likewise used for evening prayer meetings. Mr. Asa Hitchcock, teacher of the boys, occupies a house with several rooms which affords sleeping places for about fifty boys. A short distance from this house is a commodious schoolhouse for the boys, which is also used for public worship on the Sabbath. The house which contains the dining hall and kitchen is much longer than any other house, though it presents a front similar to the dwelling houses. This, together with the store-house & eight other dwelling houses, surrounds about an acre of ground of an oval form, which is beautifully interspersed with locust trees, affording a most refreshing shade during the sultry days of summer. In this enclosure, the little Indian boys bound as nimbly as deer, among the trees, playing their merriest pranks during the recess of school & during the hour of setting sun, before the bell rings for evening prayers. The teacher of these boys remarked that they were perhaps as easily governed as the same number of white children could be; being tractable, he expected they would, if continued in school, become quite proficient in many branches of an English education.

"The missionaries endeavor to exhibit to the poor Indians, as far as practicable, all that is lovely & excellent in the different departments of family management & therefore consider it necessary for all to eat at the same table. Each family have in their own house some accommodations for cooking on a limited scale but expediency allows them to enjoy this privilege only when sickness requires it.

"There is so much sameness in the business of every day that perhaps a knowledge of the routine of one day will give an idea of the manner of spending time generally at this station. During the summer, the bell (which is the size of a common wash bowl) rings at half past six o'clock in the morning, when all the different families surround the domestic altar for prayers in their own dwellings. At seven, the bell rings for breakfast, when all are seen bending their steps, with much decorum, to the dining hall, where each one takes his accustomed seat with as little confusion as possible. Six tables are so arranged as to accommodate all the family. These are covered with

cotton sheeting & the knives and forks are placed in order around them, while the cups & saucers & earthen plates for the adults & tin dippers & pewter plates for the children are placed together at the head of the tables. At the first table sit Rev. Mr. Washburn & wife with their five children and Cherokee boys. At the second table, Mr. Orr, farmer, with his wife & one child, Mr. Gray, mechanic, & the white men who are hired to labor on the farm & any strangers may happen to be present. At the third table, Mr. Asa Hitchcock, teacher, wife & five children, Miss Esther Smith, teacher & Cherokee boys. At the fourth table, Mr. Jacob Hitchcock, steward, wife & five children, Miss Thrall, teacher of the missionaries' children exclusively, three orphan children of Rev. Mr. Finney & Cherokee boys. At the fifth table, Mrs. Joslyn, teacher, with her infant, Miss Stetson, teacher, Maria, an Osage captive 18 years old, & Cherokee girls. At the sixth table, Rev. Mr. Lockwood & myself with Cherokee girls. Maria is a very interesting character, is decidedly pious & renders important service to the teachers in their schools. She is very anxious respecting her own nation & prays abundantly for them.

"In 1833 & 1834 so severe a drought was experienced at this station that only three bushels of potatoes were raised from thirty bushels that were planted. A garden of an acre and a half was filled with a variety of seeds & every possible way of watering it artificially was practiced, but all in vain, not a single root was fit for cooking. Consequently our meals afforded but little change. The breakfast invariably consisted of coffee, with a little milk & occasionally sugar or molasses, hommony & corn bread, with meat, which is always stewed. Benches surround the table as substitutes for chairs. All being seated, a signal for silence is given, when a blessing is implored and the food is eaten with great stillness. Before rising from the table, a portion of Scripture is read, accompanied with some practical observations, & then all kneel while prayer is offered to our Father in Heaven, who is no respecter of persons. After prayers, all go to their respective employments. The boys, under the care of the superintendent, go to the fields. The girls, except those who remain in the kitchen, return with Miss Stetson to her house, where she instructs them in reading & spelling &c., & in various kinds of needlework, both plain and ornamental. The ladies of the mission alternate in the duty of remaining in the dining hall & kitchen to instruct the girls in the various branches of domestic affairs. At nine o'clock, the bell calls the children from labor to prepare for school. At twelve o'clock, they are dismissed from study & allowed to amuse themselves till dinner. The boys play in one grove & the girls in another. They are never permitted to play together. At half past twelve the dinner is ready, when each one takes his seat as in the morning. This meal consists simply of some kind of meat, generally pork, sometimes beef & occasionally venison, cold corn bread & cold water. The water was indeed a luxury, being of an excellent quality. Two or three times a year, a suet or rice pudding was afforded, which was, of course, a great rarity. Once our breakfast table was furnished with a dish of doughnuts sufficient to allow one to each individual. It was amusing to see the children receive & preserve their doughnuts as the children of the East would some foreign luxury. The Cherokee children are very healthy & eat their food with great avidity, sometimes practicing, without liberty, their former mode of eating—using their fingers instead of knives and forks. After dinner all go to their different employments till summoned to supper. This meal consists of black tea, without sugar, hommony with little milk, cold corn bread & occasionally butter. After supper & evening prayers, the children enjoy some innocent recreation while the adults are engaged in finishing the work of the day. Thus substantially passes each day of the week except the Sabbath. During the forenoon of this holy day, public worship is performed in English for the more particular benefit of the mission family. By the time of the close of the services, the Cherokees from a distance arrive, so that the house in the afternoon is nearly filled with Indians & the services in the afternoon are conducted in the native language. The missionary requests a native to read a hymn in Cherokee, in which all present unite in singing. The

effect of the music of these native voices upon one unaccustomed to hear them is very peculiar. After singing, a Cherokee is called upon to pray, & no one ever declines & though I could not understand a single sentence, my mind was solemnly impressed by their devotional & earnest manner. The sermon was preached in English & interpreted to the people. Some of the pious Cherokees always make addresses after the sermon & it is exceedingly interesting to see with what earnestness these converted heathen speak to their relatives & friends. Much difficulty is found in giving instruction through an interpreter. It is very desirable to have a pious interpreter lest a different coloring be given to the truth from what is intended. Much more time is consumed in giving instruction in this way & the force of the sentences is often lost by the unnatural pauses which necessarily occur. Notwithstanding these difficulties, it is sometimes enough to kindle all the tender emotions of the soul to witness the tearful eye, or the happy expression of the features exhibited by many of these comparatively untaught worshippers, when hearing about the way of salvation through a crucified Redeemer. The fixed attention & the stillness of the people, during their services on the Sabbath, would be a reproof to many more enlightened congregations. The Sabbath school is held immediately after the afternoon service, when those who know nothing of our language retire to an adjacent cabin to enjoy a little season of prayer."—Manuscript of letters of Mrs. Cassandra Sawyer Lockwood, "Descriptive of her journey to the Cherokee Nation in 1833-34 and of her experiences and observations at Dwight Mission in 1834-35."

APPENDIX XVII—2.

THE STORY OF MARIA JAMES.

The story of Maria James was related in a letter written by Reverend Cephas Washburn, which is to be found in Dr. Emmet Starr's "Cherokees West," pp. 71-75. Mr. Washburn wrote in part as follows:

"I shall relate to you the leading incidents in the history of another Osage captive, with whom you are personally acquainted. Maria James, who was educated in our school at Dwight, and continued to live at the Mission until her marriage. Her capture was in the last battle fought between the Cherokees and Osages. At that time she was about three years old. Her captor was Blackcoat, one of the influential chiefs. Subsequently he was elected for four years as assistant principal chief, in which office he died. Though a brave warrior, Blackcoat was a kind-hearted man. He treated his little captive with great tenderness and, on his return home, with the cordial acquiescence of his wife, he adopted her as his daughter, they having no daughters of their own. Thus the little stranger found a quiet and good home and her foster parents cared for her with much affection. She had lived thus happily for a year and a half or two years, when a sad and cruel reverse came upon her. Not many miles from the residence of Blackcoat lived a citizen of the Territory of Arkansas by the name of McBee. In some way he learned that Blackcoat had an Osage captive, and felt a strange desire to make the acquaintance of the chief. He visited frequently at Blackcoat's house, expressing a very friendly regard for him and quite an interest in the welfare of all his family. When he perceived that he had made a favorable impression on the mind of the chief, he then proceeded to relate his domestic affliction. Though he had been married for some ten years, he said he had no children and his domestic hearth was desolate. He expressed a great desire to have a little girl like Blackcoat's Osage captive, saying if he had such an one he would adopt her and make her his heir. Blackcoat replied: 'White people know much more than we Indians and raise their children better than we; you can do much more for this little girl than I can. I give her to you.'

"McBee was delighted; but he told the chief that a written conveyance must be given to secure his title to the child, else the government would require him to part with her whenever peace should be made with the Osages; that, to render such a written conveyance valid in law, it was necessary that he should make him some consideration. So it was agreed that McBee should give the chief a cow and calf, worth at that

time from eight to ten dollars; that, for this consideration, he should have the little Osage child secured to him by a lawful 'bill of sale.' All this was done without awakening in the mind of Blackcoat any suspicion of fraud; but no sooner did McBee get possession of the little girl than he ran off about forty miles down the river, where he found a man by the name of McCall, to whom he sold her for three hundred dollars.

"McCall immediately placed her in a canoe and started with her for Louisiana, where he hoped to sell her into perpetual slavery for a handsome advance upon the price he had paid for her. In descending the river, he camped one night a few miles above the Post of Arkansas. Near the same place a boat had also stopped for the night. The watermen attached to this boat were Frenchmen and, seeing the light of McCall's fire, they visited, as is usual, his camp. Their attention was soon attracted to the little girl and they inquired about her. McCall said she was a mulatto slave that he was taking down to Louisiana to sell. The watermen, observing the child's complexion, her straight hair and perforated ears, suspected at once that all was not right. They returned to their own boat and two of them immediately started for the post to notify the governor of these suspicious appearances.

"In the morning the governor's proclamation was out, offering a liberal reward for the rescue of the child and an additional reward for the apprehension of McCall, who, in the meantime, was on his rapid way to the Mississippi River and thence to Louisiana. The two Frenchmen got a light and swift-running canoe and, armed with the governor's proclamation as well as with rifles, started in pursuit. When they got to the Mississippi, they learned from settlers that McCall had some six hours the start of them and that he was making his utmost speed. They rushed on and pursued their chase till within a few miles of the Louisiana line, when they descried at the bank, near a settler's cabin, a small part of the bow of a canoe; all the rest of it was intentionally sunk. They hastily approached and examined it and, to their joy found that it was the bow of McCall's canoe, pushed to the shore, and approached the cabin. Through the 'chinks' of the cabin, they discovered the little girl, of whom they took instant possession and inquired for the man who brought her there. She answered that he had stopped to get breakfast and had now stepped out for a moment. His steps were soon heard approaching the cabin; but as he heard voices within, he, too, looked through the 'chinks' and, seeing the little girl sitting upon the lap of one of the watermen, whom he instantly recognized, he turned his course and made a rapid flight for the canebrake near at hand. The men pursued him but he made good his retreat to the canebrake and eluded their search.

"The faithful men returned with their interesting charge and committed her to the protection of Governor Miller. They richly earned their reward. Shortly after this, Rev. Mr. Finney, returning from New Orleans, stopped at the Post and called on the governor. To him she was committed and placed in our school till she should be claimed by her own people. No such claim was ever presented and she continued to reside at the Mission until, . . . she was married. She was perhaps five or six years old when received into the Mission school. As yet, she had none but an Indian name and Miss Stetson, the teacher of the female school, named her Maria James, in memory of a Christian friend of her own in New England."

Maria James grew up at the Mission and became especially endeared to those who knew her, serving as a teacher at Dwight for a number of years. She afterward married William Pettit, a Cherokee, who died in 1852 and was buried at Fairfield Mission. Mrs. Pettit later rented her farm and returned to Dwight that she might educate her children, remaining until the outbreak of the Civil War. She and her family, with a number of Cherokees, were refugees in the Choctaw country during a part of the time that the conflict was raging, staying in the vicinity of Goodland. In 1884, having discovered some of her kinsmen among the Osages, she returned to live among them, after a separation of sixty-five years. Most of her grandchildren are residents of Osage County today.

Mrs. Pettit, or "Aunt Maria," as she was most affectionately called, was held in kindly remembrance by

her old neighbors in the vicinity of Dwight Mission, for she was a woman who "abounded in good works." Mr. John M. Robe, superintendent of the Dwight Indian Training School (Presbyterian U. S. A.), writing in 1918 concerning her reputation in that community a generation after her death concluded with the following statement: "Everyone speaks of the good works of Mrs. Pettit and there is no question in my mind that, had no other work been done by this old school than to educate Maria James it was well worth all it cost."

The following proclamation of Governor Miller appeared in the Arkansas Gazette for three weeks, beginning with July 31, 1822:

100 DOLLARS REWARD

"Whereas, SAMUEL McCALL, late of Pulaski County, Arkansas Territory, purchased an OSAGE GIRL who was taken prisoner by the Cherokees in the fall of 1821, and has carried her out of this Territory, and, Whereas, it is believed that the said McCall intends to make a SLAVE of said prisoner, contrary to the laws and policy of the Government of the United States: Therefore—

I, JAMES MILLER, Governor of the Territory of Arkansas, and ex-officio Superintendent of Indian Affairs, do hereby offer a reward of SEVENTY-FIVE DOLLARS to any person who will rescue the said Osage prisoner and return her safe to me, or to any respectable citizen on the Arkansas River, and give me information so that I may obtain her. She is about seven or eight years old, remarkably fleshy, straight hair and not very black, with her ears cut according to the Indian custom.

A reward of TWENTY-FIVE DOLLARS will also be given for apprehending and securing the said SAMUEL McCALL in any jail in this Territory. He is about thirty-five years of age, about five feet eight inches in height, sandy hair, large whiskers, fair complexion and fond of talking.

It has been reported that the said McCall was seen with the prisoner on the Mississippi River, near Stock Island and intended stopping in that vicinity.

JAMES MILLER.

Little Rock, A. T., July 20, 1822."

The Arkansas Gazette of November 5, 1822, announces the recovery of the Osage girl by a citizen of Point Chicot, who left her with Eli J. Lewis, of Arkansas Post.

It is possibly interesting to note that the governor who offered the reward for the rescue of the little Osage girl, was none other than Col. James Miller, the hero of Lundy's Lane, who when asked if he could take a certain dangerous battery, gave the laconic answer "I'll try, sir." Colonel Miller, whose home was in New Hampshire, was appointed governor of Arkansas Territory at its organization by President James Monroe. He took an active interest in the efforts to promote peace between the Cherokee and Osage tribes of Indians.

APPENDIX XVII—3.

A VISIT TO FAIRFIELD AND DWIGHT MISSIONS IN 1844.

Dr. Butler was the minister in charge of the station. He was a Presbyterian, had labored for a period of nineteen years with that people, having commenced his labors with them before they emigrated from the old nation in the state of Georgia. Himself and family had an experience in labor, in trial, and suffering, which language may not record, and for which there is no compensation on this side of heaven.

We found Dr. Butler sitting in an arm-chair, in a dark room, prepared to spend the night in that position. He was suffering with asthma to such an extent as to render it impossible for him to lie upon a bed and sleep in a recumbent position. For many successive nights he had been compelled to sit alone in his dark chamber while the hours were slowly passing.

At the ring of the bell we were admitted, with a brotherly and Christian cordiality that was truly grateful to our hearts at the end of our day's journey. Mrs. B., being indisposed, did not rise; but Miss Smith, the teacher of the Mission school, and two fine Cherokee misses, who were about fourteen years of

age, came, and in a few minutes prepared us a substantial tea.

We were impressed with the good sense and economy which characterized, as far as we could discover, the entire establishment. There were no servants; Mrs. B., Miss Smith, and six Cherokee girls, who had been received into the family, did the kitchen and chamber work. The girls were not treated as servants, but daughters; they were neat, intelligent, and sufficiently comely to pass reputably in any society. The furniture of the mission was very plain, and yet comfortable; while the table was destitute of every article that might be considered a luxury, yet the food was good, substantial, and of sufficient variety.

The family worship was orderly and remarkably interesting. Each member of the family was supplied with a Bible and hymn-book; and they also had books to be used by strangers who should chance to worship at their altar. Dr. B. commenced the reading—each one reading his verse in turn "from the greatest down to the least." The hymn was announced, and sung by all; after which we kneeled, and Rev. Mr. Goode was requested to lead in prayer.

The same system and order prevailed both at Park Hill and Dwight missions, which was subsequently visited.

The school at Fairfield was not a boarding seminary, but a "day school," and free to all. The population in the vicinity was dense, and the school was well attended, mostly by girls, yet boys of a small size were also admitted. Miss Smith's school-room was well supplied with maps, cards, and globes for purposes of illustration. We saw no others so well and so conveniently furnished.

There was a good farm in connection with the mission, the product of which nearly supplied the demands of the family. The needed supplies of horses, oxen, and milk cows were not wanting. We were gratified to learn that Dr. B.'s congregations were good, and his Church composed of substantial and pious men and women. A large and prosperous Sunday school was a most interesting appendage of the mission.—Benson's "Life Among the Choctaws," pp. 229-31.

Upon their arrival at the seat of the conference, Messrs. Goode and Benson were taken to the Park Hill Mission and entertained as guests in the home of Rev. S. A. Worcester, who was superintendent. Of their visit there, Mr. Benson wrote as follows:

On reaching Tahlequah Mr. Goode and myself were taken to Park Hill, and introduced to the family of the Rev. Mr. Worcester, with whom we were kindly entertained during the session of the conference.

Park Hill was a missionary station of much note, Mr. Worcester was the superintendent of the establishment, and was eminently qualified for the important position. There was a good farm; a frame church of proper size; a good frame school-house; a two-story building used for a book establishment, having its printing presses and book bindery. There were two frame buildings, each two stories high, for family residences, occupied by Mr. Worcester and by Rev. D. Foreman, who was a Cherokee, and connected with the mission. The Scriptures were translated and printed in the Cherokee and Choctaw languages at Park Hill. Hymn-books, tracts, spelling-books, and readers were also translated and published there. John Candy, a Cherokee, was foreman in setting type, and W. Worcester, a son of Rev. Mr. Worcester, was the head workman in the bindery. The school was taught by a Miss Avery, who was an accomplished and interesting young lady.

There was also a Miss Thompson in the family, who taught a school a short distance from Park Hill, with whose character and history we were deeply interested. She was certainly a model missionary, having consecrated upon the Divine altar her "body and spirit, a living sacrifice, holy and acceptable in God's sight." She had gone into the Cherokee country when a young lady; had emigrated with the Indians from the State of Georgia to their present home; and labored in the Park Hill School till she thought herself to have grown old; when, at the earnest solicitations of her relatives, she returned to her New England home, to spend the evening of her life with the surviving companions of her youth. She was extremely happy to meet with loved ones from whom

she had been separated for a score of years. They gave her a most affectionate welcome to their hearts and homes, and did all within their power to contribute to her comfort and happiness. When a few weeks had elapsed, and her round of visiting was completed, she began to look around for work. She longed to be useful; but there were no open doors for such labor as her habits of life had qualified her for and given her tastes to enter upon and accomplish. Her soul longed for its appropriate work; she could not live in idleness, and must be wretched if she failed to be useful. The truth finally flashed upon her that she had committed a blunder; that it was an error to quit the Indians. She hastily made a second round of visits, bidding her New England friends a final farewell, and returned to her adopted people, with the language of Ruth to Naomi in her heart, if not upon her lips, "Whither thou goest, I will go; and where thou lodgest, I will lodge; thy people shall be my people; and thy God, my God; where thou diest, I will die, and there will I be buried."

On returning to Park Hill she found her place in the mission filled by another; but she was rather pleased to find it so, for she went out a mile and a half distant, and opened a new school, which was soon filled with children that otherwise would not have been taught. She walked back and forth, making her home with her old friends of the mission; and she was cheerful and happy in her work, intending to live, die, and be buried with her Cherokee friends. Whether she still survives, or has fallen at her post, I know not; but generations yet unborn shall rise up to call her blessed.—*Ibid.*, pp. 231-34.

Mr. Benson was evidently in error as to Miss Thompson having revisited her old home in New England, as the missionary directory of Spooner & Howland's "History of American Missions to the Heathen" contains the following brief record of her life and service down to 1840: "Nancy Thompson, Blount Co., Tenn.; born, Washington Co., Va., March 20, 1792; arrived at Haweis, —, 1826; Willstown, March, 1833; Park Hill, —." Miss Thompson is believed to have come to Park Hill with the family of the founder of that mission station, Rev. S. A. Worcester, in 1836; she probably continued to labor at or near Park Hill until wartime conditions put an end to her work. Where she was during the war, is not recorded but after its close, she made her way to the Tallahassee Mission, among the Creek people, where she found a home in the family of Mrs. A. E. W. Robertson, who was a daughter of Doctor Worcester. There she made herself useful in the service of others, down to the end of her life. She died at the advanced age of eighty-nine, in the spring of 1881. The famous General Sam Houston and she were neighbors and friends in their youthful days.

After briefly reciting the persecution and imprisonment of his host at Park Hill, Mr. Benson concluded his remarks concerning the mission and mission workers there in the following language:

"I had read of missionaries—of Brainerd, of Eliot, and others—but hitherto I had seen none whom I regarded as worthy of the appellation. These had passed through fiery ordeals and had stood firm. They had suffered willingly for Christ's sake, only claiming rewards in Heaven. They were not missionaries for a month or a year, but for life; and no man is really a missionary who does not cheerfully give all to the great work of evangelizing the world."—*Ibid.*, p. 239.

On their way home from Tahlequah to Fort Coffee, Messrs. Goode and Benson visited the Dwight Mission, which was described in Mr. Benson's book as follows:

"Having chosen to return home by a new route, we reached Dwight Mission at sunset, traveling about thirty miles. It was a Presbyterian mission and the oldest one in the tribe, having been founded in the old nation [i. e., among the Western Cherokees, in Arkansas] and reestablished immediately after their arrival in the new territory. Mr. Hitchcock was superintendent; he was a layman and managed the farm and the temporal interests of the station. There was a female seminary in which the pupils were taught and boarded, but not clothed. Mr. Day and his wife were teachers of the school, and Mrs. Hitchcock was matron. There were over forty fine buxom lassies in attendance, from ten to sixteen years of age—many

of them were very interesting, sprightly and promising girls. Mr. Hitchcock and family had been with the tribe for twenty-four years, engaged in missionary work. They received no salaries from the Missionary Board; the entire annual appropriations to Dwight Mission amounted to only fourteen hundred dollars. There was an excellent farm, well cultivated and well stocked, the produce of which nearly sustained the mission. All were taught to labor, and economy and frugality were thoroughly studied and practiced in every department. There was a plain, comfortable church but no efficient pastor in connection with it at that time.

"Rev. Mr. Buttrick and his aged companion were there, but not as active as laborers in the mission. He was then superannuated, having retired from the active duties of the ministry. He could preach occasionally but not with regularity, nor had he the strength to perform pastoral labor. Father Buttrick had been twenty-seven years in the Cherokee tribe, laboring to establish and build up the cause of the Redeemer. His children were grown up and all settled in the east. They had earnestly urged their parents to return home and spend the evening of their days with them. But, after mature deliberation, himself and wife had resolved to end their pilgrimage with their Indian people. They had come to Dwight for the sake of the society; and, having fitted up a comfortable log cabin, they enjoyed a quiet retreat from the busy and exciting scenes of the world. With a good library and the desired papers and magazines, and with the privileges of the church and the society of kind and sympathizing Christian friends, they were cheerful and happy, and patiently waiting the Master's summons to take them home to Heaven. Our interview was from necessity brief, but full of interest, to us at least; as we rose to take our leave, Father Buttrick interposed his paternal authority: 'Come,' said he, 'this will not do, remain a few minutes longer, for we *must* not separate without prayer!' The little company joined in singing one of the songs of Zion, after which we all knelt and Mr. Goode led the devotions. We can never forget that devout and holy man of God, who, with patriarchal simplicity and fervor, stood up and invoked Heaven's benediction upon us as we bid him a final adieu. Since that period the papers have announced the departure of that aged disciple of the Lord. He has slept the long and dreamless sleep of death. His cold remains repose in the little churchyard at the Dwight Mission, with Indian graves all around."—*Ibid.*, pp. 255-57.

APPENDIX XVII—4.

REPORT OF THE MORAVIAN MISSIONS IN A LETTER TO M. DUVAL, ESQ., FORT GIBSON.

Spring Place, August 1, 1844.

"Dear Sir: On account of sickness and various business matters, your request was deferred: which remissness on our part we hope you will pardon. I will now proceed to give you, as accurately as possible, an account of the state and prospects of the mission of the United Brethren's Church (commonly called Moravians) among the Cherokees. Let me, however, first go back a few years, in order to give you a brief historical sketch of our work.

"When the Cherokees emigrated to this country, three of our missionaries (the reverend Messrs. John R. Smith, Miles Vozler, and Mr. Ruede) followed, and, with the permission of the council, commenced a station on Barren Fork, where the most of our people had settled. This place, however, proved sickly, and the missionaries (Mr. and Mrs. Vogler and Mr. Ruede) moved to Baitie's Prairie in the autumn of the following year, and received the consent of council to settle there—having a prospect of a large school, and with the expectation that the members of the church would soon follow and settle around them. But our people seemed unwilling to settle there, and it was therefore determined by our board to commence another station at the head of Spring Creek, about half-way between Baitie's Prairie and Barren Fork, to which place (Spring Creek) one family had already moved, and others were on the point of doing the same; and, to this end, Messrs. G. Bishop and David Smith were

constituted missionaries by the board, and, in the autumn of 1841, despatched as a reinforcement. The request of the board to commence a school at Spring Creek was laid before the then sitting council, who, however, refused to grant it. At the next session of council (in the autumn of 1842) a petition of our people, and of many friends of the missionary cause in the nation, was brought before the council, and permission was at length given; whereupon Messrs. Ruede and Bishop moved to this place, and, as soon as possible, commenced keeping school. As it is the desire of our board first to benefit those who have come under our influence by church membership, and afterwards others, Spring Place will become the principal station of our operations; and to this end we are now about preparing suitable buildings. The number of baptized adults belonging to our church in the nation is 47, (three of whom have been suspended,) viz: 20 at Spring Place; 7 at Barren Fork; 1 at Baitie's Prairie, and 9 dwelling at different places. About 45 baptized children are under our immediate care; besides these, however, there are a number of children and youth baptized by our missionaries, who live scattered about in the nation. The total, therefore, of children and adults under our influence at Baitie's Prairie, Spring Place, and Barren Fork, is about 90. We visit Barren Fork, generally, every four weeks; while at the two other places divine worship is held every Sabbath. Both our schools conducted at Baitie's Prairie and Spring Place are neighborhood schools, on account of the expense attending boarding schools, and our board being burdened with a heavy debt. Our school at Baitie's Prairie has always been quite flourishing—numbering, almost every session, between 30 and 40 scholars, and sometimes above; the settlement being such a one where the value of schools is understood. The settlement around Spring Place may be termed a full [full-blood] Cherokee settlement; such a one, therefore, which is in most want of benefit from missionaries. In the autumn of 1842, when the school was first opened (being then a new thing), there were about forty scholars on the school list, who attended within a circuit of three miles around us; but more than half soon dropped off; and it has always required great patience, on the part of the teacher, on account of irregularity. The heathen portion, and a great part of the Christian full Cherokees, have not yet learned the value of schools, or at least are very indifferent about them; and, even if they perceive their importance, do not exercise any control over their children; so that these will not attend, unless they themselves get interested in them. Upon the whole, it is my firm belief that the children of the full Cherokees at present can be benefited only by means of boarding schools, though these have always been very burdensome to the missionaries. The missionary work among the Cherokees seems to be improving, and meetings are better attended than formerly; and it appears that the prejudice which existed against missionaries, and the whites in general, is growing fainter and fainter; which, I think, by a prudent policy, and a parental treatment on the part of the United States Government, may finally die away.

"If in future, you have any need of information from us, it shall always, if it is in our power to give you any, be at your service.

Yours, with respect,

"DAVID Z. SMITH."

M. Duval, Esq., Fort Gibson.

—Report of Commissioner of Indian Affairs for 1844, pp. 396-97.

APPENDIX XVII—5.

REV. LOUGHRIDGE'S LETTER REGARDING THE TALLAHASSEE MISSION.

"Creek Agency, September 21, 1848.

"Dear Sir: I have the honor to inform you that on last evening I received a letter from Walter Lowrie, Esq., Secretary of our Board of Missions, dated 29th August, in which he says: 'I have received from the War Department a circular requiring information to be given to the Superintendent of Indian Affairs (Mr. Rutherford), as follows: The situation of the buildings, the progress that has been made in their erection, and the probable time when the establishment will be ready for the reception of scholars.'

I therefore hasten to comply with this requisition

in regard to the Creek manual labor boarding school under the care of the Presbyterian board of foreign missions.

1. "The situation of the buildings." These are pleasantly situated between the Arkansas and Verdigris rivers, about one and one-half miles from the former, and two miles from the latter; about two and one-fourth miles from the Creek agency, and about three miles from the steamboat landing. They are placed upon a high, dry, and beautiful ridge, connected with a good body of land for cultivation, and we think the situation will prove as healthy as the country affords. It is well supplied with wood and water.

2. "The progress that has been made in their erection." A report of this has lately been made through our agent to the government. I will, however, again state that we have erected several buildings at the new station, viz.: a double log house one and one-half stories high, with two rooms below and two above, 18 by 16 feet each, hewed inside and out. This is intended for a dwelling house at present, and for a workshop for the boys when the school is put in operation; a large and substantial hewed log meat-house, 20 feet square; a crib and stable, 14 by 20 feet each, with a cutting-room between of 6 by 20, all covered under the same roof. A large well has been dug, affording excellent water, and has been walled up with stone. Other improvements are being made at the station which will be important for the successful operation of the school, as soon as the main building is finished. The work on the main building has been much hindered for the want of good and responsible workmen. But that difficulty has been overcome; good workmen have been obtained, and the work is going forward vigorously. The stone foundations, which are very substantial, are nearly complete. The brick for the building are nearly all made. All parts of the work are progressing very well; and we think this extensive building will be completed as soon as could be reasonably expected from the nature of the case.

3. "The probable time when the establishment will be ready for the reception of scholars." If the calculations of the workmen be correct, we will probably be ready by the 1st of July next.

I will also beg leave to report, that—

4. The expenditures for the school and farm, for the erection of buildings, purchase of wagon and team, furniture, &c., &c., amount to about \$3,639.37. Other accounts will soon be due, which will swell the sum considerably more. The vouchers for these expenditures will be forwarded to W. Lowrie, esq., New York, from whom I have received the money, and who will settle with the government for the same.

With much esteem, I remain your obedient servant,

R. M. LOUGHRIDGE.

GENERAL SAMUEL M. RUTHERFORD,

Acting Sup't, &c., Western Territory,

Choctaw Agency.

—Report of the Commissioner of Indian Affairs, 1848, pp. 523-24.

APPENDIX XVII—6.

MISSION PUBLISHING HOUSE AT PARK HILL.

"When I first went to see Doctor Worcester he questioned me particularly as to my knowledge of the language and asked me to write for him a Latin and Greek sentence. It so happened that I had done such work in my studies and teaching and was good at it. When I showed him the Greek that I had written, he was evidently pleased. I have always thought he was thinking of who should succeed him in his work at the Printing House. None of the other missionaries, I learned later, were fresh in their Seminary studies or had kept up their Greek and Hebrew. Mr. Worcester took me into the printing office and bindery and showed me the publications of the Mission. They were nearly all—all the Bible texts were—24mo and in a form that could not be permanent. I asked him why he did not have the Testament printed by the [American] Bible Society, at New York. He replied, 'they may have no type; they will cast a font of type for you if you will ask them,' I said. He was incredulous, but wrote to inquire of the secretaries; they complied, and the New Testament was published in Cherokee, and in that way [the result of] forty years of hard, costly toil was rescued. But for the

Bible Society the result of this labor would have been wholly lost.

"In 1859, Doctor Worcester's health began to fail and he sent for me to come and help him and to preach in his church at Park Hill. I left my family in the care of Mr. Chamberlain, a son of an old missionary, living near Fairfield Station. . . . Doctor Worcester (who had had the degree of D. D. conferred upon him a short time before this) talked freely with me and told me all of his plans. These included the revision of the whole of the New Testament, now nearing, under his hands, a completion. I sent to New York the printed copy of the translation as it went on. It was set up and printed in our office for the convenience of the New York printers, who could not read Cherokee manuscript. I also superintended with Doctor Worcester's help, the preparation of the Cherokee Almanac and a Cherokee primer. The calculations for the Almanac were all furnished by Mrs. Greenleaf, of Bradford, from year to year. This almanac contained, besides the usual matter, the names of all the principal officers of the Cherokee government—judges, sheriffs, members of the two branches of the Legislature, and was filled in as completely as possible with original matter, relating to temperance and religion."

It was fortunate, indeed, that Mr. Torrey's suggestion concerning the printing of the New Testament by the American Bible Society was adopted, for the death of Doctor Worcester, followed shortly afterward by the outbreak of the Civil War, in which every vestige of the mission establishment at Park Hill was wiped out, would have literally destroyed the results and benefits of the painstaking labors of the latter as a translator. Mr. Torrey's service in helping to complete the translation and in seeing it placed in type and printed was also invaluable. Although the period of this activity in the mission field in the Cherokee Nation was brief as compared with those of some others, his work was of an enduring character. Some estimate of the importance of the publishing house at Park Hill Mission may be formed from the statement that 14,084,100 printed pages were issued from its presses for the benefit of the Cherokees and, in addition to this, there was a large amount of printing and publishing done for the mission among the other tribes, including over 11,000,000 pages for the Choctaws.—Mss. of Park Hill Publishing House at Park Hill Mission, by Charles Cutler Torrey.

APPENDIX XVII—7.

STEPHEN FOREMAN'S LETTER.

August 18, 1852.

Dear Sir: Agreeably to your request, I hereby furnish you a short sketch of the Cherokee Bible Society.

The present Bible Society was formed at Tahlequah October 23, 1841. Its object, as declared by the 2d article of the constitution, is "to disseminate the Sacred Scriptures in the English and Cherokee nation; and all funds collected by the Society are to be expended for that object." It is free from all sectarianism, and designed to unite Christians of all denominations in the good work of circulating the Bible. The first few years after the Society was organized, but little was accomplished, because but few individuals took an interest in promoting its object. Subsequently, the Society gained ground, and has been attended with more or less success up to the present time.

The whole amount of money collected and expended by the Society since its commencement to its last annual meeting, in October, 1851, is about thirteen hundred dollars. The whole number of books purchased during the same time is about three thousand. These have been distributed in all parts of the nation by persons to whom they have been assigned. It is the aim of the Society to make its influence felt as widely as possible.

The Scriptures purchased by the Society, and put into circulation, are the following, viz.: The Gospels of Matthew, Luke, and John, the Acts of the Apostles, the Epistle of Timothy, the Epistle of James, the Epistles of Peter, the Epistles of John, and a part of the Revelation of John. There are portions, also, of the Old Testament circulated, viz.: of Genesis, Exodus, Psalms, Proverbs, and Isaiah. These are all translated into the Cherokee language.

The Society have also on hand a quantity of English Bibles and Testaments, furnished them by the American Bible Society for distribution. The Society,

not having funds to purchase English Bibles, have depended on the American Bible Society for supplies, which have been furnished gratuitously.

The officers of the Society are a president and eight vice-presidents, a secretary and treasurer, and an executive committee. The committee is composed of five persons, including the secretary and treasurer.

The Society meets annually at Tahlequah on the third Wednesday in October.

STEPHEN FOREMAN,

Secretary Cherokee Bible Society.

GEORGE BUTLER, Esq.,
Cherokee Agent.

—Report of the Commissioner of Indian Affairs, 1852, pp. 405-06.

APPENDIX XVII—8.

LETTER CONCERNING ERECTION OF CHICKASAW ACADEMY.

Chickasaw Academy, August 23, 1848.

Sir: The work of preparation for this school, located about ten miles northwest from Fort Washita, was commenced on the first of last January, and the progress made therein to this date, is in

Buildings

One rough log cabin with end sheds attached, affording shelter at present to fourteen persons. One hewed log meat house, eighteen by twenty feet, sufficient to hang twenty to twenty-five thousand pounds of meat, finished, except the painting. One corn house, ten by twenty feet, shaded all around, for stable and wagon purposes. One hewed log building, twenty by thirty feet, two stories high, covered, and doors and windows cut; designed according to the plan of the institution for mechanics' shops, but which will be prepared as soon as practicable as a domicile for our families, workmen, and hands. The above buildings are intended, both in regard to structure and position, to form an integral part of the general plan of buildings, and are, consequently, put up in a substantial and durable manner.

I may add that all three of our workmen here wrought but little for the last six weeks, in consequence of sickness.

Farm and Farming

In this department our work is more advanced. For the first month or more I could procure no laboring hands, but by the middle of February I had employed four—in March two, and in April two more, and for the last four weeks we have had ten. We cleared a lot of near four acres sufficiently early to plant with a variety of vegetables, which have already been of great service to us, and will be sufficient for the coming fall and winter. We have enclosed over fifty acres of wood land, with a fence nine rails high, and cleared and planted about eighteen acres with corn, the appearance of which is good. The balance of this enclosure is now chopped off and ready for rolling and burning; and a small part broken and sowed with turnip seed. We have over 14,000 rails made, and perhaps 11,000 or more of them put up.

The work has at all times appeared to progress slowly, and yet when it is remembered that we began not quite seven months ago, in a dense unbroken forest, in which was growing the wood of most of the implements with which the work has been performed, we look around us with feelings of gratitude and pleasure.

There are indications that the interest of the Indians in the enterprise is increasing, but when we shall have the pleasure of inviting them to send in their children to the school is uncertain. I conceive it quite impolitic to begin the school until we shall have erected our large boarding house, and shall have raised a good supply of provisions towards its support. When this shall have been accomplished, we shall have sufficient room to appropriate to just such a school as we would wish to begin with. One thing only we promise: that if means are not lacking, attention and effort shall not be wanting to as early a commencement as reason can require.

I am sir, very respectfully, your obedient servant,
WESLEY BROWNING.

COL. A. M. M. UPSHAW,

U. S. Agent for Chickasaws.

—Report of the Commissioner of Indian Affairs, 1848, pp. 532-33.

APPENDIX XVII—9.

LETTERS OF PRESIDING ELDER T. B. RUBLE
MUSKOGEE DISTRICT.

Asbury M. L. School, September 8, 1848.

Sir: I hasten to inform you of the condition and extent of the operations of the missionary society of the Methodist Episcopal church south, connected with the Creek nation. Our work here for several years past, has been carried on almost entirely on the circuit plan, white and native men both being employed in the work. These, for the most part, had to be unmarried men, owing principally to the great difficulty in any thing like a permanent family missionary residence, the leading policy of the nation being opposed to any and all very extended and active missionary operations among them. But whatever now may be the feelings and views of a few of the leading men of the nation, with reference to the present and future good of the people, one thing is certain, they are behind the times. The common people, with many prominent leaders, are very far in advance of them. Customs and usages, however ancient, are fast passing away; those of a higher and superior order are now obtaining, to the great satisfaction of a large portion of the Creek people. Many of them are quitting the ball play and the dance, which is sometimes made a ground of complaint against the missionary.

The majority of the Creek people are now in favor of educating their children, and adopting the habits of civilized life. During the past two years the demand has been repeatedly made, and with increased interest, for books, schools, missionaries, and teachers.

Could whiskey be kept out of the Creek nation, I see no earthly reason why they might not soon rank with the foremost of the tribes in point of general improvement. The Creek has a pliable, expansive mind. He is teachable; his habits, though of long standing, give way before the light of truth. Let but once the same amount of means and instrumentalities be brought to bear upon the Creek people that some of the other tribes have already been favored with, and the good accomplished will be more than double that in any other instance. We are led to this conclusion from facts as they present themselves in the history of benevolent enterprise, connected with other portions of the great mission field. But to the matter before us. Until the last session of the Indian mission conference, the Creek nation remained an integral part of the Cherokee district, when it was made a separate charge, and divided into three mission stations, in view of its becoming a full district. T. B. Ruble was appointed to it, and also the superintendent of the Asbury M. L. school. He received his appointment in November, but did not succeed in getting the site for the requisite buildings, and a farm located, until late in the month of January. In this he had the efficient aid of Colonel Logan, Creek agent, and the hearty concurrence of Colonel Rutherford, superintendent western territory. The site is within less than a mile of the north fork, and five miles of its junction with the Canadian, south of the former and northwest of the latter. The river is sufficiently commanding, with good land for farming; good timber on the north and west, and quite a sufficient supply of water for all necessary purposes. The location is generally thought to be a good one, and as healthy as any to be found in the country.

Soon after the site was determined on, a purchase of some improvements on, and necessary to, the location, was made from the widow owning them, for three hundred dollars. These consist of about thirty acres cultivated land under good fence, a comfortable hewed log house, about twenty feet square, with a porch in front, smoke house, kitchen, stables, with a tolerable supply of fruit trees, &c. In February a contract was agreed on for the stone and brick work, with Webster & Reed, of Fort Smith, Arkansas; and, in the month of April a contract was entered into with J. J. Denny, esq., of Louisville, Kentucky, to furnish material and do the carpenter work. But notwithstanding the contractors commenced preparations immediately, little was done towards the building before the first of May. Since then the work has been progressing slowly. The foundation was completed and the corner stone laid on the 19th day of July. The occasion was one of much interest to the Indians, many of whom attended, with

several of the principal chiefs. Notwithstanding the day was very hot, the addresses and all elicited the closest attention from them. When they were told by a native speaker that this was what they had been trying to get for several years past, they responded most heartily. All expressed themselves as much pleased with what they heard and saw. The building will be 110 feet long by 34 wide, with porch ten feet wide in front, three stories high, including the basement. Leaving out the halls, there will be twenty-one rooms, including those in the attic. The basement will be of stone, the balance brick. It is believed now that the building cannot be completed before next fall. We hope, however, that we may get into it before that time. But there are many hindrances in putting so large a building here; suitable hands hard to obtain; transportation difficult.

On the farm we have raised about fifteen acres of corn—six of oats—some potatoes, &c. Two wagons, two yoke of oxen, two cows and calves, with some harness, hoes, spades, axes, &c., have been purchased for the use of the farm.

A Sunday school has been taught at the place part of the time since last spring. A regular day school was commenced the 8th of August, taught by Rev. W. A. Cobb, but is now suspended, until after the approaching session of the Indian mission conference. The school was necessarily small, as we were only able to take in a few boys, the balance having to come some distance. Our schoolhouse is only a temporary affair, and not well adapted to the fall and winter season. The children in attendance were nearly all in the spellers, but made very respectable improvement for the time. The school will be commenced again as soon as practicable.

We have regular preaching at this place, and a society of 50 members, mostly on trial. One-half of the above number, or more, have placed themselves under the watch care of the church during the past few weeks, and nearly the whole number since last spring. The spirit of improvement is very plainly at work among the people all around us.

North Fork and Little River Mission.—To this, Rev. W. D. Collins, with Rev. Daniel Asbury, a native preacher, were sent at the last session of the conference. There were in the society and under religious instruction, as last returned, 257 members, and 19 preaching places. This mission includes a large portion of the nation. But very little opposition exists any more among them to the gospel.

Creek agency mission.—Rev. W. A. Cobb was appointed to this work, and has labored there a good part of the past year. A native acted as his interpreter. The last returns show 315 under the watch care of the church, and 20 preaching places.

Mrs. Collins, who has had charge of the Muskogee mission school, near the Creek agency, reports as follows: "This school was established in February last. At its first organization, the number of children in attendance was small, and mostly very irregular in their attendance. The school, however, soon increased in numbers, the children became more punctual in their attendance. Sixty names are now on the list, but many of them have entered school during the last few weeks, and many others have been absent from school from various causes, so much so that I think the average number in attendance during the term will not exceed 25. The scholars generally have made good proficiency, and some have advanced rapidly. Two little girls, in particular, whose English names are Martha Marshall and Elizabeth Brodnax, the former daughter of the second chief of the nation, the latter the daughter of Doctor Brodnax, have made unusually rapid improvement for the time they have been in school. I have been engaged in teaching among the whites for the last twelve years, and have never seen children among them make better proficiency than have these Indian youths who have attended school regularly. The girls have been instructed in plain sewing and embroidery, in which they manifest much skill. Thirteen of the students have been learning to write, nine have been studying geography, seven arithmetic and two English grammar. All in attendance have received oral instruction in arithmetic and geography. There has been a manifest improvement in the general deportment of the children, and I trust religious impressions made which will be lasting. At the com-

mencement of the school, many of the boys were often kept away by attending ball plays, night dances, &c., but most of them have been induced to refrain from attending such places, especially ball plays on the Sabbath.

"A Sabbath school of considerable interest has been sustained; many of the children are able to recite lessons from the Scriptures, while others recite from Caper's Catechism. The beneficial effects of the Sabbath school are very apparent. Twenty-one of the children, who are able to understand it, have signed the temperance pledge, and, so far as we have ascertained, all have kept it, with one exception."

The missionary society of the Methodist Episcopal church south, have had four missionaries employed in this work the past year, three white and one native, besides others who act as interpreters. Some 622 are connected with the church and receive religious instructions. One thousand copies of a hymn book, of about 100 pages, in the Creek language, and also 1,000 copies of a small spelling book have been published by the board for gratuitous distribution among them. These they soon use to great advantage, as they learn to read their own language in a very short time. The instruction of the children and the cause of temperance each receive due attention.

Most respectfully yours,

COLONEL JAMES LOGAN, T. B. RUBLE, P. E.,
Creek agent. Muskogee district.
—Report of the Commissioner of Indian Affairs, 1848,
pp. 524-27.

CHEROKEE DISTRICT.

Park Hill, Oct. 6, 1847.

Dear Sir: Your communication of September 6th, came to hand not long since. In this you ask for information respecting the "condition and progress of the Methodist church in the Cherokee nation." The Methodist missionary board have had twelve missionaries employed in this work the past year. At the last session of the Indian conference, Rev. T. B. Ruble was appointed to the charge of the Cherokee district. This district embraces five circuits in the Cherokee nation.

1. Upper Cherokee. To this charge Rev. D. B. Cumming and Rev. John F. Boot were sent at the last session of the conference, and J. R. Bird employed as interpreter. There are 538 church members, 7 local preachers, 6 sabbath schools, 181 scholars, 161 volumes in libraries, and 6 meeting houses, which have been built by the members.

2. Tah-le-quah circuit. This work has been served the past year by Rev. John T. Peery and Rev. Wm. McIntosh. There are 12 preaching places, 249 in society, 4 local preachers, 2 meeting houses, 1 Sabbath school, 35 scholars, and 100 volumes in library. Thirty-five children and 18 adults have been baptized, and more than 60 have been admitted to the church on trial during the past year.

3. Lower Cherokee. Rev. John Boston and Rev. Wm. Proctor have been laboring on this circuit the past year. There are 3 meeting houses, 13 preaching places, 337 church members, and 1 local preacher.

4. Barren Fork. Rev. Thomas Bertholf and Rev. Walker Cary have served here. There are, in this division of the work, 241 in society, 130 of whom have been received during the past year, 10 have died, and 10 removed; there is, also, one Sabbath school. This work is in a prosperous condition.

5. Webbers Falls. This field of labor was laid off at the last session of the conference, and is almost entirely new work, embracing the settlements on the Arkansas and Canadian rivers, among the most wild and unsettled part of the Cherokee nation—many of whom had not, in all probability, ever heard the gospel before. To this circuit, Rev. W. A. Duncan, with Isaac Sanders as interpreter, was sent to labor. But little fruit has yet appeared; there are 17 in society, 1 Sabbath school, and 15 scholars.

Of the above-named missionaries 4 are white and 8 native men. The annual cost to the board has been about \$2,070. We have no schools under our direction, yet the subjects of education and temperance are encouraged, so far as practicable, by all our missionaries.

Your most obedient servant,

COL. JAMES McKISICK, T. B. RUBLE, P. E.
Cherokee Agent. Cherokee District.
—Report of Commissioner of Indian Affairs for 1848,
pp. 517-18.

APPENDIX XVII.—10.

REPORT OF CRAWFORD SEMINARY BY SAMUEL G. PATTERSON.

Crawford Seminary,

Quapaw Nation, September 8, 1848.

Sir: At the termination of another year, it becomes my duty, as superintendent of the Crawford Seminary, to present to the War Department a brief report of this institution.

In doing this, it may be proper to state that this school was opened in the spring of 1842, under very unfavorable circumstances. Difficulties, growing out of our limited means of support during the first four years, brought about such a crisis in the affairs of the institution as, unless a new and more powerful impulse had been given to its movements, must have compelled us to abandon the enterprise entirely. Since May, 1847, we have been greatly encouraged to prosecute our labors with untiring energy, and the strong hold which the cause of education seems to have taken upon the minds of this people induces us to hope that the day is not far distant when this institution will compare favorably with the most flourishing in the Indian country.

Circumstances, which it was not in my power to control, prevented the erection of our new buildings at as early a period as was desirable.

It was deemed expedient to change the location to a more central point, about five miles distant.

The new establishment is beautifully situated near the east bank of the Pomme de Terre, or Spring river, immediately on the military road from Fort Leavenworth to Fort Smith, five miles west of Newton County, Missouri. The location is easy of access, pleasant, healthy, and fertile, and abounds with good timbers, rock, water, and other conveniences.

The buildings are constructed on a convenient and economical plan, plain and substantial, and calculated to accommodate comfortably two families, several work hands, and forty Indian children. The farm is at a convenient distance from the house, and is well fenced and planted in corn, beans, pumpkins, melons, &c.

I have applied to the missionary board for funds to complete the workshops and furnish them with tools.

The school has been in successful operation at the new location since the first of April last.

The average number of pupils in attendance during the year has been twenty-four, only six of whom are girls. Our present number is twenty-eight.

About one-half of the children now at school have attended twelve or eighteen months, and are now spelling, reading and writing well. The remainder have entered the school since we opened at the new location, and have made as much proficiency in learning as could have been expected.

The plan of instruction is based upon the principle that a little well learned is better than much half learned. Particular care is taken to teach and explain the leading principles of science, and to impart a thorough knowledge of the English language.

Six hours of each day are devoted to mental and moral instruction, and the remainder of the time to manual labor and suitable recreation.

The children are permitted to visit their homes on Saturdays, and required to attend Sabbath school and public worship every Sabbath. The government of the school is kind and parental, depending more upon the mutual confidence existing between teacher and scholars than in penalties and punishment for the violation of the rules of the school, but it is uniform and decided.

The year is divided into four terms of eleven weeks each, which is closed by a public examination of all the students.

The present condition and prospects of the seminary warrant, and will call forth, every exertion to extend and increase its advantages.

I am, dear sir, very respectfully, your obedient servant,

SAMUEL G. PATTERSON,
Superintendent, Crawford Seminary.

B. A. JAMES, ESQ.,
Neosho Sub-agent.
—Report of the Commissioner of Indian Affairs, 1848,
pp. 536-37.

APPENDIX XVII—11.

REPORT OF BAPTIST MISSION FOR 1848.

North Fork, Creek Nation,
July 26, 1848.

Report of the Baptist mission, under patronage of the American Indian mission, located at Louisville, Kentucky.

The society have been aiding a few men, mostly natives, for the last few years. Until December, they did not have a white man in the Creek nation. Great prosperity has attended the churches. The preaching of the natives has interested the tribe, and the different churches have always had large congregations, and at most of the monthly meetings have received members. Six years since the number of members in the nation did not exceed 150, with two churches and two or three preaching places.

At present there are seven Baptist churches and about ten preaching places, with 550 communicants. The denomination have had superior native assistants. Rev. Joseph Island, whom every person loves to speak highly of, died last March. He was the first minister of the North Fork church, and continued their beloved pastor, in labors abundant, until death. At the time of his death the church numbered 175; now it numbers 210. Those added since have been deeply affected by his loss, and, no doubt his death had been the means of their conversion. The society now have—

Rev. Americus L. Hay, at North Fork town.
Rev. James Perryman, native, at Big Spring.
Rev. Andrew Frazier, native, at Elk creek.
Brother Sti-sock-kee, a native, at Elk Creek.
Brother Yan-too-chee, native, at Creek agency.
Brethren Jacob, Jesse, and Harry, Black-men.

A school was commenced last January—now has 30 scholars. For a day school the attendance is excellent. Five could read in easy lessons, and three spell words of one syllable. At the close of the first session, of 22 weeks, 21 were reading. Eight learned their letters first day by using the musical alphabet. The school could now have 100 pupils if the society could board them, but they have not the means, and would ask government aid. This they have done, and hope to succeed. The people ask for schools. They see how much benefit the Choctaws have received from their excellent boarding schools. They are much pleased that they are to have two in successful operation soon, and wish for another, conducted by the American Indian mission.

The classes of the Baptist school at North Fork are as follows: Six in third Eclectic Reader, Ray's Arithmetic, second part, Olney's Geography, and writing; eight in Eclectic Reader, second part Ray's Arithmetic, first part, six in First Reader, eight spelling, two in alphabet. The school has been taught one session of twenty-two weeks, and two weeks of the second session. Twenty-two of the scholars began in their letters. All are intent to learn, with the happiest feeling for each other, and dearly loving their school.

But a day school will not answer the purpose of education for the tribes. The Indian youth should be taught farming, and some of the simple trades, and the girls house-keeping. This is not likely to be done, only in the manual laboring schools. The government can, to the greatest extent, advance the true interest of the tribes, by establishing boarding schools. If the Indians should not recommend this course at the time, a good school will recommend itself to any tribe in a very short time.

At no time in the history of the Creeks has such great prosperity attended them as now. Several of the principal chiefs have united with the different churches, and are sending their children to school. Within the last six months seventy-five have united with the different Baptist churches in the nation. Congregations are becoming larger at each meeting. Our agent, no doubt, will speak of the secular conditions of the Creeks. A bright day is dawning on the Creeks. Already the bright light is seen in every direction.

Will Colonel Logan, agent of the Creeks, accept of this report, and forward it to the Commissioner of Indian Affairs

Yours respectfully,

AMERICUS L. HAY,
Missionary of the A. I. M.

COLONEL JAMES LOGAN.

—Report of the Commissioner of Indian Affairs, 1848. pp. 527-28.

APPENDIX XVIII—1.

DESCRIPTION OF THE CHOCTAW NATION IN 1838.

"Choctaws."

The Southern boundary of the Choctaw country is Red River, South of which is Texas. They adjoin the State of Arkansas on the East; are bounded North by Arkansas and Canadian Rivers, and on the West by a line dividing the Territory of the United States from that of Mexico. The extent of their country is about 150 miles, from North to South, and, from East to West, the habitable portion is about 200 miles. Want of wood renders the western part uninhabitable at present.

The southern boundary of the Choctaw country is Red River, south of which is Texas. They adjoin the State of Arkansas and Canadian Rivers, and on the west by a line dividing the Territory of the United States from that of Mexico. The extent of their country is about one hundred and fifty miles, from north to south, and, from east to west, the habitable portion is about two hundred miles. Want of wood renders the western part uninhabitable at present.

Their country is supplied with numerous springs of salt water, at two of which the Choctaws are manufacturing salt.

No villages have yet been properly formed in their country, though the settlements of Eagletown, Doaksville, and Pheasant Bluff, are places which begin to assume a village appearance. They have suffered much by sickness, the causes of which are probably such as usually occasion sickness to settlers in new countries. The appearance of the country is very favorable to health. They are improving in civilization and comfort. Their houses and fields indicate a good degree of industry. Many have large farms. They own much live stock, such as horses, cattle, sheep, and swine; are pretty well supplied with farming utensils. They own about 600 negro slaves.

They own three flouring mills, two cotton gins, eighty-eight looms, and two hundred and twenty spinning-wheels. They have thirteen native merchants, besides white men engaged in the same business. Their national council house [Nanah Waya] is nearly equidistant between the northern and southern boundaries of their country, and about forty miles west of the State of Arkansas. It is an excellent log building, with a council hall and two committee rooms.

About three or four thousand Choctaws have not yet settled in their country, some of whom are in the country they formerly inhabited, east of the Mississippi. A small band live in Texas, about eighty miles south of Red River, opposite Fort Towson. At the time of the general emigration of the tribe, a band of about three hundred and fifty settled still farther south in Texas, between the rivers Brazos and Trinity. Besides these, there are others in divers places in Texas, who emigrated thither at various times, twenty, thirty, or forty years ago.

In respect to civilization, there is great difference among them. Some have fully adopted the habits of civilized man, many are in comfortable circumstances in life, and some may be said to be wealthy. From these more favorable circumstances all grades of conditions exist, down to the Indian who has advanced but little in civilization.

The best evidence of the improving condition of the Choctaws, is seen in an entire change in their government, which they have effected, from the barbarous to the civilized. We cannot now assemble chiefs and head-men among them, and transact business with them relating to their people, as is the custom among uncivilized tribes. The system of chieftaincies has been abolished.

The tribe denominates itself "The Choctaw Nation." It has adopted a written Constitution of Government, similar to the Constitution of the United States. Their Declaration of Rights secures to all equal privileges, liberty of conscience, excluding all religious tests; it secures trial by jury, and, in a word, it provides for all that is felt to be necessary in the incipient stages of political existence. The constitution may be amended by the National Council. Their country is divided into four judicial districts. Three of these districts annually elect, by popular vote, each nine members of the National Council, and the fourth elects, by the same mode, thirteen members, in all forty. These are allowed three dollars a day, while

engaged in legislating. Within each district an officer, denominated a Chief, is elected for the term of four years. The National Council meets, annually, on the first Monday in October. It consists of forty members, the necessary clerks, a light-horseman, [Serjeant-at-arms,] and door-keeper. It is also attended by the chiefs, who have an honorary seat provided for them by the side of the Speaker, but they have no voice in debate in Council. Their signatures are necessary to the passage of a law. They may veto an act, but it may become a law, by the concurrence of two-thirds of the Council notwithstanding. The Council is styled "The General Council of the Choctaw Nation." It adopts by-laws for its government while in session. It elects a Speaker and other requisite officers, appoints appropriate committees to adjust matters for legislation. All writings are in English, but are read off in the Choctaw language. All discussions are carried on in the Choctaw language. Each member, when about to speak, rises, and respectfully addresses the Speaker, using the Choctaw word for *Speaker*, adding the syllable *ma*, which nearly corresponds with the English Mr., or Sir. The question is put in the form customary in the legislative bodies, and the vote is given by rising. —The preliminary of a law is, "Be it enacted by the General Council of the Choctaw Nation." In future the Constitution and laws will be printed in both Choctaw and English language. By the Constitution, the government is composed of four departments, viz: Legislative, Executive, Judicial, and Military. Three judges are elected by the people in each district, who hold inferior and superior courts within their respective districts. Ten light-horsemen in each district perform the duties of sheriffs, and the sum of \$200 per annum is allowed to each district for their compensation. An act has recently been passed for the organization of the militia.

Individual Indians have frequently become civilized, and subject to the laws of white men, but the Choctaws furnish instance among the aboriginal tribes of America, of self-government, divested of the barbarous customs which belong to the savage state. It is truly gratifying that the laws of a commonwealth have been established within the Indian Territory, so soon after the plan of organizing an Indian government had been undertaken by the Government of the United States. It evinces the capacity of the natives to think and act for themselves, and it may be looked upon as a sure presage of the success ultimately of the design of the government to place all the tribes in the enjoyment of such blessings.

The following brief narrative of the manner in which our business was attended to by the last General Council, to which we presented for consideration the bill for the organization of the Indian Territory, does not fully comport with the design of the Register, nevertheless, as it relates to a period which will be marked as a new era in the history of the Indians, and as the reader cannot feel perfectly satisfied with general remarks, because, if we would understand the true condition of a people we must have before us an unvarnished story of their affairs, in common life, we will insert it.

On our arrival we informed a member of the Council that we had been commissioned to transact business with the Choctaws, and inquired in what manner it could be brought before them. He said a written notice must be sent to the Speaker; and politely offered to serve us in presenting any papers that we desired. A communication was accordingly conveyed to the Speaker, who, in due form, submitted it to the consideration of the Council. It was decided by vote that we should, at a given time, be introduced into the Council. A seat was prepared, an interpreter appointed and a committee of two sent to inform us, and to conduct us to our seat. Having received our communication, the subject was for the present dismissed by the Council, to be considered in its proper place in the order of business.

There was in the vicinity only one house of public entertainment. For want of room in the tavern, and for the sake of economy, a majority of the members, and of others in attendance, boarded themselves in camp. This session lasted much longer than had been anticipated. The consequence was some inconvenience for want of supplies, and great anxiety to adjourn, which, with many, was increased on account of their business requiring their presence at their homes. Not-

withstanding this state of anxiety, on a Saturday night they unanimously voted not to sit on the Sabbath, and by a unanimous vote, invited a Minister of the Gospel to preach in the Hall, and appointed an interpreter, and a committee to notify him. All this was done without a hint from a white man to prompt it. A congregation never behaved with more propriety under the preaching of a chaplain in Congress-Hall than did this in the National Hall of the Choctaws.

Our business was referred to a committee, which reported. The Council, in the discussion of the subject, and in making out its response, sat with closed doors. Their communication was sent to us by a messenger.

We then informed one of the members that we should be happy to take leave of the Council in a formal and friendly manner. They passed a resolution, by which they sent a member and invited us within the bar, and heard from us a brief farewell address, at the conclusion of which the Speaker and all the members rose from their seats, and remained standing until we had retired.

They sit in council with heads uncovered, excepting in Indian costume, who wear turbans. There were many animated speeches. We could not understand a single sentence, but were charmed with the gracefulness with which the speakers disengaged themselves from their seats, and delivered their speeches. Intonation of voices was sweet, and gesticulation appropriate; both of them free from those extremes of *high* and *low*, of *storm* and *calm*, which too often injure speeches in legislative bodies. Some of those who were prominent in debate were full-blooded Indians, in the Indian costume.

Many of the counsellors, no doubt, will soon figure as statesmen. We forbear in this place to mention names, because we should be compelled either to do injustice to some, or to fill up too much space. On one occasion a very animated debate arose, in which two ardent young men responded to each other, in two or three pretty long speeches, in which they used *written notes*.—Isaac McCoy in Annual Register for Indian Affairs, 1838, pp. 36-40.

APPENDIX XVIII—2.

REPORT OF AGENT UPSHAW.

Chickasaw Agency.

August 22, 1848.

Sir: Having made a report in March last, I shall have but little to say in this. Since my last annual report, fifty-two Chickasaws have emigrated, but a large majority of them have located in the Choctaw district; they were persuaded to do so by interested persons, and also by some of the Chickasaws who are opposed to their people coming into the district, but some of the heads of those families have visited the district, and are very much pleased with it; some observed that they would not go a half mile to see a better country and are determined to move in early this fall.

The last of February I sent to Colonel Richard M. Johnson's school, in Kentucky, thirteen boys, and brought back thirteen to the nation; there were fourteen at the school, but one, a half-breed, by the name of Thomas, refused to return. After arriving at Louisville, Kentucky, he obtained employment on a steamboat and preferred to remain. I am happy to say that those that did come home, looked well, were well clad, and are very steady; all of whom can read and write. In our war with Mexico, there were three Chickasaws engaged. Mr. George Thomas, who was at New Orleans at the time they were raising volunteers, joined one of the companies, which was disbanded when the twelve months volunteers arrived at Camargo. Amos Colbert, a boy of eighteen years of age, and Ti Chuck, a full-blood Chickasaw, made their way to San Antonio, and there volunteered for the war; and from what I can learn, they done good service; they have just arrived at home.

In May last, a delegation of eight Chickasaws visited Washington city on business of their nation. Colonel James McLaughlin, chief of the Chickasaws, was one of the delegation; they have all arrived at home in good health, and appear very much pleased with their visit; that is, those that I have seen. They have not yet informed the Chickasaws what they have done,

but the chief has called a council of all the tribe, to collect on the 15th day of September next, at which time all things done will be explained to them.

The health of the Chickasaws (those who live in the district) has been unusually good this year; there are those who live at so great a distance from the agency that it is impossible to know their condition. Their crops this season are very fine, better than I have ever known them; abundance of corn has been raised, and thousands of bushels to spare: large crops of wheat have been raised in the district; it will average from 25 to 30 bushels per acre, and weight, 67 pounds to the bushel; in a year or two no flour will be brought into the country from Arkansas or Missouri for sale; the Indians will make their own.

Their stock of horses, cattle, and hogs, are increasing very fast; in this country heifers generally have calves at two years old; the Chickasaws are paying more attention to raising hogs than formerly.

Mr. G. S. Love has a fine gristmill, and also a threshing machine to clean wheat, moved by horse-power. Colonel Benjamin Love has a horse mill, and a threshing machine is to be attached to it; Mr. Thomas Mitchell a horse mill and cotton gin; Mr. James Colbert, Jackson Kemp, Pitman Colbert, and Mrs. Susan Jones, all have cotton gins, and all raise fine crops of cotton. Mr. Harvey Bacon has a mill with water power; Colonel W. R. Guy, a saw and also gristmill, to grind corn and wheat; Isaac Love has a mill with water power, and in the course of one or two years, several others will be erected.

The Chickasaw district is a beautiful country; it is beautiful to the eye, and there is a large quantity of first quality land, equal to any I ever have seen—I never saw any that would produce better, and it is large enough for two such tribes, and it is a healthy country. In fact there are but few of the Chickasaws that know anything about what kind of a country they have. This spring I took a short trip west, and was perfectly astonished to see so fine a country unoccupied. Not long since I was conversing with Mr. Jesse Chisholm, a half-breed Cherokee, who is a man of good observation, and has traveled all over the south and west (west of the States) and all through New Mexico, and he says this is by far superior to any country he had ever seen.

Several of the streams in the district afford ample water power for mills and machinery of any kind. I visited this spring a creek that had a fall of 99½ feet, with water sufficient to run twenty thousand spindles. This creek is not more than 25 miles west of my agency. I am in hopes I shall be able to persuade some of the wealthy Chickasaws to erect a cotton factory at the place. I have in a former report mentioned that there were several valuable mineral springs in the district, among which may be found the "oil spring." A number of persons from Texas, besides Indians of various tribes, have visited this spring this summer and find it very beneficial. Some, who were very much afflicted with the rheumatism, were cured almost immediately.

I have heard of no complaints for the last few months of any of the several tribes of Indians that pass through this country, except the Cherokees. There is a party of them that continue to steal wherever they go. A few days since I was called on by a gentleman from Missouri, for assistance to follow some Cherokees that had stolen ten head of horses and mules from him as he was passing through the nation to Texas. He had two wagons, and they stole all his horses except two. The notorious "Tom Starr" was one of the party, so the gentleman informed me; (he had seen Starr once before.) I regretted that it was out of my power to render him assistance, as we have only a few infantry at Fort Washita—a part of a company—and only one officer; and yesterday I was called on by some Indians to know if I could aid them in recovering some horses that were stolen from them by the Cherokees, but I could do nothing for them, only advise them to go in pursuit themselves.

Without we have at least one company of dragoons at Fort Washita, we can never put a stop to those both white and red, that commit depredations upon the good and peaceable citizens of this district.

There are two difficulties in the way that prevents the Chickasaws from being as harmonious as they would and ought to be. 1st, the Choctaw laws which extend over them; and 2d, that a large portion of

the Chickasaws are living out of their district, and those who live out of the district, away from their own people, complain most of the oppression of the laws, and are the most dissatisfied portion of the tribe, and throw more obstacles in the way in carrying out the wishes of the government than all the balance of the tribe; and I would most earnestly suggest that all the public blacksmith shops be ordered by the honorable Commissioner of Indian Affairs to be located in the Chickasaw district. It would in a very few years prove a great advantage to the whole tribe. They would become more contented and friendly; but, as they now are situated, they never will be. I am in hopes the honorable Commissioner will carry out my suggestions, as I do know it will prove a blessing to the Chickasaws.

Were all the Chickasaws in their own district, you would hear no talk of wanting a new country; and I can see no reason why the Choctaws would not be willing to withdraw their laws from over the Chickasaw district, if the Chickasaws were all in it. The country would stand as it now does; and what benefit can it be to the Choctaws to hold their laws over the Chickasaws? Were the Choctaws to withdraw their laws from over the Chickasaw district, I have no doubt in my mind that the two nations would be much more friendly than they now are, or ever will be, so long as the laws of the Choctaws are over the Chickasaws, and I would earnestly recommend to the government to use its influence to make the above arrangement.

I have thought it best to send the report to Rev. Westly Browning, respecting the progress and condition of the Chickasaw academy, as made out by himself, that you and the honorable Commissioner may know exactly what has been done.

The Rev. Mr. Couch has been preaching among the Chickasaws for the last eight or nine months, and as far as I can learn, he is well received and is doing much good for the people.

The blacksmiths have all discharged their duty well this year; I have not heard a single word of complaint made this season.

I regret to say that there is more whiskey brought into the nation this year than has been brought in for several years past. The most is obtained at Fort Smith, Arkansas. The Indians go there and purchase large quantities and bring into the nation.

All up and down Red River, on the Texas side, you will find whiskey shops. The Indians sometimes will give their horses, ploughs, and in fact, any thing they have for whiskey. One of those whiskey dealers will take an Indian's new plough for a gallon of whiskey, without the least ruffle of conscience.

I am happy to say that the Chickasaws are becoming more and more industrious every year; none of them are hunters, only occasionally for amusement.

Very respectfully, your most obedient servant,
A. M. M. UPSHAW.

U. S. Indian Agent for the Chickasaws.
COLONEL S. M. RUTHERFORD,

Acting Superintendent, W. Territory.

—Report of the Commissioner of Indian Affairs, 1848, pp. 529-30-31-32.

APPENDIX XVIII—3.

BASIS OF ARGUMENT FOR THE NET PROCEEDS CLAIM OF THE CHOCTAWS.

"It may be asked why, if it was the understanding and intention that we were to have the actual proceeds of our lands, this was not clearly and specifically expressed in the treaty? To this we can only answer, that such was our understanding, and such the intention of the commissioners, as their talks to us show, though, as written out and printed, they fall short of what was said and promised to us. It is clear therefrom, that the United States did not seek or desire any portion of the benefit of the 'value of profit' that might be derived from the sale of the lands; and that it was, consequently, to inure to the Choctaws. The commissioners were gentlemen of high standing and character. We had confidence in them, and that they would so fix the treaty as to perfect and carry out what they had clearly given us to understand, and they had promised. We suppose this was done, and have never entertained a doubt on the subject. The treaty, it is true, might have been more

explicit; and, but for our reliance upon the commissioners, we might have looked more closely to its exact wording. But Indians never confide partially; and we had full confidence in the commissioners, and supposed the treaty was all right. And we were compelled to rely upon them the more, because, as we have stated, the treaty was made and signed under circumstances that prevented our people from having the opportunity to examine and reflect upon its phraseology, and their limited intelligence and want of education required, to enable them to comprehend whether their understanding of it, on all points, was fully and clearly expressed.

"We have said that our view of our pecuniary rights, under the treaty of 1830, is in accordance with justice. We already owned the lands west. They are not, in any respect, to be considered as constituting any part of the compensation to be made us for those east. The latter we owned and held under assurances and pledges, which gave us a title to them of far greater dignity and strength than what is generally known as the mere 'Indian title.' We held, or had a right to them, under a fee-simple title, and we were therefore entitled to their full value, according to what they could be sold for by a judicious course of management. Were we denied their proceeds, and confined to the comparatively paltry sums, for particular purposes, specified in the treaty, we should be deprived of what is just and right, and was promised to us, and the treaty would be made a cheat and a fraud."

"The reservations, and payments to individuals, comprised no part of the compensation for the country ceded. The former, and, in part, the latter, were nothing less than bribes or inducements, held out to the cupidity of individuals, to procure their assent to the treaty; and such of the latter as did not partake of this character, were mere indemnity for individual property. We have not the means of making an exact calculation, but all the other obligations and payments mentioned in the treaty, that could in any way be considered as constituting compensation for our country, fall considerably short of one million of dollars, as we have no doubt you will find on an examination of that point. They do not amount to half of what we were offered in 1826, when we promptly, and without hesitation, rejected the proposition and offers of the government; and it is certainly not to be regarded as at all likely, that, only four years after that time, with no change in our sentiments against ceding our country, we would consent to receive a sum therefore materially less than we had then refused. It is known that the value of our improvements, not provided for in the treaty, and the property lost by us during emigration, would amount to more than the aggregate of the obligations and payments referred to; so that, in fact, unless we obtain what we are now contending we are entitled to, we shall receive no real compensation, whatever, for the large and valuable cession made by us in the treaty of 1830.

"We ceded over or full seven millions of acres of as fine and valuable country as the government ever obtained from any Indian tribe; and the obligations and payments to which we have referred, mentioned in the treaty, would not constitute a compensation anything like adequate, even for the mere 'Indian title,' while that by which we held the country was of far greater value, and entitled us to a far larger measure of consideration.

"In claiming the proceeds of our lands, we ask for nothing more than was allowed to other tribes about the same time, and even to some who held their possessions only by the generally and unjustly depreciated 'Indian title.' It was conceded to the Chickasaws and others as a right to which they were entitled. The former lived by our side, and their country, though adjoining ours, was less desirable and valuable, and they held it only by the Indian title. We know of no reason why we should be less liberally dealt with. On the contrary, we believe if there be any one Indian tribe, which, more than any other, is deserving of generous and magnanimous treatment by the government, that tribe is the Choctaws. Our relations with the United States have always been of an important character—more so than those of most other tribes; but we have given the government less trouble and concern, we venture to assert, than any other of our strength and importance.

"The Choctaws have always been the fast friends of the United States and their citizens. They have

stood by them in war, fought on their side, and freely shed their blood in their defense. Neither the eloquence of the renowned Tecumseh, nor the rich presents sent to them by the British, during the last war with that power, could induce them to break their pledges of friendship and fidelity. They were importuned and beseeched by their misled brethren, the Creeks, to join them in their hostilities against the United States. They refused. The Creeks then begged them to remain neutral. They answered by sending that great Captain, General Jackson, an effective force, to aid him in subduing them; while, during the hostilities, they guarded and saved from destruction many of the white settlements in that section of the country. The Choctaws have never raised the hatchet against the United States; they have never stained their hands with the blood of a white man; and no American citizen has ever had good cause to complain of wrong or injustice received at their hands. They have always submitted, quietly and uncomplainingly, to the policy and wishes of the government—too much so, in fact, for their own interests. Other tribes, that have acted differently, have been treated with far more liberality.

"We ask you, our respected agent and friend, and at the same time the representative and friend of the government, to examine somewhat into our past transactions with it; to ascertain the vast amount of territory we have ceded to it at different times, and for how inadequate an amount of consideration, and to satisfy yourself whether our unvarying good faith, long-trying fidelity, quiet submission to the policy of the government, and the very limited and inadequate benefits we have received from it in return, do not now, at so important a crisis in the history of our people, entitle us, and our views and wishes, to the most liberal and generous consideration.

"With great regard, your obedient and humble servants,

P. P. PYTCHLYNN,
ISRAEL FOLSOM,
SAMUEL GARLAND,
DICKSON W. LEWIS,
Choctaw Delegation.

GEN. DOUGLAS H. COOPER,

U. S. Agent for the Choctaws, Washington City."

—"Correspondence with Reference to the Negotiations of the Choctaw-Chickasaw Treaty of 1855," pp. 26-29.

APPENDIX XVIII—4.

PROPOSITIONS SUBMITTED BY THE CHICKASAWS.

"Washington City, April 26, 1855.

"Gentlemen: We have had the pleasure to receive a communication from your agent, General Cooper, informing us that you are willing to receive and consider any proposition we may see fit to make, in reference to the re-adjustment of the boundary of the Chickasaw district, and the political relations of the Choctaw and Chickasaw tribes, as established by the conventions of 1837 and 1854.

"Trusting that you are now well satisfied, that the best interest of your people would be promoted by conforming to the wishes of the Government of the United States, respecting the relations between them and the Chickasaws, we proceed at once to submit for your consideration two propositions; each of which, we are convinced, ought to be considered liberal and satisfactory.

"*First Proposition.*—That a convention be signed and concluded, relinquishing on the part of the Choctaws, all title and claim to the land within the limits of the Chickasaw district, and conceding to the Chickasaws exclusive ownership and jurisdiction, as an independent tribe, within said limits; they agreeing to pay in full therefor (\$300,000) three hundred thousand dollars.

"*Second Proposition.*—That a convention be signed, and concluded providing:

1st. That the Chickasaws shall have the right, in perpetuity, of a separate and independent government over all that part of the Chickasaw district which is east of the 98° of west longitude.

2d. That no portion of the territory west of the 98° of longitude shall ever be sold, or otherwise disposed of, except with the consent, and for the equal benefit, of both tribes; and until disposed of, it shall be under the jurisdiction and government of the Chickasaws.

3d. That the Choctaws and Chickasaws shall, equally and alike, have the privilege of settling within the territorial limits of either tribe.

4th. That, in full consideration of the foregoing concessions, the Chickasaws immediately pay over to the Choctaw delegation (\$100,000) one hundred thousand dollars.

"Soliciting an early response to this communication, we remain,

Your friend and brothers, his
EDMUND PICKENS, X
mark.

SAMPSON FOLSOM,
Chickasaw Delegates.

MESSRS. P. P. PITCHLYNN, SAMUEL GARLAND,
ISRAEL FOLSOM, D. H. LEWIS, Choctaw Delegates."

**DECISION OF THE CHOCTAW DELEGATION, IN
COUNCIL, ON THE PROPOSITIONS OF THE
CHICKASAW DELEGATION, AND GENERAL
TERMS UPON WHICH THEY WILL CON-
SENT TO A NEW ARRANGEMENT
WITH THE CHICKASAWS.**

"The Choctaw delegation reject, altogether, the first proposition of the Chickasaw delegation. In their letter to Gen. Cooper, Choctaw agent, of April 24th, they stated, emphatically, that they could not, under any circumstances, agree to any such proposition, for reasons which they gave. It was only a modified proposition which they agreed to consider.

"The second proposition of the Chickasaw delegation, being a modified one, they have taken it into consideration. They cannot agree to it without material modifications.

1st. They wish a western outlet, past or through the proposed modified Chickasaw district. It would be awkward and unsatisfactory to have their country divided, and their jurisdiction sundered, as would be the case by the Chickasaw district running entirely across from Red River to the Canadian, as proposed. In order to give them such an outlet, they propose a restricted northern boundary for the Chickasaw district, viz: a due east and west line, at least thirty miles from the Canadian at the nearest point. The manifest importance and propriety of a modification of their proposition in this respect.

2d. The Choctaw delegation cannot consent to concede, to their Chickasaw brethren, jurisdiction over the country which may be thrown out by the contraction of their district.

3d. The Choctaw delegation will consent to take the \$100,000 offered by the Chickasaws, provided they will relinquish all interest in the country, thrown out of their present district by the contraction of its limits. If the Chickasaws cannot consent to such relinquishment, the Choctaw delegation cannot agree to the concession desired by the Chickasaws, for a less sum than \$200,000.

4th. It must be distinctly understood, and, if necessary, provided for in any new agreement which may be entered into, that the relative interest of control of the two tribes, with respect to the disposition of the country within the Chickasaw district, shall remain as fixed and defined by the convention of 1837.

5th. Other proper details—as to rights of residence and property, of persons of either tribe, within the limits of the jurisdiction of the other; surrender of criminals escaping from the one and taking refuge in the other, &c. &c.—to be provided for in the new convention.

P. P. PITCHLYNN,
ISRAEL FOLSOM,
SAMUEL GARLAND,
DICKSON W. LEWIS,
Choctaw Delegation.

Washington City, April 30, 1855."

—"Correspondence with Reference to the Negotiations of the Choctaw-Chickasaw Treaty of 1855," pp. 86, 87-88.

APPENDIX XVIII—5.

**A DESCRIPTION OF THE UPPER AND LOWER
CREEKS IN 1845.**

"The nation is divided into two parties, designated as the Upper Towns and Lower Towns or McIntosh

party. This division, according to their traditions, has always existed. Indeed, it is stated that they have only been known to each other but little upwards of a century, and their first meeting upon the banks of the Chattahoochee was in a hostile attitude, each deeming the other a belligerent and a separate and distinct nation; and only upon the eve of battle did they discover their affinity of language, which, though essentially the same, has some peculiarities possessed by the one different from the other. Scattered promiscuously among both parties are the remnants of the different tribes subjugated by them, which consist of the following: Hitchatees, Uchees, Alabamas, Cawawsawdas, and Natchees. Of the last-mentioned interesting tribe, but few remain; they still, however, as well as the rest, retain their original tongue. There were many others, but they are now entirely extinct, and even their names are forgotten. The members of these tribes possess all the privileges and immunities of Creek citizens. Each party has its own head chief, &c. Roly McIntosh, the chief of the Lower Towns, is also vested with the dignity of head chief of the nation, and he presides as such in the general council of the nation, which generally convenes once a year, but at no particular period. Its deliberations are confined to subjects exclusively national, and which affect both parties in common. Those subjects having reference to their own party concerns meet the action of their own councils, which are held separate and distinct, and in which neither interferes with the other. They are conducted precisely similar, and are composed of the chiefs and law-makers of the different towns (or more properly clans) adhering to each party. These chiefs are generally selected from the older citizens. . . . They have gone so far this year as to exact a fine of from two dollars to three and a half dollars a head upon all non-attendants at their 'busks,' green corn dances, &c., or who do not drink the physic, a most nauseous compound of poisonous weeds. Their authority is often exerted arbitrarily, and their laws are unjust and unnecessarily severe. It is a standing law of the nation, 'if any person preach or hold religious meetings, whether white or red, he shall for the first offence receive fifty lashes on his bare back, and for the second offense one hundred lashes.' To maintain their authority, they support, out of the annuity, an immense number of subordinates, known as law-makers, light horse, &c. The people stand in much awe of them, and blindly pay them the obedience they exact; they have no voice in their appointment nor in their acts; when a vacancy occurs, the place is filled not by an election, but by the nomination made by some noted chief."—Rep. of the Com. of Indian Affairs, 1845, pp. 515-16.

"The Lower Towns, from their closer proximity and greater intercourse with the whites, exhibit a much greater advance in civilization and manner than their brethren of the Upper Towns. The old custom of settling together compactly and cultivating the town fields, has been altogether abandoned, and they are no longer visible in this portion of the nation; the people are settled promiscuously throughout the country; many of their farms and residences would do credit to the States. Ornaments, silver plates, ear-rings, beads, and paint, are grown into disuse, and seldom or never seen except at their festivals or ball plays. The dress of the whites is becoming common, with the exception of the hunting shirt, which is generally of gay printed calico, and may be conceived quite picturesque. It is tenaciously adhered to, and is common to all Indians. Hats, vests, pantalons, and shoes may almost be said to be the common habiliments of the males, and dresses of the richest materials of silks and muslins, made, too, in accordance with the latest fashions, are often to be seen upon the persons of the female classes. Gold and silver watches, rich and costly articles of jewelry, viz: chains, rings, brooches, &c., &c., are also used by the rich. The English language, though not generally spoken, is understood by many; and a strong desire is manifested by the community at large to throw off all their old superstitious ways and customs, and to adopt the ways of the whites. On the other hand, however, it can be said that the number of the indigent and needy is much greater here in this part of the nation. The use of whiskey, too, is more general, and its effects more visible. As before stated, there is no town, nor even a village, to be met with,

yet the people are every year summoned, to their great dissatisfaction, to assist in building or repairing the town council houses, &c.; in many instances, to leave their crops and go a distance of 20 or 30 miles;—this service is enforced, too, under a penalty of a pecuniary fine. The settlements of the Lower Towns extend from the Verdigris River, on it and between it and the Arkansas, on both banks, to the Red Fork, a distance of about eighty miles, and an average breadth of fifty. They are separated from the settlements of the Upper Towns by an uninterrupted prairie, extending from the bottoms of the Arkansas, south, to those of the north fork of the Canadian, a distance of about forty miles; they extend from there westward, between the Deep fork, North fork, and Main Canadian to Little river, a distance of about eighty miles, and an average breadth of about sixty. From their peculiar location, they have less intercourse with the whites, and consequently do not exhibit so much improvements. Their dress, too, is more after the aboriginal form; they are forbidden to adopt that of the whites under penalty of lashes; they are, however, generally speaking, more enterprising and industrious; they grow cotton, and practice the domestic arts of spinning and weaving to a greater extent than the others. Cases of extreme poverty are more rarely to be met with. The chiefs are more generous, and their policy more liberal than those of the Lower Towns. In addition to the two blacksmiths' shops, furnished them by treaty stipulations, they have a public shop, which is supported out of their portion of the annuity; they have also devoted a portion of it to the erection of a water mill, and the support of a millwright; they have also a wheelwright, but he is paid by the government; they have not so much wealth as the Lower Town chiefs, generally speaking—(the McIntosh family are supposed to be worth \$150,000, and B. Marshall some \$50,000,) yet they contribute nothing towards anything of this kind—to alleviating the distresses of the poor, or to effecting any improvement in their country; however, it is reported that Opothleyoholo is by far the richest man in the whole nation."

"Character.—The Creeks are grave and serious in their deportment, and are dignified and imposing in their councils. They are slow in the expression of their feelings, but are sure in the resentment of insult and affront. Though friendly to the white man, yet they are easily influenced and prejudiced against him, and are rather credulous than otherwise; when once an *enemy*, they are seldom afterwards a *friend*."—Rep. of Com. of Indian Affairs, 1845, pp. 516-17 and 518.

"Education is becoming a subject of deep interest to the Creeks; they properly appreciate the necessity of educating the rising generation, with the view of rescuing them from the superstition of their fathers, and preparing them for the more useful occupations of life. There are two manual labor schools in the nation, one connected with the Methodist, and the other with the Presbyterian board of missions; the gentlemen at the head of each are moral and intelligent men, and every way qualified to discharge the duties of their respective positions—a trust of great responsibility. They each have under their charge eighty pupils, who are selected from different portions of the nation, who are taught most of the English branches, the science of agriculture; and the principles of morality and religion, instilled into them when they are young, are not forgotten when they return to their homes, and exert a happy influence upon those who have not been so fortunate. There are twelve neighborhood schools, which were located by the chiefs in the towns most populous and able to sustain them. The cause has been somewhat retarded by the want of comfortable school houses, but this difficulty will soon be remedied, as I have recently had to have new school houses erected and several repaired, and have contracted to have built three more, which will be completed in a short time; and in connection with this subject I will remark, that finding the temporary agency building erected by my predecessor Colonel Raeford, insufficient, I have entered into contract for the building of a good and substantial house, which is now in course of erection and will be shortly completed. The teachers of the neighborhood schools are of such a character as to exert a good influence over the pupils under their charge

and the people of the neighborhood in which the schools are located. Near five hundred children are receiving instruction at the several schools in the nation, many of whom are making rapid progress, which will place the rising generation greatly in advance of the present in all that constitutes a moral and intelligent people."—Report of Commissioner of Indian Affairs for 1853, pp. 137-38.

APPENDIX XVIII—G.

THE STORY OF JOHN DOUGLAS BEMO.

John Douglas Bemo, who claimed to be a nephew of the Seminole chief, Osceola, was born in Florida about 1822. At the age of nine or ten he was carried to sea from St. Augustine, Florida. After nearly ten years of wandering, during which he escaped the long war between the United States and his people, he, by chance, arrived in Philadelphia, where he met Reverend Mr. Douglas, pastor of the Mariner's Church in that city. Mr. Douglas and his family, with whom he lived for more than a year, took a deep interest in Bemo. He received every kindness at the hands of the pastor and his friends, who provided him with the opportunities of instruction and schooling during his stay in Philadelphia. At last, Mr. Douglas wrote to Commissioner Hartley, at Washington, telling Bemo's story and recommending him, because of his fine disposition, good character, and opportunities, as a teacher to his people in the Indian Territory. Accordingly, provisions were made that he might go to the West, a plain log school house (the first erected for the benefit of the Seminoles in the Indian Territory) being erected near Prospect Hill, Creek Nation.

In recommending John Bemo for this work, Commissioner Crawford wrote Major William Armstrong as follows:

"He can read and write, and speak well in public; is a person of irreproachable morals and conduct, and good strong constitution. Having acquired some knowledge from modes of life and associations there, he may be very useful among and to his wild and untutored brother Seminoles. The most effective way of benefiting them through him, will be by making him a teacher of their children, although his own knowledge is very limited; yet as he understands our language, and knows a little of his native tongue, and will be an instructor of pure Seminoles, he . . . may be regarded as peculiarly qualified to direct and aid them up to a certain point; while the fact of his being one of their brethren will probably remove their repugnance to attending school."—Report of Commissioner of Indian Affairs, 1843, p. 380.

A salary of three hundred dollars was appropriated for John Bemo who began his work as a teacher in March, 1844. In his report in that year, Major William Armstrong wrote the following:

"John D. Bemo's course has fully sustained the good opinion his friends had formed of him; and, no doubt, if he continues faithful, he will be instrumental in dispensing much good to his people. He preaches regularly once, and frequently twice a week.

When Reverend John Lilley began Presbyterian mission work among the Seminoles in 1849, John D. Bemo was his first native assistant. It was at this time that the latter accompanied Rev. James R. Ramsey in his search of a Mr. Eakins, a missing member of the Presbytery, whom they thought was among the Seminoles, but was later found to have gone to Texas.

In 1844, John Bemo made his first school report to the Indian Office. While it is probable that he may have received some assistance in writing the following letter, yet it is valuable in that it is the first report of educational efforts among the Seminoles in the Indian Territory, and the more so since the teaching was done by a young Seminole of the tribe itself, who had such an interesting life story.

"Prospect Hill, Creek Nation,

August 24, 1844.

"Sir: According to your instructions, I forward you the report of my school.

"I opened the school on the 15th of March last. On my first opening there were forty children attended; they came under the expectation that I would board them. When they found this was not the case, they began to leave the school, until it was reduced

to fifteen, at which number it still remains. They are all boys; eight of them are in two syllables, one in three, and six in their "ab's." They have become much interested and very desirous to learn. There are many more who live a considerable distance from the school, who are anxious to come, but the distance, they say, is too far to carry their dinner, and therefore they cannot come.

"If arrangements could be made to board them, or even give them one meal in the middle of the day, there would be a full school. I regret very much I am not able to do it, as I am satisfied those children would be brought on very fast; and if they could be kept at school, it would have a tendency to wean them from the Indian habits, and prepare them for adopting the manners and habits of civilized life. All the Seminole parents are very desirous their children should go to school.

"I am, very respectfully, your obedient servant,

"JOHN D. BEMO."

THOMAS J. JUDGE, Seminole Agent.

—Report of Commissioner of Indian Affairs, 1844, pp. 374-75.

APPENDIX XVIII.—7.

CONTROVERSY BETWEEN THE CREEKS AND SEMINOLES, 1854.

Attitude of the Creeks.

"I was instructed by the letter of the Superintendent of Indian Affairs, of August 15, 1854, to inquire into and investigate certain charges brought by the Creek delegation in their letter of May 25, 1854, to the Commissioner of Indian Affairs, in relation to the unfortunate character of the relations existing between them and the Seminole Indians. By the treaty of 1845, the Creeks consented that the Seminoles should have a home in their country, provided they became a component part thereof, subject to the control of the Creek council, and with no distinction between the two tribes, except in the management of their pecuniary affairs. The Seminoles consented to these conditions, and a home was assigned them in the Creek nation, where they have resided ever since. After investigating the charges made by the Creek delegation, I have come to the conclusion that they were fully authorized in making the charges contained in their letter of May 25, 1854, and that it was proper that the subject should have been brought to the notice of the department. The Seminoles have utterly failed to comply with the conditions of the treaty, and claim to be independent of the Creeks, and refuse to be governed by their council; they have entirely disregarded the Creek law against the introduction of liquors in the country; they are almost exclusively the ones who bring liquor in the country, a portion of which they dispose of to the Creeks, this has exerted a very bad influence over many of the Creeks, not only making them dissipated, but causing them to disregard their own laws upon the subject of introducing liquor into the nation, because they conclude if the Seminoles bring it into the country with impunity they have the same right.

"The Creeks have submitted to the violation of their laws because they are naturally a peaceful people; but the lapse of time since the separation of the Seminoles from the Creeks has so estranged them that now there is no probability of their ever uniting with the Creeks and living harmoniously together. The latter are aware of this, and are anxious to rid themselves of them, unless the United States would use its authority in the enforcement of the treaty; the Creeks say that if this is not done at a proper time they will take the remedy in their own hands. In a conversation with John Jumper, the principal chief of the Seminoles, on this subject, he informed me that the Seminoles had been deceived by the Government of the United States in regard to the selection of a country west of the Mississippi. He says that they were promised, before they left Florida, that if they would remove to the west a country would be given them of their own, where they could make and enforce their own laws, but instead, that now they have no country of their own, and were compelled to give up their nationality for the privilege of living in the country of the Creeks; that he is altogether opposed to the treaty of 1845, and desires that the government will give his people a country

of their own. I would respectfully suggest, that in view of the unfriendly relations between the Creeks and Seminoles, something should be done to pacify them. . . . The peace and harmony of this whole frontier require that this question should receive prompt attention."—Report of Commissioner of Indian Affairs, 1855, pp. 136-37.

Attitude of the Seminoles.

"It seems palpably prominent to my mind that the Seminoles, no matter how provocative their wars in Florida were, have been treated with neglect and injustice. Compelled to merge their tribal organization into that of the Creeks—an act which the larger portion of the tribe regard as arbitrary, unjust, and detrimental—it is strange that no facilities were furnished them for education and improvement. Possessing their own annuities, scant though they are, they should also have had their own school, farming, and blacksmith fund. They will not share with the Creeks in these, even were they invited so to do; and if any improvement is expected from them it will only be attained after a separation from the Creeks is effected, and the means of culture furnished them by the government.

"During the summer I convened a council of the tribe, for the purpose of preparing a statement of their complaints, demands, and desires, to be by them communicated to the general Creek council in an amicable letter. In that letter they presented the grounds why they deemed themselves a separate and independent people. There is no prospect of their ever becoming an amicable, integral part of the Creek tribe, and consequently, with that spirit in their present relation, no improvement among them can be hoped for. They earnestly desire a separation from the Creeks, and wish that they may be personally heard by the Government of the United States, sometime during the ensuing session of Congress, through a delegation of their tribe, with their agent, sent for to Washington, when they will be able to make known all their grievances, claims, and desires. I think that such would be the speediest and least expensive manner of settling these people, of bringing them to improvement, and the *only* humane and practicable way of inducing the Seminoles yet remaining in Florida to immigrate. That they never will consent to do so, in the present condition of the Seminoles west, is manifest to all who are at all conversant with these people and their character.

"The discontent and complaint among the Seminoles at their connection with the Creeks have, during the time I have been in office, been confined to mere utterance. No violence has ever taken place.

"I am of the opinion, from what I have heard said among them, that the Creeks themselves are also wearied of this union to their 'troublesome neighbors,' and that they are anxious for its end. They cannot live harmoniously. Complaints of Creeks against the Seminoles, of Seminoles against the Creeks, are continually arising. There is no such thing as unity between them, nor the prospect of it, and a disunion would result to the benefit of both tribes.

"Justice to the Creeks causes me to say here, that the tribe, as a Nation, in the midst of their own advancement, are desirous that the Seminoles should become a happy and improved people. But they must be satisfied that such state cannot arrive under the present organization of the Seminoles. The latter, high spirited, and not always mindful of Creek laws and the treaty of 1845, are prone to disobey those laws, especially in the introduction of whiskey, not so much from a law-breaking spirit as from the thought that it is Creek and not Seminole law. This course arouses the ire of the Creeks, more, I apprehend, from the defiance of their law than from the loss of the good to be brought about by the law. Still, differences arise and ill feelings are engendered and fostered. On the other hand, the Seminoles complain that, in many transactions, the Creek laws are oppressive; that they are acts passed by councils to which they send no voice (the Creeks have repeatedly invited them to take seats in their councils, but the Seminoles have refused to do so on the ground that they would thus recognize the right of Creek legislation over them), and that therefore those laws are domineering, unequal, and unjust.

"I am firmly convinced that the Seminoles will continue thus to disregard Creek laws as often as they can, will continue to grow more discontented, will continue to become more unsettled, unless some steps are taken, until indeed they are separated from the Creeks upon fair and equitable terms and conditions as respect both tribes. In that event, and in no other, I verily believe that the Seminoles will improve in the same ratio as the Creeks have done; that the Creeks themselves will be benefited, and that the two tribes will then live harmonious neighbors, which I know to be the sincere desire of the best spirits of each Nation.

"To the hope of this political separation from the Creeks the Seminoles are now anxiously turning, and the consequences of its finally proving but a false one will be deplorable. The feeling is become so strong that a great many of the Seminoles who have heretofore become Creeks, as it were, to all intents, are proposing to rejoin their tribe. The prospect upon the separation is favorable for the complete reunion of the whole tribe in one settled body, should it please the government of the United States to allot the Seminoles a separate country."—*Ibid.*, 1855, pp. 170-73.

APPENDIX XVIII.—8.

DESCRIPTION OF CHEROKEES IN 1842.

"... They are improving in intellectual condition. They have executive, legislative, and judicial departments; an organized government; a principal and assistant chief, elective every four years; a council and committee, organized somewhat upon the principle of the House of Representatives and Senate of the United States—the former consisting of 24 members, and the latter of 16, elective every two years. They sit annually, and are usually in session from three to four weeks. The judiciary consists of a Supreme Bench, and Circuit Court, and District Court; the first consists of five members, the second of four, and the latter of eight. They have written laws, and a criminal code. The circuit court sits spring and fall; the Supreme Court once a year; the District Court whenever an emergency arises. They have juries, and hear pleadings.

"The judges of the Circuit Court and District benches are appointed more for their probity and personal worth than their legal attainments, and will compare in point of moral worth with any similar body in the United States. They are rigid in the execution of their laws, generally impartial in the administration of justice, as yet necessarily in a rude state. As many as four executions have taken place in one year.

"There are three missionary establishments located among them, of which a detailed report has been called for, and will be supplied. They have a school fund of their own, which they are wisely appropriating to the diffusion of knowledge throughout the Nation, by appointing trustees to superintend the disbursements.

"The Cherokees, as a people, are not disposed to labor; but within the last two years there is a manifest change in this particular, both from necessity and inclination. They are now engaged in agricultural pursuits. There is no game within 150 or 200 miles of their limits. Their country is well watered, and supplies abundantly all the products known to that latitude, such as corn, wheat, rye, oats, tobacco, and hemp. Within the limits of the Nation there are two abundant and valuable salt springs. One of them is leased to a Cherokee for a considerable sum, but is not worked to much advantage either to the proprietor or the Nation.

"There is a small class, termed mountain Indians, who are ignorant, and but slightly progressed in moral and intellectual improvement; have few comforts, and plant barely sufficient for subsistence.

"Many of the Cherokees own slaves, and many may be called comfortable livers; all of them own stock cattle, yet make little beyond their own consumption.

"Among the greatest evils that the Cherokees have to complain of, is the present mode of their trial and punishments for minor offenses committed, or alleged to be committed, on the persons of United States citizens, while in their Nation, and upon their own soil; which broils are, eight times out of ten, pro-

voked on the part of itinerant citizens from all parts of the United States, tempted or induced thereby by gain. It is too much the habit abroad to cry out 'Indian Outrage,' without a just knowledge of facts.

"All persons familiar with that portion of the Cherokees bordering on Crawford and Washington counties, in Arkansas, know that they are industrious, intelligent, and neighborly disposed. The inhabitants of those two populous counties are distinguished as a laboring, intelligent, high-minded, and judicious people. It is not from them the difficulties occur, or complaints are made, but from a plundering predatory class, upon whose oath before a magistrate the Cherokees are hunted down by the military, and taken a distance of 200 miles, to Little Rock, for trial; there lodged in jail, to await slow justice. These are evils of no small import, and of every day's occurrence, and which produce angry and embittered feelings. The evil is pointed out; the remedy left to the humane suggestion of the honorable Secretary of War."

—Letter of P. M. Butler, Cherokee Agent in Rep. Com. Ind. Affairs, 1842, pp. 447-49.

DESCRIPTION OF CHEROKEE LIFE IN 1853.

"Many of the full-blood Cherokees yet have a great aversion to the medicine of the regular faculty, and prefer the roots and herbs of their own native doctors. The more enlightened portion are fast losing that prejudice, and always call in a regular physician when one can be had; and it affords me much pleasure to be able to state that they have among them several physicians of high reputation in their profession, both whites and natives. The Cherokees have great reason to be thankful for the abundant yield with which the earth has repaid the labor of the husbandman. The common people are making slow but steady advances in the science of agriculture; the more enlightened and intelligent portion who have means live much in the same style of the southern gentlemen of easy circumstances. Many of the dwellings of that class are large, comfortable, and handsome buildings; their fields, too, are well enclosed with good rail fences, and their yards and gardens are handsomely paved in, and the grounds tastefully laid off and ornamented with rare and beautiful shrubbery. The moral influence which is being brought to bear upon the youth of the country, through the indefatigable efforts of the principal chief, and other intelligent and leading men of the Nation, in the great cause of education, must tell powerfully upon the rising generation. The common schools of the Nation were never in a more prosperous condition, and the exercises of the past year in the male and female seminaries have given entire satisfaction to the parents of the students and to the friends of education throughout the Nation. Many of the Cherokee women are neat and industrious housewives, and have acquired many of the finer accomplishments of the whites. Some of them are accomplished needle women; their taste and skill in embroidery may be seen at the Crystal Palace in New York, where has been sent for exhibition a full Indian suit of dressed buckskin, beautifully embroidered with silk. This beautiful piece of work was designed and executed by the ladies in the family of Mr. J. M. Payne. The art of manufacturing cloth, both wool and cotton, is carried on to a considerable extent in some of the families. Some specimens which I have seen from the loom of Mrs. W. A. Adair would have held strong competition for prizes at any of the agricultural fairs of the States."

—Report Commissioner of Indian Affairs, 1853, p. 382.

APPENDIX XVIII.—9.

PUBLIC SCHOOL REPORT IN THE CHEROKEE NATION FOR 1859.

"Tahlequah, Cherokee Nation, August 30, 1859.
"Dear Sir: As superintendent of public schools of the Cherokee Nation, I have in charge thirty schools, which are located at the following named points:

Boot's Chapel, Nannie E. Boynton, teacher.
Pleasant Valley, S. J. Wolfe, teacher.
Clear Creek, E. J. Burtholf, teacher.
Caney Creek, Sarah E. Walker, teacher.
Post Oak Grove, James D. Alberty, teacher.
Requa, Benj. W. Carter, teacher.

Vann's Valley, Eliza Bushyhead, teacher.
 Mount Clermont, Nannie J. Rider, teacher.
 Falls Creek, Martha J. Keys, teacher.
 Delaware Town, H. L. Foreman, teacher.
 Long Prairie, Susan Ross, teacher.
 Beatie's Prairie, Moses C. Frye, teacher.
 Honey Creek, Ruth Moseley, teacher.
 Echo Bend, Nancy Thompson, teacher.
 Baptist Mission, W. P. Upham, teacher.
 Pea Vine, Esther Smith, teacher.
 Oak Grove, Lou M. Ross, teacher.
 Locust Vale, Geo. H. Starr, teacher.
 Muddy Springs, Carrie E. Bushyhead, teacher.
 Sugar Valley, Martha J. Dameron, teacher.
 Forest Hill, E. J. Ross, teacher.
 Lee's Creek, Nannie Holmes, teacher.
 Arkansas Bottom, Hugh M. Adair, teacher.
 Gunter's Prairie, Jane Burthol, teacher.
 Sweet Springs, Cynthia T. Frye, teacher.
 Salisaw, Corinne E. Barnes, teacher.
 Wild Horse, Eliza Holt, teacher.
 Green Leaf, Jno. G. Schrimsher, teacher.
 Webber's Falls, Delia Mosely, teacher.
 Briar Town, Victoria Hicks, teacher.

Attending these schools are about fifteen hundred children of both sexes.

Our schools are under the charge of no religious denomination or society, but are supported by investments belonging to the Cherokee Nation, the interest of which yields about ten thousand dollars yearly. Out of this we pay our teachers and purchase books.

Our teachers are all Cherokees, with the exception of W. P. Upham and Esther Smith; and all are well qualified for the task of instructing our children and youths.

Our law requires all those desirous to become teachers in our schools to produce testimonials of good moral character and competency.

We have an examining board, provided for by law, so that we are not often imposed upon by incompetent teachers.

Very respectfully your friend,

H. D. REESE,

Sup't. Public Schools, Cherokee Nation."

GEO. BUTLER, Esq.

—Report of Commissioner of Indian Affairs for 1860, pp. 177-78.

APPENDIX XVIII—10.

THREATENED TROUBLE WITH THE CREEKS IN THE CARRYING OUT OF THE LIQUOR LAW.

This subject is one of the most likely to produce serious collisions and consequent mischief. For instance, the general council of the Creek, Cherokee, and other Indian tribes, have provided laws for the suppression of the sale of ardent spirits within their limits, and it is a fact notorious that no people are more prompt in putting their penal laws into execution. Citizens of Indian blood alone are amenable to their laws; the white man is not bound by them, but by the intercourse laws passed by Congress. If this distinction was recognized and acted upon, and the Indian authorities intrusted with exclusive jurisdiction in all criminal cases provided for by their own statutes, except in the case of the commission of offenses by Indians upon the person or property of white men, their course of action would be clear; but the penalties under the Intercourse law, and most especially for the offence of introducing spirituous liquors into the Indian territory, giving or vending the same by either an Indian or white man, is claimed to be tried in the United States district court, and punished under the provisions of the laws of Congress.

The greatest number of instances within the nation are usually perpetrated by Indians, who have been, and are subject to, and are regularly punished by the inflictions prescribed by the local authorities of the various tribes. These, after receiving due punishment in the Indian country, are under the laws of Congress, caught up by the United States marshal, tried and punished a second time. This concurrent jurisdiction operating so oppressively has engendered the worst of feeling amongst the Creeks, who are, like the Choctaws and Cherokees, fully acquainted with our Constitution, Declaration of Independence, and Bill of Rights; and the more astute never fail to impart to the ignorant and illiterate the great prin-

ciples of human liberty involved in these important State papers, that proclaim the equality of man, when notwithstanding they are encouraged to pass and enforce laws for the suppression of offences among their own people, that when they do so, it proves no bar to further prosecutions under our laws. They consider that a bare trial, even if acquitted, should, under our own maxims, shield them from further prosecutions.

They should be admonished of the impropriety of taking cognizance of such offences, and debarred the privilege of suppressing the sale of ardent spirits within their limits, or as I conceive would be more proper, be permitted to exercise exclusive jurisdiction among their respective tribes. The double punishment, in the manner I have indicated, has aroused a feeling of indignation in the Creek nation that has reached a point heretofore unknown since their removal west. The feeling is so intense that hundreds have banded together, under the authority of subordinate chiefs, and have rescued from the hands of the United States deputy marshal persons taken for such offences; and they now openly proclaim their intention to die in the defence of rights which they consider as sacred to the red as to the white man. The excitement is such, that in two or three towns numbering about 100 warriors each, it was deemed unsafe for the marshal recently appointed to office to attempt to retake these parties, who were rescued last June without the aid of the military. At the suggestion of Captain Little, U. S. Army, in command at Fort Gibson, Colonel S. M. Hays, U. S. marshal, went into council with Messrs. McIntosh and B. Marshall, chiefs of that tribe, at the fort, when it was proposed to afford those chiefs an opportunity to exercise their influence, by every means in their power, to cause a surrender of the offenders, which, if not done by the 28th instant, assurances were given that the United States marshal would be accompanied by the military force, and that all who opposed would be taken by the aid of the strong arm of the government.

These towns are mainly composed of the wildest portion of the tribe, denominated the *hostile Creeks*; such as were brought west in chains, and are usually chained when taken by the marshal for any offence. They have determined to be enchained again only in the arms of death.

The venerable McIntosh has his misgivings upon the subject of his ability to exercise any authority over them in the present crisis, as they believe they have been deceived and otherwise outrageously treated by the late marshal and his deputies. The worst of consequences are apprehended. Having but recently been put into possession of the facts, which appear unmistakable in their character, I have deemed it my duty to interpose whatever of influence I may be able to exercise by a communication to agent Garrett, requiring his immediate presence among them, and to make such suggestions as I might feel prudent and safe to make to him, such as could be carried out in good faith until the Department of the Interior temporarily, and Congress finally, could consider a change by law in relation to the subject of difference. To promise that which could not be conceded by the government would be worse than useless; for I am assured by Marshal Hays, now just returned from the nation, that the life of one of their chiefs, Colonel Benjamin Marshall, is suspended upon the present issue now being made. He has used his persuasions as well as authority in behalf of the exercise of strict punishment by the local authorities for every infraction of their laws regarding the sale of spirituous liquors, urging it as their prerogative, and that one punishment is all that is due to one and the same offence. Those who have banded together say that if those who, having once suffered, are taken and punished by the District Court of the United States, that Colonel Marshall's life shall pay the forfeit.

Several hundred men have pledged themselves, and have now warned him of his danger. *I conceive it important to save this good man's life*; and as no power under heaven can save him if they are *persecuted*, it is impossible to convince them that it is anything short of downright persecution. Therefore I shall, as I deem it my solemn duty, insist upon an amnesty—a truce in all cases originating prior to the appointment of Mr. Hays to the office of United States marshal—until further information can be obtained

in reference thereto from the Commissioner of Indian Affairs and Secretary of the Interior, and to this end will await the action of the proper authorities with great interest.—Rep. of Com. of Indian Affairs for 1853, pp. 375-7.

APPENDIX XVIII—11.

AN ATTACK OF THE PAWNEES ON THE CREEKS.

"An unfortunate difficulty occurred between the people of the frontier settlements of the Upper Towns and a straggling party of Pawnee Marhars, [Maha] (of the Platte or Nebraska,) upon a marauding and horse-stealing expedition last winter, and which resulted in the death of seven of the latter; the circumstances attending it were duly communicated by me to the department at the time. The killing of these Indians is, however, greatly to be regretted. Reflecting upon the matter, and a close inquiry into the real circumstances that caused the affray, lead me to the conviction that the Creeks were over hasty, and all the alarm, commotion, and agitation which affected the nation subsequently could all have been obviated by their capture instead of killing these banditti of the prairies, and which they were well able to easily effect. Immediately after the event, a rumor was circulated that the Pawnee Marhars had returned in force; that they had attacked the settlements on Little River, and defeated a party of warriors under the command of Jim Boy, who was despatched against them, whilst the Osages, with whom they had combined, had attacked and were massacring the people on the Red Fork, and were advancing towards the compact settlements. It was at one time represented that they had penetrated within a few miles of the agency. Nothing could exceed the alarm and terror excited and visible in all. I should not previously have believed the Creeks to be so excitable a people; in extenuation, however, it may be said that they knew no mercy would be shown by the invaders. Everything was in the greatest possible confusion. Here was to be seen a crowd of the poorer class of women on foot, loaded down with their children, and bundles containing their valuables; here a line of wagons loaded with the property of the richer class, with their negro drivers, &c., &c., and their owners and their families on horseback; there, a warrior begrimed with paint, a rifle and tomahawk in hand making the welkin ring with the discordant yell of the war-whoop! The rivers were literally covered with canoes, laden with women, children, &c., &c., all wending their way to Fort Gibson. Here they all congregated, conceiving themselves secure under its protection. I was waited upon by the chiefs in the night, and desired by them to require a commanding officer of Fort Gibson to furnish a portion of his command; which was done, and a company of dragoons proceeded to the Canadian, and two companies of infantry were also sent up the Arkansas; (the reliance of the Indians upon the promises of the government proves the propriety of this post being efficiently kept up.) The chiefs called upon the people to assemble; but at this emergency an expression was made, justly depicting the feeling entertained by the people for them; many absolutely refused to budge a foot, asserting, as a reason, that as *they* kept all their money, they might likewise do all the fighting. They left, however, with about two hundred men; and it was not discovered, until after the expiration of two days, *that the rumors were false in every instance*, and their origin could not be discovered. They had, however, a serious effect in disturbing the quietude of the country, and many were and still continue to be alarmed for the safety of the frontier settlements. Nothing, however, has since happened to disturb the general harmony and peace of the nation, nor can there, in my opinion, be anything expected."—Letter of James Logan, Creek Agent to Maj. Wm. Armstrong, Report of Commissioner of Indian Affairs, 1845, pp. 517-19.

APPENDIX XVIII—12.

INTER-TRIBAL COUNCIL AT TAHLEQUAH.

The council to which we were going was a grand convocation of all the tribes in the South-West, and many of the North. The Cherokees had sent the pipe and tobacco to all the Indian tribes on the frontier, to the number of thirty-six, inviting them to a friend-

ly conference. The Creeks had given a similar invitation the year previous, but with comparatively little success.

Considerable interest was excited by the call, and no little speculation indulged as to the real design of the movement. Some attributed private and designing motives to the prominent Cherokees, and especially to John Ross. The minds of others were excited with apprehension that there was about to be a hostile combination of the Indian tribes against the whites; and the department at Washington was addressed on the subject. Nothing has ever transpired, however, to justify either imputation. No specific object was announced in the call. In general they proposed to become better acquainted, cultivate friendly relations, and make such international regulations as occasion might require. It seemed to be simply a great family-gathering of all the tribes to enjoy a season of festivity, and to renew the ancient bonds of friendship.

The time appointed for assembling was the 5th of June [1843.] They had now, as our Delaware informed us, been assembling some eighteen days, and had only commenced their sessions a few days previous, expecting to remain a week or two longer. Some twenty-two tribes had responded, and their representatives were on the ground to a greater or less number. The whole number in attendance was estimated at three or four thousand, supported by the Cherokees at an expense of two hundred and fifty dollars per day. Among the absentees were the Camanches, who had so much fighting on hand that they had neither leisure nor inclination to smoke the pipe of peace; the Pawnees also, who affected to suspect treacherous designs, and refused to attend unless upon condition that five men should be sent as hostages for the safe return of their delegates; the real reason being, as was supposed, the fear of meeting the Osages, with whom they had hostilities. I must not omit to mention our own people, the Choctaws, who, with their agent, stood aloof from the whole proceeding. * * *—Goode's "Outposts of Zion," op. cit., pp. 67-68.

The Great Council.

The site of the Cherokee Council-Ground is called Tah-le-quah; a name brought with them from their Eastern Home. A considerable village has since grown up, but at that time there were no improvements save the rude preparations for their annual council sessions. An area of perhaps three acres was enclosed. Upon the line of inclosure, and in rear of it, were about thirty cabins. Two of these, facing each other upon opposite sides of the square, were, on ordinary occasions, used by the two houses of the Legislative Council of the Cherokee Nation, which like that of the Choctaws consists of an upper and lower house. The remaining cabins were for the accommodation of members in attendance; and now all were appropriated to the use of the delegated representatives of the several tribes. The multitudes of men, women, and children that had come together of their own accord to witness the proceedings and help to devour the beef, were spread abroad over the plains in the true Indian style, accommodating themselves, day and night, by a fire in the open air.

The assemblage presented a motley appearance, exhibiting every age, phase, and condition of Indian life of both sexes. The costume of the Indian tribes is greatly varied, from the richest and most genteel style of their white neighbors to the rudest and simplest form of savage dress. Hence an Indian gathering presents a singular and fantastic commingling of the tastes of the white and the red man. The most common male dress of the half-civilized is a calico hunting-shirt. Some wear pantaloons, some leggins; some with hats, some caps, some bareheaded; but more still with a handkerchief or shawl tied around the head in the form of a turban; some with boots and shoes, some moccasins, and many barefooted—males and females fantastically ornamented, especially about the head; some with rich plumes, some with more common, and many with the single quill of a fowl. Almost every one is distinguished by some article of display; the ears and noses especially of the ruder tribes, variously and profusely ornamented, and their faces, arms, and bodies painted according to the custom of their several tribes. They have a great passion for gay colors, especially for

red. Sashes, shawls, and handkerchiefs are in great demand. Many very rich red blankets are used among them. The article of our apparel which they seem most to abominate is the hat or bonnet. Although compelled, when full-dressed, to conform to the usage of the whites in this respect, yet all, especially the females, seem greatly relieved when they can doff the head-dress, and, in their own free and easy style, substitute a kerchief or shawl in its place. The dress of the Cherokees approaches more nearly to the white costume than that of most of the other tribes.

Among the persons first pointed out to me were Ross, the present Head-Chief, and candidate for reelection, and Vann, the opposing candidate, sitting in friendly conversation. The men were leisurely smoking their pipes, and engaged in low tones of conversation; the women were employed in beating the corn, and other labors of the camp. Indians are rarely in a hurry; time is of no value to them. Two weeks passed, after the day set for the opening, before the first "talk." They seemed quite as contented upon their beef rations alone as our legislative savans do with their *per diem* and "roast-beef."

About eleven o'clock the horn was blown as a signal for assembling, but no attention was paid to the summons; the smoking, talking, and lounging went on as before. About three in the afternoon another signal was given, and they slowly assembled and prepared themselves for business.

No formality was observed in the opening. A large, well-roofed shed stood in the center of the ground, under which the services were held. A stand, or rostrum, was placed on one side, which, however, was not occupied by the speakers, who seemed to prefer a place on the ground. In front of the stand was a table covered with wampum and the great pipes used on special occasions. The seats were rude benches, placed with one end toward the table, and extending out like the *radii* of a semicircle. The several delegations were arranged upon separate seats, the Delawares taking precedence. The speaker occupied a central position at the table, and the interpreter for each tribe stood at the head of his delegation.

Eighteen tribes were represented by properly-authorized delegations. In some instance two or three, or even four, tribes spoke the same language with such slight differences as to understand the same interpreter. There were eight interpreters, one of whom spoke two languages, and acted for two different tribes. The process of speech-making was exceedingly slow. The speaker gave his address sentence by sentence, in his own language. At the close of each sentence or clause he paused, and his own interpreter rendered the words into English, the only medium common to all. The several interpreters then, in turn, repeated them, each to his delegation in their own language; upon which the delegation responded with the hearty grunt peculiar to Indians—as if to say, "We hear you"; or, "We understand your words." Each waited for the others with deliberate slowness. The words being thus repeated nine times after their rendering into English, afforded ample time for taking notes, even without the aid of stenography. I took down several of the speeches, which may serve to give a specimen of Indian oratory in modern times.—*Ibid*, pp. 69-71.

Principal Characters Present At The Council.

John Ross, now and, for many years past, the Head-Chief of the Cherokee Nation, was, in point of talents and acquirements, the first man present. He is a small, active man, apparently then fifty years of age; said to be one-eighth Cherokee, but with little or no appearance of the Indian; much such a man in appearance as Martin Van Buren, only a size smaller; quite equal, I should think, in mental caliber and business tact, to the average of our Congressmen. Ross occupies about the same standing among his people as Colonel Pitchlynn among the Choctaws, though Pitchlynn is more of an Indian.

Lowry, the second chief of the Cherokees, was an aged and venerable-looking man; neat, though plain, in his person; grave and sedate in his demeanor; a communicant, I believe, in the Presbyterian Church, and perhaps an elder. I think I have since seen a notice of his death. I suppose him to have been a pious man, and useful in his tribe.

Bushy-Head, a Cherokee, was the Chief Justice of

the Nation, their interpreter, and also a Baptist preacher. He was a large, robust man, having much the appearance of a well-fed Ohio farmer, with apparently no more of the Indian about him than Ross. He interpreted fluently, was a man of reputable talents, and was said to possess great influence in his Nation. He also, I think, is since deceased.

General Roly M'Intosh, Head-Chief of the Creek Nation; in appearance a full-blood, and unable to speak English; apparently forty-five years of age, rather below the medium stature, thoughtful and expressive countenance, eyes somewhat peculiarly set; and whole *contour* indicative of honesty, foresight, and great firmness and decision of character. He was of a family of note among the Creeks, and possessed almost unlimited influence in his tribe. I must say that I was prepossessed in his favor, notwithstanding his alleged fixed hostility to missionary effort.

Wild Cat, the Seminole warrior, so conspicuous for the part he acted in the Florida War, and the trouble which he and his band gave to the United States troops. He was, I should think, about twenty-five years of age, five feet ten inches in height, sprightly countenance, light and graceful step, and possessing every mark of energy and vigor of character. He bore on his person a greater amount of silver ornament than any one present; broad silver bands upon his forehead and wrists, a string of silver plates, each in the form of a crescent, about eight inches in the curve, and one and a half broad, suspended one below another from the neck almost to the waist, besides a large profusion of smaller ornaments. He walked as if he disdained the earth on which he trod. He, I think, is since dead also.

Wau-bon-sa, a Pottawatomie Chief, said to be eighty-seven years of age; treated with great respect by those of his tribe; present; complete Indian costume, with the skin of a crow split in the middle, through which his head was thrust, covering his shoulders and back, and the tail hanging down before.

Shin-ga-was-sa—if I recollect the name correctly—an Osage brave; large, fleshy, good-humored, and, like the rest of his tribe, an incessant talker and boaster.—*Ibid*, pp. 72-73.

The Great Council—Men Of Note—Indian Oratory.

The first speaker, after my arrival, was Ross. His talk was delivered by him in English, from a manuscript held in his hand. The following is nearly a *verbatim* report of his address:

"Brothers, the talk of our fathers has been spoken, and you have listened to it. You have also smoked the pipe of peace, and taken the hand of friendship around the council fire newly kindled here at Tah-le-quah in the West. We have been made glad on this interesting occasion.

"Brothers, when we look back to the history of our race we see some green spots that are pleasing to us. We also see many things to make our hearts sad. When we look back on the days when the first council-fires were kindled, around which the pipe of peace was smoked, we are grateful to our Creator for having united the hearts of the red men in peace; for it is in peace only that our women and children can enjoy happiness and increase in numbers. By peace our condition has been improved in the pursuits of civilized life. We should, therefore, extend the hand of peace from tribe to tribe, till peace is established between every nation of red men within the reach of our voice.

"Brothers, when we call to mind the early associations which endeared us to the land that gave birth to our forefathers, where we were brought up in peace to taste the blessings of civilized life; when we see that our fires have there been extinguished, and our families been removed to a new and distant home, we cannot but feel sorry. But the designs of Providence are mysterious; and we should not, therefore, despair of once more enjoying the blessings of peace in our new home.

"Brothers, by this removal tribes hitherto distant from each other have become neighbors, and those hitherto unacquainted have become known to each other. There are, however, numerous other tribes with whom we are still strangers.

"Brothers, it is for renewing in the West the ancient talk of our forefathers, and of perpetuating forever the old pipe of peace, and of extending them from nation

to nation, and of adopting such international laws as may redress the wrongs done by the people of our respective nations to each other, that you have been invited to attend the present Council. Let us, therefore, so act that the peace which existed between our forefathers may be pursued, and that we may always live as members of the same family.

"Brothers, the business of the Council is now before you, and I hope you will persevere till it is finished."

Ross was followed by the Creek Chief, Roly M'Intosh. This talk was delivered in his own language, and rendered by his nephew into English; then given by the different interpreters to their respective tribes. This speech, doubtless, suffers by translation into English; yet it will be seen to have some beauties. He spoke with much earnestness and apparent feeling about as follows:

"Friends and brothers, we are all assembled here under this roof. I am going to speak a few words.

"Brothers, we are met together to renew our forefathers' talk. It was made in the East. It has been brought to the West. Yet every day we assemble here we attend to it as well as we know how.

"Brothers, our fires are all behind. They were first kindled in the East; but now we have been driven to the West, and have renewed our fires.

"Brothers, we are now in the West. We are trying to make the path of our forefathers, that it may extend from one door to the other; that it may be a white path; that it may be kept clean; that our rising generation may walk in the paths of peace.

"Brothers, you are met together to make such international laws that you may raise your children in peace. We and our brethren, the Cherokees, have made these broken days (so the Creeks called Council times) for this Council, and we have come for the purpose of seeing that the talk of our forefathers be renewed.

"Brothers, I don't know how many tribes there are in the North. We have sent the wampum to them that they may come in and walk in the paths of peace. I am willing, also, to extend my hand to the tribes of the South, and take them by the hand, and invite them in, and extend to them our fires, that they may kindle their lights and walk in the paths of peace.

"Brothers, I am now going to part with you. I hope you will not think hard of me. It has been the custom of the Creeks to renew our fires every year, [alluding to the time having arrived for the sitting of their own National Council.] We have already staid longer than we expected. Some of our men have already gone home. We leave some chiefs to represent our Nation, and whatever may be determined, we will coincide with you when the instrument of writing containing it shall be presented to us."

The main points embraced in both these speeches are the same—their lingering love for their former homes, respect for their ancestry, a cautiously-expressed sense of the injustice done them by their removal, a reluctant resignation to their fate, and a desire to cultivate the arts of peace and to provide for their offspring. The reader will not fail to see that the former of these addresses is the speech of one who is virtually a white man, though affectedly in the Indian style, while in the latter he will recognize all the characteristics of the true Indian. If his taste be like mine, he will not hesitate which most to admire. An elegant touch of Indian pathos is contained in the expression of M'Intosh, "Our fires are all behind."

These were followed by one from a young Chickasaw, in which, on behalf of his fellow-delegates present, he took leave of the Council, assigning as a reason for their departure the unexpected failure of the Head-Chief, and others of the delegation, to attend, their own want of instructions and consequent lack of authority to do anything that would be binding upon their Nation, illustrating his remarks by reference to some of their peculiar national customs in their diplomatic intercourse, and expressing his hearty approval of the object of the Council. He spoke in English, was modest and apparently educated, and spoke with chasteness and fluency. These three speeches, by this slow process, occupied the time till sunset. After a public request that the following day—the Sabbath—should be employed by the ministers

present in religious services, they dispersed as unconceremoniously as they had assembled.—*Ibid.*, pp. 73-76.

Compact Between The Several Tribes Of Indians.

WHEREAS, the removal of the Indian Tribes, from the homes of their fathers, east of the Mississippi, has there extinguished our ancient Council Fires, and changed our position in regard to each other, and

WHEREAS, by the solemn pledge of Treaties, we are assured by the Government of the United States, that the lands we now possess shall be the undisturbed home of ourselves and our posterity forever, therefore,

We, the authorized representatives of the several Nations, parties hereunto, assembled round the Great Council Fire, kindled in the West at Tahlequah; in order to preserve the existence of our race, to revive and cultivate just and friendly relations between our several communities, to secure to all their respective rights, and to promote the general welfare, do enter into the following compact.

Sec. 1st. Peace and friendship shall forever be maintained between the Nations, parties to this compact, and between their citizens;

Sec. 2d. Revenge shall not be cherished nor retaliation practiced, for offences committed by individuals.

Sec. 3d. To provide for the improvement of our people in Agriculture, Manufactures, and other domestic arts, adapted to promote the comfort and happiness of our women and children a fixed and permanent location on our lands, is an indispensable condition. In order therefore, to secure these important objects, to prevent any future removal, and to transmit to our posterity an unimpaired title to the lands guaranteed to our respective Nations by the United States—We hereby solemnly pledge ourselves to each other, that no Nation, party to this compact, shall, without the consent of all the other parties, cede, or in any manner alienate, to the United States, any part of their present Territory.

Sec. 4th. If a citizen of one Nation, commits wilful murder, or other crime, within the limits of another Nation, party hereto, he shall be subject to the same treatment as if he were a citizen of that Nation.

In cases of property stolen, or taken by force or fraud, the property, if found, shall be restored to the owner; but if not found, the convicted person shall pay the full value thereof.

Sec. 5th. If a citizen of any Nation, party to this compact, shall commit murder or other crime, and flee from justice, into the territory of any other Nation, party hereto, such criminal shall, on demand of the Principal Chief of the Nation from which he fled, (accompanied with reasonable proof of his guilt,) be delivered up to the authorities of the Nation having jurisdiction of the crime.

Sec. 6th. We hereby further agree, that if any one of our respective citizens shall commit murder or other crime, upon the person of any other citizen, in any place beyond the limits of our several territories, the person so offending, shall be subject to the same treatment as if the offence had been committed within the limits of his Nation.

Sec. 7th. Any citizen of one Nation may be admitted to citizenship in any other Nation, party hereto, by consent of the proper authorities of such Nation.

Sec. 8th. The use of Ardent Spirits, being a fruitful source of crime and misfortune, we recommend its suppression within our respective limits, and agree that no citizen of one Nation, shall introduce it into the territory of any other Nation, party to this compact.

Done in General Council, around the GREAT COUNCIL FIRE, at Tahlequah, Cherokee Nation, this the 3d day of July, 1843.

REPRESENTATIVES OF THE CHEROKEES.

Hair Conrad, his x mark,
Samuel Downing, his x mark,
Turtle Fields, his x mark,
Stop, his x mark, Thomas Foreman,
Tobacco Will, his x mark,
Thomas Woodward, his x mark,
Dutch, his x mark,
Michael Waters,
John Looney, his x mark,
George Lowrey,

J. Vann,
Archibald Campbell, his x mark,
Old Field, his x mark,
Charles Coodey,

REPRESENTATIVES OF THE CREEKS.

Tus-ta-nug-gee Mathla, his x mark,
In-ther-nis Harjo, his x mark,
Ho-ler-ter Micco, his x mark,
Ho-tul-ca Harjo, his x mark,
Ufalar Harjo, his x mark,
Chilly McIntosh,
Dak-cun Harjo, his x mark.

REPRESENTATIVES OF THE OSAGES.

Alexander Chouteau, Osage Int.
Chin-ka-wa-sah or Belvazo, his x mark,
Black Dog, his x mark,
Gron-san-tah, his x mark,
Gra-tam-e-sah, his x mark.

BE IT KNOWN, that the National Council of the Cherokee Nation, in Annual Council convened, have this day approved and confirmed the within articles of a compact entered into the day and date therein named, by the authorized Representatives of the Nations, parties thereunto.

Done in National Council at Tahlequah, Cherokee Nation, the second day of November, A. D., One Thousand Eight Hundred and Forty-Three.

CHARLES COODEY,
President, Nat. Com.

JAMES M. PAYNE,
Speaker, Nat. Council.

Approved—JNO. ROSS.

—Laws of the Cherokee Nation, 1839-51, pp. 87-89.

APPENDIX XIX—1.

LETTER OF JOHN RIDGE.

South Lee, Berkshire County, Mass.,

May 7th, 1838.

My Dear Friend:—

While I was in New York, I received your kind letter of the 25th ult., in answer to mine, for which I am greatly indebted to you. It was my desire to have visited Washington, in order to have had the pleasure of a personal interview with you, and also to have seen the result of the great Indian bill, now in a course of discussion in the Senate. But the period I have set apart to return to my country is the first of June, and I have but a short time to spend amongst my wife's relations. I did not write as fully as the interesting subject of Cherokee removal and the nature of the country demanded, as I then believed that I should see you.

Now, you will allow me to relate my opinion of our country in the West, and the situation of our people. The Treaty is so liberal in its provisions for the comfortable removal of the Cherokees that I have heard no complaint on that head, but the highest satisfaction. Those who went by water, in steamboats, in the spring of the year, passed with so much dispatch that most of them planted corn and raised considerable crops. You know that good and exemplary Christian, Mr. Charles Moore. He said that he planted in the month of June and raised a greater crop of beans, pumpkins and corn than he ever did in Georgia, under the most favorable circumstances. He said that the land in the West was so rich that he could compare it to nothing else but a fattened hog, which was so fat that he could not get up. I have traveled extensively in that country—once, from my residence, near the corner of Missouri and Arkansas, to Fort Smith, through Flint District, where I had the pleasure of beholding fine springs of water, excellent farms and comfortable houses, and mills, and mission schools, belonging to the Cherokees; and every evidence of prosperity and happiness was to be seen among the Cherokees as a people. I saw a number who had previously arrived, and had arrived since I had, and I heard one sentiment—that they were happy and contented in their new country. Indeed, the soil is exceedingly rich and well timbered, and the navigation of the Arkansas River affords them superior commercial advantages to what they enjoyed in the East. I joked with the people, and asked them if they wished to return to Georgia, even if they could be reëstab-

lished in their ancient rights and locations in that country. They invariably said: "No; by no means. Nothing would induce them to return." But they sincerely wished that the eyes of their countrymen might be opened, and break from the delusions of John Ross and his political tools and escape to this good land. I think in this direction I traveled over eighty-eight miles, in a straight direction. After this, I visited the newly acquired land, called Neutral Ground, which was added to our country, west, by the Treaty of New Echota. I rode over it, about two days, and I there found Mr. Joseph Rogers, our Cherokee friend, from Chattahoochee, pleasantly situated in the finest region of country, I ever beheld in any part of the United States.

The streams here of all sizes, from the rivers to brooks, run swiftly over clean stones and pebbles, and the water is clear as crystal, in which excellent fish abound in vast numbers. The soil is diversified from the best prairie lands to the best bottom lands, in vast tracts. Never did I see a better location for settlements and better springs in the world. God has thrown His favors here with a broad cast. In this region are numerous mills, and it is of itself capable of supporting a larger population than the whole Cherokee Nation, East. On my return, I traveled toward Fort Gibson, seventy-five miles in another direction, and I found the richness of the soil and natural advantages far superior to any country which I had seen in all my travel. In this trip I visited Park Hill Mission, where the Rev. Mr. Worcester and Mr. Boudinot are located, and are engaged in the translation and publication of useful religious books in the Cherokee language, and also Choctaw books, prepared by the Choctaw missionaries.

But what pleased me more, and was a new thing here in this country, those gentlemen had published a Christian almanac, in Cherokee and English, calculated for the meridian of Fort Gibson. I found this extensively in circulation amongst the Cherokees, and, in fact, I was pleased to find that religious tracts, in the Indian language, were on the shelves of full-blooded Cherokees, and every one knew and seemed to love the messenger, as they call Mr. Worcester. I very often met with new emigrants from the Eastern Nation, either arriving or settling the country, or on their way to Fort Gibson, to draw the balance of their dues for their lands and improvements. These newcomers were formerly of opposite portion in the old nation. There was no disposition to quarrel, but every disposition manifested to cultivate friendship and rejoice together in the possession of this fine country.

I had the pleasure of being introduced to Gen. Arbuckle, commanding at Fort Gibson, and I found him to be an excellent man, of fine personal appearance, and intelligent. He informed me that the country next to the Osages, on the Verdigris, was the best in the country, and was yet unsettled; so you perceive that I am greatly pleased with our new country. Most all the intelligent men of our nation, our Supreme Judges, and Sheriffs, and Marshalls, our Legislators, and our National Treasurer, are, you are aware, already removed, and are engaged in building of houses, and the opening of farms. Many of the Cherokees have turned their attention to merchandising, and some have supplied themselves with goods from New Orleans and New York, besides other places more convenient to the nation.

Many of the Christian Cherokees are engaged in the organization of schools and temperance societies, and there is no danger, as some supposed, that the Cherokees would retrograde and turn to the chase, instead of the pursuits of civilization. And I have the pleasure also of informing you that the utmost friendship and tranquility prevails between the Indians and the citizens of the United States, not only those who live at the military stations, but those of your citizens who reside in Missouri and Arkansas, near the Cherokee Nation.

In the best state of friendship they visit and trade together, on both sides of the line, to their mutual advantage. In addition to this, we have excellent saline springs, where salt is made by the Cherokees. I was told that Judge Martin was about to commence work at one of these salines. In regard to the health of the country I find it good, on the small waters, and it is only on the larger water courses that fever and



JOHN RIDGE, CHEROKEE LEADER,
Assassinated in 1839 for signing the removal treaty

ague prevails among new settlers. But it is somewhat singular that whenever a Cherokee arrives in the country, wherever that may be, he cannot be induced to change his location for a better. He will either say there is no better, or that it is as good as he wants it to be.

If the people of the United States could only see our condition in the West, they would no longer assist John Ross to delude the poor, ignorant portion of our people to remain in the East, where he can speculate on their miseries.

The Cherokee Government in the West is very much like it was in the old nation, before it was suppressed by the States.

They have an Executive, Legislature and Judiciary, and trial by jury.

I feel happy to ascertain that a majority of the Senate of the United States entertain such magnanimous views towards the well being of the Indians in future, removed as they are from the State jurisdiction and conflict. With the rich advantages of the Christian religion and cultivation, the Choctaws, Cherokees, Chickasaws, Creeks and other nations are destined to become a great and mighty people in the great West. I am truly pleased to find that our neighbor, Senator Sevier, stands by your side in the great undertaking. That was a happy thought of his in calling the Indian Territory "*Neosho*." It means, in the Osage language, the "*Clear Waters*."

I should be glad to receive the documents connected with that bill, and all the important speeches on the subject.

While I was in New York, I found that the religious community were entirely bewildered by John Ross, and in the party slang of their papers. Instead of receiving the late Treaty as a blessing to the Cherokees, and as a measure of relief to them, they considered it the source of all their afflictions. I attempted to explain John Ross's position in the papers; and many of them are now convinced that the Treaty and its friends are in the right; but a great many are still bewildered. They believe that John Ross is the nation, and could he succeed in breaking the Treaty, that the whole of the Southern States would retire from their jurisdictional charters.

I sometimes feel afraid that all is not right in these editors of newspapers. It would seem that they would be willing to have the Indians resist and shed blood and produce a Florida scene, in order to render their Government odious.

They seem pleased to have money expended to suppress Indian hostilities, and then blame the Government for the expenses. They well know that the Indians cannot exist in the States; and all they can possibly accomplish by their memorials is to assist John Ross to effect a Treaty, the character of which is buried in his breast.

They all know that in the East the Cherokees have no government, and have had no elections for nine years past; and yet John Ross is, in their estimation, a constitutional chief over all the Cherokees, and if the President refuses to recognize this preposterous claim, and determine to see that all the Cherokees shall share alike from the avails of their land, then they proclaim him a monster, and John Ross the Cherokee Christian.

I shall remain here to the first of June, and I shall be obliged to you for another letter before I leave for the West.

I am your friend,
JOHN RIDGE.

Gov. Wilson Lumpkin.

—Wilson Lumpkin in "Removal of the Cherokee Indians from Georgia, 1827-1838," Vol. II, pp. 201-05.

APPENDIX XIX—2.

AQUOHEE RESOLUTION.

Aquohee Camp, August 1, 1838.

Whereas, the title of the Cherokee people to their lands, is the most ancient, pure, and absolute known to man; its date is beyond the reach of human record; its validity confirmed and illustrated by possession and enjoyment antecedent to all pretense of claim by any other portion of the human race:

And whereas, the free consent of the Cherokee people is indispensable to a valid transfer of the Cherokee

title; and whereas, the said Cherokee people have neither of themselves, nor their representatives, given such consent; it follows that the original title and ownership of said lands still vest in the Cherokee Nation unimpaired and absolute:

Resolved, therefore, By the national committee and council, and people of the Cherokee Nation, in general council assembled, That the whole Cherokee territory, as described in the first article of the Treaty of 1819, between the United States and the Cherokee Nation, still remains the rightful and undoubted property of the said Cherokee Nation. And that all damages and losses, direct or incidental, resulting from the enforcement of the alleged stipulations of the pretended Treaty of New Echota, are in justice and equity chargeable to the account of the United States.

And whereas, the Cherokee people have existed as a distinct national community, in the possession and exercise of the appropriate and essential attributes of sovereignty, for a period extending into antiquity beyond the dates and records and memory of man:

And whereas, these attributes, with the rights and franchises which they involve, have never been relinquished by the Cherokee people, but are now in full force and virtue.

And whereas, the natural, political, and moral relations subsisting among the citizens of the Cherokee Nation towards each other, and towards the body politic, cannot in reason and justice be dissolved by the expulsion of the nation from its own territory by the power of the United States' Government:

Resolved, therefore, By the national committee and council, and people of the Cherokee Nation in general council assembled, That the inherent sovereignty of the Cherokee Nation, together with the constitution, laws, and usages of the same, is, and by the authority aforesaid, is hereby declared in full force and virtue, and shall continue so to be, in perpetuity, subject to such modifications as the general welfare may render expedient.

Resolved, further, That the Cherokee people, in consenting to an investigation of their individual claims, and receiving payment upon them, and for their improvements, do not intend that it shall be so construed as yielding or giving their sanction or approval to the pretended Treaty of 1835; nor as committing, in any manner, their just claim against the United States hereafter, for a full and satisfactory indemnification for their country, and for all individual losses and injuries.

And be it further Resolved, That the principal chief be, and he is hereby authorized to select and appoint such persons as he may deem necessary and suitable for the purpose of collecting and registering all individual claims against the United States, with the proofs, and to report to him their proceedings as they progress.

RICHARD TAYLOR,

President National Committee.

GOING SNAKE,

Speaker of Council.

STEPHEN FOREMAN, Clerk Nat. Committee.

Captain Brown,
Toonowee,
Katelah,
Ooyah Kee,
Richard Foreman,
William,
Howestee,
Beaver Carrier,
Samuel Christee,
Kotaquaskee,
Yoh-natsee,
Samuel Foreman.

Signed by a Committee in behalf of the people.

—Report of Commissioner of Indian Affairs, accompanying the Report of the Secretary of War for 1839, pp. 417-18.

APPENDIX XIX—3.

BIOGRAPHIC SKETCHES OF THE RIDGES AND BOUDINOT.

That the killing of the Ridges, father and son, and of Boudinot was the result of a carefully laid conspiracy, is fairly evidenced by the fact that they were killed within a few hours, though many miles distant from each other. Before daylight on Saturday morn-

ing, June 22, John Ridge was called to the door of his home near the eastern boundary of present Delaware County and killed. A few hours later, Major Ridge was shot from ambush as he traveled along the road to Fort Smith, at a spot some twenty-five or thirty miles from the home of his son. At nearly the same time, about seventy-five miles away, Boudinot was killed near his home at Park Hill and within two miles of the home of John Ross.

Major Ridge was a full-blood Cherokee of the Deer Clan, born near Hiwassee, Georgia, about 1771. He was said to have joined a war party on an expedition against the white settlements when he was only fourteen years old. At the age of twenty-one he was a member of the Cherokee National Council. His Cherokee name was Gu-nun-da-le-gi, which signifies "he who follows the ridge." When he adopted the ways of civilization, he chose the name of Ridge as a partial translation of his Indian name. During the War of 1812 he was active in his support of the Americans and was largely instrumental in the recruiting of a regiment of Cherokees which served under General Jackson in the Creek War. It was because of his service as an officer of that regiment that he was ever after known as Major Ridge.

John Ridge, son of Major Ridge, was born in Georgia about the year 1801. His education was begun in the schools conducted by the Moravian missionaries and was continued in an academy at Knoxville, Tennessee. In 1818, at the instance of the American Board of Commissioners of Foreign Missions, he was selected with two other Cherokee youths to attend the mission school at Cornwall, Connecticut. While he was there as a student he became acquainted with Miss Sarah B. Northrop, whom he afterward married. He was a talented man, of strong personality and winning address; so pronounced was his persuasive eloquence that it is said that those who plotted his death especially charged his assassins to allow no words of parley with him lest he dissuade them from their fell purpose.

John Ridge left several children and a number of his descendants still live in Oklahoma and others in California. One of his sons, John Rollin Ridge, born in 1826, went to California in 1851, and made his home there until his death in 1867. He gained distinction as a writer of verse, his literary productions evidencing a true poetic mind as well as a remarkable personality. A volume of his verse was published in 1868. (For an account of his life, see "John Rollin Ridge," by Edward Everett Dale, in *Chronicles of Oklahoma*, Oklahoma Historical Society publication, Vol. IV, No. 4, December, 1926.)

Elias Boudinot, a nephew of Major Ridge, was born in Georgia in the year 1802. His Cherokee name was Ga-la-gi-na, which meant "buck deer." The name of his father (a brother of Major Ridge) was Oowatie, the son being called Buck Watie. Stand Watie was a younger brother. In 1818 Buck Watie entered the mission school at Cornwall, Connecticut, where he adopted the name of the noted publicist and philanthropist, Elias Boudinot, who was his patron. In collaboration with Rev. S. A. Worcester, he began the translation of the New Testament into the Cherokee language in 1823. Under the direction of the Cherokee National Council he began the publication of the Cherokee "Phoenix" in 1827, which was the forerunner of the Cherokee "Advocate" of a later period. In 1838 he wrote a book entitled "Poor Sarah, or the Indian Woman," which was published in the Cherokee language. A second edition of this book was printed at Park Hill in 1843. Being a man of marked ability, he exerted great influence among his people until he espoused the cause of the unpopular Treaty Party in support of the plan to sell the tribal domain and move to the Indian Territory. This made him very unpopular with the vindictive partisans of the oppositions and ultimately led to his assassination. He was not a full-blood Indian, his maternal grandfather having been a white man.

Elias Boudinot married Miss Harriet Gold, of Cornwall, Connecticut, by whom he had several children. His son, Elias Cornelius Boudinot, was one of the prominent Cherokees of the next generation, while another son, William P. Boudinot, was scarcely less gifted. The Boudinot family is still a prominent one in the Cherokee country.

APPENDIX XIX—4.

AMNESTY DECREE.

Whereas, the removal of the eastern Cherokees to this country has brought together the two branches of the ancient Cherokee family, and rendered it expedient that a union of the two communities should be formed, and a system of government matured and established, applicable to their present condition and satisfactory to all parties. And whereas, a general council of the representatives and people of both communities was appointed for that purpose by the joint call of their respective authorities, which met accordingly at Ta-ka-to-ka, on Monday the 3d day of June, 1839:

And whereas, the representative branches of said general council having been unsuccessful in effecting the objects for which the general council was convened, the people, who formed a constituent branch of said general council, called a national convention of the people of the eastern and western Cherokees to meet at Illinois camp ground, July 1, 1839, to take those important matters into consideration: which convention has assembled accordingly, and is now in session:

And whereas, in the interval between the call and the meeting of this national convention, the unhappy fact of Major Ridge, John Ridge, and Elias Boudinot's being killed occurred. In consequence of which, violent threats against the lives of innocent and peaceable citizens were made by some of the friends of the deceased, by which the tranquility of the community has been interrupted, and a state of excitement and alarm produced, dangerous to the public safety and destructive to domestic and social order:

And whereas, the unfortunate persons deceased, together with others in connection with them, had by their acts unhappily exposed and laid themselves liable to the pains and penalties and forfeitures of outlawry:

Therefore, in order to stop the further effusion of blood to claim [calm] the present unhappy excitement, and to restore peace and harmony and confidence to the community, we, the people of the eastern and western Cherokees in general council assembled, in our own name, and by the authority and in the exercise of our plenary powers, do ordain and decree; and by these presents it is ordained and decreed accordingly; that a full and free pardon and amnesty be, and is hereby granted to all those persons who are liable, as aforesaid, to the pains and penalties and forfeitures of outlawry, and that they be fully exempted, released, and discharged from all liability to prosecution or punishment of any kind whatever, on the aforesaid account. And that they be restored to the protection of the community, and the enjoyment of the benefits of the laws, to all intents and purposes, as if the acts which rendered them liable to the penalties aforesaid, had not been committed—excepting, that they shall not be eligible to any office of profit, trust, or honor, in the eastern and western Cherokee community, or under any union or other modification of said communities which may be effected.

Nevertheless, the general council shall have the power, after the lapse of five years, if in their opinion the good conduct of any person or persons affected by this decree shall render it proper, to revoke, with regard to such person or persons, that portion thereof which declares them ineligible to office, and thereby restore them to the enjoyment and exercise of all the immunities and franchises of the community; provided, however, that in order to guard the public peace and the personal security of the citizens from being endangered by the operation of this decree, the benefits of its provisions shall be available to those persons only, who shall within eight days* after the

* Note—Ordered by the Cherokee people in general convention assembled, that inasmuch as information concerning the decree of amnesty passed on the 7th inst., had not reached some of the persons affected by its provisions; that the time specified for their giving assurances for the future maintenance of peace be extended until further provisions shall be made by the convention for that purpose. The intention of the

passage of this decree (appear) before the general council, and shall retract or disavow any threatenings which may have been made by themselves or their friends against the life or lives of any citizen or citizens of the eastern or western Cherokee nation, or against that of any other person in revenge or as retaliation for the death of the unfortunate persons deceased, or for any other cause, and shall give satisfactory assurances that for the time to come they will demean themselves as good and peaceable members of the community. That in order effectually to carry out the intentions of this decree, to suppress disturbances, to remove public nuisances, and to preserve good order and tranquillity, eight auxiliary police companies shall be organized throughout the country by voluntary associations; each company to be commanded by a captain and lieutenant and such subordinate officers as may be required, who shall be elected by the people, any of whom may also be removed by the people whenever they deem it expedient. The whole of these companies to be under the general command of Jesse Bushyhead, 1st, and Looney Price, 2d, in command: provided always, that the general council shall have the power by law to control, modify, suspend, or discontinue, these police companies as the welfare or safety of the country may require.

Given under our hands at Illinois camp ground, the 7th day of July, 1839. By order and on behalf of this general council of the eastern and western Cherokees in national convention assembled.

Numerously signed by the people in convention.

—Report of the Commissioner of Indian Affairs, accompanying the Report of the Secretary of War for 1839, pp. 391-92.

APPENDIX XIX—5.

ACCEPTANCE PLEDGE.

Whereas, by a decree of the general council of the eastern and western Cherokees in national convention assembled, at Illinois camp, July 7th, 1839: It is provided, that a full and free pardon and amnesty be granted to certain persons, who, by their acts, had exposed and laid themselves liable to the pains and penalties of outlawry; and that they be fully exempted, released, and discharged from all liability to prosecution or punishment, of any kind whatever, on the aforesaid account; and that they be restored to the protection of the community, and to the enjoyment of the benefits of the laws. Provided, however, that the benefits of this decree shall be available to those persons only who shall retract or disavow any threatenings which may have been made by themselves or their friends against the life or lives of any citizen or citizens of the eastern or western Cherokee nation, or that of any other person or persons, in revenge for the death of Major Ridge, John Ridge, and Elias Boudinot; and shall give satisfactory assurances that for the time to come they will demean themselves as good and peaceable citizens of the community.

Now we, the undersigned, gratefully accepting the clemency of our people, humanely provided for our benefit and relief, do, in the presence of the Supreme Judge and Searcher of all hearts, and in the presence of this great assembly, hereby sincerely acknowledge our error, and express our deep contrition for the same; and we do declare our readiness to submit to our people, and to make all the reparation in our power for the injury we have done; and we do hereby recall and retract any threatenings which may have been made by ourselves or any of our friends against the life of any person whatever, and we do disavow any such threats made by any of our friends in revenge or retaliation for the death of the persons aforesaid, or for any other cause; and in conformity with the requirements of the ordinance and decree aforesaid, we do, in the presence of the Supreme Judge, and of this general council, solemnly pledge ourselves to abstain from all acts which may in any way or man-

ner disturb the peace and endanger the security of the community or of any individual thereof. But that, for the time to come, we will sacredly regard these our solemn assurances, and in good faith demean (ourselves) as good and peaceable citizens, in fulfillment of the obligations involved in this pledge, and in the true intentions of the ordinance and decree.

Given under our hands, by order of the General Convention, this 13th day of July, 1839.

True copy. S. G. SIMMONS, A. D. C.,
and A. A. Adj. Gen., 2d Dept., W. Div.

ner disturb the peace and endanger the security of the community or of any individual thereof. But that, for the time to come, we will sacredly regard these our solemn assurances, and in good faith demean (ourselves) as good and peaceable citizens, in fulfillment of the obligations involved in this pledge, and in the true intentions of the ordinance and decree.

Given under our hands, at Illinois camp ground, in the presence of the national convention, this 10th day of July, 1839.

GEORGE CHAMBERS, his x mark
JESSE HALFBREED, his x mark
TE-KA-E-SHE, his x mark
WM. H. DAVIS,
TAH-YE-SKE, his x mark
JAMES FOSTER,
CHARLES FORMAN.

Witness:

DANIEL MC COY,
R. TAYLOR,
GEO. LOWRY,
JESSE BUSHYHEAD.

—Report of the Commissioner of Indian Affairs, accompanying the Report of the Secretary of War for 1839, pp. 392-93.

APPENDIX XIX—6.

DECREE OF OBLIVION.

Know all men by these presents, that, in order to stop the further effusion of blood, to calm the present unhappy excitement, and to restore peace and harmony and confidence to the community, we, the people of the eastern and western Cherokees in national convention assembled, in our own name, and by the authority and in the exercise of our plenary powers do ordain and decree, and by these presents it is ordained and decreed accordingly, that a full and free pardon and amnesty be and is hereby granted all persons, citizens of the eastern and western Cherokee nation, who may be chargeable with the act of murder or homicide, committed on the person of any Cherokee previously to the passage of this decree; whether the same may have been committed within the limits of the eastern or western Cherokee country or elsewhere. And by the authority aforesaid, we do further ordain and decree, that all persons so chargeable are, and by these presents are declared to be, fully exempted, released, and discharged from all liability to prosecution, punishment, or disabilities of any kind what ever, on the aforesaid account; and that they be restored to the confidence and favor of the community, and the enjoyment and protection, and benefits of the laws, to all intents and purposes as if the act or acts for which they stand chargeable had not been committed.

Given under our hands, at Illinois camp ground, this 10th day of July, 1839. By order of the national convention.

GEORGE LOWRY,
GEORGE GUESS,
Presidents of Convention.

Vice-Presidents:

Young Wolf,	George Brewer,
Lewis Melton,	John Benge,
Jack Spears,	Charles Gourd,
Luney Riley,	James Campbell,
Ah-sto-la-de,	Looney Price,
Te-ge-ton-les-ge,	Lewis Ross,
Tobacco Will,	Edward Gunter,
James Brown,	John Drew,
David Melton,	Moses Parris,
Richd. Taylor,	George Hicks,
Jesse Bushyhead,	Charles Coodey,
Thomas Foreman,	Archd. Campbell,
Thomas Candy,	his x mark
Te-no-la-wes-ta,	Daniel McCoy.

By order of the convention.

JOHN ROSS,

Principal Chief of the Eastern Cherokees.

—Report of the Commissioner of Indian Affairs, accompanying the Report of the Secretary of War for 1839, p. 393.

APPENDIX XIX—7.

LETTER OF GENERAL ARBUCKLE.

Head Quarters, 2d Dept., W. Division,
Fort Gibson, October 8, 1839.

Sir: I had the honor to transmit, for the information of the Government, on the 2d instant, the copy of

a demand to Mr. Ross by Captain Armstrong and myself for the murderers of the Ridges and Boudinot, together with his reply thereto, in which he not only refuses to deliver them up, but denies the right of the United States to try or punish them. Mr. Ross also denies any knowledge of the murderers, yet from information received not only from his enemies but his friends, it appears that the death of the Ridges and Boudinot was determined on at the Double Spring council ground in June last, and that the party that killed John Ridge started from that council ground for that express purpose; and John Ross was at this time performing the duties of head man, or principal chief, of the emigrant Cherokees—still he denies any knowledge that these acts were to be committed, or of the persons who committed them. These circumstances, together with the subsequent proceedings of Mr. Ross, with which you have been furnished, will enable the Government to judge for itself as to the truth of Mr. Ross's assertions.

Although I have received assurances from some of the principal men of the Cherokee nation, that no resistance would be made to the troops in executing the orders of the Government, yet I have subsequently received information that Daniel Colston, one of the individuals implicated, says he will assemble his friends and sell his life as dearly as possible, should any attempt be made to take him; and I am apprehensive, that, notwithstanding the influence of the chiefs will be exerted to prevent the lower class of Indians from opposing the troops, they may be induced to do so in consequence of the excited state of feeling in the Cherokee nation at this time. Information has also been received, that, since the demand for the murderers, John Ross has sent beads and tobacco to the chief of the upper Creeks; and, it is presumed, has made similar friendly overtures to the surrounding tribes. These circumstances, together with my own conviction that the troops may be opposed, and thereby cause a war between the United States and the Cherokee nation, have induced me to notify the Governor of Arkansas that the militia of the State may be required; and also to request the Governor of Missouri to have a brigade near the southwestern border of his State in readiness to turn out to defend their border—at the same time informing him that I was not authorized by the Government to make this call, yet circumstances might render such a measure necessary.

I have also requested the Creeks to organize themselves into companies and regiments, that they might act in conjunction with other troops, should their services be required by the United States. Although I believe that the great majority of the Creek nation are friendly disposed towards the United States at this time, still I know not how far the measures of Mr. Ross may affect them; I cannot believe so far as to cause them to act against the United States, but perhaps to remain neutral. Some of the band of Alligator, a Seminole chief, who has located himself in the Cherokee nation, with about one hundred warriors, lately paid a visit to John Ross.

The demand for the murderers would have been deferred until the dragoons were ready to act (which they were not, in consequence of being separated from their horses), had it not been supposed by Captain Armstrong and myself, that such a demand would prevent others of the treaty party from being killed—an attempt having been made to that effect but a short time previous.

Lieut. Colonel Mason has now sent for his horses, and I shall be able in a week or two to commence operations in seizing such individuals as have been, or may be reported to me, who will, I have no doubt (if they do not determine on resistance), leave the country so soon as they find they are closely pressed by the troops.

I deem it necessary to remark, that the small number of officers present with the dragoons, and the sickly condition of his men, will render Colonel Mason's command less efficient than I could wish—as it will be seen that the dragoon force is best suited for the service required.

I am, sir, respectfully, your obedient servant,
M. ARBUCKLE,
Brevet Brig. General, U. S. A.

Brig. General R. Jones,
Adjutant General, Washington City.

—Report of the Commissioner of Indian Affairs, accompanying the Report of the Secretary of War for 1839, pp. 422-24.

APPENDIX XIX—S.

LETTER OF GENERAL ARBUCKLE.

Head Quarters, 2d Dept., W. Division,
Fort Gibson, September 4, 1839.

Sir: I have not written a line to Mr. Ross or his convention since my letter to you of the 14th ultimo, nor have I since then received any communication from that convention.

I visited Fort Smith late in August, and understood, in passing through the Cherokee nation, that the emissaries of Mr. Ross were passing through the Cherokee country with the object of collecting and bringing to the convention as many of the old settlers as possible; and since my return here, I am informed that John Looney, one of the principal chiefs of the old settlers, has joined the late emigrants, and that a number of the old settlers had assembled and deposed the chiefs, Brown and Rogers, and declared them ineligible to any office of honor or profit in the Cherokee nation, hereafter, in consequence of their having referred their dispute with the eastern Cherokees to the Government of the United States, and for other offenses, of which I am not particularly informed; and it is said that this is the day on which an election is to take place at the convention ground for all the officers required for the new government of the Cherokee nation.

I am of the opinion, that Mr. Ross and his adherents have induced so many of the old settlers to join them, that the chiefs Brown and Rogers, and their friends, will not attempt any resistance to the new government, yet the means that have been employed to establish that government will no doubt long disturb the harmony of the Cherokee nation, and be the cause of frequent quarrels and violence between individuals, or small parties.

You will herewith receive a copy of a decree of the convention, handed to me on the 2d inst., with a letter from George W. Adair, John A. Bell, and others, under date of the 30th ult., a copy of which is herewith enclosed; also of my reply thereto on the 2d inst.

I am in hopes that Adair, Bell, and others, who have offended by signing the late Cherokee treaty with the United States, will keep themselves out of the way of the friends of Mr. Ross, until instructions from the Government are received in relation to them.

I am, sir, very respectfully, your obedient servant,
M. ARBUCKLE,

Brevet Brig. General, U. S. A.
Brigadier General R. Jones,
Adjutant General, Washington City.

P. S.—Since writing the foregoing, I have addressed a communication to Mr. Ross and his convention, a copy of which is herewith enclosed. M. A.

—Report of the Commissioner of Indian Affairs, accompanying the Report of the Secretary of War for 1839, pp. 412-13.

APPENDIX XIX—9.

OLD SETTLERS EXPLORE MEXICO.

"In the fall of 1845 the bulk of Old Settler and Treaty parties, having become satisfied that it would be impossible for them to maintain a peaceful and happy residence in the country of their adoption while the influence of John Ross continued potent in their national government, resolved to seek for themselves a new home on the borders of Mexico. A council was therefore held at which a delegation (consisting of forty-three members of the Treaty and eleven of the Old Settler party) was chosen to explore the country to the south and west for a future abode. They rendezvoused at the forks of the Canadian and Arkansas Rivers, and, after electing a captain, proceeded via Fort Washita, crossing the Red River at Coffee's trading house, and following the ridge dividing the waters of the Trinity and Brazos to the latter river, which they crossed at Basky Creek [Bosque River?]. Here they found a small settlement of sixty-three Cherokees, who had moved in the preceding June from a place called by them Mount Clover, in Mexico.

"Among their number was found Tessee Guess, the son of George Guess. [His wife was Rebecca Bowles,

the daughter of Chief Bowles.] Leaving Brazos the explorers traveled westward to the Colorado, reaching it at the mouth of Stone Fort Creek, beyond which they proceeded in a southwesterly direction to the San Sabba Creek, at a point about 40 or 50 miles above its mouth. They returned on a line some 60 miles south of their outgoing trip, and with their friends held a council at Dragoon Barracks in the Cherokee Nation. At this meeting it was decided to ask the United States to provide them a home in the Texas country upon their relinquishment of all interest in the Cherokee Nation, or in case of a refusal of this request that the territory of the nation be divided into two parts, and a moiety thereof be assigned to them with the privilege of adopting their own form of government and living under it.

"The governor of Arkansas and General Arbuckle both concurred in the conclusions reached by this council, and urged upon the authorities at Washington the necessary legislation to carry the same into effect."—Charles C. Royce: "The Cherokee Nation of Indians," fifth annual report of the Bureau of Ethnology, pp. 302-03.

APPENDIX XXI—1.

THE STORY OF A MEXICAN CAPTIVE.

The life-story of Vincente, or George Chisholm, was secured from him in person, by the writer (J. B. T.) in January, 1914, at Holdenville, Oklahoma, near which he was then making his home. Stated briefly, it was as follows:

Vincente de Huersus (as it was pronounced—he could not spell), was born in Mexico about 1835. His parents were well-to-do Spanish-Mexican people, who were land owners. One morning when he was eight or nine years of age, his father sent him to drive the horses in from the pasture. He had just rounded up the horses when a Comanche war party pounced on to him and made him a prisoner. They then drove the horses on up to the ranch headquarters where they killed his parents and several other people, burned the buildings and carried him and his little sister away as prisoners.

The Comanche warrior who had captured him, kept him as a slave. He was kindly treated but was not allowed his liberty out of sight. He lived with the Comanches a number of years—he did not remember exactly, but supposed it must have been at least six or seven. Then, one day, his master went away with a war party on another raid beyond the Rio Grande, into Mexico. Some weeks later some of the members of this party returned and reported that they had met a company of Mexican soldiers, with whom they had had a battle and that the rest of the members and warriors in their party had been killed, including his master. A little later, the members of this particular Comanche band prepared to hold a funeral ceremony for this slain master. At this time, Vincente, as he put it, was "a good big chunk of a boy"—possibly fifteen or sixteen years old. The funeral ceremony which had been planned for his dead master, was quite an elaborate one. First, all of his master's finest wearing apparel was brought out and Vincente was told to don it for the occasion; then one of the master's favorite horses was led up and Vincente was directed to mount it, which he did. As he sat on the horse's back, waiting for the ceremony to begin, another Comanche, whom he did not know—a warrior who belonged to another band—came up and looked at him a few moments, then turned and left; shortly afterward he returned leading another good horse, which he tied to the neck of the horse upon the back of which Vincente was seated. Then he signed Vincente to dismount, after which he took all of the dead master's beaded buckskin wearing apparel away from him and threw it over the saddle, at the same time telling him to follow, as he led the way back to his lodge.

After Vincente had followed the strange warrior to his lodge, the latter proceeded to tell him that when a great Comanche died, it was the custom to kill his favorite war-horse to ride in the happy spirit land; also that, sometimes, a favorite servant was likewise killed, so that he might accompany the spirit of his master to the life beyond and serve him there. He then concluded by informing Vincente that such

an action had been planned in his case, but that he (the strange warrior) had traded another horse for him (Vincente) so that the new warrior was now his master with whom he should make his new home. In telling about this Vincente said:

"That make me feel queer. I not know about it. I not know how soon my new master go away, get killed in raid and I not know whether some one else trade for me next time. So I make up my mind to get away from Comanche. There was trader in camp—Black Beaver, Delaware Indian—you mentioned him last night—he good man. I go tell him 'I want to get away from Comanche. I want him buy me.' He say, 'No boy, goods all traded, Indian no take buffalo robes back, no take horses back.' Then I say, 'I have to run away and maybe so, I starve.' Then he say 'no, boy, you wait 'nother trader he come, he good man—he trade for you. He buy you.'"

So Vincente waited. Several days later his new master's horses were gone. His master had a big mule which had strayed off and the horses had followed him. Vincente was sent out to look for them early in the morning. He had on a pair of moccasins and breech-clout and a little ragged buffalo robe which barely covered his body. His arms and legs were bare and the snow was lying in patches on the prairie. He was cold and hungry, but he could find no trace of the big mule and the new master's herd of ponies. He was afraid to return to the Comanche camp without the ponies, lest he be punished for not finding them. He rode "until the sun was up there," and he pointed about an hour past noon.

He sat on the horse, on top of a hill, looking down a long valley which stretched away toward the east. Far away he saw something glisten. He did not know why, but it attracted him. He got down into the valley and went toward it. Occasionally he would ride up out of the valley and take another look. Finally he saw it was some men with wagons and teams, and it had been the reflection of the sun from one of the wagon tires he had seen glistening. He rode over and found that these men had just gone into camp for the day. They were traders. He said, "That was the first time I ever saw the old man," meaning Jesse Chisholm.

The men were making a fire preparatory to cooking a meal. Vincente asked if they had seen a big mule followed by a herd of ponies. None of them had, but Chisholm said, "Sit here by the fire and get warm. The hunters will come in after a while and maybe they have seen the ponies." So Vincente waited and he was almost famished, with the smell of cooking meat in his nostrils. After a little while the hunters did come in and, sure enough, one of them had seen the big mule and the ponies that belonged to his new master. So he rode away to find them, Chisholm calling after him to tell him to drive the ponies back that way before he started to drive them to the Indian camp.

When Vincente drove the ponies up to the traders' camp, he found dinner ready. After he had eaten all he wanted, he approached Chisholm just as he had spoken to Black Beaver and told him his plight and asked his help. In reply, Chisholm said:

"Drive the ponies back to your master's lodge. Tell the Comanches not to move, that I am coming to trade. We will talk about getting you away from the Comanches after I am at their camp."

So, with a hopeful heart, Vincente drove the ponies back to the camp of his master's Comanche band. Late in the afternoon of the next day, Chisholm's two wagons drove up and went into camp a short distance from the Indian village. The next morning, Vincente's new master told him to catch the big mule and bring it up to the lodge, which he did. He then told Vincente to lead the mule and follow him, as he led the way over toward the trader's camp. After arriving there, the new master proceeded to explain by the sign language that he wanted to trade the big mule for some goods, to which Chisholm responded, likewise by signs, in effect, saying:

"I do not want that big mule. I will trade for that boy." Immediately the warrior signed back, "No, he Comanche boy—no trade." Chisholm then made sign, "If I cannot trade for that boy I will not trade at all. I go to some other band to trade."

The Indian protested and other warriors joined him in the protest, but Chisholm was firm and would not

trade unless he could trade for the boy. They finally made him give, "a good horse and a pile of goods that high," indicating with his hand a space fifteen inches from the ground, which he said was filled with a blanket, some broadcloth, red flannel, calico, knives, tobacco, a looking glass, beads, brass wire, and other items such as were treasured by the Indians of that time. Vincente said that during the rest of Chisholm's stay in that camp he stayed very close to Chisholm, because he knew if the Comanches could coax him away they would run him off where the trader would never see him again.

Several days later, when Chisholm loaded his wagon and prepared to start on the homeward trip, several Comanches came and whispered to him, suggesting that he wait until the trader got a day or two away, then steal several of his best horses and come back—"but you bet that was just what I was not going to do," he added.

Then he told of being taken back to Chisholm's home near the mouth of Little River, where he was adopted as a member of the Chisholm family, and called George Chisholm. He said, "the old man called me 'son' and I called him 'father,' and we loved each other like father and son."

George Chisholm then told of the other adopted captives that had likewise been taken into the kind-hearted trader's home, naming them on his fingers until he had told off nine, including himself. He said, "we were all Mexicans except one, Jackson Chisholm," and here he pulled up his sleeve to show the bleached skin of his fore-arm was white—meaning he, this other boy, was white, and possibly American.

Vincente, or George Chisholm, then told of his life with his foster father down until the old man died. The writer asked him what year it was that Chisholm rescued him from captivity among the Comanches. He shook his head and said, "I don't know. I was a right smart chunk of a boy."

As the writer was anxious to know when this rescue had taken place, he asked several questions, answers to which might have thrown some light upon the possible time of such a rescue. Finally, he asked:

"Do you remember the first year that so many people went to California?" At this inquiry, the old man's eyes brightened, and he said:

"Oh, yes, I saw train after train go up by the Arkansas River." To which the writer added:

"On the Santa Fe Road, in Western Kansas?" To which the old man nodded in the affirmative, adding:

"But I was with the Comanches then." The next question was:

"Did you ever see any other trains go after that?" To which he responded:

"Yes, I saw big train go up the Canadian River Road next year, but I was with the old man then." And thus the date of his rescue from captivity was determined to have been the winter of 1849-50.

After the death of Jesse Chisholm, Vincente, or George Chisholm, as he was then better known, became a civilian scout and interpreter at Fort Sill, where he lived from the time of its establishment until 1874. He said he used to see his sister occasionally. She had grown to womanhood among the Comanches and became the wife of a Comanche warrior. He said she was the mother of twin sons, who were accounted about the most intolerable and irreconcilable warriors in the whole Comanche tribe. During the last general outbreak in 1874, Vincente took offense at some treatment accorded to him by General McKenzie, who was in command at Fort Sill, whereupon he resigned his position as scout and interpreter, and returned to the Creek Nation, his wife being a member of that tribe.

The writer saw George Chisholm last, in the summer of 1917, and later learned that the kind-hearted old man died less than a year afterwards.

APPENDIX XXII—1.

JOHN R. BAYLOR'S LETTER

The attitude and disposition of John R. Baylor with regard to the treatment to be accorded to Indians is presumably fairly reflected in the following letter, which was written by him to one of his military subordinates several years later, and which is extracted from the Official Records of the Union and Confederate Armies, Series I, Vol. L, Part I, p. 942:

Headquarters Second Regiment,
Texas Mounted Rifles,
Mesilla, March 20, 1862.

Captain Helm,

Commanding Arizona Guards.

Sir: I learn from Lieut. J. J. Jackson that the Indians have been in to your post for the purpose of making a treaty. The Congress of the Confederate States has passed a law declaring extermination to all hostile Indians. You will therefore use all means to persuade the Apaches or any tribes to come for the purpose of making peace, and when you get them together kill all the grown Indians and take the children prisoners and sell them to defray the expense of killing the Indians. Buy whisky and such other goods as may be necessary for the Indians and I will order vouchers given to cover the amount expended. Leave nothing undone to insure success, and have a sufficient number of men around to allow no Indian to escape. Say nothing of your orders until the time arrives, and be cautious how you let the Mexicans know it. If you can't trust them send to Captain Aycock, at this place, and he will send you thirty men from his company—but use the Mexicans if they can be trusted, as bringing troops from here might excite suspicion with the Indians. To your judgment I intrust this important matter and look to you for success against those cursed pests who have already murdered over 100 men in this Territory.

JOHN R. BAYLOR,
Colonel, Commanding.

APPENDIX XXII—2.

RESOLUTIONS OF MASS MEETING IN PARKER COUNTY.

Two mass meetings of the citizens of Parker County were held, both convening at Weatherford, the first on June 20, 1859, and the second three days later. The resolutions adopted at the first meeting were positive and vigorous but evidently not sufficiently lurid to quicken the passions and fire the hearts of the settlers, hence the same committee on resolutions brought in a much more incendiary report at the second meeting (Annual Report of the Commissioner of Indian Affairs, 1859, pp. 317-18), one paragraph of which is reproduced below. Incidentally, it is worthy of comment that John R. Baylor was present at the first Weatherford meeting, hence the second meeting, with its more inflammatory resolutions. The paragraph thus inspired read as follows:

"We call upon you, fellow-citizens, in the name of all that is sacred; in behalf of suffering women and children, whose blood paints afresh, from the Red river to the Rio Grande, day by day, the scalping-knife of the savage foe; in the name of mothers whose daughters have been violated by the 'reserve Indians,' and robbed of that virtue which God alone can give—come, come, fellow-citizens; arouse, and take action before the number of deaths of tender infants, mothers, fathers and aged grandsires is swollen to a more frightful extent by our sluggish action or supine indifference!"

APPENDIX XXII—3.

SUPERINTENDENT RECTOR'S EXPLORATION.

Elias Rector, superintendent of Indian Affairs for the Southern Superintendency, with headquarters at Fort Smith, was directed by the Commissioner of Indian Affairs to examine the country west of the 98th Meridian and north of the Wichita Mountain range for the purpose of finding a suitable location for the settlement of the Indians of the Texas reserves and also for the Wichita tribe and those of the White Bead band of the Caddo tribe, which had always ranged in the Indian Territory, north of Red River. After this tour of exploration, he was to hold a conference with Major Neighbors, at Fort Arbuckle, concerning the organization of the proposed new agency for all of the tribes above included. Superintendent Rector's report to Commissioner A. B. Greenwood was embodied in a letter dated at Fort Arbuckle, *Ibid.*, on July 2, 1859.

Leaving that post on June 18th, with an escort of

fourteen cavalymen, under the command of Lieutenant David S. Stanley, and, accompanied by Samuel A. Blain, agent for the Wichita tribe, who was to assume charge of the new agency, and by William Quesenbury, of Arkansas, who was acting as clerk, and a number of Caddo, Delaware, Keechi and Wichita chiefs, leaders, scouts and guides, the expedition moved westward toward the Wichita Mountains. Four days later, it was stated that "we reached the site indicated for a fort by Major Emory (the site upon which Fort Sill was established, ten years later), being that of the old Wichita village, on the Clear Fork of Cache Creek (Medicine Bluff Creek), south (east) of the Blue Mountain (Mount Scott), a principal peak of the Wichita range, and immediately below the volcanic hills (Medicine Bluff) that lie along the south (east) side of that range."

After having satisfied himself that there was not in that vicinity sufficient land of a suitable quality for the proposed Indian settlement, the expedition moved over to the Keechi Hills, about twenty-five miles northeast of Medicine Bluff Creek, where neither the soil nor the water supply seemed to be satisfactory. A close and fairly accurate description of the country thus examined was included in the report, such as the composition and quality of the soils, rock, timber and other vegetation, streams, water, etc. From the Keechi Hills the route of the expedition followed the valley of Tonkawa Creek to that of the Washita. The Superintendent was not very favorably impressed with the natural resources of the country until he reached the valley of the Washita River, about two miles east of the site of the present county seat town of Anadarko. He was quite enthusiastic over the beauty and fertility of the river valley, where he proposed to locate the settlements of the several Indian tribes which were to be attached to the new agency, that was to be added to the jurisdiction of his superintendency. It was proposed to scatter these Indian settlements from the mouth of Sugar Tree Creek (now called Sugar Creek), which is several miles below the site of Anadarko, to other points in the valley, both above and below, while the Wichita and Keechi people elected to settle in the valley of a small creek that was tributary to the Canadian, twenty miles to the north, which he approved without visiting it in person. It was expected that the Absentee Shawnees, Penetaka Comanches and Tonkawas, who had not yet looked over the ground, would decide to locate in the river valley above the Caddoes and Delawares, while the Waco and Towakony tribes would locate with the Wichita.

Superintendent Rector selected as the site of the new agency a spot on the south side of the Washita, nearly opposite the mouth of Sugar Creek. After making this inspection, he turned his course toward the upper valley of the Little Washita, west of the 98th Meridian (which was the eastern boundary of the Leased District within which these tribes were to be settled), but he saw no reason for changing the locations already selected on the Washita. From thence he returned to Fort Arbuckle, where he met Major Neighbors, who had arrived from Texas, earlier that same day—June 30. The latter was accompanied by chiefs and headmen of the Penetaka Comanche, Texas Caddo, Towakony, Waco, Anadarko and Tonkawa bands and tribes.

With Major Neighbors, Agent Blain, Lieutenant Stanley and others, Superintendent Rector then had an extended conference and, afterward with the representatives of the various Indian Tribes. All interests involved were carefully considered. In concluding his report he made a number of pertinent observations and recommendations, stressing the fact that most of the Indians to be assigned to the new agency would need to be largely rationed at Government expense until they could get their little fields broken out and fenced, which he estimated at two years. Preparations for the early removal of the people of all of these tribes to the new locations which had been thus selected, were begun immediately afterward, Major Neighbors returning to Texas to give the matter his personal attention.

APPENDIX XXII—4.

BIOGRAPHICAL SKETCH OF ROBERT S. NEIGHBORS.

Robert S. Neighbors was born in Virginia (locality not recorded), November 3, 1815. His parents died while he was young and, at the age of nineteen, he left for the Southwest. He stopped for a time in Louisiana. The news of the fall of Alamo was like a trumpet call to hundreds of young Americans who thronged to Texas to aid in the struggle for its independence, and Robert S. Neighbors was one of those who made haste to respond. He enlisted in Captain Hayden Arnold's company, with which he participated in the battle of San Jacinto. He subsequently served with the Texas Rangers and he is said to have been a member of Kendall's Santa Fe expedition, in 1839, whence he was taken with other prisoners to the city of Mexico, where they were held for more than a year before their release.

Shortly after his return to his home at San Antonio, the Mexican General Woll invaded that place. Neighbors was acting as clerk of the District Court, which was in session and he was captured with other court officials, September 11, 1842, and, with fifty-two other Texans, was carried to the Castle Perote, where he was imprisoned until March 23, 1844, when with others he was released at the urgent request of General Waddy Thompson, the United States minister.

Early in 1845, Neighbors was appointed by the Republic of Texas as agent for the Tonkawa (Tonkawa) and Lipan tribes of Indians. He was reported to be quite successful in his management of the affairs of these Indians. He assisted the United States treaty commissioners (Pierce M. Butler and M. J. Lewis) in negotiating the treaty with seven tribes of Indians, on the Brazos River, in the spring of 1846, and, with one of the agents selected to accompany the delegation of chiefs which went from that important council on a visit to Washington. After his return from Washington he was appointed special Indian Agent for the Indians of the State of Texas, a position which he filled acceptably until August, 1849, when he was superseded by a partisan appointee of the Taylor administration. He served then for a time as commissioner of the State for the organization of new counties in which capacity he succeeded in organizing the county of El Paso, whose people had been Mexican citizens and who were hostile to Texas until a short time before.

He was then elected a member of the Fourth Legislature of Texas, representing the counties of Bexar and Medina in the lower house. There he served as chairman of the Committee on Indian Affairs, in which capacity he was instrumental in securing the passage of a joint resolution authorizing the governor of Texas to enter into negotiations with the President of the United States for the purpose of establishing an Indian territory in the northern part of Texas, to serve as the home of all the Indians of the tribes living in Texas at the time of its annexation. Though nothing came of this proposition, it gave evidence of his farsightedness.

In 1853 he was appointed to a position as supervising agent in the United States Indian Service and was assigned to the general supervision of all Indian affairs in the State of Texas, with three agencies under him. In 1854 he assisted Captain R. B. Marcy in selecting his reservations on the Brazos River, upon which the various small tribes and fragments of tribes were to be concentrated under agreement between the Federal Government and the Texas authorities. The Indians were located on these reservations during the following year. The dismissal of a jealous-hearted subordinate was followed by a deliberate and systematically directed endeavor to poison the minds of the inhabitants of neighboring counties against the Indians living on the Brazos reservations, and the same spirit of mischievous malevolence aimed its shaft against Supervising Agent Neighbors.

While on his way home from the valley of the Washita, whither he had taken the Indians to a place

of safety, he walked unafraid, into the settlement near the recent agency of the Lower Reserve, where cowardly assassins were thirsting for his blood. There he was shot down by a man to whom he was an entire stranger and died a few minutes later, September 13, 1859. His tragic death occasioned great sorrow among thousands of Texans who had known him and who appreciated his services to Texas, both as Republic and as a State, and to the Federal Union; but by none was he mourned more deeply than by the Indians of the tribes of the Washita, whom he had befriended and protected; they are said to have moaned and wailed for many days after learning of his death. Indeed, it was reported that it was with difficulty that their new agent prevented some of them from stealing away to wreak summary vengeance upon his assassins. His interest in and friendship for the Indian people was always marked. He was quoted as an authority on the Comanches in Schoolcraft's "History of North American Indians." His home was on a ranch on the Salado, six miles from San Antonio, in the vicinity of which some of his descendants still live.

APPENDIX XXIII—1.

RUNAWAY SLAVE IN THE CHEROKEE NATION.

Rev. C. C. Torrey, who was in charge of the Fairfield Mission for a time, related in his reminiscences of life in the Cherokee Nation an incident in which he was blamed for instigating a slave to run away, although he not only had nothing to do with the runaway but also would have been the loser as the result of misplaced confidence had the slave succeeded in making good his escape. Mr. Torrey's account of the affair was as follows:

"In July, 1856, we had in our employ a slave, David, by name, who was hired from his mistress. We were obliged to hire such help if any, and we always gave them money for their services beside what we paid their master or mistress. David was a Christian, a member of our church at Fairfield. He found that he was to be taken from us and sent elsewhere. He did not know whether he would be kindly treated by his new masters and dreaded the change, so he determined to run away. He asked to borrow my horse to go to Park Hill. He did not stop there, however, but kept on toward Kansas. He was overtaken, arrested and brought back and Doctor Worcester and I were charged with instigating and planning the escape, furnishing him with money and a horse for the purpose.

"This stirred up a general disturbance throughout the country. It was taken up in the legislature (council) and there was an effort made to secure my removal. I made an affidavit as to the real facts in the case, showing that I knew nothing whatever of David's plans. Then they tried to pass an act requiring all missionaries to appear before the United States agent and give an account of themselves, but this also failed."

APPENDIX XXIII—2.

THE JUBILEE SINGERS.

Among the slave servants hired at Spencer Academy in the Choctaw Nation, during the time that Rev. Alexander Reid was superintendent of the Academy (1849-61), were two old negroes known by the names of Uncle Wallace and Aunt Minerva, belonging to a citizen by the name of Britt Willis who lived near Doaksville. People who knew the old couple took delight in hearing them sing the songs, the words and melodies of which, Uncle Wallace himself composed as he worked in the cotton and corn fields of the Red River country. After the Civil War, when the Jubilee singers, a negro troop from Fisk University in Tennessee, began giving concerts to raise funds for educational work among the freedmen of the South, Reverend Reid had occasion to hear them sing in Newark, New Jersey. He related how he helped the Jubilees to success by giving them some of Uncle Wallace's songs, in a letter dated from Doaksville, January 15, 1884, to Rev. John Edwards, who had written him asking about the incidents. A portion of this letter as it appeared in "The Presbyterian," September 10, 1890, a few months after Reverend Reid's death, is as follows:

"My connection with the 'Jubilees' was in this wise.

In 1871, on their first visit to New York and its suburbs, Brooklyn, Newark, &c., and before they had become celebrated, they gave several concerts in Newark. J. S. and myself happened to be at the G.'s the night they gave their first concert. We and the whole G. family went to hear them. The G.'s and the audience were in raptures. The boys and myself were not, though we were much pleased. Such singing was new to them, but not to us. Some one asked the boys what they thought of the singing. They replied that it was good, but that they had often heard better singing at Spencer; that Uncle Wallace and Aunt Minerva could beat the best of them.

"At the close Professor White gave notice that they would give concerts in several other churches in the city that week, but told the people that they had so few plantation songs that they would not be able to make out a new programme for the following concerts. This he regretted. It flashed at once into my mind that I could furnish him some pieces—genuine plantation songs—equal to any I had heard that night, and thus help on the good cause of education among the Freedmen. I went and told Professor White this. He was delighted with the offer and appointed a day for me to meet the 'Jubilees' in Brooklyn.

"At the appointed time I went from Princeton, my headquarters then, to Brooklyn, and began the course of musical instruction. I gave the jubilee troop six songs in writing, spent a whole day in practicing them on the tunes, until they got them perfectly. I sometimes feel as if I must have been inspired for that special occasion. Though fond of music, I don't know one note from another, and never could master courage to start a tune in meeting. Yet on that day I stood up before Professor White and his trained 'Jubilees' (eleven of them) and sang my six songs over and over again until I had anchored the tunes firmly deep down in their hearts.

"Two of the songs became very popular, viz.: 'Steal away to Jesus,' and 'I'm a rolling, I'm a rolling,' etc. The first became the most popular of all the Jubilee singers' songs. It was one of the two songs sung before Queen Victoria [The Queen called for an encore of this song]. I have heard the Hutchinsons sing it at one of their concerts with a trumpet accompaniment to the words:

"The trumpet sounds in my soul,
I hain't got long to stay here."

"Professor White years ago assured me that by giving his 'Jubilees' those songs, just when I did, the very time of need, I had made the most valuable contribution to Fisk of any one person. When he was about to publish the 'Story of the Jubilees' with a selection of their songs, he wanted to state therein his indebtedness to me for the aid I had rendered. I was too modest to give my consent. My boys have told me often since that I missed the only chance I ever had of getting my name on the roll of fame. Maybe so.

"Now, thirteen years after I met Professor White in Brooklyn, I find myself here among the Freedmen trying to help them. If Uncle Wallace had a grandson or a granddaughter really worth sending to Fisk, I believe they would be received there and educated gratuitously for his sake, and Aunt Minerva's sake, from whom I learned 'Steal away to Jesus.' . . ."

The Jubilee Singers also made a tour of Germany, where they sang before large audiences. The Berliner "Musik Zeitung," a severely critical journal, printed a long article on the concert program of the Jubilees, saying in part: "Every musician felt then that the performances of these singers are the result of high artistic talent, finely trained taste, and extraordinary diligence. Such pianissimo, such crescendo, and a decrescendo, as those at the close of 'Steal Away' might raise the envy in the soul of any choir-master.

"Thus the balance turns decidedly in favor of the Jubilee singers, and we confess ourselves their debtors. Not only have we had a rare musical treat, but our musical ideas have also received enlargement, and we feel that something may be learned of these negro singers, if only we will consent to break through the fetters of custom and long use."

In 1883 Mr. Reid went to considerable trouble and expense to secure photographs of Uncle Wallace and Aunt Minerva for the walls of Fisk University. A few months later Uncle Wallace died and was buried in the negro burying ground about a mile and a half west

of Old Boggy Depot. At the beginning of the Civil War, Mr. John Kingsbury, the son of Rev. Cyrus Kingsbury, had taken the two old slaves and some of their children to Boggy Depot where they later received their emancipation.

APPENDIX XXIII—3.

A MISSIONARY'S ATTITUDE TOWARD SLAVERY.

Rev. John Edwards, missionary to the Choctaws from 1851 to 1861, gave his attitude toward slavery as follows:

"My sentiments on the subject of slavery were such that I could not live among them [i. e. the Choctaws] without giving offense. While esteeming it an undesirable institution, and therefore not to be perpetuated, and disapproving many of the laws connected with the system, and many of the proceedings under it yet I did not deem it necessarily a sin to hold slaves. It seemed to me that the possession of the amount of power over a fellowman conferred by it was not in itself wrong. All depended upon the way in which that power was used. It might be of benefit to both servant and master. But it was very liable to abuse, and was in fact often greatly abused. I never deemed myself fit to be a master. I would be altogether too easy. So I had no disposition to buy a slave even if I had had the means to do so.

"With these views I had no hesitation in receiving masters as well as servants to the communion of the church. I also hired slaves as necessity required. They were glad to be hired by the missionaries.

"I supposed that, in the war which was beginning in 1861, ministers would be regarded as non-combatants by both sides, and that they would not be expected to take up arms. So my expectation was to go quietly on with my work for the spiritual, as well as the temporal good of the Choctaw people, and of others dwelling among them. My idea was that at sometime in the future, perhaps a hundred years hence, God, in his providence, would have the slaves prepared in some better measure for freedom, and that then, perhaps by making the system unprofitable, he would bring it to an end. But His plans were quite different from mine, as events showed."

In another portion of the same manuscript, Mr. Edwards wrote how Mr. Libby, a mission worker among the Choctaws and a strong abolitionist, became a slaveholder.

"Mr. L. was from Maine. When he first came to Mr. Kingsbury's station as a laborer his views and feeling on the subject of slavery were such and so freely expressed that he made himself offensive. So after he had been there a year or two, it was thought best that he should leave there. In 1855, during our absence on account of Mrs. Edwards' health, the steward of our boarding school resigned. I corresponded with Mr. Libby in reference to taking the vacant place. He was willing. He said that the people at home who were making so great a noise on the subject of slavery were doing no good to any one. On the other hand the missionaries were doing good to all, white, red and black. He was willing to go back and hold his tongue. Secretary Treat asked me if I did not fear Mr. L. would make us trouble. I told him I thought he would not. So he was appointed.

"His predecessor had had in his employ old Aunt Eliza, who belonged to a young Choctaw. We had her a little while, but Mrs. E. could not tolerate her lack of neatness in her work. Aunt Eliza wished Mr. L. to hire her and he did. After a while her young master wished to sell her and she begged Mr. Libby to buy her. He yielded to her entreaties and bought her, paying \$200.00 for her. In course of time, her husband, Uncle Bob, was sold to a white neighbor, Mr. Hodges, a citizen by marriage, who purposed to sell him into Texas. He came to Mr. Libby and begged him to buy him, too. Their joint entreaties moved him to take pity on them and he bought him, paying \$500.00 for him. So the abolitionist had become a slaveholder."

In 1861, when a company of pro-slavery citizens from the Choctaw Nation and Texas visited some of the mission workers in order to ascertain their attitude toward the secession movement, one of the company said he vouched for Mr. Libby because he was a slaveholder himself. In writing of these incidents, Mr. Edwards added the statement, "Little did they imagine

that, when he had read the account of the great Union meeting in Union Square, New York, he said, 'Don't I wish I was there! I would volunteer.'"

APPENDIX XXIV—1.

"THE CORN SCANDAL" IN THE CHOCTAW NATION.

Under an award of the United States Senate in 1859, the sum of \$500,000 had been granted the Choctaws as a part of the \$2,981,247.30 due on the Net Proceeds claim, arising under the Removal Treaty of 1830. One-half of the \$500,000 was paid out to the Nation in cash, the balance being paid in bonds that remained in charge of the Government at Washington, and were later confiscated during the war, as rebel property. A large part of the cash payment was appropriated by the Choctaw Council for the purchase of corn in the winter of 1860-61, in order to provide supplies for the destitute members of the tribe, who were suffering from the results of the terrible drought of the previous summer. Only a portion of the corn that was purchased by Agent Douglas H. Cooper was ever distributed to the Choctaws; in addition it was suspected that he diverted some of the Choctaw funds to his own private use. When the General Council met at Doaksville, in June, 1861, the corn purchase was still in the process of settlement, a resolution being passed, asking Cooper to submit vouchers and an accounting for the money that had been turned over to him. There followed what was supposed to be a full and satisfactory settlement at the time. However, a few years after the close of the war, a bitter controversy arose among leading citizens in the Choctaw Nation over the collection of the \$250,000 in confiscated bonds, the payment of which had been provided for in the Choctaw Treaty of 1866, in connection with the long drawn-out Net Proceeds claim. As Douglas H. Cooper continued to be more or less involved in Choctaw affairs, especially in connection with the results of the negotiations of the Treaty of 1866, the old charges of the "corn scandal" were brought against him by his enemies.

In answer to these charges of fraud, Cooper made an explanation of the transactions of 1860-61, in which he said that all the funds allowed him were used legitimately in the purchase of corn after the drought of 1860. One large shipment was brought up the Arkansas River and distributed to the Choctaws near Skullyville. A portion of this shipment, however, was damaged in transit, but it was sold at a reduced price, rather than give out spoiled corn to the Choctaws, and the proceeds, something over \$5,000, was returned to the tribal authorities. A second large shipment which had been purchased in the North was detained on the Ohio River, as contraband cargo, by Federal authorities who claimed that it was being sent to the Confederate States. The third shipment was brought up the Red River, but on account of low water, the boats could proceed no farther than "the Raft." Due to the delay, the grain began to sprout and rot; rather than lose the whole amount of the purchase, it was ordered to be sold, Cooper detailing two Choctaw citizens to go down to Louisiana and attend to the business. They were supposed to have returned the proceeds to the proper tribal authorities, but no report was ever made by them, so Cooper testified.

After the war, a specific charge made against Cooper, by his enemies, was that he diverted the proceeds of the spoiled corn, sold near Skullyville (about \$5,000), for his own use. When an investigation was called by the tribal authorities to consider these charges, Cooper alleged (in his explanation a few years later) that many of the papers, receipts, etc., connected with the original settlement of 1861 were seized by one of the Choctaw citizens who had had charge of selling the spoiled corn on Red River and who had never made any report on the same. As it happened, the Choctaw citizen whom Cooper blamed with these charges of fraud had died before Cooper made his explanation.

Since the story of "the corn scandal" is a long one—one that involved politics far beyond the borders of the Choctaw Nation itself—all the details cannot be given in this short sketch, but it may be well to bear in mind that affairs in 1860 and 1861 were never more hazardous for the Choctaw people; conditions on the whole frontier were in a most chaotic state and, as a result, any business taking

place at the time would necessarily be more or less irregular in its transaction. In summing up the charges against Douglas H. Cooper, it may be said that he was his own worst enemy, in that the dissolute habits of a lifetime made him a victim of circumstances at the period when old age was creeping on and the course he had taken during the Civil War had won him no honors. Cooper may have been shrewd and designing, but it is also certain that after the Civil War he became the scapegoat for many misdeeds that may have been attempted or contemplated by others who were as guilty as he was in their relations with the affairs of the Choctaws.

APPENDIX XXIV—2.

RESOLUTIONS EXPRESSING THE FEELINGS AND SENTIMENTS OF THE GENERAL COUNCIL OF THE CHOCTAW NATION IN REFERENCE TO THE POLITICAL DISAGREEMENT EXISTING BETWEEN THE NORTHERN AND SOUTHERN STATES OF THE AMERICAN UNION.

February 7, 1861.

Resolved by the General Council of the Choctaw Nation assembled, That we view with deep regret and great solicitude the present unhappy political disagreement between the Northern and the Southern States of the American Union, tending to a permanent dissolution of the Union and the disturbance of the various important relations existing with that Government by treaty stipulations and international laws, and portending much injury to the Choctaw government and people.

Resolved further, That we must express the earnest desire and ready hope entertained by the entire Choctaw people, that any and all political disturbances agitating and dividing the people of the various States may be honorably and speedily adjusted; and the example and blessing, and fostering care of their General Government, and the many and friendly social ties existing with their people, continue for the enlightenment in moral and good government and prosperity in the material concerns of life to our whole population.

Resolved further, That in the event a permanent dissolution of the American Union takes place, our many relations with the General Government must cease, and we shall be left to follow the natural affections, education, institutions, and interests of our people, which indissolubly bind us in every way to the destiny of our neighbors and brethren of the Southern States, upon whom we are confident we can rely for the preservation of our rights of life, liberty, and property, and the continuance of many acts of friendship, general counsel, and material support.

Resolved further, That we desire to assure our immediate neighbors, the people of Arkansas and Texas, of our determination to observe the amicable relations in every way so long existing between us, and the firm reliance we have, amid any disturbance with other States, the rights and feelings so sacred to us will remain respected by them and be protected from the encroachments of others.

Resolved further, That his excellency the principal chief be requested to inclose, with an appropriate communication from himself, a copy of these resolutions to the governors of the Southern States, with the request that they be laid before the State convention of each State, as many as have assembled at the date of their reception, and that in such as have not they be published in the newspapers of the State.

Resolved, That these resolutions take effect and be in force from and after their passage.

Approved February 7, 1861.

—Official Records of the Union and Confederate Armies, First Series, Vol. 1, p. 682.

APPENDIX XXIV—3.

RESOLUTION PROVIDING FOR THE ELECTION OF DELEGATES BY JOINT BALLOT OF BOTH HOUSES OF THE GENERAL COUNCIL WHO ARE TO MEET THE CHICKASAW DELEGATES IN GENERAL CONVENTION, FOR THE PURPOSE OF CONSULTING FOR THEIR COMMON SAFETY.

Section 1. Be it resolved by the General Council of the Choctaw Nation assembled, That twelve dele-

gates be elected by this Council in the following order, viz: five from Apuckshanubbee District, four from Pushmataha District and three from Mosholotubbee District, who shall meet the Chickasaw delegates in convention at Boggy Depot, Choctaw Nation, on the 11th day of March, 1861, to consult for the common safety of these two tribes, in the event of the dissolution of the American Union.

Sec. 2. Be it further resolved, That the said delegates shall be allowed the same per diem and mileage as the members of the General Council of this Nation are allowed under the existing laws.

Sec. 3. Be it further resolved, That one clerk be elected out of the Nation to accompany the said delegates and be allowed the same pay as said delegates; in case the clerk gets sick, the delegates shall appoint one.

Sec. 4. Be it further resolved, That upon certificate of the Principal Chief that such services have been performed, stating the amount allowed to such delegate and clerk to said convention, the National Auditor is hereby authorized to issue his warrant for such amounts on the National Treasurer, who is required to draw the same out of the school fund now in the National Treasury, and refund the same whenever any money for the expense of this Government come into said Treasury; provided, said Treasurer is requested to go and pay the above Choctaw delegates at Boggy Depot, C. N., who shall be allowed the same pay as the said delegates.

Sec. 5. Be it further resolved, That the said delegates shall report their action in said convention to the next General Council, or submit the same to the popular vote of the people at ballot box for their approval or disapproval.

Sec. 6. Be it further resolved, That in the event of said delegates decide to submit their action in said convention to the vote of the people, the Principal Chief is hereby requested to issue his proclamation, commanding the proper officers to hold an election for the purpose of allowing the people to vote on the same.

Sec. 7. Be it further resolved, That His Excellency, the Principal Chief of this Nation, is hereby politely, yet urgently requested to attend the said convention, who shall be allowed the same per diem and mileage as the members of the General Council are now allowed under existing laws; provided, however, his mileage shall be allowed from Doaksville to Boggy Depot alone.

Sec. 8. Be it further resolved, That in case any of the said delegates fail to attend said convention, the Principal Chief shall have the power to fill by appointment any and all such vacancies, and also to add additional delegates, if he deem necessary to the better representation of the Choctaw people.

Sec. 9. Be it further resolved, That the Principal Chief of this Nation shall commission the said delegates and their clerk to the said convention.

Sec. 10. Be it further resolved, That this resolution take effect and be in force from and after its passage.

Approved, February 8th, 1861.

GEORGE HUDSON, P. C. C. N.

—Pamphlet containing the Acts and Resolutions passed at the CALL SESSION of the GENERAL COUNCIL, January, 1861, printed at Boggy Depot, pp. 121-22.

APPENDIX XXIV—4.

REPORT OF THE TEXAS COMMISSIONERS, 1861.

In response to Governor Edward Clark's request, the commissioners from Texas to the Indian Territory rendered the following report:

His Excellency Edward Clark,
Governor of the State of Texas:

"The undersigned, commissioners appointed by the State of Texas to the Choctaw, Chickasaw, Creek, Seminole, and Cherokee Nations, beg leave to submit the following report:

"We started from home on the duty assigned us on the 27th day of February, 1861; crossed Red River and entered the Chickasaw Nation about thirty miles southwest of Fort Washita; visited and held a private conference with His Excellency Governor C. Harris and other distinguished men of that nation, who fully appreciated our views and the object of our mission. They informed us that a convention of the Chicka-

saws and Choctaws was in a few days to convene at Boggy Depot, in the Choctaw Nation, to attend to some municipal arrangements. We, in company with Governor Harris and others, made our way to Boggy Depot, conferring privately with the principal men on our route. We arrived at Boggy Depot on the 10th day of March. Their convention or council convened on the 11th. Elected a president of the convention (Ex-Governor Walker, of the Choctaw Nation); adopted rules of decorum. On the 12th we were waited on by a committee of the convention. Introduced as commissioners from Texas, we presented our credentials and were invited to seats. The convention then asked to hear us, when Mr. James E. Harrison addressed them and a crowded auditory upon the subject of our mission, setting forth the grounds of our complaint against the Government of the United States, the wrongs we had suffered until our patience had become exhausted, endurance had ceased to be a virtue, our duty to ourselves and children demanded of us a disruption of the Government that had ceased to protect us or regard our rights; announced the severance of the old and the organization of a new Government of Confederate Sovereign States of the South, with a common kindred, common hopes, common interest, and a common destiny; discussed the power of the new Government, its influence, and wealth; the interest the civilized red man had in this new organization; tendering them our warmest sympathy and regard, all of which met the cordial approbation of the convention.

"The Choctaws and Chickasaws are entirely Southern and are determined to adhere to the fortunes of the South. They were embarrassed in their action by the absence of their agents and commissioners at Washington, the seat of Government of the Northern Confederacy, seeking a final settlement with that Government. They have passed resolutions authorizing the raising of a minute company in each county in the two nations, to be drilled for actual service when necessary. Their convention was highly respectable in numbers and intelligence and the business of the convention was dispatched with such admirable decorum and promptness as is rarely met with in similar deliberative bodies within the States.

"On the morning of the 13th, hearing that the Creeks (or Maskokys) and Cherokees were in council at the Creek agency, on the Arkansas River, 140 miles distant, we immediately set out for that point, hoping to reach them before their adjournment. In this we were disappointed. They had adjourned two days before our arrival. We reached that point on Saturday evening. On Sunday morning, hearing that there was a religious meeting five miles north of the Arkansas River, in the Creek Nation, Mr. James E. Harrison attended, which proved to be of the utmost importance to our mission. The Reverend Mr. H. S. Buckner was present, with Chilly McIntosh, D. N. McIntosh, Judge Marshall, and others, examining a translation of a portion of the Scriptures, hymn book, and Greek grammar by Mr. Buckner into the Creek language. Mr. Buckner showed us great kindness, and did us eminent service, as did also Elder Vandiven, at whose house we spent the night and portion of the next day with these gentlemen of the Creek Nation, and through them succeeded in having a convention of the five nations called by Governor Motey Kinnaird, of the Creeks, to meet at North Fork (Creek Nation) on the 8th of April.

"In the intermediate time we visited the Cherokee Nation, calling on their principal men and citizens, conversing with them freely until we reached Tahlequah, the seat of government. Near this place Mr. John Ross resides, the Governor of the nation. We called on him officially. We were not unexpected, and were received with courtesy, but not with cordiality. A long conference was had with him, conducted by Mr. Harrison on the part of the commissioners, without, we fear, any good result. He was very diplomatic and cautious. His position is the same as that held by Mr. Lincoln in his inaugural; declares the Union not dissolved; ignores the Southern Government. The intelligence of the nation is not with him. Four-fifths, at least, are against his views, as we learned from observation and good authorities. He, as we learned, had been urged by his people to call a council of the nation (he having the only constitutional authority to do so), to take into

consideration the embarrassed condition of political affairs in the States, and to give some expression of their sentiments and sympathies. This he has persistently refused to do. His position in this is that of Sam. Houston in Texas, and in all probability will share the same fate, if not a worse one. His people are already oppressed by a Northern population letting a portion of territory purchased by them from the United States, to the exclusion of natives, and we are creditably informed that the Governors of some two or more of the Western free-soil States have recommended their people emigrating to settle the Cherokee country. It is due Mr. John Ross, in this connection, to say that during our conference with him he frequently avowed his sympathy for the South, and that, if Virginia and the other Border States seceded from the Government of the United States, his people would declare for the Southern Government that might be formed. The fact is not to be denied or disguised that among the common Indians of the Cherokees there exists a considerable abolition influence, created and sustained by one Jones, a Northern missionary of education and ability, who has been among them for many years, and who is said to exert no small influence with John Ross himself.

"From Tahlequah we returned to the Creek Nation, and had great satisfaction in visiting their principal men—the McIntoshes, Stidhams, Smiths, Vanns, Rosses, Marshalls, and others too numerous to mention. Heavy falls of rain occurred about the time the convention was to meet at North Fork, which prevented the Chickasaws and Choctaws from attending the council, the rivers and creeks being all full and impassable. The Creeks, Cherokees, Seminoles, Quapa, and Socks (the three latter dependencies of the Creeks) met on the 8th of April. After they had organized by calling Motey Kinnaird, the Governor of the Creeks, to the chair, a committee was appointed to wait on the commissioners present, James E. Harrison and Capt. C. A. Hamilton, and invite them to appear in the convention, when, by invitation, Mr. Harrison addressed the convention in a speech of two hours. Our views were cordially received by the convention. The Creeks are Southern and sound to a man, and when desired will show their devotion to our cause by acts. They meet in council on the 1st of May, when they will probably send delegates to Montgomery to arrange with the Southern Government.

"These nations are in a rapid state of improvement. The chase is no longer resorted to as a means of subsistence, only as an occasional recreation. They are pursuing with good success agriculture and stock raising. Their houses are well built and comfortable, some of them costly. Their farms are well planned and some of them extensive and all well cultivated. They are well supplied with schools of learning, extensively patronized. They have many churches and a large membership of moral, pious deportment. They feel themselves to be in an exposed, embarrassed condition. They are occupying a country well suited to them, well watered, and fertile, with extensive fields of the very best mineral coal, fine salt springs and wells, with plenty of good timber, water powers which they are using to an advantage. Pure slate, granite, sandstone, blue limestone, and marble are found in abundance. All this they regard as inviting Northern aggression, and they are without arms, to any extent, or munitions of war. They declare themselves Southerners by geographical positions, by a common interest, by their social system, and by blood, for they are rapidly becoming a nation of whites. They have written constitutions, laws &c., modeled after those of the Southern States. We recommend them to the fostering care of the South, and that treaty arrangements be entered into with them as soon as possible. They can raise 20,000 good fighting men, leaving enough at home to attend to domestic affairs, and under the direction of an officer from the Southern Government would deal destruction to an approaching army from that direction, and in the language of one of their principal men:

"Lincoln may haul his big guns about over our prairies in the daytime, but we will swoop down upon him at night from our mountains and forests, dealing death and destruction to his army."

"No delay should be permitted in this direction. They cannot declare themselves until they are placed

in a defensible position. The Administration of the North is concentrating his forces at Fort Washita, about twenty-four miles from the Texas line, and within the limits of the Chickasaw Nation. This fort could easily be taken by a force of 200 or 300 good men, and it is submitted as to whether in the present state of affairs a foreign Government should be permitted to accumulate a large force on the borders of our country, especially a portion containing a large number of disaffected citizens who repudiate the action of the State.

"In this connection it may not be improper to state that from North Fork to Red River we met over 120 wagons, movers from Texas to Kansas and other free States. These people are from Grayson, Collin, Johnson, and Denton, a country beautiful in appearance, rich in soil, genial in climate, and inferior to none in its capacity for the production of the cereals and stock. In disguise, we conversed with them freely. They had proposed by the ballot box to abolitionize at least that portion of the State. Failing in this, we suppose at least 500 voters have returned whence they came.

"All of which is respectfully submitted this April 23, 1861.

JAMES E. HARRISON,
JAMES BOURLAND,
CHARLES A. HAMILTON,
Commissioners, &c."

"In addition to the foregoing report we beg leave to state that Mr. J. A. Echols, from Waco, accompanied us on our mission and rendered us important and efficient service.

JAMES E. HARRISON,
JAMES BOURLAND,
CHARLES A. HAMILTON."

—Official Records of the Union and Confederate Armies, Series IV, Vol. I, pp. 322-25.

APPENDIX XXIV—5.

JOHN ROSS' REPLY TO THE CONFEDERATE COMMISSIONER.

Fort Smith, June 12, 1861.

Hon. John Ross,
Principal Chief Cherokee Nation.

Sir: As Commissioner of Indian Affairs of the Confederate States it was my intention to have called upon you and consulted as to the mutual interests of our people. Sickness has put it out of my power to travel, and those interests require immediate consideration and therefore I have determined to write and make what I think a plain statement of the case for your consideration, which I think stands thus: If we succeed in the South—succeed in this controversy, and I have no doubt of the fact, for we are daily gaining friends among the powers of Europe, and our people are arming with unanimity scarcely ever seen in the world before—then your lands, your slaves, and your separate nationality are secured and made perpetual, and in addition nearly all your debts are in Southern bonds, and these we will also secure. If the North succeeds you will most certainly lose all. First your slaves they will take from you; that is one object of the war, to enable them to abolish slavery in such manner and at such time as they choose. Another, and perhaps the chief cause is to get upon your rich lands, and settle their squatters, who do not like to settle in slave States. They will settle upon your lands as fast as they choose and the Northern people will force their Government to allow it. It is true they may allow your people small reserves—they give chiefs pretty large ones—but they will settle among you, overshadow you, and totally destroy the power of your chiefs and your nationality and then trade your people out of the residue of their lands. Go North among the once powerful tribes of that country and see if you can find Indians living and enjoying power and property and liberty as do your people and the neighboring tribes from the South. If you can, then say I am a liar and the Northern States have been better to the Indian than the Southern States. If you are obliged to admit the truth of what I say, then join us and preserve your people, their slaves, their vast possessions in lands, and their nationality.

Another consideration is your debts, annuities, &c., school funds due you. Nearly all are in bonds of

Southern States and held by the Government at Washington, and these debts are nearly all forfeited already by the act of war made upon the States by that Government. These we will secure you beyond question if you join us. If you join the North they are forever forfeited, and you have no right to believe that the Northern people would vote to pay you this forfeited debt. Admit that there may be some danger take which side you may, I think the danger tenfold greater to the Cherokee people if they take sides against us than for us. Neutrality will scarcely be possible. As long as your people retain their national character your country cannot be abolitionized, and it is our interest therefore that you should hold your possessions in perpetuity.

I have the honor to be, respectfully &c., your obedient servant,

DAVID HUBBARD,
Commissioner of Indian Affairs.

Executive Department, Cherokee Nation,
Park Hill, June 17, 1861.

Hon. David Hubbard,
Commissioner of Indian Affairs, Confederate States,
Fort Smith, Ark.

Sir: Your communication dated at Fort Smith, 12th instant, has been received. The questions presented by you are of grave importance and I have given them the best consideration I am capable. As the result of my deliberations, allow me to say, with the highest respect for the Government you represent, that I feel constrained to adhere to the line of policy which I have heretofore pursued, and take no part in the unfortunate war between the United and Confederate States of America.

When you were one, happy, prosperous and friendly, as the United States, our treaties were made from time to time with your Government. Those treaties are contemporaneous with that Government, extending from the Confederacy of the United States previous to the adoption of the Constitution down to the present time. The first of them was negotiated at Hopewell in 1785 and the last at Washington in 1846. Some of them were the result of choice, others of necessity. By their operations the Cherokees surrendered large and valuable tracts of lands to the States which compose an important part of your Government. They came to the country now occupied by them with the assurance from the Government of the United States that it should be their home and the home of their posterity.

By the treaty of Hopewell, the Cherokees placed themselves under the protection of the United States of America and of no other sovereign whatever. By the treaty of Holston, 1791, the stipulation quoted was renewed and extended so as to declare that—

The Cherokee Nation will not hold any treaty with any foreign power, individual State or with individuals of any State.

This stipulation has not been abrogated, and its binding force on the Cherokee Nation is as strong and imperative now as at any time since its adoption. I feel it to be so and am not willing to disregard it even at the present time. You are well aware that a violation of its letter and spirit would be tantamount to a declaration of hostility toward the Government. There is no reason to doubt that it would be viewed in that light and so treated. There is no reason why we should wantonly assume such attitude and invoke upon our heads and upon the heads of our children the calamities of war between the United and Confederate States, nor do I think you should expect us without a sufficient cause. If our institutions, locality and long years of neighborly deportment and intercourse do not suffice to assure you of our friendship, no mere instrument of parchment can do it. We have no cause to doubt the entire good faith with which you would treat the Cherokee people; but neither have we any cause to make war against the United States, or to believe that our treaties will not be fulfilled and respected by that Government. At all events, a decent regard to good faith demands that we should not be the first to violate them.

It is not the province of the Cherokees to determine the character of the conflict going on in the States. It is their duty to keep themselves, if pos-



JOHN ROSS,
Principal Chief of the Cherokee Nation, 1828-66

sible, disentangled, and afford no grounds to either party to interfere with their rights. The obligations of every character, pecuniary and otherwise, which existed prior to the present state of affairs between the Cherokee Nation and the Government are equally valid now as then. If the Government owes us, I do not believe it will repudiate its debts. If the States embraced in the Confederacy owe us, I do not believe they will repudiate their debts. I consider our annuity safe in either contingency.

A comparison of Northern and Southern philanthropy, as illustrated in their dealings toward the Indians within their respective limits, would not affect the merits of the question now under consideration, which is simply one of duty under existing circumstances. I therefore pass it over, merely remarking that the "settled policy" of former years was a favorite one with both sections when extended to the acquisition of Indian lands, and that but few Indians now press their feet upon the banks of either the Ohio or the Tennessee. The conflict in which you are engaged will possibly be brought to a close by some satisfactory arrangement or other before proceeding to very active hostilities. If you remain as one government our relations will continue unchanged; if you separate into two governments upon the sectional line, we will be connected with you; if left to the uncertain arbitrament of the sword, the party holding, succeeding to the reins of the General Government, will be responsible to us for the obligations resting upon it.

I have the honor to be, Sir, your obedient servant,
JNO. ROSS,

Principal Chief, Cherokee Nation.

—Official Records of the Union and Confederate Armies, Series I, Vol. XIII, pp. 497-99.

APPENDIX XXIV—G.

RESOLUTIONS OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE CHICKASAW LEGISLATURE ASSEMBLED, MAY 25, 1861:

Whereas the Government of the United States has been broken up by the secession of a large number of States composing the Federal Union—that the dissolution has been followed by war between the parties; and whereas the destruction of the Union as it existed by the Federal Constitution is irreparable, and consequently the Government of the United States as it was when the Chickasaw and other Indian nations formed alliances and treaties with it no longer exists; and whereas the Lincoln Government, pretending to represent said Union, has shown by its course towards us, in withdrawing from our country the protection of the Federal troops, and withholding, unjustly and unlawfully, our money placed in the hands of the Government of the United States as trustee, to be applied for our benefit, a total disregard of treaty obligations toward us; and whereas our geographical position, our social and domestic institutions, our feelings and sympathies, all attach us to our Southern friends, against whom is about to be waged a war of subjugation or extermination, of conquest and confiscation—a war which, if we can judge from the declarations of the political partisans of the Lincoln Government, will surpass the French Revolution in scenes of blood and that of San Domingo in atrocious horrors; and whereas it is impossible that the Chickasaws, deprived of their money and destitute of all means of separate self-protection, can maintain neutrality or escape the storm which is about to burst upon the South, but, on the contrary, would be suspected, oppressed, and plundered alternately by armed bands from the North, South, East, and West; and whereas we have an abiding confidence that all our rights—tribal and individual—secured to us under treaties with the United States, will be fully recognized, guaranteed, and protected by our friends of the Confederate States; and whereas as a Southern people we consider their cause our own: Therefore, Be it resolved by the Chickasaw Legislature assembled,

1st. That the dissolution of the Federal Union, under which the Government of the United States existed, has absolved the Chickasaws from allegiance to any foreign government whatever; that the current of the events of the last few months has left the Chickasaw Nation independent, the people there-

of free to form such alliances, and take such steps to secure their own safety, happiness, and future welfare as may to them seem best.

2d. Resolved, That our neighboring Indian nations—Chocktaws, Cherokees, Creeks, Seminoles, Osages, Senecas, Quapaws, Comanches, Kiowas, together with the fragmentary bands of Delawares, Kickapoos, Caddoes, Wichitas, and others within the Chocktaw and Chickasaw country who are similarly situated with ourselves, be invited to coöperate, in order to secure the independence of the Indian nations and the defense of the territory they inhabit from Northern invasion by the Lincoln hordes and Kansas robbers, who have plundered and oppressed our red brethren among them, and who doubtless would extend towards us the protection which the wolf gives to the lamb should they succeed in overrunning our country; that the Chickasaws pledge themselves to resist by all means and to the death any such invasion of the lands occupied by themselves or by any of the Indian nations; and that their country shall not be occupied or passed through by the Lincoln forces for the purpose of invading our neighbors, the States of Arkansas and Texas, but, on the contrary, any attempt to do so will be regarded as an act of war against ourselves, and should be resisted by all the Indian nations as insulting to themselves and tending to endanger their Territorial rights.

3d. Resolved, That it is expedient, at the very earliest day possible, that commissioners from other Indian nations for the purpose of forming a league or confederation among them for mutual safety and protection, and also to the Confederate States in order to enter into such alliance and to conclude such treaties as may be necessary to secure the rights, interests, and welfare of the Indian tribes, and that the coöperation of all the Indian nations west of the State of Arkansas and south of Kansas be invited for the attainment of these objects.

4th. Resolved, That the Chickasaws look with confidence especially to the Chocktaws (whose interests are so closely interwoven with their own, and who were the first through their national council to declare their sympathy for, and their determination, in case of a permanent dissolution of the Federal Union, to adhere to the Southern States), and hope they will speedily unite with us in such measures as may be necessary for the defense of our common country and a union with our natural allies, the Confederate States of America.

5th. Resolved, That while the Chickasaw people entertain the most sincere friendship for the people of the neighboring States of Texas and Arkansas, and are deeply grateful for the prompt offer from them of assistance in all measures of defense necessary for the protection of our country against hostile invasion, we are desirous to hold undisputed possession of our lands and all forts and other places lately occupied by the Federal troops and other officers and persons acting under the authority of the United States, and that the governor of the Chickasaw Nation be, and he is hereby, instructed to take immediate steps to obtain possession of all such forts and places within the Chocktaw and Chickasaw country, and have the same garrisoned, if possible, by Chickasaw troops, or else by troops acting expressly under and by virtue of the authority of the Chickasaw or Chocktaw nations, until such time as said forts, Indian agencies, etc., may be transferred by treaty to the Confederate States.

6th. Resolved, That the governor of the Chickasaw Nation be, and he is hereby, instructed to issue his proclamation to the Chickasaw Nation, declaring their independence, and calling upon the Chickasaw warriors to form themselves into volunteer companies of such strength and with such officers (to be chosen by themselves) as the governor may prescribe, to report themselves by filing their company rolls at the Chickasaw Agency, and to hold themselves, with the best arms and ammunition, together with a reasonable supply of provisions, in readiness at a minute's warning to turn out, under the orders of the commanding general of the Chickasaws, for the defense of their country or to aid the civil authorities in the enforcement of the laws.

7th. Resolved, That we have full faith and confidence in the justice of the cause in which we are embarked, and that we appeal to the Chickasaw people

to be prepared to meet the conflict which will surely, and perhaps speedily, take place, and hereby call upon every man capable of bearing arms to be ready to defend his home and family, his country and his property, and to render prompt obedience to all orders from the officers set over them.

9th [8th]. Resolved, That the governor cause these resolutions to be published in the National Register, at Boggy Depot, and copies thereof sent to the several Indian nations, to the governors of the adjacent States, to the President of the Confederate States, and to Abraham Lincoln, President of the Black Republican party.

Passed the House of Representatives May 25, 1865 [1861].

A. ALEXANAN,
Speaker House Representatives.

Attest: C. CARTER,
Clerk House Representatives.
Passed the Senate.

JOHN E. ANDERSON,
President of Senate.

Attest: JAMES N. McLISH,
Clerk of Senate.
Approved, Tishomingo, May 25, 1861.

C. HARRIS,
Governor.

—Official Records of the Union and Confederate Armies, Series I, Vol. III, pp. 585-87.

APPENDIX XXV.—1.

ACTIVITIES OF THE VIGILANCE COMMITTEE.

Rev. John Edwards, missionary to the Choctaws from 1851 to 1861, in his "An Account of my Escape from the South in 1861," wrote as follows:

"An unmarried missionary named Wentz had been first a teacher in the Creek Nation, and afterwards at Spencer Academy. In the summer of 1860 he had gone where his parents lived in the State of New York, under an engagement with his brother, each to put in \$300.00, and so buy their aged parents a home. The brother failed to fulfill his part of the engagement. The question with Mr. Wentz was then how he could best make up the necessary amount himself.

"That year he was appointed by the Board of Foreign Missions to be Superintendent of Iyanubi Female Seminary, a boarding school of twenty girls supported principally by the Choctaw Nation, and in small part by the board. He was fond of machinery. While at Cincinnati, on his way back to the Choctaw country, meditating, as he constantly was, on the question that was before him as to his parents, he passed a gun store. It flashed upon him that revolvers would sell well in the Nation. So he invested his \$300.00 in revolving pistols and carbines, put them in his trunk, put on a Bell and Everett Medal, and made the trip to his new home. He put most of them in the hands of Mr. John F. Kingsbury [son of Rev. Cyrus Kingsbury], a merchant at Doaksville, to sell for him but kept a few to dispose of himself. He concealed the matter from the rest of the missionaries, as far as he could.

"In the late winter or early spring he was discharged by the Board from his position as Superintendent of the School. On leaving he went to Wheelock and spent a couple of weeks in my home. While there he repaired my watch for me. Thence he went to Spencer Academy.

"On Saturday May 11th, he went to Doaksville. In some way the rough fellows about the town learned that Kingsbury had some revolvers belonging to Wentz. After he had left on his return, they went to Kingsbury and demanded them of him. They then pursued Wentz, overtook him about a mile from town, brought him back, and fired revolvers about his ears. He stood up to them and told them if they wanted to kill him to go ahead. He was ready to die as he expected to do [sometime]. But they let him go, and he returned to Spencer. The news soon reached Texas. On Tuesday May 14, a company of whites came over with a rope to hang him. Taking with them some half-breed Choctaws from Doaksville they went to Spencer. Mr. Reid [Rev. Alexander Reid] informed them that Wentz had left that morning. The whites were disposed to doubt his statement, supposing Mr. Wentz to be concealed somewhere there. Sim Fol-

som, a Choctaw, said to them, 'Gentlemen, you must not doubt Mr. Reid's word.'

"They wanted to know of Mr. Reid what he would do in case of the war coming into that region of the country. The reply was, 'I would take my family and go to a place of safety, if I could find one. I never shot a gun in my life, and I do not know that I could do it.' (He was very near sighted.) On Thursday, May 16, I received a visit from Capt. S. H. Caudle and a Mr. Hailey of Red River County, Texas, accompanied by a Mr. Howell, a white man who had married a half-breed Choctaw, and who lived on the border of Red River in the Choctaw Nation, opposite to that county. Whether there were others of the company or not, I do not know, I saw no others. The previous winter I had gone over into Texas to buy corn to feed the starving Choctaws. I afterwards learned that Capt. Caudle had heard I was there, and had run his horse to Altion to get there before I should cross, on my return, in order to compel me to drink with him. He was too late, but had he reached there in season I think he would have had an interesting time in accomplishing his purpose.

* * * * *

"They told me that they wished to search my premises for revolvers. Said I, 'Gentlemen, you are welcome to search to your heart's content. I can tell you beforehand what you will find in the way of weapons. You will find three butcher knives, one old one and two new ones which were sent me from Memphis not long since.'

"They asked me to open some boxes that were there. I did so. They contained Choctaw books. They looked in my desk. They examined the bedroom over my study, and the bedroom on one side of it. They went into the house. In our family room they found George [Mr. Edward's little son] with an eruption on his face. Capt. Caudle inquired what was the matter with him. I replied that I supposed he had the measles. That was too much for him. He never had the disease, and therefore was not willing to expose himself to it. He left the others to do the searching there. They found a trunk locked, tried it and inquired what was in it. 'Really I do not know,' I said. 'You will have to wait till my wife comes home as she had the key.' They opened the drawer of the kitchen table and there saw the three butcher knives. They went upstairs and felt in some boxes of clothing which had been sent to us from Dr. Boardman's church, Philadelphia (the Tenth Presbyterian), for the destitute Choctaws, but which, not having arrived till late in March, we were keeping to give out to the Choctaws the next winter. (Crops almost completely failed in 1860, and they were on the verge of starvation.) So far as they went, they made a quite thorough search, in closets and cellar, etc. As we passed out, I said to them, 'Here is another room upstairs (by another stairway) which you may have not seen; and there are several cabins around. You are welcome to search them all.' 'No,' they said, 'We are satisfied.' They told me that if I had a revolver or a gun, or both, that would have been nothing out of the way.

"Going back to the study, they wanted to know my sentiments. Supposing they wanted my sentiments on the subject of slavery, I proceeded to given them to them. Some time previous I had received by mail two pamphlets published and sent out by 'The 1860 Association of Charleston, S. C.,' one discussing the subject of slavery, and the other that of the right of secession. In the former were extensive quotations from a Thanksgiving sermon preached by the Rev. Henry J. Van Dyke, D. D., in Brooklyn in 1860. In this he quoted largely from the action of the Presbyterian Assembly in 1818. I read to them from that document. Of course coming from Charleston they could raise no objection to it.

"After listening for a while, Capt. Caudle interrupted me by saying: 'Mr. Edwards, we don't think you are an abolitionist. If we did we'd swing you. What we want to know is your sentiments on the public questions of the day.'

"Supposing that the free soil question was the great question, I proceeded to give my views on that. I stated that I believed the Republicans were right as to the constitutional power of Congress over the question of slavery in the territories; that John C. Cal-

houn had given that as his view; and that Jefferson Davis had held the same view ten years before, when he advocated the extension of the Missouri Compromise line to the Pacific. But while holding that view, my plan would be to leave the whole question to the people of the territories, provided there should be no usurpation. Understanding me to have referred to Thomas Jefferson, the Captain remarked that he was too far back. He wanted to know what I thought about the present troubles of the Country and the War.

"I told him I did not believe in the right of Secession, and that the government had given them no cause for rebellion; and therefore I could not take their side in the War. Had there been any justifying cause for the war by any invasion of the rights of the South on the part of the government, I would be with them. But there clearly was none. I therefore could not favor their side. The details of the conversation that passed between us have passed from my memory. Finally, the question was put to me, whether I would pledge myself, in case the War came into that region of the country, to take arms for the South. 'Gentlemen,' I said, 'You might as well as ask me to strike my Mother. I was born in the North; my friends and kindred are still living there; I do not believe the Southern states have a right to secede, nor that the government has given them any cause to rebel. What I wish to do is to stay here quietly and go on with my work for the Choctaws, not taking part in the war on either side. I am willing to give you my pledge to do nothing against you, and to abide by that to the death. Beyond that my conscience will not let me do.'

"The crisis was reached. They went out and consulted. Returning, Capt. Caudle asked me how long a time I wanted to get ready to leave. I replied that in the feeble state of my wife's health, I thought I ought to have at least a month. He answered, 'It would be a cruelty to compel a feeble lady to travel in this hot weather; but get ready to leave as soon as you can.' 'They were through with me. * * * * *

"Things went on as usual for nearly three weeks. On the 1st and 2nd of June we had a big meeting. Saturday night and Sunday we had the privilege of entertaining the Principal Chief, George Hudson, and Peter P. Pitchlynn, who were on their way to Doaksville to a special meeting of the General Council, which the Chief had called for the following Monday. He went to it with his message prepared recommending neutrality. He said it was none of their fight. I afterward learned that he was compelled by a vigilance committee to change it recommending the Choctaws to join the South. I know not the composition of that committee, whether it was of whites or of half-breed Choctaws or both. The people of the adjoining states, Arkansas and Texas, told the Choctaws that if they did not join them they would exterminate them. The government troops having been withdrawn, situated as the Choctaws were right in the corner between those two states, they were completely in their power, and of course were compelled to yield to their dictation. They passed laws, as I afterward learned, assuming jurisdiction over all whites among them and requiring all between 15 and 55 years of age to join the militia, and all over 55 to join the home guards. (I may err as to figures.)

"On Thursday afternoon I learned that on Wednesday a public meeting had been held at Doaksville, the capital, at which Capt. Jones, the wealthiest Choctaw, took the ground that 'every man that was not with them must be hung up to the first limb between heaven and hell.' I immediately concluded that if so moderate a man as he could make such a speech as that, it was of no use for me to try to remain. So I mounted my pony and started out to sell the cattle. I met with no success." * * * * *

Mr. Edwards was granted the following passports, upon leaving the Choctaw Nation:

"Choctaw Nation: To whom it may concern.

Executive Office: Greeting:

"Be it known that I, George Hudson, Principal Chief of the Choctaw Nation, do hereby grant a passport

and safe conduct to Rev. John Edwards and his family, on his journey out of the Choctaw Nation, and hereby enjoin and require all Choctaws or others within the Choctaw Nation to allow Mr. Edwards and family to proceed in peace and without hindrance or molestation.

"I further certify that the said Rev. John Edwards has given satisfactory assurance that he is not an abolitionist and not even a free soiler.

"I further request all civil and military authorities within the southern states to give free passage and safe conduct to Rev. John Edwards and his family.

"I would also add that Mr. Edwards goes to the North to visit his relatives and for the health of his wife.

"Given under my hand and seal at Doaksville, this 6th day of June A. D. 1861.

GEORGE HUDSON (Seal)

Principal Chief, C. N.

"I certify that the foregoing passport was signed by Col. George Hudson, Principal Chief of the Choctaw Nation, and I also join in the same.

DOUGLAS H. COOPER,
Col. C. S. Army."

"Doaksville, C. N., June 5, 1861."

"This is to certify that we have known the bearer, the Rev. John Edwards for the past ten years. He is a Presbyterian Minister and has been laboring among the Choctaws as Pastor of the Church at Wheelock. We can certify that he is in no way tinctured with abolition sentiments, but on the contrary has been a strong opposer of everything of that kind. He is about to leave us on his way to Little Rock, and we take pleasure in bearing testimony to his character as a gentleman and a minister. We recommend him to our friends and to the community through which he may chance to pass.

R. M. JONES."

Mr. Edwards continued with the detailed account of his escape from the Choctaw Nation. Of his arrival at Louisville, Kentucky, he wrote: "Next morning we took the train for Louisville. Among the passengers were Confederate officers. One of them most bitterly denounced Louisville, because the City had 'voted for coercion.' He said it ought to be razed, utterly destroyed. At the Kentucky line, we found Confederate soldiers encamped. Night had already come on when we reached Bowling Green. There we first saw the stars and stripes floating in the breeze. Ah! but that flag did look good. Never before had it looked so good as then, when for some weeks we had seen only the stars and bars. It has never since lost the value which attached to it then. We felt free. We could speak above a whisper. Miss McBeth [and Mrs. Edwards] were out doing some shopping. They came to a large flag hanging over the street. 'Stop Sue,' said Mrs. E., 'Let us get a breath wafted by that glorious old flag.' 'Come,' said Miss M., 'don't you see those men watching us?' 'I don't care for men or mortal where that flag does float,' was the reply. * * * * *

"Arriving in Bath [New York], we were most cordially welcomed by Mother and brothers and sisters and their families. That day a letter came which I had left unfinished when I fled from Wheelock. Mrs. E. [who followed her husband, joining him en route] had added to it, 'John has fled and I am proud of him,' and mailed it. It was the last mail communication for four years. Mr. Libby was compelled to enter the rebel army. He was mostly employed about the wagon train service. Sometimes he had to go into the ranks and fight. But he said that no Union soldier was ever harmed by a bullet from his gun. After the War was over he died at Wheelock. A very kind Providence watched over me and mine, and ordered things very greatly for our good. Forever be praised God's name.

"About thirty years later, being at Sulphur Springs (Alikchi) in the Choctaw Country [in what is now McCurtain County, Oklahoma], I saw a tall man encamped there, evidently in poor health. I thought I would call to see him but was otherwise so occupied that I was nearly ready to return without having done

so when I heard Alec Durant, with whom I was stopping, speak of Col. Caudle. 'Col. Caudle,' said I, 'Is that J. H. Caudle?' 'I don't know his initials, but they call him Caudle.' 'Well,' said I, 'I am going to see him.'

"I found my old friend of the vigilance committee. We had a long talk over matters. He was glad the war was over, glad it ended as it did, glad that the slaves were free. He had fought through it as a Colonel of a Texas regiment. During the Banks expedition up Red River, he had been ordered to take a certain position with his regiment and hold it at all hazards. He went into it with his regiment 450 strong. They cut their way out with forty. Such is war. I told him if our affairs were to be gone over again, I didn't know whether I would have the grit to tell him what I did. He asked me what it was. When I told of my saying, 'You might as well ask me to strike my Mother, etc.,' he replied, 'I give you credit for acting in a very manly way with us.'"—From a manuscript copy of Rev. John Edwards' "An Account of my Escape from the South in 1861," in the hands of the writer (M. H. W.).

APPENDIX XXV—2.

REPORT OF S. ORLANDO LEE.

* * * Thus matters stood when Col. Pitchlynn the resident Com. of the Choctaws at Washington returned home. He gave all his influence to have the Choctaws take a neutral position. The chief had called the council to meet June 1st. & Col. P. so far succeeded as to induce him to prepare a message recommending neutrality. Col. P. was promptly reported as an *abolitionist* and *visited & threatened* by a Texas Vigilance committee.

The Council met at Doaksville seven miles from Red River & of course from Texas. It was largely attended by white men from Texas our Choctaw neighbors who attended said the place was full of white men.

The Council did not organize until June 4th or 5th (I forgot which) In the meanwhile the white men & half bloods had a secession meeting when it leaked out through Col. Cooper that the Chief Hudson had prepared a message recommending neutrality at which Robert M. Jones was so indignant that he made a furious speech in which he declared that "any one who opposed secession ought to be hung" "and any suspicious persons ought to be hung." Hudson was frightened and when the Council was organized sent in a message recommending that commissioners be appointed to negotiate a treaty with the Confederates and that in the meantime a regiment be organized under Col. Cooper for the Confed. army.

This was finally done but not for a week for the Choctaws were reluctant. They feared that their action would result in the destruction of the nation. Said Joseph P. Folsom, a member of the council & a graduate of Dartmouth College New Hampshire, "We are choosing in what way we shall die" Judge Wade said to me. "We expect that the Choctaws will be buried. That is what we think will be the end of this." Judge W. is a member of the Senate (for the Choctaw Council is composed of a Senate & lower house chosen by the people in districts & the constitution is modeled very much after those of the states.) & he has been a chief. Others said to me "If the north was here so we could be protected we would stand up for the north but now if we do not go in for the south the Texans will come over and kill us." Mr. Reid told me a day or two before we left that he had become convinced during a trip for two or three days through the country that the *full bloods* were strongly for the north. I am sure it *was* so then & it was the opinion of the missionaries that if we had all taken the position, that we would not leave, some of us had been warned to do so by Texan vigilance committees, we could have raised a thousand men who would have armed in our defence—Our older brethren told us that this would hasten the destruction of the indians as they would be crushed before any help could come.—We thought this would probably be the case and the missionaries who were most strongly union in sentiment left.

One of the number Rev. John Edwards had been hiding for his life from Texan & half blood ruffians

for two weeks & we at Spencer had had the *honor* to be visited by a Texas committee searching for arms.

I continue my narrative from a letter from one of our teachers who was detained when we left by the illness of his wife & who left Spencer Sept 5th & the Nation Sept. 9th. He says Col. Coopers regiment was filled up with Texans "The half breeds after involving the full bloods in the war have rather drawn back themselves and but few of them have enlisted & gone to the war." This indicates that the full bloods have at last yielded to the pressure and joined the rebels. The missionaries who remained would generally advise them to do this.

The Choctaw commissioners met Albert Pike rebel commissioner & made a treaty with him, with reference to this he says "The Choctaws rec'd quite a bundle of promises from the rebel government. Their treaty gives their representative a seat in the rebel congress, acknowledges the right of the Choctaws to give testimony in all courts in the C. S., exempts them from the expenses of the war, their soldiers are to be paid 20\$ a month by the C. S. during the war, the C. S. assume the debts due the Choctaws by the U. S., they have the privilege of coming in as a state into the Confederacy with equal rights if they wish it, or remain as they are, the C. S. to sustain their schools *after the war*, they guarantee them against all intrusion on their lands by white men, allow them to garrison the forts in their territory with their own troops if they wish it said troops to be paid by the C. S."—Here is a list of promises and when I think of these, of the belief of their oldest missionaries in the final success of the rebels, of the fact that all the old Officers of the U. S. government were in the service of the rebels, of the occupation of the forts there by rebels, of the activity of a knot of bitter disunionists led by Capt. Jones, who has long been a very influential man, of the Texas mob law which considered it a crime for a young man to refuse to volunteer, of the fact that there was no way for them to hear the truth as to the designs of the U. S. government concerning them, except through Col. Pitchlynn who was soon silenced & of the falsehoods told them as to the designs of the Government, I do not wonder that they have joined the rebels.

I saw strong men completely unmanned even to floods of tears by the leaving of Dr. Hobbs and the thoughts of what was before them. I heard men say they did not want to fight but expected to be forced to do it.

I trust the government will consider the circumstances of the case & deal gently, considerably with the indians. I do not like to write such things of my brother missionaries but they are I believe facts & though I love some of them very much I still must say that, except Rev. Mr. Byington who was doubtful & Rev. Mr. Balantine a missionary to the Chickasaws who was union, all the ordained missionaries belonging to the Choctaw & Chickasaw Mission of the Presbyterian Board who remain there were victims of the madness which swept over the South, were secessionists—One or two of the three Laymen who remained were union men—Cyrus Kingsbury son of Rev. Dr. K. being one. * * * —Letter found in United States Office of Indian Affairs, General Files, Southern Superintendency, 1859-62, 1863; quoted by Annie Heloise Abel in "The Indian as Slaveholder and Secessionist." pp. 77-79.

APPENDIX XXV—3.

OPOTHELEYAHOLA'S ATTITUDE TOWARD THE CONFEDERATE ALLIANCE.

Opotheleyahola (the English spelling of the Creek name of Hu-pui-hilth Yohola) had been prominent in the affairs of the Creek tribe for forty years or more before the outbreak of the Civil War. He was probably born about 1800 and is believed to have seen service in active warfare against the whites as early as the War of 1812. Like John Ross, of the Cherokee Nation, he was bitterly opposed to the removal of his people to the West. Indeed, it is not improbable that his sentiment of attachment to the Federal Union at the outbreak of the Civil War was prompted by his resentment and suspicion toward the people of certain States of the South, whom he blamed for forcing the



OPOTHEYAHOLA, THE GREAT CREEK LEADER

Creeks to leave their ancient homes and move to the new country west of the Mississippi.

On one occasion during the International Council held at North Fork in November, 1859, Opothleyahola delivered an impressive address favoring education for the young people of his nation. Unlike most of the delegates present, he did not dress after the manner of a white man. His form was draped in a blanket which hung as gracefully as the toga of a Roman senator. A bright colored shawl encircled his head like a turban. He was a man of large frame and imposing presence and, as an orator, was said to have had but few equals and no superiors among his own people. He was unlettered and could speak only in the tongue of the Muscogeese, so his speech had to be interpreted into the Cherokee, Choctaw, and English languages, in order that all present might understand it. Opothleyahola said in part:

"My brothers, many, many years ago, when I was a child, there was a beautiful island in the Chattahoochee River. It was covered with stately trees and carpeted with green grass. When the Indian was hungry and could not find game elsewhere, he could always go to that island and kill a deer. An unwritten law forbade the killing of more than one deer, and, even then, the hunter might resort to the island only when he had failed elsewhere. But the banks of that island were of sandy soil. As the floods of the river rolled on this side and on that, the banks wore away and the island shrunk in size. When our people left the country, the island had become so small that there was only room for two or three of the great trees and most of the green grass was gone. The deer, once so plentiful there, had entirely disappeared.

"I have since learned that there is a kind of grass which, if it had been planted on the banks of that beautiful island, might have saved it. This grass strikes its roots deeply into the sandy soil and binds it so firmly that the waters of the flood cannot wear it away.

"My brothers, we Indians are like that island in the middle of the river. The white man comes upon us as a flood. We crumble and fall, even as the sandy banks of that beautiful island in the Chattahoochee. The Great Spirit knows, as you know, that I would stay that flood, which comes thus to wear us away, if it could. As well might we try to push back the flood of the river itself.

"As the island in the river might have been saved by planting the long-rooted grass upon its banks, so let us save our people by educating our boys and girls and our young men and young women in the ways of the white man. Then they may be planted and deeply rooted about us and our people may stand unmoved in the flood of the white men."

As Opothleyahola had opposed McIntosh and the advocates of removal treaties thirty years before, so he now opposed the champions of all alliance with the Confederacy. Although he was an old man at that time, he was still very active and was possessed of a personal magnetism and a capacity for leadership which gave him great influence and power among his people. He was probably amazed at the change of front on the part of Chief Ross in abandoning the policy of neutrality and openly espousing the cause of the seceding states. When he received the formal letter from Ross announcing this course, he returned it after having directed (for he could not write) that the question as to whether Ross was really its author, should be written on the back of the communication. The Cherokee authorities thereupon sent Joseph Vann, who was second chief, to personally intercede with Opothleyahola in behalf of a united front by all the tribes for the Confederacy. Opothleyahola greeted Vann as a friend but refused to enter into the discussion of a matter upon which, as he said, he had already made up his mind. He said that he realized the futility of opposing the Federal Government because, in the end, it would triumph. He said also that his opposition to the proposed war against the Union was not based upon his animosity toward the faction (the McIntosh Party) to which he had so long been opposed and which was lined up on the side of the Confederacy; that it was based upon principle and that, under no circumstances, could he be induced to

consider such an alliance. He concluded by stating that it was his purpose to take his followers to Kansas and throw them and himself upon the bounties of the General Government. This, he subsequently attempted to do, but was attacked by the Confederate forces before he succeeded in getting beyond the borders of the Indian Territory. Opothleyahola died in exile, at the Sac and Fox Agency, Quenemo, Osage County, Kansas, in 1862. The story of Opothleyahola's speech at the North Fork council was told the writer (J. B. T.) by Rev. Joseph S. Murrow, who, as a missionary to the Creeks, was present at the council.

APPENDIX XXVI—1.

TANDY WALKER'S LETTER.

Adjutant General's Office, Choctaw Nation,
Scullyville, August 1, 1861.

His Excellency Jefferson Davis,

President of the Confederate States.

Sir:—I have the honor to inform you that the regiment of mounted rifles, authorized for the service of the Confederate States from among the Choctaws and Chickasaws, has been raised and is now fully organized according to law. When supplied with arms, I can justly state no more ardent, efficient and patriotic body of warriors will be found under the banner of Southern independence.

It is an unkind and certainly incorrect statement, made by some Southern journals, that the Indian warriors design using the scalping knife in any conflict in which they may be engaged with the enemy. These warriors are a civilized people, are Christian in principles, observe the army regulations, drill with commendable closeness and will show, when the proper occasion offers, that they are worthy of the age, the cause and the brotherhood they share with their white allies.

There are two Choctaw and one Chickasaw companies organized, besides the number authorized, that are very anxious to enter the service. I learn there will shortly be organized one Choctaw and one Chickasaw company more, expecting to be called into the field.

Five additional companies can be raised in the two nations. It is presumed that the failure of the Cherokees to furnish the regiment asked of them will insure the Choctaws and Chickasaws a chance to supply that deficiency to the extent of a battalion of three to five companies, if not an entire regiment. Such an order from the War Department would be eminently just to our Chickasaw brethren, because, for good reasons, they have been enabled to furnish only about twenty men to the first regiment. I believe the men who would answer another call would enter the service till the close of the war and, if necessary, could be armed at home with shotguns and old pattern rifles to the number of five hundred. More than half the number have Colt's six shooters. This portion of our people, being what are termed half-breeds, most all speak the English language and have better horses and more arms than the full-bloods, who comprise most of those already in the service. I would urge upon your excellency a further call for warriors among the two nations. It would allay a disappointment and rivalry toward the Choctaws, now apparent among the Chickasaws, to allow them to furnish two or three companies to the service, and strengthen the many relations destiny has affixed to the contiguity of soil and the similarity of interests of the Southerners and the Indians of the South.

In view of an anticipated call for warriors, it affords me great pleasure to testify to your excellency the propriety of giving the command of them to Joseph Dotson, Esq., of Fort Smith, Arkansas. His high standing among the leaders of both the Choctaw and Chickasaw people and his service for seven years as legal adviser, political sympathizer and steadfast friend, is fully attested by the recommendations from the principal national authorities of both nations, asking his appointment to the lieutenant-colonelcy of the regiment now in the service, which are now on file in the War Office in Richmond.

I ask the appointment of Mr. Dotson, knowing the brave men among us, so eager for the field, would rally around him with increased enthusiasm and be-

lieving that he would lead them at any hour with credit to the Confederacy. I learn Mr. Dotson designs aiding in the organization of all the men capable of bearing arms, in anticipation of further demand.

I have the honor to be, your excellency's obedient servant,

TANDY WALKER.

Adjutant General Army Choctaw Nation.

—Official Records, Series I, Vol. III, pp. 625-26.

APPENDIX XXVI—2.

PERSONAL REMINISCENCES OF CAPTAIN JUNE PEAK.

Personal reminiscences of those who participated in the campaign against Opothleyahola, other than the official records, are rare. Some of the experiences of Captain June Peak, of Dallas, Texas, as told to W. S. Adair, appeared in print in 1923. Captain Peak at the age of sixteen joined the Texas volunteers organized by Colonel William C. Young, of Sherman, and took part in the capture of Fort Washita in 1861. Some weeks later he joined one of the Texas companies that became a part of Colonel Cooper's regiment, remaining for a year in the Confederate service in the Indian Territory. After the Civil War, he served as a captain of the Texas Rangers for some years. While there are a number of evident errors in Captain Peak's story, which must be taken into consideration in giving it historical credence, yet his reminiscences of his experience at the Battle of Round Mountain might not be out of place. Of this engagement, Captain Peak related the following:

"After two or three months of preparation, Col. Cooper moved his command up to Dwight's Mission, southwest of Fort Gibson. [An error. Dwight Mission is east of Fort Gibson. Cooper's camp was at Concharta, not far from Asbury Mission of the Creeks, southwest of Fort Gibson.] Col. Watie's regiment was on the Arkansas River, near the mouth of the Verdigris, and Col. McIntosh's on the Old Creek Council grounds. About this time rumors began to come in of large concentrations in the northwest of the Osages and renegades from all tribes. With a view of ascertaining the purpose and strength of these gatherings, Col. Cooper dispatched a scout of twenty picked men from all the regiments, including myself and Jerome Kearby, under the command of Major John Clark, an old surveyor, well-known to and popular with the western tribes.

"Our scout leaving camp about Sept. 1, marched along the banks of the Arkansas River for several hundred miles, as far as the Big Bend, but hearing of no very large muster of forces. At Big Bend we turned south, and after that began to see larger bands of Indians. In the course of several days, our scouts brought in reports of a large force that was being organized at a point several days' ride to the southwest by Hu-pui-hilth Yohola, an Osage [a Creek], whom we called for short Opothlyola. After taking due precaution Major Clark marched into the Osage country, under pretense of being in search of the Kickapoos and Lipans, who, it was rumored, were on the point of leaving for Mexico, in order to avoid the complications of the Civil War. We were very courteously received and pleasantly entertained, though we were not fooling Opothlyola.

"Our scout then reported to Col. Cooper who, at the head of a force of 2,800 men, immediately marched against Opothlyola, with the determination of nipping in the bud any opposition on the part of the Southwestern Indians to the Southern Confederacy. In the meantime, Opothlyola, who was by no means destitute of scouts, kept himself informed as to our movements and he came to meet us. We met early one morning in October [November 19], at Round Mountain. The day was spent in skirmishing, without any losses or advantage to speak of on either side. We went into camp for the night on a level prairie, covered with sedge grass waist high, beginning to dry considerably. Making a corral of our wagons, we placed our stock within it.

"We retired with the understanding that the battle would begin early in the morning. It was a serene night. At 1 o'clock we all of one accord leaped to our feet. The prairie was on fire in hundreds of places

around us, and a fierce wind which had sprung up was carrying wisps of blazing grass hundreds of yards and starting new fires. The weird beauty of the landscape revealed by the widespread conflagration was perhaps not wholly lost on even the most fearful of our panic-stricken train. Our poor mules gave vent to their distress in sounds that seemed to be compounded of bray, bellow and squeal. In our efforts to save our wagons and teams we had no leisure to return the fire of the enemy who were raining bullets and arrows into our confused rout.

"We abandoned the whole of our provisions, and left in our wake a dozen or so wagons, scores of mules, and fifteen or twenty dead and wounded men. Fortunately for us, Opothlyola did not follow up his advantage. We were more than two hours in getting out of the fire, but once out, we did not loiter on our way back to Dwight's Mission."

"Civil War Repeated in Indian Territory," by W. S. Adair, appearing in the Dallas "Morning News," July 1, 1923.

APPENDIX XXVI—3.

ADDRESS OF CHIEF JOHN ROSS.

"The address of John Ross, principal chief of the Cherokee nation, delivered at Fort Gibson to John Drew's regiment of Cherokees, on the occasion of the defection of the regiments on the eve of a battle with Opothleyahola, the leader, of the non-conforming Creeks, 19th December, 1862 [1861] written out the day following by myself, and believed to be exactly correct—Hercules Martin interpreting.

"*Fellow-citizens, soldiers and friends:* I appear before you this evening for the purpose of making a few remarks, previous to introducing your friend Col. Cooper, the commander of the Confederate forces in the Indian country, who intends to address you. A few nights ago I had occasion to address some of you on a very strange and extraordinary occasion, and now that you are nearly all present, I will necessarily have to repeat much of what I then said. I then told you of the difficulty caused in the nation by the disruption of the United States, and the action taken by our neighboring States and tribes in joining the southern Confederacy, which had left us alone, and of other matters of equal interest, that had made it necessary for us to call a convention of the Cherokee people.

"This convention was held and numerously attended by the people, so that the acts of the convention were really acts of the whole people. At that convention, it was agreed on that all the distinctions of color should cease among the Cherokees forever, and that the half-blood Cherokee should have the same rights and privileges with the full-blood Cherokee, and the full-blood have the same rights and privileges as their white-skinned brethren, and that the whole were to be a united people. It was also agreed on that for the interests of the nation our relations with the United States should cease, or be changed, for the reason I have stated, and a treaty be made with the South. For this purpose I was then authorized to enter into negotiations with the commissioner of the Southern Confederacy, with the view of making such a treaty. At the same time, and for this purpose, there were men in whom we had unbounded confidence, selected to negotiate and enter into a treaty with the south. Immediately after the convention, I despatched a messenger to this distinguished commissioner for the Confederate States, who was then in the neighborhood of Fort —, and informed him of our readiness to enter into a treaty. In the meantime, although there was no treaty made, it was deemed expedient to raise a Cherokee regiment for our own preservation, and for the purpose of repelling invasion and guarding our own border, and in any emergency of this kind to act in concert with the troops of the Southern Confederacy. This regiment was accordingly raised and organized at this place. On the arrival of the commissioner at this place, the regiment welcomed him and formed his escort to his headquarters at Park Hill, where the treaty was made. The treaty was made, to the entire satisfaction of all who were concerned in it. It is the very best treaty we have ever made, in many particulars, as it secures to us advantages we have long sought, and gives us the

rights of freemen, to dispose of our lands as we please. On the very day the treaty was signed, it was submitted to the national council, then in session, and was there read and deliberated on, article by article, and was unanimously adopted and confirmed by both houses, and it thus became a law. By negotiating this alliance with the Confederate States, we are under obligations to aid the South against all its enemies, so that the enemies of the South are our enemies. * * * *

"Under these circumstances the commissioner deemed it expedient to accept this regiment into the service at once. This was only delayed by the absence of the officer who was authorized to muster them into the service, (late Colonel McIntosh, C. S. A.) he having gone to duty under General McCullough.

"But learning this, Colonel Cooper sent another officer, who mustered them into the service, where the regiment has been since then, until the recent very strange, unaccountable blunder and confusion, when it acted as it did when it was brought against Opothleyahola's people, a few days ago, which conduct has been examined into to-day, and settled so advantageously by Colonel Cooper, the commander of the forces on this frontier, feeling assured that it was evidently caused by a misconception of matters as they really exist, or a mistake or misunderstanding of what Opothleyahola really is. When we concluded to enter into treaty negotiations with the Confederate States, by request of the commissioner I sent a messenger to the Osages and Senecas, requesting them to meet the commissioner at Park Hill, and they very promptly responded. I also despatched a messenger to Opothleyahola for the same purpose, and advised him to submit to the treaty made with the Creeks, and to be advised by Colonel Cooper, who was his friend, and had used his utmost exertions to bring about peaceful relations with the parties in the Creek nation.

"Opothleyahola replied, that he was at peace with the South, with Colonel Cooper and the Cherokees, and desired to remain so. He was willing also to submit to all proper treaties, but that a party in his own nation was against him and his people, who would not allow him to be at peace. On this I used every possible means to settle the disputes between the parties and bring about peace, and hoped to succeed. The very last messenger Opothleyahola sent to me—one of his chiefs, Mico,—asked for my advice and intervention. I then sent a letter, by the same messenger, to Colonel Cooper, expressive of my views, and sent back word to Opothleyahola to come alone into the Cherokee country, where he would be protected, and to disperse his people and send them to their homes, and by no means to fight. But instead of doing this, he comes into the Cherokee country with a large armed force, and wantonly destroys the stock and other property of our citizens; by this means without cause, invading our soil and proving our enemy. He, by his subtlety seeks to inveigle the Cherokees into his quarrel, as he still tells them he was their friend, but proving by his duplicity that he is not, as shown by their acts; for, while pretending peace, he was preparing for war, and has been deceiving us all the time, and no doubt has his agents among you, deluding you into the belief that it was only a party feud, and that he was oppressed, while he was acting for the North all the time. The very last messenger sent to him by Colonel Drew was at his own request; yet with the full authority of Colonel Cooper and Colonel D. N. McIntosh, he was charged with offers of peace, and this was from the leader of the very party he complained of. Yet the messenger was intercepted and prevented from seeing Opothleyahola by some of his chiefs, or officers, who were already striped and painted for war. It was this state of things that produced the strange blunder of this occasion, and caused the separation of the regiment.

"Our treaty with the South is a good one, and, as I have said, is the best we have ever made, securing many advantages we did not before possess. It is, therefore, our duty and interest to respect it, and we must, as the interest of our common country demands it. According to the stipulations of the treaty we must meet enemies of our allies whenever the South requires it, as they are our enemies as well as the enemies of the South; and I feel sure that no such

occurrence as the one we deplore would have taken place if all things were understood as I have endeavored to explain them. Indeed, the true meaning of our treaty is, that we must know no line in the presence of our invader, be he who he may. We must not let the invader carry the war into our land, but meet him before he reaches our lines and repel him. If, unfortunately, the invader should cross our lines, we must expel him by force, with the aid of our allies, and pursue him into his own country, as this is the intent of our treaty; for although we are more especially to be the guards of our own border, and are not required to go a long distance from our homes to fight the battles of the South, yet we are not restricted to a line when there is an enemy in view, but must repel him—pursue and destroy him. I hope you now understand it, and that everything will now go on well, as it should. I have no more to say, and will now introduce Colonel Cooper, the commander of the Confederate forces in the Indian country.

"The Cherokees gave their customary token of approval, when they were addressed by Colonel Cooper to the same effect as J. Ross. They were then addressed in the Cherokee language by Major T. Pegg, at some length, but this was not interpreted. Many of the regiments left for their homes that night, not approving of the treaty and its requirements.

"The foregoing is almost verbatim, and contains at least the substance of all the chief said.

"W. L. G. MILLER,

WM. HAYES."

—Report of Commissioner of Indian Affairs for 1865, pp. 355-57.

APPENDIX XXVI—4.

REPORT OF SUPERINTENDENT COFFIN.

In a letter to William P. Cole, Commissioner of Indian Affairs, Superintendent Coffin reported in part as follows:

Fort Roe, Verdigris, February 13, 1862.

Sir: Having now been here long enough to make a pretty thorough examination of the Indians here, I send you the inclosed census of those now here and in one or two days' journey of this place. They are constantly arriving from twenty to sixty per day, and sending runners for provisions to be sent to the destitute on the way, and for transportation for the sick and feeble and helpless. The destitution, misery, and suffering amongst them is beyond the power of any pen to portray; it must be seen to be realized. There are now here over two thousand men, women, and children, entirely barefooted, and more than that number who have not rags enough to hide their nakedness. Many have died and others are constantly dying. I should think, at a rough guess, that from twelve to fifteen hundred dead ponies are laying around in the camps and in the river. On this account, so soon as the weather gets a little warm, a removal of their camp will be indispensable. There are, perhaps, now two thousand ponies living; they are very poor and many of them must die before grass comes, which we expect here from the 1st to the 10th of March. We are issuing a little corn to the Indians and they are feeding them a little, and we hope we will save most of them. I sent down, just before leaving Leavenworth, five wagon-loads of blankets, clothing, shoes, boots, and socks, which are all distributed, except some we have retained for those that are constantly coming in, who are if possible, more destitute than those here, and the supply will not furnish the half of them with a pair of shoes and a blanket, or its equivalent in coarse clothing, and I shall send my clerk with this to Leavenworth and an order to Thomas Carney & Co. for as much more. I do not propose to furnish them with anything in the way of clothing, but a pair of shoes, socks and blankets, or its equivalent in other coarse clothing, (less than this looks like cruelty) and tobacco, which, to an Indian, is about as essential as food, more so than *clothing*, as you are aware. The funds at my command are exhausted and a considerable debt incurred besides. The money I had drawn on my salary and that of my clerk, O. S. Coffin, to the amount of \$3,200, I had fortunately deposited on call at Leavenworth; this I drew and brought with me, and it is very fortunate that I did so, as Captain Varnee, General Hunter's com-

missary, whom he sent down to attend to the subsistence department had left, and they had issued the last of these supplies the day I got here. I sent immediately an agent back to Neosho, with money to purchase cattle, pork, corn, and meal, and the three government trains here I sent to load back with such as could be procured at once. We have been picking up what we could get around here and have kept them pretty well supplied with corn and meat, and think now they will not suffer till other supplies reach here from Neosho, the first of which we look for this evening.

—Report of the Commissioner of Indian Affairs for 1862, pp. 145-46.

APPENDIX XXVI—5.

THE INDIAN HOME GUARD REGIMENTS.

The 1st Regiment of the Indian Home Guard was organized under the immediate direction of General James G. Bunt, in May, 1862. Colonel Robert W. Furnas (afterward governor of Nebraska) was its first commander. He resigned in November, 1862, and was succeeded by Lieutenant-Colonel Stephen H. Wattles, who was later promoted to the grade of colonel and who remained in command until the Regiment was mustered out of the service.

The 2d Regiment of Indian Home Guards was mustered into the volunteer military service in Kansas, June 22d, 1862. Colonel John Ritchie was its commander, retaining that position during the entire service of the regiment.

The 3d Regiment of Indian Home Guards was organized in the field by Major William A. Phillips, of the 1st Regiment, who was commissioned colonel of the 3d Regiment when it was mustered into the service, September 16, 1862. Major John A. Foreman was in command of the regiment when it was mustered out of the service, Colonel Phillips then being in command of the Indian Home Guard Brigade.

The regiments of the Indian Home Guard were listed with the Kansas troops in "The Official Army Register of the Volunteer Forces of the United States for the years 1861-62-63-64-65," issued from the Adjutant General's Office, in 1867, considerable detailed data concerning these three regiments being contained therein. Later, the War Department issued an order directing that these organizations should be credited to the Indian Territory instead of Kansas.

All three of the Indian Home Guard regiments were mustered out of the service, by reason of the end of the war, May 31, 1865.

APPENDIX XXVII—1.

CONFEDERATE INDIAN FORCES IN THE INDIAN TERRITORY.

In his report for May 4, 1862, Gen. Albert Pike gave the positions and activities of the Confederate Indian troops as follows: "The Cherokee and Creek troops are in their respective countries. The Choctaw troops are in front of me, in their country, part on this side of Boggy and part at little Boggy, 34 miles from here [Fort McCulloch]. These observe the roads to Fort Smith and by Perryville toward Fort Gibson. Part of the Chickasaw battalion is sent to Camp McIntosh, 11 miles this side of the Wichita Agency, and part to Fort Arbuckle, and the Texan company is at Fort Cobb.

"I have ordered Lieutenant-Colonel Jumper with his Seminoles to march to and take Fort Larned, on the Pawnee Fork of the Arkansas, where are considerable stores and a little garrison. He will go as soon as their annuity is paid.

"The Creeks under Colonel McIntosh are about to make an extended scout westward. Stand Watie, with his Cherokees, scouts along the whole northern line of the Cherokee country from Grand Saline to Marysville, and sends me information continually of every movement of the enemy in Kansas and Southwestern Missouri.

"The Comanches, Kiowas, and Reserve Indians are all peaceable and quiet. Some 2,000 of the former are encamped about three days' ride from Fort Cobb, and

some of them come in at intervals to procure provisions. They have sent to me to know if they can be allowed to send a strong party and capture any trains on their way from Kansas to New Mexico, to which I have no objection. To go on the war-path somewhere else is the best way to keep them from troubling Texas."

—Official Records of the Union and Confederate armies, Vol. XIII, pp. 819-23.

APPENDIX XXVII—2.

ENGAGEMENT AT LOCUST GROVE

"Colonel Weer soon ascertained that Stand Watie was encamped with his command at his mills on Spavinaw Creek, some twenty-five miles south [of Cowskin Prairie], and that Colonel Clarkson [Col. J. J. Clarkson, C. S. A.], who had recently been assigned to the command of the northern part of the Indian Territory, was encamped at Locust Grove, near the Grand Saline, on the east side of Grand River, fifteen to twenty miles farther south, with a regiment of Missourians and a large amount of powder and ammunition. To strike these commands, Colonel Weer saw that no time should be lost, and that it might be necessary to make one or two night marches. That his movements might be as free as possible from any embarrassment, he sent all his baggage and supply trains, part of his artillery, the Second Ohio Cavalry, and the Ninth and Twelfth Regiments Wisconsin Infantry, from Round Grove [on Cowskin Prairie] to the west side of Grand River, with instructions to march to Cabin Creek. At that point, that part of the command was to await further orders.

"Colonel Weer took with him the available men of the Sixth Kansas Cavalry, under the command of Lieutenant-Colonel Jewell, a detachment of the Ninth Kansas Cavalry, under Major Bancroft, a detachment of the Tenth Kansas Infantry, under Captain Quigg, in wagons, and a detachment of the First Indian Regiment, and a section of Captain Allen's First Kansas Battery, and marched down on the east side of Grand River, with the view, if possible, of striking and demoralizing Stand Watie's command, and of surprising Colonel Clarkson at Locust Grove. He had information that Stand Watie's and other Confederate troops operating in the Cherokee nation were to join Clarkson at once, or were to be concentrated at some point in the nation for the purpose of checking the Federal advance.

"Having decided to strike Stand Watie first, Colonel Jewell, of the Sixth Kansas Cavalry, was sent east of Colonel Weer's column in the direction of Marysville, and in the afternoon of the first day's march he came upon the fresh trail of the enemy. He was informed by an Indian family that Stand Watie had passed, marching south, only an hour or so before, with three or four hundred mounted men. This news caused a ripple of excitement, and Colonel Jewell's cavalry at once struck up a fast trot in the pursuit, and after about two hours came in sight of Stand Watie, where he had stopped at an Indian house for supper. He had heard that the Federal column was moving south, and had taken the precaution to leave a guard in the road, who warned him of the nearness of the Federal advance in time to enable him to mount his horse and gallop off in sight of his pursuers. He soon overtook his command, but the Federal cavalry were right at his heels, the foremost troopers firing at him every time they came in sight of him and his attendants, killing one of his men. He made no effort to form his men in line, but every man seemed bent on saving himself. The chase was exciting for several miles, when darkness came on and then the enemy commenced to break up into small detachments and take to the hills and obscure paths and byroads. As the enemy had been forced from the main road leading to Locust Grove, and as the pursuit could not be kept up farther to advantage, Colonel Jewell halted a short time to allow his command to close up, which had not been practicable in the exciting chase of the last few miles. When his command had all closed up, a short consultation was held with his principal officers, and the march resumed for the purpose of joining Colonel Weer in the neighborhood of Grand Saline by daylight next morning. It was thought that Stand

Watie's command was too badly demoralized to rally and reach Clarkson in time to do him any good, or to even warn him of the nearness of the Federal troops. An estimate of the time it would take to reach the enemy's camp was made, and the command at once put in motion.

"Colonel Weer, who had taken a road west of Colonel Jewell's column, had guides along who knew the exact location of the enemy. On nearing the neighborhood of the Confederate forces, he ordered his troops to march in as close order as practicable, so that when the time came their movements could be directed as the situation required. Just before daylight the head of his column reached Locust Grove without opposition, and in a few moments surrounded Colonel Clarkson's camp, and at once opened fire upon it. The Confederates were completely surprised. They had not heard that there were any Federal troops in the Indian Territory nearer than Neosho River or Round Grove. When they were aroused by the Federal firing, so much confusion ensued that no regular line of battle could be formed. Some of the men, in a half-dressed condition, endeavored to shelter themselves behind the wagons of their train. Others endeavored to break through the Federal lines, and were shot down or captured. A few, on the first alarm, made their escape before the Federal line had closed around the camp.

"Seeing that such resistance as he could make would entail a useless loss of life, Colonel Clarkson surrendered to Colonel Weer one hundred and ten men, all that had not escaped and that had not been killed or wounded, together with all his trains. Colonel Jewell's column came up in time to engage in the pursuit of the fleeing rebels. There were sixty-four mule teams in the baggage and supply trains thus captured, and the Confederate commissary had on hand a good supply of salt, flour, and other provisions. The Confederates had been working the salt-works at Grand Saline up to their full capacity in making salt for the use of the Confederate troops operating in Western Arkansas and in the Indian Territory. As salt was as plentiful as any other commodity all over the North, and as the Federal troops were abundantly supplied with it by the Government as a part of their rations, the salt-works at Grand Saline were destroyed to prevent their further use by the Confederates."

—Wiley Britton, "The Civil War on the Border," Vol. I, pp. 300-03.

APPENDIX XXVII.—3.

COLONEL SALOMON'S ADDRESS.

Headquarters Indian Expedition,
Camp on Grand River, July 18, 1862.

TO COMMANDERS OF THE DIFFERENT CORPS CONSTITUTING INDIAN EXPEDITION:

Sirs:—In military as well as civil affairs great and violent wrongs need speedy and certain remedies. The time had arrived, in my judgment, in the history of this expedition when the greatest wrong ever perpetrated upon any troops was about to fall with crushing weight upon the noble men composing the command. Some one must act, and that at once, or starvation and capture were the imminent hazards that looked us in the face.

As next in command to Colonel Weer, and upon his express refusal to move at all for the salvation of his troops, I felt the responsibility resting upon me.

I have arrested Colonel Weer and assumed command. The causes leading to this arrest you all know. I need not reiterate them here. Suffice to say that we are 160 miles from the base of operations, almost entirely through an enemy's country, and without communication being left open behind us. We have been pushed forward thus far by forced and fatiguing marches under the violent southern sun without any adequate object. By Colonel Weer's orders we were forced to encamp where our famishing men were unable to obtain anything but putrid, stinking water. Our reports for disability and unfitness for duty were disregarded; our cries for help and complaints of unnecessary hardships and suffering were received with closed ears. Yesterday a council of war, convened by the order of Colonel Weer, decided our only safety lay

in falling back to some point from which we could reopen communication with our commissary depot. Colonel Weer overrides and annuls the decision of that council, and announces his determination not to move from this point. We have but three days' rations on hand and an order issued by him putting the command on half rations. For nearly two weeks we have no communication from our rear. We have no knowledge when supply trains will reach us, neither has Colonel Weer. Three sets of couriers, dispatched at different times to find these trains and report, have so far made no report. Reliable information has been received that large bodies of the enemy were moving to our rear, and yet we lay here idle. We are now and ever since our arrival here have been entirely without vegetables or healthy food for our troops. I have stood with arms folded and seen my men faint and fall away from me like the leaves of autumn because I thought myself powerless to save them.

"I will look upon this scene no longer. I know the responsibility I have assumed. I have acted after careful thought and deliberation. Give me your confidence for a few days, and all that man can do, and with a pure purpose and firm faith that he is right, shall be done for the preservation of the troops.

"F. SALOMON, Colonel 9th Wis. Vols.

Comdg. Indian Expedition."

—Official Records of the Union and Confederate Armies, Vol. XIII, pp. 475-76.

Headquarters Indian Expedition,

Camp on Wolf Creek, Cherokee Nation, July 20, 1862.
Brig. Gen. James G. Blunt,

Commanding Department of Kansas:

Sir:—I have the honor to report that I have arrested Col. William Weer, commanding the Indian Expedition, and have assumed command. Among the numerous reasons for this step a few of the chief are as follows:

From the day of our first report to him we have found him a man abusive and violent in his intercourse with his fellow-officers, notoriously intemperate in habits, entirely disregarding military usages and discipline, always rash in speech, act, and orders, refusing to inferior officers and their reports that consideration which is due an officer of the U. S. Army.

Starting from Cowskin Prairie on the 1st instant, we were pushed rapidly forward to the vicinity of Fort Gibson, on the Arkansas River, a distance of 160 miles from Fort Scott. No effort was made by him to keep communication open behind us. It seemed he desired none. We had but twenty-three days' rations on hand. As soon as he reached a position on Grand River, fourteen miles from Fort Gibson, his movements suddenly ceased. We could then have crossed the Arkansas River, but it seemed there was no object to be attained in his judgment by such a move. There we lay entirely idle from the 9th to the 19th. We had at last reached the point when we had but three days' rations on hand. Something must be done. We were in a barren country, with a large force of the enemy in front of us, a large and now impossible river between us, and no news from our train or from our base of operations for twelve days. What were we to do? Colonel Weer called a council of war at which he stated that the Arkansas River was now impassable to our forces; that a train containing commissary stores had been expected for three days; that three different sets of couriers sent out some time previous had entirely failed to report; that he had been twelve days entirely without communication with or from the department, and that he had received reliable information that a large force of the enemy were moving to our rear via the Verdigris River for the purpose of cutting off our train.

Upon this and other information the council of war decided that our only safety lay in falling back to some point where we could reopen communication and learn the whereabouts of our train of subsistence. To this decision of the council he at the time assented, and said that he would arrange with the commanders of brigades the order of march. Subsequently he issued an order putting the command on half rations, declaring that he would not fall back, and refused utterly, upon my application, to take any steps for the safety or salvation of his command. I could but

conclude that the man was either insane, premeditated treachery to his troops, or perhaps that his grossly intemperate habits long continued had produced idiocy or monomania. In either case the command was imperilled and a military necessity demanded that something must be done, and that without delay, I took the only step I believed available to save your troops. I arrested this man, have drawn charges against him, and now hold him subject to your orders.

On the morning of the 19th I commenced a retrograde march and have fallen back with my main force to this point.

You will see by General Orders, No. 1, herewith forwarded, that I have stationed the 1st and 2d Regiments Indian Home Guards as a corps of observation along the Grand and Verdigris rivers; also to guard the fords of the Arkansas. Yesterday evening a courier reached me at Prior Creek with dispatches saying that a commissary train was at Hudson's Crossing, 75 miles north of us, waiting for an additional force as an escort. Information also reaches me this morning that Colonel Watie, with a force of 1,200 men, passed up the east side of Grand River yesterday for the purpose of cutting off this train. I have sent out strong reconnoitering parties to the east of the river, and if the information proves reliable will take such further measures as I deem best for its security.

I design simply to hold the country we are now in, and will make no important moves except such as I may deem necessary for the preservation of this command until I receive specific instructions from you. I sent Major Burnett with a small escort to make his way through to you. He will give you more at length the position of this command, their condition, &c.,

Very respectfully, your obedient servant,

F. SALOMON,
Colonel 9th Wis. Vols.
Comdg. Indian Expedition.

—Official Records of the Union and Confederate Armies, Vol. XIII, pp. 484-85.

APPENDIX XXVII—4. THE INDIAN EXPEDITION.

Camp near Sulphur Springs, August 2, 1862.

Sir: After some deliberation on the matter, we have concluded to furnish you with a statement of the movements of the Indian brigade, and the effect the campaign thus far has had on the minds of the Indians. We believe that such a statement is due not only to the Indians themselves, but to the officers commanding the Indian regiments.

From the commencement of their march the officers in command of the expedition have required of the Indian officers the same amount of service, to be performed in the same manner, as they have from the white men. This the Indians did not expect, and they claim that it is contrary to the promises made them by the Commissioner and yourself. They further claim that the government was to reinstate them in possession of their lands, after which they were to be left as home-guards to defend the country.

Colonel Ritchie's regiment, you are aware, was in the advance at Cowskin prairie, and, knowing the enemy to be more than double their force, they cheered their colonel to go on in his determination to drive Raines and his force of 1,400 men from the position he held. The officers took breakfast already cooked for Stanwatie, while that rebel retreated so hastily that our Indians could only come in sight of his rear guards. Raines took his whole force to Evansville, twenty miles below, on the Arkansas border.

When near Grand Saline, Colonel Weer detached parts of the 6th, 9th, and 10th Kansas regiments, and sent the 1st Indian regiment in advance. By a forced night march they came up to the camp of Colonel Clarkson, completely surprising him, capturing all his supplies, and taking one hundred prisoners; among them the colonel himself.

The Creek Indians were first in the fight, led by Lieutenant-Colonel Wattles and Major Ellithorpe. We do not hear that any white man fired a gun unless it was to kill the surgeon of the 1st Indian Regiment.

We were since informed that one white man was killed by the name of McClintock, of the 9th Kansas Regiment. In reality, it was a victory gained by the 1st Indian Regiment; and while the other forces would, no doubt, have acted well, it is the height of injustice to claim this victory for the whites.

Houses have been plundered and completely gutted by white soldiers, and the wantonness laid to the Indians. We will mention a case in point: The beautiful residence of Mr. Lewis Ross, a Union man of the Cherokee nation. We have the evidence, and know the names and regiments of white soldiers to which they belong, and yet Indians have been cursed for the vandalism. We do not claim for them any more honesty than for the whites. What we do claim is this: that they have been willing to obey orders, and that the cases of flagrant outrage and wrong have been done by the whites; and this example more than ought else has been a cause of dissatisfaction, the Indians feeling that they had some claim to the property in their own country, and looking upon the orders they had, not to touch anything as partial, the whites getting the plunder, while the Indians were burdened with the odium of the pillage. They feel that they have been made scapegoats for the crimes of others, and we believe there is too much justice in this feeling.

The Cherokees have been of great service in their own country. The Creeks, Seminoles, Delawares, &c., have at all times been ready to answer all that was required of them.

On the day of Colonel Weer's arrest the Indian regiments formed into a brigade, and Colonel Furnas assumed command and marched to the Verdigris River, opposite the old camp and about twelve miles west of it, while Colonel Salomon marched the whole white force to Hudson's Crossing, some seventy-five or eighty miles north, thus leaving the Indian regiments to cover his retreat. Colonel Furnas had large scouting parties near Fort Gibson, commanded by Captain Fall Leaf, Jim Ned, and other Indian officers; and when they came in, he despatched Major Phillips with detachments from the 1st, 2d and 3d Indian regiments, to scour the country between Talloqua and Fort Gibson, while Captain Foreman, with one piece of artillery, pushed on toward Gibson, on the Texas Road, expecting to operate in conjunction with Major Phillips. The command under Major Phillips completely surprised a large force of the enemy, who were on their way to Park Hill, intending to punish John Ross and the Union people of that vicinity for their welcome of the Union army. The lieutenant colonel of Watie's regiment, Thomas Taylor, was killed in the action, and his forces, completely routed, fled in wild confusion to Fort Gibson. Our Indian allies pursued, but their horses were too much jaded to overtake the enemy, who was well mounted.

You will see the official report of this battle, and will not fail to give credit to the Indians for their courage. There were no white soldiers here to claim the honors of the victory.

Times were getting dangerous: the enemy was concentrating his forces at Fort Davis [q. v.], with the intention of attacking us, having got knowledge of the retreat of our whole troops. Major Wright, of the 2d, was despatched with reinforcements to Major Phillips, while Colonel Furnas learned that the rebels were preparing a flank movement against us from the Verdigris. He had a large train to protect, and all his available force was out with Majors Phillips and Wright, while Captain Foreman was making a bold move toward Fort Gibson. At any time during four days two hundred men, by a sudden attack, could have taken our train. There was but one thing to do. The Creeks were clamorous for a retreat—at least far enough to be within reach of our army in case we were attacked. Colonel Corwin, of the 2d, and Colonel Wattles counselled a retreat. In fact, it was, under the circumstances, impossible for Colonel Furnas to hold his position. His train could have been at any time taken by a party from the Verdigris, and he could not possibly spare men to guard that point; and having only two days' rations, he reluctantly yielded to necessity, and fell back to this point, to await the arrival of Majors Phillips and Wright.

The Indians feel that the white forces left them caring little whether they were cut off or not, and

were at the time of our retreat in almost a state of mutiny, after which the Osages nearly all deserted, which nobody regrets; but we must assure you that the rest of the Indians have nobly stood by our flag.

The true record of the movements here will show you that they have at all times occupied the post of danger, and have thus far acquitted themselves well, and we ask for them an honest judgment; and in behalf of the officers of the Indian regiments, we ask that justice be done them in the trying situation in which they have been placed.

Colonel Ritchie having been detached from his command with Companies H, I, and K, Cherokees, to take charge of some one hundred and twenty prisoners *en route* for Fort Leavenworth, and be regularly mustered into service, the command devolved upon Lieutenant Colonel Corwin, who has always been at his post and shown himself an efficient officer.

Such, sir, is, we believe, a faithful report of the Indian brigade. It has done more service, with less thanks, than any part of our army. We feel that in justice to the officers and men it is our duty to make such a statement.

Very truly, your obedient servants,

E. H. CARRUTH,

United States Indian Agent.

H. W. MARTIN,

Special Indian Agent.

COLONEL WILLIAM G. COFFIN,

Superintendent of Indian Affairs.

—Report of the Commissioner of Indian Affairs for 1862, pp. 162-64.

APPENDIX XXVII—5.

GENERAL PIKE IN THE CIVIL WAR.

The part borne by General Pike in the Civil War was unfortunate for his fame. As a scholar, a thinker, a poet, an orator, a philosopher and a fraternalist, he will always take high rank and justly so. Though he had been a company commander in the volunteer army during the war with Mexico, he was not fitted for the exercise of an office of such rank and responsibility as that of a department commander at the time of the Civil War. That he was not lacking in the element of energy personally, was abundantly proven by his activity during the period in which, as a commissioner for the Confederate States, he was engaged in negotiating treaties with the several Indian tribes. Apparently, he was lacking in military initiative, yet even this may have been due to the lack of equipment and provisions for the forces under his command rather than because of the want of aggressiveness on his own part. As a correspondent he was inclined to prolixity, his letters being possibly the longest of any that were published in the Official Records of the Union and Confederate armies. Moreover the rhetorical figures and phrases of the orator and poet would occasionally crop out in his reports and orders, where words of blunt, simple directness would have served better. His lack of ability to take things as he found them and make the most of the opportunity regardless of how far it might fall short of desired conditions was illustrated not alone in the policy he pursued but also in his mental attitude with regard to matters of trivial detail. Thus, in one of his general orders (Official Records of the Union and Confederate Armies, Series I, Vol. XIII, p. 953) occurs the following clause:

"Captain Marshall's company of Texas Cavalry will proceed to the Wichita Mountains, on the head of Clear Creek, or a branch of Cache Creek, in the valley, at the foot of Mount Beauregard, heretofore known as Mount Scott, the highest peak of those mountains. The department quartermaster will furnish mechanics and laborers and he will erect there two block-houses, of two stories each, loop-holed, and the upper story projecting at different angles beyond the lower one; also a commissary warehouse and other necessary buildings. . . ."

Despite lack of efficiency and success as a military commander, the part which he took in persuading the various Indian tribes to align themselves on the side of the seceding states was an important one, even though the results did not justify his expectations. Physically, a man of gigantic stature and imposing presence, he was one of the most picturesque figures

of the period in the history of the Indian Territory, where he was remembered long after some of his abler successors had been forgotten.

APPENDIX XXVIII—1.

THE RETURN OF THE REFUGEES.

"On the 21st of February [1863], immediately after the adjournment of the Cherokee Council, the Indian Brigade moved from Elk Mills up Elk River to Pineville, and from that place marched to Bentonville, Arkansas, where it encamped for several weeks. This movement was preliminary to the opening of the spring campaign, and of marching into the Cherokee Nation. The Indian soldiers in particular were delighted that there was a prospect of going back into their own country again in a short time. While encamped at Bentonville the smallpox broke out among the Indian soldiers, and a good many were taken down and a few died before the surgeons could check the spread of the disease by vaccination. Very few of the Indians had been vaccinated up to this time, and when the disease appeared among them, it soon spread rapidly. Nearly all the white soldiers escaped the disease, having been vaccinated before or shortly after enlistment. A smallpox hospital was established about half a mile from the camp of the troops, but in spite of the isolation of the patients the disease did not die out until late in the spring. It was impossible to prevent the spread of the disease while the refugee families and the soldiers of these families freely mingled together.

"These signs of activity displayed by the Confederate leaders convinced Colonel Phillips that he should establish his headquarters at Fort Gibson as early as practicable, if it was determined to hold the Indian country north of the Arkansas River. He could march into the Indian Territory any day, but he knew the moment he entered that Territory the Indian families at Neosho would wish to return to their homes, and he was desirous that they should remain where they were until spring should advance far enough to enable their ponies to live on the range. He saw that if these families should join his command before entering the Indian Territory they would increase the size of the refugee camp and expose them to the contagion of smallpox, which had already invaded a good many families encamped near his troops. He had been able to forage off the country during the past winter, but when he entered the Indian country he would be obliged to have corn and oats for his animals transported from Fort Scott in wagon trains. In a few weeks the grass on the Arkansas River bottom would furnish good grazing for such of his cavalry horses as would not be employed in active scouting. In the meantime he determined to keep out strong detachments of cavalry scouting the country to Van Buren and north of the Arkansas River as far west as Fort Gibson, depending on Colonel Harrison, commanding at Fayetteville, to keep the enemy from menacing his left flank on the east and southeast.

"On the morning of April 9th the refugee train, a train of wagons perhaps more than a mile long, with an escort of three hundred Indian soldiers under Captain A. C. Spillman, arrived at Park Hill from Neosho, Missouri, bringing all the Indian families who had spent the winter at that place. Many of the Indian women and children were riding their ponies, their effects and the old and the invalids being hauled in the wagons. This meeting of the Indian soldiers with their families near the capital of their country, after a separation of nearly a year in some instances, was the occasion for much rejoicing, for it was an event the consummation of which they had been earnestly wishing for through the long weary months of hardship and exile. But while all these people were gratified and even thankful to be able to come together under the bright skies of their own beautiful country, all the greetings of husbands and wives and members of families and friends did not present scenes of rejoicing. Many of these families had been exposed to the epidemic of measles at Neosho during the past winter, and the mortality from the resulting sequelae of the disease had been very great, particularly among the children, on account of the inadequate facilities

for taking proper care of the patients. There was very little correspondence by writing between the Indian soldiers and their families, and at the greetings of parents, reference was soon made to a child or member of the family who had fallen a victim to disease and had been left behind to be mourned by loving hearts. Thus were hearts torn by trials and severe afflictions, so that there was weeping as well as rejoicing when the Indian soldiers met their families returning from exile.

"Now that nearly all the families of the loyal Indians had been brought together in their own country, the question was at once presented to the Federal commander, Would not the presence of these families increase the burden, already great, of providing subsistence for his troops, since the only part of the ration he could depend upon the country to furnish would be fresh meat? While he saw that he might be obliged to issue to some of the Indian families part of the subsistence supplies brought down from Fort Scott for his troops, it was his policy to encourage the families living north of the Arkansas River to return to their homes as far as practicable for the purpose of putting in their usual crops of corn and garden stuff. Even in peaceable times a good many Indian women had been in the habit of working such patches of corn and potatoes as were cultivated. When leaving their homes most of these Indians had been able to bring out a good many of their ponies, probably at least one for each member of the family to ride, except children in the arms of their mothers, and now that the range was getting good this stock could be better taken care of and made more useful at the homes of families than in camp near the troops.

"Very few of the houses and fences had been burned in the Indian Territory, except such as were burned by accidental fires breaking out, and those families who returned to their homes generally found their premises in nearly the same condition in which they left them, and in some cases were able to find on the range some of their horses and cattle which had not been killed or driven off in their absence. After the defeat and breaking up of General Cooper's force at Fort Wayne in October, the Southern Indians had not ventured north of the Arkansas River, except along the State line between Fort Smith and the Boston Mountains a week or so during the Prairie Grove campaign, so that they had not been able to collect and drive off much stock during the past winter.

"As the winter had not been very severe, most of the abandoned stock in the Territory had been able to live in the canebrakes and on the range in the timber along the streams. A process of natural selection had made the Indian cattle and horses hardy breeds, and, as many of the cattle would soon be in condition for making good beef, it was of the utmost importance that they should be protected from the depredation of partisan bands who were already making efforts to collect herds of them to drive south for the use of the Southern army. When the loyal Indian families commenced returning to their homes, the presence in any neighborhood of partisan bands or other agents of the Confederacy collecting stock quickly excited attention, and was likely in a short time to be made known to the Federal commander of the Indian troops, for an Indian woman did not seem to regard it as much of a hardship to mount her pony and ride twenty-five to thirty miles in a day or night on an important mission."

—Wiley Britton, "The Civil War on the Border," Vol. II, pp. 25-28 and 34-37, respectively.

APPENDIX XXIX—1.

HOW INDIAN TROOPS WERE REGARDED IN THE TWO ARMIES.

Headquarters District of the Indian Territory,
In Camp, June 29, 1864.

Brig. Gen. D. H. Cooper,
Commanding Division, &c.,
General:

Your letter, No. 503, of yesterday is just received. There can be no question in the mind of an officer acquainted with his duties upon the point you fear may be raised by some of the white officers in the event they are thrown in connection with Indian troops com-

manded by a senior officer. The law is positive and definite that the senior officer present shall command the whole. The Confederate Government recognizes Indian officers without making the slightest distinction between their rights as such and [those of] white officers. I unhesitatingly decide that the senior officer present of any expedition is entitled to the command.

Respectfully, your obedient servant,
S. B. MAXEY,
Major-General, Commanding.

[Indorsement.]

Post Oak Grove, July 3, 1864.
Respectfully forwarded for General Cooper's information. The original sent through district headquarters to headquarters Trans-Mississippi Department.
CHARLES DE MORSE,
Colonel, Commanding Brigade.

[Note.]

October, 1864.
No decision from the department headquarters has yet been communicated. It will be observed that Colonel De Morse asserts that it is understood that "General Smith decided adversely to my decision," which is sustained by General Maxey. The question was raised by Colonel Martin and referred through General Steele, whom I requested to put Colonel Martin in arrest for refusal to obey my order requiring him to report to Colonel Walker. Colonel Martin was not arrested, General Steele only informing me that the papers had been referred to General Smith, from whom I have never heard officially on the subject.

D. H. COOPER,
Brigadier-General.

Respectfully forwarded through district headquarters, and the decision of General E. Kirby Smith, commanding Trans-Mississippi Department, requested. The issue made by Brigadier-General Cooper and decided by Major-General Maxey, brings up in practical form the old question of the relative grade of races, upon which there is now being waged sanguinary war between the North and the South of the old Union. The Indian is physiologically recognized as an inferior race and I respectfully protest against the decision of the major-general commanding this district as one to which no white officer, with a proper respect for the natural dignity of his race can submit. Aside from the fact, well known to those who have had the experience of the previous year in this district, that no Indian commander is qualified by attainments for such duty as the regulations of the army call for, is super-added the well-known mental incapacity of that people to direct operations which require promptness and concentration of mind.

It is, too, an obvious trait of the Indian character that those people are naturally indispensed as well as unfitted to lead and, of their own impulses, always prefer to be led and to repose upon the judgment and superior mental acuteness of the white man. It is understood that this question was last year decided by the general commanding the department adverse to the late decision by the district commander and it is presumed that it will be so decided. If otherwise, and it is expected that the white man will be subordinated to the Indian, I ask respectfully to be immediately relieved from duty in this district, as I shall not, under any conceivable circumstances, renounce the self-respect of a gentleman and subordinate myself to an individual of an inferior race; and I may say, without consultation, that I am fully satisfied that no other white officer in this brigade will.

We undergo humiliations and discouragements enough here, without this additional chastisement. Isolated in an uncultivated waste, cut off from all hope of advancement incident to good conduct in other districts, with only the sense of duty to sustain us, half-armed, half-clothed, insufficient in number to effect anything positive except to prevent the Territory from being overrun and the granary of the Southwest from being destroyed, with the certainty that, without the interposition of the few white troops here, the Federals would soon be in Northern Texas and that, without our interposition, the credit of whatever may be accomplished will be rendered mainly to others and comparative injustice done us (I

speak from experience, not supposition), our situation is sufficiently disagreeable without any unnecessary degradations.

CHARLES DE MORSE,

Colonel, Commanding Brigade.

[Charles De Morse was colonel of the 29th Texas Cavalry, in the Confederate service.]

—Official Records of the Union and Confederate Armies, Vol. XXXIV, Part IV, pp. 698-700.

EFFICIENCY OF FEDERAL INDIAN TROOPS DURING THE WAR.

Before one agrees with those Federal officers and historical writers who have maintained that the Indians were poor soldiers and unfit for military duty during the Civil War, it is well to consider the conditions with which the Indians had to contend. In the first place, these people, many of them accustomed to living in prosperous and comfortable circumstances, had to leave their homes to be concentrated in refugee camps where they could obtain no clothing nor food and where they suffered from sickness during the worst winter weather—utterly miserable beings in the most trying and wretched conditions. Leaving their families in this plight, the Indian men were enlisted as soldiers not only to be poorly fed and clothed and given the worst possible equipment, more often than not no equipment whatever, in the way of arms and horses, but also to remain objects of scorn on the part of many superior Federal Army officers and to be disappointed time and time again in promises that were never fulfilled. All these handicaps were heaped upon Indians—most of them full-bloods who could not speak nor understand English,—who were ignorant of military tactics and training in the modern sense, besides their being called upon to fight in the ranks, of what was considered an efficient army, outside of the Indian Territory in spite of original plans to the contrary. In the light of these circumstances it is not giving the Indians who fought in the Civil War justice to say, "Halleck was right and they ought never to have been employed as a fighting force under any circumstances. Their civilization, ground for hope though it was, was yet only a veneer. As soldiers they were a lamentable makeshift always, a mere convenience. At any moment the savage in them was likely to reappear." (Abel in "The Indian Under Reconstruction," p. 104.) In the last analysis, it can be rightfully said that the Indian troops in the Civil War, especially those who fought in the Federal ranks on the frontiers of Kansas, Missouri, and Arkansas, made a record of merit that cannot be gained.

In a letter to President Lincoln, dated January 4, 1864, Col. Wm. A. Phillips wrote as follows:

"As Commanding Officer of the Brigade which includes the Indian Regiment, I desire to call to your personal attention the condition of that little understood and too much neglected Command.

"I have forwarded a report of the condition of the Indian Regiments in response to a request for evidence on the proposition of mustering them out. I send an additional copy to you through Mr. Wilder.

"The Indian Command as an 'experiment' has been entitled to more consideration than it has received. A portion of the Army Officials (honestly no doubt) have been opposed to it from its inception. No general system has been adopted. It has been to a large extent the victim of accidents. The white troops from States have officials to fight for their interests and honor. While the Indian Regiments have really done more effective service than any others I ever knew, no State has been concerned to vindicate their glory or redress their sufferings. In their behalf I appeal to your Excellency.

"Should the Government have determined or should it determine to muster them out of the service, every facility will be heartily furnished by the officers of the Command, who, I fear, would more cheerfully listen to propositions to muster them out than to reorganize them. They were once more hopeful. When I returned to them eight months ago, after a sickness of smallpox, caught with them, I found every one discouraged. Gen'l Blunt, who once eulogized them, did them much less than justice. He held out hopes of promotion in Negro regiments to all who were ambitious, and the ambition and sense of duty of these

young men, whom I had picked from able sergeants and privates of white regiments, was the only element of power I had to induce them to work in so arduous a task. It was said the regiments would surely be mustered out. So long as they existed such a thing must be fatal to them.

"I had expected to get a white brigade at Fort Smith, but as this command was going to pieces they sent me back. I found not an ounce of flour in the commissary, the Command 400 sacks in debt to the Indian Department. No forage. The mules dead or dying. The white troops that had been with the command received 8000 starving refugees in the vicinity of the camp. Hundreds of cases of smallpox. The white officers discouraged. No cavalry even for pickets. The Rebels threatening to take Gibson and ravaging the country.

"It has been my fortune, and I do not repine at it, to assume some severe tasks since I took my share in this war, but this was the most discouraging. I have (been) able with the most meagre resources to get bread enough to exist, and pay what the Command owed the other department, to get forage, though obtained seventy miles off—to repulse and break up Standwatie and Quantrel, to follow them and beat them even with infantry, and to drive them over the river, and I breathe a little freer and see daylight, but after all the command is in a condition requiring your aid.

"If it is to be mustered out, 'Very well.' If not, I respectfully suggest:

1st. That the Indian Nation ought to be a separate district. That while brought as close as possible to the Blue Book standard, it be treated fairly as an experiment.

2nd. That means be furnished to fill all vacancies in some systematic way. There being no Governor in the Indian Nation, I picked out sergeants and privates, such as I could find, from volunteer regiments and put them in as orderly sergeants, promising them promotion to the vacancies. A man who would not go through this ordeal was supposed here not to be good enough stock. This is the plan I adopted in order to do the best I could by the command. All I ask is the means of filling vacancies as they occur, and I would urge that if this Command had originally mustered with the commissioned officers and orderly sergeants white men it would have been more of a success.

3rd. When attached to other Commands, it is made the scapegoat of all officers. The debris of quartermasters stores and commissary stores is turned over to it. It has always in such a case been treated badly. Bad wagons, bad mules, bad tents, bad arms, the flippant remark being that 'anything is good enough for the d—d Indians.'

4th. There ought always to be white troops with the Indian troops. I urge these considerations on your Excellency. I would be unworthy of the command entrusted to me if I failed to struggle for a remedy. I make the appeal because it concerns the honor and interest of the Government, believing that you will feel profound concern [in] it what I submit to you."

—Letter quoted by Annie Heloise Abel in "The Indian Under Reconstruction," pp. 101-02.

APPENDIX XXIX—2.

KANSAS CATTLE RUSTLERS.

Kansas City, Mo., November 2, 1863.

Major-General Schofield,

Commanding Department of the Missouri:

Just arrived via Fort Scott. Blunt has gone to Fort Smith with a large Government train, 200 wagons, loaded with contraband of war. He is partner. He openly defies you and the Government. Lane has encouraged him. The goods are to be sold to rebels. Allow me to suggest the stoppage of the train and its search, via Cassville. The report at Fort Scott is that a large amount of buried treasure is at Fort Smith and Van Buren. I make this statement upon my honor as an officer. I believe a treasonable design is on foot. If mistaken, no harm can result from an examination of the train. McNeil should be warned, as I believe there is a design to overawe him.

WM. VEER,

Colonel, 10th Kansas Volunteers.

St. Louis, November 2, 1863.
Brigadier-General McNeil:

It is officially reported to me that Major-General Blunt has started from Fort Scott for Fort Smith with a large train loaded with goods contraband of war, of which he is part owner; that he openly defies me and the Government. You will at once search the train and ascertain the truth of this matter. If you find the report true, you will arrest General Blunt in my name and send him to St. Louis. If he refuses to obey the order of arrest, or refuses to turn over the command to you and return to Leavenworth, you will arrest him by force and send him to St. Louis under guard.

You will seize all contraband goods and arrest all persons engaged in contraband trade.

J. M. SCHOFIELD,
Major-General.

Camp Near Fort Smith, Ark.,
November 24, 1863.

General Schofield,

Commanding District of Missouri.

Sir: This evening a train left this post for Fort Scott. The teams were used in bringing sutler's goods to this place; they are now loaded with cotton. Yesterday, 50 Government teams brought into Fort Smith 150 bales, escorted by a portion of the Twelfth Kansas Volunteers. The train now in transit to Fort Scott consists of about 100 two and four horse and mule teams, and mostly loaded with cotton. From what I can learn, a portion of the same has been purchased, at a very small price, and the balance captured; and, from all appearances, I should think some one high in military rank was engaged in the operation.

I am, general, Yours most respectfully,
W. T. CAMPBELL,
Lieutenant-Colonel,
Comdg. 6th Regt. Kansas Vol. Cavalry.
General Ewing:
You can forward this if you think necessary.

W. T. CAMPBELL.
—Official Records, Vol. XXII, Part II, p. 689-90 and 714.

Fort Smith, Ark., December 1, 1863.

Major-General Schofield:

The train General Blunt brought through from Fort Scott is here—248 [wagons], by this morning's report. All not repairing are in use, collecting wheat and corn for grinding, carrying stores to troops in the field, or collecting forage. The post quartermaster has 60 more wagons in forage and feed business. I have sent no train to Little Rock because I have neither been able to get wagons from the quartermaster nor supply mounted guard. There is a train within 80 miles, on the Line Road, which, when it arrives, I expect to have transportation so that I can draw on Little Rock for supplies. The 14th Kansas Cavalry are with it. The train to Little Rock should start each month and be 200 wagons, each with a strong guard. We make no requisition on Fort Scott, but have on Springfield. I did not report on McDonald stock, as the provost marshal found it only an ordinary stock of merchandise. My personal observations confirm this report. The ostensible parties are McDonald and Brooks. General Blunt has not returned to Fort Leavenworth. He is acting under authority of the War Department as commissioner to raise the 11th Regiment Colored Troops. He asked my aid in that capacity. Desirous to facilitate the service and with respect to his rank, I have assigned him an office and such assistance as his duty requires. By General Blunt's train, 100,000 rations without flour, and a little hard bread. By the coming train, we will have as much more, with 20,000 rations of hard bread. The supply by each train is badly wanted.

JOHN MCNEIL,
Brigadier-General, Commanding.

—Official Records, Vol. XXII, Part II, pp. 727-28.

Fort Smith, Ark., December 10, 1863.

[Private.]

Major-General Schofield.

General: Everything seems to be moving along regularly in this district. General Blunt is still here and his immediate friends are urging every effort to promote his interests and advancement. Still, all their

efforts are of a subdued nature. We have no more of that noisy insolence so much in vogue when General Blunt was first relieved. The opinion generally prevails that Blunt is hand-in-glove with some of the army speculators hereabouts, but General McNeil tells me that he has failed to find evidence sufficient to warrant action. Of course, Blunt and his friends still claim that he is not under your orders nor subject to your authority; neither do they fail to assault you in every conceivable manner, but this circle is rapidly narrowing down, numerically speaking. The "Blunt circle" may be select; it certainly is not numerous.

General McNeil is warmly your friend and is working faithfully and energetically. I believe his administration will be a complete success.

General Blunt announces that he is going to Kansas "in the course of time." He holds that he had to come here to turn over the command to General McNeil and also to attend to his recruiting business. General McNeil does not think that either cause justified him in coming here; neither does any other sensible person.

I will endeavor to let nothing of importance to you escape my observation along the line of my route and, on my return, will give you the benefit of my observation and experience. I hope to be through here the first of next week and shall return by way of Fort Scott. If I can be of service in other ways than I am at present, I hope you will advise me.

While General McNeil treats General Blunt with studied courtesy, I think he knows him thoroughly and is watching him closely. Many subordinate matters I can talk to you about on my return. I must congratulate you on the kindness and cordiality [with which] I have invariably heard you spoken of and the earnest wishes expressed for your final triumph over the "embattled hosts of darkness," to all of which I most heartily cry, "Amen."

Most truly yours,
CHAMPION VAUGHAN.

—Official Records, Vol. XXII, Part II, pp. 733-39.

APPENDIX XXIX—3.

GENERAL HERRON ON OFFICIAL CORRUPTION.

Fort Gibson, C. N., November 18, 1864.

Lieut. Col. C. T. Christensen,
Assistant Adjutant General, New Orleans.

I reached this place on the evening of the 16th instant, after a tedious trip of three days from Fort Smith, by the route on the north side of the river. This post is garrisoned by three regiments of Indians, Colonel Wattles in command. I find matters controlled here by the same influence that governs at Fort Smith and, indeed, the same that governs the entire District of the Frontier. The troops at Gibson have been for three months on short allowance and, at the present time, are getting the next thing to nothing. In addition to the 1,800 soldiers to be fed here, there are about 6,000 loyal refugee Indians, mostly Creeks, that have been driven from home, and the Government has undertaken to feed them while the war lasts. The contract to furnish them supplies is let every six months and, for the first six months of 1864, was taken by A. McDonald & Co. It is now in the hands of Carney, Stevens & Co., of Leavenworth. There is no question but that the contractors and Indian agents have committed great wrongs against these refugees, and are doing so yet. The matter is committed entirely to the Interior Department but, if some attention is not given to it by the military authorities, there will be trouble with these Indians next spring. Col. William A. Phillips, of the Third Indian Regiment, who is the best officer they have ever had in the Indian Brigade and who managed matters admirably, both for the Government and the Indians, while he was in command here, was removed by the influence of McDonald & Co., and, after being kept off duty for a month, was placed on a court martial at Fort Smith, where he now is. In my opinion, he should be ordered back without delay. It is quite difficult to explain by letter the actual condition of affairs, but I have collected all the items and records and will make a full statement on my return to New Orleans. The route from this point to Fort Smith I consider impracticable and I have instructed General Thayer to at once make arrange-

ments for supplying Fort Smith from Little Rock. If the road from here to Fort Scott is what they represent it to be, this garrison should be supplied from that point, though many articles could be brought by river if advantage is taken of high water. I will report more fully on the route after going over it. I desire to correct one statement made in a former report relative to McDonald & Co. I stated that they had driven 25,000 head of cattle from this country, which is not correct. They have taken from here, through their agents, from 6,000 to 10,000 head. The others were taken by different operators from Kansas and several officers are said to have been mixed up in the affair. I will examine the matter more fully.

I am, very respectfully, your obedient servant,
F. J. HERRON,
Major General.

APPENDIX XXIX—4.

CATTLE RUSTLING IN THE INDIAN TERRITORY.

Fort Scott, Kansas, July 19, 1864.

Col. William A. Phillips:

Sir: On my arrival at the Osage Mission, I found 150 head of cattle in possession of the Osage Indians, belonging to the Creek Nation, but as soon as the Osage Indians found that I was after them they scattered the cattle and it was impossible for me to follow them, but I could find all over this country cattle in the Cherokee and Creek brands. I could not find any commissioned officers at Osage Mission to aid me in my search. Captain Johnson, of the 15th Kansas, was in command of the soldiers that assisted the Osage Indians in driving the cattle out of the nation. I find that it is very difficult to obtain any information from the officials in Kansas, with the exception of Colonel Blair. He has given me all the information in his power and all of the assistance that is possible. There has been a great quantity of cattle driven from the Indian country within the last month: I can safely say 6,000 or 7,000. I find in the herds in the vicinity of Fort Scott a good many of the Cherokee cattle but, as Captain Ta-la-lah and the Creek lieutenant have left me and returned to Gibson, I have no way of establishing the fact of them being cattle belonging to loyal or disloyal persons. The cattle are here in the different herds, but I can do nothing further than ascertain the fact as I cannot take any action without witnesses. I find that some herds have been driven still farther north. I shall follow one of them that has been driven in the direction of the Osage River. I think that, on my return to Gibson, I will bring with me several prisoners that I intend to arrest when I get ready to return, for I have got the dead wood on them, but I do not want to arrest them until I am ready to leave. I will be back as soon as possible.

Yours, respectfully,

H. S. ANDERSON,
Captain, Commanding Third Indian Regiment.
Official Records, Vol. XLI, Part II, p. 265.

Headquarters Indian Brigade,
Fort Gibson, C. N., February 16, 1865.
Major-General Canby,
Commanding Mil. Div. of West Mississippi,
New Orleans.

Sir: I desire to notify you of encroachments on the rights of the people of the Indian Nation from the Department of Kansas, by citizens thereof and volunteer officers and soldiers stationed there. I desire that you communicate with the major-general commanding the Division of Missouri, to secure his assistance in putting a stop to evils that have assumed fearful proportions and for the protection of interests so justly entitled to it. I desire to state that, for nearly a year past, there has been a systematic and wholesale plundering and driving of stock from the Indian Nation to Kansas. Part of this is the property of loyal soldiers in our service, part of loyal citizens and part of disloyal persons now in arms against us or aiding those who are. The devastations of war have depopulated the Creek Nation; two-thirds of the homes in the Cherokee Nation are abandoned. The rebel, or disloyal Indians are clustered in colonies on the streams tributary to Red River. The loyal Indians, who adhere to our cause, are clustered around Fort Gibson or in colonies depending on it for protection. The stock, or herds, of all, or what is left of it, is, of

course, scattered or unwatched on its range. This condition of affairs invited the somewhat wholesale enterprises by which it has been driven into Kansas. The Arkansas River, for the past two years, may be said to have been the boundary between the belligerents. Since the seige of Gibson was raised, in July, 1863, by General Cooper, no rebel army has camped on its southern banks. It is true, considerable mounted parties have crossed it. A train was captured, sixty miles in the rear of this place, in September last, by a large mounted force, but north of the river, or even fifty miles south of it, any rebel occupancy is only of the character of raids. I obtain all of the beef for the command, and for many of the refugees, south of the river, or from stock subject to be taken by the enemy. I merely desire to show that there is no necessity for commands of troops to enter the nation, 150 miles in my rear, on the pretext of scouting, which really drive off cattle. I would inform you that a very considerable portion of such stock was driven off by troops from Kansas. I will mention two cases in which there is ample and clear testimony. Captain Vittum, of the 3d Wisconsin Cavalry, last April, entered the nation with a train. On his return, he gathered a herd of 500 or 600 and drove it out. The same officer entered the nation about the last of May or first of June, as escort for two officers coming down to Fort Smith. He stopped about forty miles above Gibson and went back, driving out a large herd. He is now provost-marshal at Fort Scott, which will give you an idea of police regulations on the northern border of the nation, on which I have to lean. On application to General Curtis, last summer, I was informed that the matter was merely one for adjudication in the courts. In the nation there is no Federal court in time of peace—not even the Indian courts exist now. The necessary protection is dependent to a great extent on the military power temporarily existing. I think I can stop it here; if I had horses for my men, at least, I could, with coöperation from above or [sic] respect from them to orders issued here. The Indian soldiers are more to be trusted for their own protection than others. They are amenable to each other as well as to the Government. Most of the white regiments that have entered the Indian Nation commit more or less depredations. They treat it as if it were an enemy's country. I, however, desired through you to secure sufficient protection from the department above to stop the nefarious system which appears to have a thorough organization in the state of Kansas, believing that, unless prompt steps were taken, the same nefarious transactions would be continued this season. I enclose a copy of an order I issued to meet the evil. The case of the Indian Nation is peculiar. The Secretary of the Treasury decided that "it was not a state in rebellion" and, consequently, sends no Treasury agents here. The question as to what is contraband has been held in abeyance, as I understand it. The order was therefore framed to meet the exigencies of the case and, as far as practicable, carry out the instructions under which the Indian commands were raised, or which have been sent from time to time by the Interior Department. I also enclose a copy of a letter from one of the Indian agents, a copy of a permit taken from a man who had a stolen herd, and an extract from detective's report. Some of the permits from Superintendent Coffin are short. I send one which seems to have restrictions. Mr. Hamilton, to whom it was given, has been a large dealer in stolen stock. As far as my observation goes, not one of these transactions, said to be made in the adjoining state, is genuine; as, indeed, there could be no security for it. I desire that either the provisions of orders be carried out and respect to them secured at the military posts on the Kansas border, or that other steps be taken to correct the evil.

I have the honor to remain, very respectfully, your obedient servant,

WM. A. PHILLIPS,
Colonel 3d Indian Regiment, Commanding.

[Inclosure No. 1]

Ohio City, Kans., January 12, 1865.

Lieut. John Chess,

Fort Gibson,

Dear Sir: For nearly six months, one R. Lombard, a half-breed Quapaw Indian, has been incarcerated in the military prison at Fort Gibson. I would be much

obliged if you would see the commander of the post and inform me the charges against him. His family is in a bad condition and needs him much. I am sure he was enticed to the Cherokee country by whites, who, I understand, have been released, and other Indians who accompanied him have been released. Why he is thus kept is more than I can see. The order of General Curtis, at any rate, makes it no military crime to obtain cattle from that country. I wish you would give me all the particulars of his offenses, trial and condemnation. He may have been kept there without charges or trial, as thousands of privates and citizens have been, merely at the pleasure of the commander. I hardly think, from what I know of the commander of that post, that this can be true. If possible, I hope he will be released. I do not see how the interests of the military service of the Government can be subserved by so long an imprisonment and I know the effect on the Indians is decidedly bad, and will militate against the Government unless there is the best of cause. Please see the commander and let me hear from you.

Yours, truly,
P. P. ELDER,
U. S. Neosho Indian Agent.

[Inclosure No. 2]

Office Southern Superintendency of Indian Affairs,
Leavenworth, Kans., September 22, 1864.
Alexander Hamilton, Esq.,
Humboldt, Kans.,

Sir: By authority in me vested, as superintendent of Indian affairs, I hereby authorize and permit you to purchase cattle of the Indians within the Indian Territory under all the rules, restrictions and liabilities prescribed by the U. S. laws regulating trade and intercourse with the Indian tribes and, in addition thereto, in consequence of the vast amount of illicit and unlawful trade now carried on within said Territory, I hereby prescribe the following additional regulations from which you will in no wise deviate: For all stock purchased, you will take bill of sale describing particularly the quality of the same, their number and ages, whether steers, cows, calves, heifers or bulls, and the price paid for the same, the payment of which to be attested by two competent witnesses. The bills of sale must be signed by the Indians of whom you purchase and approved by the chiefs or head men of the tribe to whom the parties belong. Whenever purchases are made by you within the limits of any Indian reservation or of any tribe of Indians being in charge of an agent, the purchases and bills of sale thereof must be approved and certified to by said agent. You will then drive the stock thus purchased to some convenient point in Kansas and there stop and hold them and report to me at my office in Leavenworth City. Submit your bills for purchases for examination and, in no case, sell or drive, or permit to be sold or driven away, any of such stock until a thorough examination of the same and of the bill of sale thereof is made, and said bill of sale is approved and endorsed by me, or in my absence, you will report in like manner to Major-General Curtis, commanding the Department of Kansas, and await his orders or approval before moving or disposing of such stock.

Given under my hand this day and date above written,

W. G. COFFIN.

[Inclosure No. 3]

Belmont, Kans., August 22, 1864.

Captain Phillips:

On my way home, I stopped at Ohio City, Kans. There I had a talk with Major Elder. I saw a herd of cattle, Indian stock. He gave \$4,000 for them. He acknowledged they were stolen and deprecated the act. The party he purchased from gave him a copy of the permit from Colonel Coffin, which authorized them to get stock. Elder would not show me the copy of Coffin's permit, nor tell me the name or names of the parties of whom he purchased. He said he took the precaution to get the copy to secure his title should the cattle be seized by any authority.

JOEL MOODY,
Detective.

Headquarters Indian Brigade,
Fort Gibson, C. N., February 16, 1865.

Maj. Gen. John Pope,

Commanding Military Division of the Missouri:

Sir: I desire to call your attention to depredations and encroachments on the Indian Territory by parties from the Department of Kansas. Parties from Kansas, both citizens and soldiers, have during the past year entered the nation and driven out herds of stock. Since I returned from Fort Smith, I have endeavored to arrest them but, as I am now without a cavalry force, and as the country to be protected is very extensive, it appears impossible to put a stop to it without some cooperation with the department above. I learned yesterday evening from scouts up toward the Big Bend, that two parties, one of twelve horsemen and the other of fifteen, drove out herds toward Kansas about a month ago. The Indian soldiers were under the impression, from the size and appearance of the horseshoes, that the parties might have been cavalry. In any event, cavalry parties, or parties of cavalry and citizens drove out herds repeatedly last season. Captain Vittum, 3d Wisconsin Cavalry (now provost-marshal at Fort Scott), while down last April, escorting a train for this command, drove out a herd of about 500 head. This same officer, in June, was sent in with a squadron of cavalry to escort Colonels Bowen and Adams, of the 13th and 12th Kansas, en route to this Command. Captain Vittum only came within forty miles of Gibson and went back, driving a large herd of cattle. My detectives and some officers and soldiers, sent after them, examined the herd but could not obtain it. Captain Johnson, 15th Kansas Cavalry, with the men of his Command, proceeded across the Arkansas River and drove out a large herd, last summer. I think he went several times, but one case can be clearly proven. As I am instructed to take necessary steps to protect the property of these people, I ask you for the assistance in the adjoining department which I am sure you will be inclined to give. The matter is rendered much more complicated from the fact that some of those whose duty it is to protect them are undoubtedly in league with the thieves. Superintendent Coffin has been giving permits to buy. These citizen thieves pretend also to have and, in fact, exhibited when arrested, papers purporting to be passes into Kansas from Military commanders. To show you the precise character of the transactions, I have only to state that the whole Verdigris River country and nearly all of the Creek country and large portions of the Cherokee country are entirely depopulated. The men are soldiers in the army and many of them clustered near this post for protection. There is in fact, no one to sell to them in the country where they got the cattle; such sales, as a general rule, are mere pretenses that could deceive no one. Citizens of the State of Kansas also employ Kansas Indians, Osages and Delawares, to come in and steal. With these, bogus bills of sale are in some cases no doubt executed. It is apparent that this can only lead to difficulty. I enclose a letter just received from the Osage agent in reference to a half-breed who was caught, last summer, with a herd of stolen cattle, tried by a military commission and is now serving out sentence thereof. I also inclose an order I issued after I returned from Fort Smith. The order is in some respects peculiar, because the case is peculiar. The Secretary of the Treasury has decided that the Indian Nation is not "a state in rebellion" and sends no Treasury agents here. The question as to contraband is, as I understand it, still held in abeyance. Under the circumstances, I merely did the best I could, as I was directed, and forward a copy to give you a better idea of the difficulties it was designed to meet, so as to suggest any assistance in the protection of the rights of the Indians here that you might deem proper. I have the honor to remain, very respectfully, your obedient servant,

WM. A. PHILLIPS
Colonel, Commanding.

—Official Records, Series I, Vol. XLVIII, Part I, pp. 870-74.

"Cattle-driving In The Indian Country"

"The Federal troops reached Tahlequah, July, 1862. After a duration of about ten months all told, the

Cherokee alliance with the South was, so far as the Principal Chief and the fullbloods were concerned, at an end, notwithstanding that the treaty was not at once abrogated and that the Ridge faction, led by Stand Watie and his nephew, E. C. Boudinot, continued loyal to its promises. Divided interests and divided councils worked as always great havoc. The Cherokee country became the legitimate prey of both armies, Cherokee cattle the victims of constant marauding. The freed blacks had a share, too, in the general robbery. They were reported by the Federals as pillaging 'indiscriminately, as well from the Union Indians as from the rebels.' Beyond the Arkansas lay the country of the Choctaws and Chickasaws, allies of the South. Their property the Federals regarded as legally contraband; but even if so it ought not to have been subject, as it regularly was, to individual reprisal. The private citizen acted as if he had as good a right to it as the government.

"For the seizing of the live-stock, white men employed irresponsible parties, usually Indians, the less-civilized of the Leased District, forsooth, or wandering Kickapoos, Shawnees, and Delawares, none of whom had any compunctions in the matter but treated it as sport and as a gainful occupation. Most of them had no property of their own to lose, being homeless, and some had a grievance of long-standing against the Choctaws and Chickasaws. Some of the stock was driven north into Kansas and there disposed of; some, the army applied to its own needs; but by far the largest portion went into the hands of contractors, who sold it to the government for the use of the refugees and at a most exorbitant figure. Profiteering on so enormous a scale and conducted with such shameless audacity had surely never before been known in that locality or anywhere on the frontier. After a time the pillages grew bolder and laid violent hands upon the stock of the loyal Cherokees and Creeks. To capture the Creek stock undisturbed was not a difficult undertaking since the Creeks, removed from Kansas, had not been suffered to go to their own homes to look after their possessions. Fully aware that they were being sold at the very highest of prices their very own cattle, they were yet obliged to linger in the Cherokee country, the pretext of their guardian being that in no other way could they be protected. Their indignation, their resentment, and their consciousness of intolerable wrong can easily be imagined.

"From time to time, through the years just passed, complaints made their way to Washington and, beginning with 1864, were of so serious a character that they could no longer be safely ignored. Army men, although one-time offenders themselves and still so on occasion, professed to be horrified at the extent of the illicit traffic. Their sensitiveness may, in the original instance, have been kindled by personal antipathy to certain contractors who had encroached upon the preserves of the army sutlers; but their moral sense developed with their honest appreciation of the righteousness of the cause which they had espoused. They impugned the motives of government officials of all ranks; they implicated particular persons of high position in a general charge of wrong-doing, while most of their own offences they were able satisfactorily to account for.

"The autumn of 1864 found things in a bad way in the Indian country. The backwardness of the spring, the summer drought, swarms of grasshoppers, chinchbugs and innumerable other insect pests had all affected the Kansas crops upon which those entrusted with the care of the refugees had expected to place their chief reliance. The Red River expedition, conducted by Generals Banks and Frederick Steele, had ended in egregious disaster. Its failure had dealt a terrific blow to refugee restoration under Federal auspices. Furthermore, it had obviously prevented a rather general stampede of secessionist Indians from the Confederate ranks. On the eve of its being undertaken, they were about to desert in a body; for they were disgusted with and greatly affronted by the treatment that had been accorded them and were not only dubious but actually despairing of the eventuality of a Southern victory. They staked their dice on one last throw and the almost undreamed-of success justified an entire change in their plans. Their spirits were buoyed up anew. Not surprising, is it, that Colo-

nel Phillips thought them—they were chiefly Choctaws and Chickasaws—absolutely unreliable and that he, in consequence of their fluctuating tendencies and their flouting of his friendly advances, grew vindictive and advised against making any terms with them until they had been made to rue their own original defection? As already narrated, he vehemently objected to a favorable reception of the New Hope conventionists; for he was not willing, as was the just and magnanimous president, whose amnesty proclamation he had been industriously circulating, to build a new structure upon the basis of a loyal minority. In the punishment to be meted out betimes to the Red River tribes he, a Kansan by adoption, saw the possibility of relief for Kansas, relief, that is, from her Indian encumbrance. The forfeited and confiscated Choctaw and Chickasaw lands would afford excellent accommodation for the tribes whose knell as property-holders in the region consecrated to freedom had been sounded when the Kansas-Nebraska Bill with what a noted Kansan has so pertinently called its 'glittering generalities' had passed to its enactment. A successful termination to the Red River expedition [Col. Phillips'] would have meant a return of peace and security to the whole Indian Territory. The refugees would then have ceased to fret at their inchoate restoration. As it was, they remembered only too well that their unrelieved sufferings of the previous winter bade fair to be repeated and they dreaded that repetition. Their grain fields and their vegetable gardens were at that very moment being despoiled. Under the circumstances, what of hope and trust had they to build upon? They murmured at the miserable incompleteness of their restoration and they chafed under the restraints that reduced them to penury. In Kansas, the tribes chafed likewise. Farm products were exceedingly scarce and their regular buffalo hunt had, because of the hostilities of the tribes of the plains, been peremptorily forbidden. It was General Curtis' intention to start a vigorous campaign against the Kiowas and raiders in complicity with them and he wanted, so he affirmed, to run no risks of confounding friends with foes, hence his order that peaceful hunters should stay at home, hungry though they might be, on their barren reservations. Their absolute dependence upon the hunt for a livelihood he chose to ignore. Their sufferings were a matter of indifference to him. Against the shortsightedness and arbitrariness of his order the Indian Office protested, but in vain. Military expediency won the day but military effectiveness did not rid the country of the raiders."

Abel in "The Indian under Reconstruction," pp. 74-82.

APPENDIX XXIX.—5.

PETER P. PITCHLYNN.

Just as the Choctaws had been first in espousing the cause of the seceding states, so they were seemingly the first to take thought for eventualities in the possible downfall of the Confederacy, although, having been practically unanimous in their original declaration as compared with the other tribes of the eastern part of the Indian Territory, as a nation they maintained their allegiance to the Confederacy to the end. In the tribal election of 1864, the Choctaws elected Peter P. Pitchlynn for the office of principal chief of the Nation. (Two years previous to this time, at the end of George Hudson's term of office, Samuel Garland, of white and Choctaw descent, had been elected and served a term as chief. Garland was reported to have been Union in his sympathies at one time during his administration. He had served on the delegation of the Net Proceeds claim with Peter P. Pitchlynn since 1853.) Pitchlynn, who had long been prominent in the Choctaw Nation, made no secret of the fact that his sympathies were with the Union, though he had not actively opposed the course chosen by his people when he found that they were so nearly unanimous. Still, his election, under the circumstances, may be fairly regarded as indicating that the Choctaws wished to be in a position to make the best terms possible in event that the issue of the war should go against them. Nor was it a poor choice, for Pitchlynn was a farsighted and shrewd counselor to his people, his influence being felt far beyond the borders of the Choctaw Nation.

Peter P. Pitchlynn was born in Noxubee County, Mississippi, January 30, 1806. His father, John Pitchlynn, was a white man who settled among the Choctaws about 1780, later marrying Sophia Folsom of Choctaw descent. (Her father, Ebenezer Folsom, was a white man, a native of North Carolina and of New England extraction.) Before there were any schools among the Choctaws, Peter P. Pitchlynn was sent to Tennessee where he attended an academy; subsequently, he entered the University of Nashville, where he pursued a full course and graduated. Returning home from school once as a boy, he found his people making a new treaty with the Government, some of the terms of which he so strongly disapproved that he refused to shake hands with Gen. Andrew Jackson, who was one of the Government commissioners. Although he afterward became a very warm friend of General Jackson, he never became reconciled to the treaty, which was the first of those that provided for the sale of Choctaw lands in Mississippi and for the removal of his people to the West. In 1823, although he was but little more than a youth in years, he accompanied the Choctaw and Chickasaw delegation on an exploring expedition to what is now Oklahoma, prospective of the settlement of the two nations in this country. The journey was made by way of Memphis and St. Louis to Independence, Missouri. Leaving that settlement the party made its way directly into the country of the Osages, who had been hereditary enemies of the Choctaws for many generations. The Osages were not inclined to consider any offer of peace at first but, in the end, the boldness and diplomacy of Peter P. Pitchlynn convinced them and the pipe of peace was smoked.

After the treaty at Dancing Rabbit Creek in 1830, Pitchlynn took an active part as a leader of some of the first migrating parties of Choctaws to the Indian Territory. He was one of the list of special persons mentioned in the Removal Treaty, who received a land claim of several sections of the tribal domain in Mississippi. Disposing of this to advantage, he invested the proceeds in negro slaves that he brought with him to the new country in the West. One of his plantations, among the first in Southeastern Oklahoma, is pointed out today near Eagletown, just east of the bridge across the Mountain Fork River, on the highway between Broken Bow, Oklahoma, and the Arkansas line.

In 1853, Pitchlynn was appointed by the Choctaw Council as one of the delegation to Washington to further the Net Proceeds claim, and from that time was a frequent visitor to the National Capitol. He was personally acquainted with Henry Clay and Charles Dickens who described him as a man of great physical beauty and a natural orator. At the outbreak of the Civil War, Pitchlynn was in Washington, when he called upon President Lincoln and assured him that he hoped to be able to hold the Choctaws neutral during the impending struggle. He is said to have remained firm in his attachment for the Union, though three sons were in the Confederate Army. As a result of the War, he lost a large amount of property. He was one of the leaders of the Choctaw delegation during the negotiations of the Treaty of 1866 with the United States. From that time he lived permanently in Washington, where he died in 1881 and was buried in the Congressional Cemetery, Gen. Albert Pike pronouncing the eulogy.

APPENDIX XXIX—G.

TANDY WALKER.

Tandy Walker was born in Mississippi on October 11, 1814. He was of mixed Choctaw and white blood, his father, who also bore the name of Tandy Walker, being the son of John Walker, a white man, and Mary Riddle of the Choctaw Indians. It is interesting to note that the Walker family had descendants in both the Choctaw and the Wyandotte tribes, who made their mark in history.

John Walker, who was of an old Virginia family of Scotch descent, first married a Miss Long in Virginia, and they became the parents of William Walker who was captured by the Delawares, adopted sometime later by the Wyandottes, and afterward married Mary Rankin of the Wyandotte tribe. Their son, also

named William Walker, became the Provincial Governor of Nebraska. Gov. William Walker was the great-grandfather of the late B. N. O. Walker, a Wyandotte, of Miami, Oklahoma, author of "Tales of the Bark Lodges," a book of poems published under the pen-name of "Hentoh."

Upon the death of his first wife, John Walker moved to the Choctaw Nation, in Mississippi, where he married Mary Riddle, reported to have been a very beautiful girl whose mother was a Choctaw and whose father was a white man from Virginia. Their son, Tandy Walker 1st, of the Choctaw Indians, it will be seen from the above data, was the half-uncle of Gov. William Walker of the Wyandotte Indians; and his son, Tandy Walker 2d, was a distant cousin of the late B. N. O. Walker, or "Hentoh."

Tandy Walker 1st, was prominent among his people while they were living in Mississippi and became well known as an "experienced and daring backwoodsman." He served as a scout for Gen. Andrew Jackson in the Creek War and also served in the Seminole War of 1817-19. He was severely wounded while serving as a scout with the Mississippi Volunteers, under the command of Gen. John F. B. Claiborne, and received a pension from the United States in 1828.

Tandy Walker 2d, was a leader among his people, after they migrated to the Indian Territory. As president of the Choctaw Senate under the "Skullyville Constitution," he became the governor of the Choctaw Nation upon the resignation of Alfred Wade from that office in 1857. He served in that capacity until the regular election for governor in 1858. At the outbreak of the Civil War, he entered the Confederate military service in the First Choctaw and Chickasaw Regiment, becoming lieutenant-colonel of that organization. On the promotion of its colonel, Douglas H. Cooper, to the grade of brigadier-general, Tandy Walker succeeded to the command of the regiment with the rank of colonel. Upon the organization of the Confederate troops of the Indian Territory into the Indian Division, under the command of General Cooper, Colonel Walker was given command of the Choctaw and Chickasaw brigade in which position he distinguished himself as a capable leader. He was a man of liberal and progressive views, though like Col. E. C. Boudinot, of the Cherokee Nation, his popularity was not enhanced thereby. He died at his home at Skullyville, February 2, 1877. (There was a Tandy Walker 3d, nephew of Tandy Walker 2d, and a son of Lewis Walker. He was well known in the Choctaw Nation, until his death a few years ago, at Stonewall, Oklahoma. Tandy Walker 2d was also survived by a son who bore the same name.)

APPENDIX XXIX—7.

STAND WATIE.

Stand Watie was born about 1806 at Oo-yoo-ge-lo-gi near the present town of Rome, Georgia. His father, Oo-wa-tie, was a full-blood Cherokee and his mother was a half-blood, her father having been a white man by the name of Reese. Neither of his parents could speak English. His given name was Degataga which, rendered into English, signifies "standing together," whence came his English name, Stand. His surname was a contraction of his father's given name. Elias Boudinot, also known as Buck Watie (Gah-li-gi-nah), was a brother of Stand Watie and was two or three years his senior. Major Ridge was his father's brother. Stand Watie did not learn to speak English until he was a grown man and always betrayed a slight accent in conversation. He signed the treaty of New Echota, under the terms of which the Cherokees were removed to the West, and it was said that the conspirators who planned the assassination of the Ridges and Boudinot, in June, 1839, intended to kill him, also, but he was warned and prepared to defend himself. After the tragic death of his brother, uncle, and cousin, he became the recognized leader of the Treaty, or Ridge Party. After coming to the West he made his home on Honey Creek, near the border of the Cherokee country and not far from the point where the Arkansas-Missouri boundary line intersects the Oklahoma state line. He lived there until the outbreak of the Civil War. He was of modest and retiring disposition, but was distinguished as a man of



GENERAL STAND WATIE



COL. TANDY WALKER
Choctaw Confederate Commander

unflinching courage when thoroughly aroused. At the outbreak of the Civil War, he promptly aligned himself on the side of the seceding states and was actively identified with it until the end of the struggle. His official correspondence, much if not most of which has been embodied in the published volumes of the Official Records of the Union and Confederate armies, reveals in its very terseness the most marked traits of his character—brevity, modesty, devotion, and action. He suffered every privation that befell his people, yet no one ever heard a word of complaint from his lips, and because of this and his undoubted courage, for he never ordered his followers into any danger where he would not himself go, he held the confidence, respect, and love of his soldiers. He was of a most humane disposition and no prisoner taken by his troops was suffered to be maltreated with his knowledge. The end of the war found his farm a waste, his flocks and herds gone and himself, like the humblest of his followers, homeless and penniless. He settled at Webbers Falls and endeavored by energy and economy to regain a competence. Within three or four years both of his sons, in whom he had centered great hopes, died. He lived and labored on a year or two longer, until September 2, 1871, while on a visit to his old home on Honey Creek (Delaware County), he died. His body still reposes in a rural cemetery near at hand, the grave being unmarked by any permanent monument.

APPENDIX XXIX—8.

CAMP NAPOLEON COUNCIL.

The Choctaw delegation to the meeting that was held at Camp Napoleon was headed by Israel Folsom who was elected as president of the "Grand Council of the United Indian Nations." From personal information obtained by the writer (M. H. W.) from the late Emerson Folsom, son of Israel Folsom who accompanied the Choctaw delegation as one of the military guards, it was learned that most of the Indian delegations from the eastern part of the Indian Territory gathered at Fort Washita and proceeded west on the Fort Arbuckle road. Upon arriving in the vicinity of Council Grove, word was brought in by scouts, reporting the contemplated plans of the Federal forces. Thereupon the delegations that had already gathered proceeded south and west to Cottonwood Grove, about two miles west of the present town of Verden, on the Washita River, and set up camp which they called Camp Napoleon. Between five and six thousand Indians were in attendance at the meeting at Camp Napoleon, many of the Plains Indians especially greeting their friends with "tribal signs" which were said to have been very similar to those used by the Masonic Order.

During the negotiations, which lasted several days, the Comanches, seconded by the Reserve Indians, were bitter in their expressions toward the Texans and absolutely refused to enter into any sort of an agreement with the people of that state. (The Texans were represented by Gov. James W. Throckmorton and Col. W. D. Reagen. A Mexican officer was also said to have been present.) In a speech before the great assemblage of Indians, a Comanche chief said that he could never forget that his whole family had been attacked and killed by some Texans while he himself was away from his camp on a buffalo hunt; since he personally had never committed any deed to warrant such action, he refused to enter into any sort of an alliance with the people of Texas.

According to the letters of Gen. D. H. Cooper, it was hoped when the meeting was first planned to draw the Comanche and Kiowa Indians and possibly those of other tribes of the Plains into an alliance with the Confederate States, thus insuring peace on the frontier of Texas and also promising serious interference with traffic and travel on the overland trails in Kansas and Nebraska, but the surrender of General Lee's army necessarily led to a modification of the last mentioned phase of the proposition. A number of white women and children who had been carried off from the frontier settlements of Texas by the Comanches and Kiowas, were liberated, by ransom or otherwise, at the council.

For further references with regard to the proposed meeting at Council Grove, see Official Records of the

Union and Confederate armies, Vol. XLVIII, Part I, pp. 1266-69, 1270-72, 1279-81, 1301-02, 1306. It will be seen from the above data that the meeting was held at Camp Napoleon instead of at North Fork Town as Cooper thought (see reference in Cooper's letter, Official Records, Vol. XLVIII, Part I, p. 1306).

Compact Entered Into At Camp Napoleon.

Compact made and entered into between the Confederate Indian Tribes and the Prairie Tribes of Indians made at Camp Napoleon on Washita River, May 26th, 1865.

Whereas the history of the past admonishes the Red Man that his once great and powerful race is rapidly passing away as snow before the summer sun, Our people of the mighty nations of our forefathers many years ago having been as numerous as the leaves of the forest or the stars of the heavens, but now by the vicissitude of time and change and misfortune & the evils of disunion, discord and war among themselves are but a wreck of their former greatness. Their vast and lovely country and beautiful hunting grounds abounding in all the luxuries and necessities of life and happiness given to them by the Great Spirit, having known no limits but the shores of the great waters & the horizon of the heavens, is now on account of our weakness being reduced and hemmed in to a small and precarious country that we can scarcely call our own, and in which we cannot remain in safety, and pursue our peaceful avocations, nor can we visit the bones and graves of our Kindred so dear to our hearts and sacred to our memories, to pay the tribute of respect unless we run the risk of being murdered by our more powerful enemies, and whereas, there yet remains in the timbered countries, on the plains and in the mountains, many Nations and Bands of our people, which if united would present a body that would afford sufficient strength to command respect and assert and maintain our rights,

Therefore, we, the Cherokees, Choctaws, Muskogees, Seminoles, Chickasaws, Reserve Caddos, Reserve Osages, and Reserve Comanches composing the Confederate Indian Tribes and allies of the Confederate States, of the first part, and our Brothers of the plains, the Kiowas, Arapahoes, Cheyennes, Lapan, and the several bands of the Comanches, the Noco-nees, Cochoteks, Lenaweets, Yameparckas, and Moot-chas, and Jim Pockmark's Band of Caddos, and Anadarkos of the second part, do for our peace, happiness and the preservation of our race, make and enter into the following league or compact, To wit—

1st, Peace and friendship shall forever exist between all the Tribes and Bands parties to this Compact. The Ancient Council fires of our forefathers, already kindled by our brothers of the timbered countries, shall be kept kindled and blazing by brotherly love, until their smoke shall ascend to the Spirit Land to invoke the blessing of the Great Spirit in all our good works. The Tomahawk shall forever be buried. The Scalping Knife shall be forever broke. The warpath heretofore leading from one Tribe or band to another shall grow up and become as the wild wilderness. The path of peace shall be opened from one Tribe or Band to another, and kept open and travelled in friendship, so that it may become whiter and brighter as time rolls on, and so that our children in all time to come shall travel no other road, and never shall it be stained with the blood of our brothers.

2nd, the parties of this Compact shall compose (as our undersigned brothers of the timbered countries have done) an Indian Confederacy, or a Band of Brothers, having for its object the Peace, the Happiness and the Protection of all alike, and the preservation of our race. In no case shall the warpath be open to settle any difficulty or dispute that shall hereafter arise between any of the Bands or Tribes parties to this Compact or individuals thereof. All difficulties shall be settled without the shedding of any blood, and by suggestions of the Chiefs and headmen of the Tribe, Band or person interested.

The Motto or principle of the Confederate Indian Tribes shall be "An Indian shall not spill an Indian's blood."

In testimony of our sincerity & good faith in entering into this Compact, we have smoked the Pipe of

Peace and extended to each other the hand of friendship and exchanged the tokens and emblems of Peace and friendship peculiar to our Race this the 25th day of May, 1865.

Jack Spears, 2nd Chf. & Actg. Chf. Cherokee Nation; J. Vann, J. P. Davis, Smallwood, Chas. Downing, T. C. Guess, John Chambers, H. T. Martin, W. P. Adair, Delegates from Cherokee Nation.

Tuckabatche Micco, Actg. Chf. Creek Nation; Yarkinhar Micco, Moty Kannard, Tidsey Fixico, Tustanuck Harjo, Ward Coachney, Nocusyah holer, Pleasant Porter, Delegates from Creek Nation.

Israel Folsom, Nathaniel Folsom, Delegates from Choctaw Nation.

Winchester Colbert, Cyrus Harris, Ashalatubbee, Delegates from Chickasaw Nation.

John Jumper, Chf. Seminole Nation: Nocos Harjo, Pussah Yahholah, Thos Cloud, George Cloud, Foss Harjo, Nocos Emathlah, Cho Emathlah, Tooshatche-cochookamy, Nocos Emathlochee, Nulthcup Harjo, Cahcheille, Abidikey; John Brown, Interpreter; Delegates from Seminole Nation.

Tiner, Chf. Reserve Caddo Nation; George Washington, Wm. Lieutenant, Chickiyoates, Johnson Washington, Cahwahamen, Delegates from Reserve Caddo Nation.

Wahtahshimgah, Chf. Osage Nation; Clairmore, Nimchamkah, Tally, Wahshashe wahtahingah, Kahnah Kahingah, Black Dog Chf., Delegates from Osage Nation.

Tshowah, Chf. Reserve Comanche Band; Ohapsirme, 2nd Chf. Reserve Comanche Band; Kah ab ba nait, Quer re nait, Wahchenim Kah, Delegates from Reserve Comanches.

Tatobeche, Chf. of Kiowa Nation; Tahebecut, Quinatohope, Delegates from Kiowa Nation.

Little Roan, Chf. Arrapahoe Nation; Peatipcent, Delegates from Arrapahoe Nation.

Wistooah toh hope, Chf. and Delegate from Cheyenne Nation.

Woodercarnvesta, Chf. & Del. from Lapan band Opaches.

Queniheany, Chf. Noconee Band of Commanche Nation.

Mione, Chf. of Cochahkah Band Comanches.

Boiwa quastak, Chf. of Tinawith Band Comanches.

Toyekkahnah, Chf. of Yampucka Band Comanches.

Pahrood sa ma, Chf. of Nooches Band Comanches.

Buoyenahtoyeh, Del. from Nooches Band Comanches.

—From one of the original manuscript copies made at the time of the meeting at Camp Napoleon and now in the hands of the writer (M. H. W.).

APPENDIX XXX—1.

CONDITION OF THE FREEDMEN AT THE END OF THE CIVIL WAR.

At the end of the Civil War, all the people of the Indian Territory, even those who had been very prosperous at the beginning of the conflict, were in the most straitened circumstances. Many families lacked the barest necessities of life, so it was but in the natural course of events that their former negro slaves should also suffer deprivations, however, most of the former slave owners did what they could to assist their deserving old slaves. The work of the Freedmen's Bureau and leaders at Washington would have contributed to the welfare of the negroes in the Indian Territory, but it was dominated by persons who were extremists in favor of the freedmen and too ignorant of actual conditions to benefit the negroes permanently, for they would have changed the former order of life and made the Indian an outcast in his own country,—if possible, effaced him from the scene altogether. Without doubt the immigration of freedmen from the bordering states into the Choctaw and Chickasaw country and the subsequent work of the Vigilance Committee in these nations, gave rise to stories that grew into undue proportions by the time that they reached the sympathetic and zealous ears of the radical leaders at Washington. As a result, an investigation of the condition of the freedmen in the Indian Territory was ordered by the Federal Government, General John B. Sanborn being appointed as commissioner "for Regulating Relations between Freedmen in the Indian Territory and their former

Masters." Two of the three letters constituting the report of General Sanborn to the Secretary of the Interior, James Harlan, are illustrative of conditions in the Indian Territory at the end of the War. The first letter is as follows:

Fort Smith, Arkansas,
January 5, 1866.

Sir: I have the honor to report that, pursuant to instructions from you, of date November 20, 1865, I have visited the following tribes of Indians, in the Indian territory, which formerly held slaves, viz: Seminoles, Creeks, Cherokees, and the loyal portion of the Chickasaws, under Lewis Johnson, and my report is made out and forwarded at this time, before visiting the Choctaw and Chickasaw nations, for the reason that as the condition of the freedmen in these nations requires the immediate action of the government, there should be no delay on account of any failure of mine to make an early report. The freedmen are the most industrious, economical, and, in many respects, the more intelligent portion of the population of the Indian territory. They all desire to remain in that territory upon lands set apart for their own exclusive use.

The Indians who are willing that the freedmen shall remain in the territory at all, also prefer that they should be located upon a tract of country by themselves. This question has been canvassed much by the freedmen and the Indians, and the freedmen have come to the conclusion that they are soon to be moved upon some tract of country set apart for their exclusive use, and hence are not inclined to make any improvements where they are, or do any more work than is absolutely necessary for their immediate wants.

The spring or warm season commences early in this country, and farmers and planters ordinarily commence ploughing and planting as early as the first of March. Hence you will see that it is of the most vital importance that if lands are to be set apart for this population it should be done at once, and if not they should be so advised immediately, so that they will be induced to make other arrangements. Most of these freedmen have ox-teams, and among them are blacksmiths, carpenters, wheelwrights, &c. The sentiments, prejudices, &c., on the part of the Indian nations towards the freedmen at present are as follows, viz:

The Creek Nation look upon the freedmen as their equals in rights, and have, or are in favor of, incorporating them into their tribes, with all the rights and privileges of native Indians. The Seminoles entertain the same or nearly the same sentiments and feelings as the Creeks.

The Cherokees are divided in sentiment. A portion, and not a very small portion, think the government should move the negroes from their country, as it has freed them; while a portion, including the principal chief, Downing, are in favor of having them retained in the Nation, and located upon some tract of land set apart for their exclusive use; and Colonel Downing says that this policy will obtain in the nation, and that civil rights will be accorded to the freedmen before a great while.

The Choctaw Nation is divided in sentiment, but the preponderance of sentiment is strongly against the freedmen, and a violent prejudice exists against them in that Nation, which time alone will overcome. The public men and council acknowledge a change in the relations of the former masters and slaves, while a large portion of the people do not admit any change in these relations, and their action and treatment toward them is much the same as formerly, except in instances where the freedmen are driven away from their former homes by their masters. One freedman has been killed at Boggy Depot by his former master, and there are rumors of several other cases, and no action has yet been taken by the Government to punish the party guilty. . . . My own conclusion is that the public sentiment of this Nation in regard to the freedmen is radically wrong at the present time.

The Chickasaw Nation is still holding most of their negroes in slavery, and entertain a bitter prejudice against them all. They have provided by law for the gradual emancipation of their slaves, and exclude all from the Nation who left it during the war. In other words, all negroes who left the country and joined the

Federal army are prohibited from returning. This is also true in the Choctaw Nation. It is reported to me by the chief, Lewis Johnson [of the loyal Chickasaws], that Governor Colbert stated to many people, and publicly, before leaving for Washington, that they should hold the slaves until they could determine at Washington whether or not they could get pay for them, and if they could not then they would strip them naked and drive them either south to Texas, or north to Fort Gibson. So bitter is the feeling against the return of the negroes that have been in the Federal army, that Major Coleman and myself have concluded that it is not safe or advisable for Lewis Johnson and party to return until troops are stationed at Arbuckle.

Many negroes have been shot down by their masters in this Nation, and the Government has taken no steps to punish the guilty.

My conclusion is that nothing can be done to ameliorate the condition of the freedmen in the Choctaw and Chickasaw nations until there is a proper military force stationed at Boggy Depot, Forts Lawson, Washita, and Arbuckle, and that my advent there at the present time, to carry into effect your instructions, would be the cause of much excitement, while nothing would be accomplished, and insults and disgrace be likely to follow.

The first step towards the accomplishment of anything for the freedmen of those nations or even towards enabling the loyal Indians to return with the freedmen associated with them, is the garrisoning of the military posts. It is possible that much more might have been done to change and correct the public sentiment of these nations if all the federal officers brought in contact with them had been decided in their own ideas that these classes were free, and endeavored to impress their views upon the Indians. But with the public sentiment and law of these nations as it is, and the most prominent of the public men absent, I am certain that nothing can be accomplished more than to commence the correction of public sentiment, which I have endeavored to do by circulars.

The condition of public sentiment throughout these two nations is no cause for delay on the part of the government to make provision at once for the freedmen of all the tribes, to go upon tracts of country set apart for their own exclusive use, which is so much desired by the freedmen and all loyal Indians. There are two practicable methods of doing this. The first and most desirable is by treaty stipulation with the respective nations in the treaties about to be concluded at Washington. The second is by congressional enactment, carried into effect as Congress shall provide.

There should be set apart a tract large enough to give a square mile to every four persons, as there is much waste land in the nation.

The tract or tracts of land should be the most fertile in the territory, as the freedmen are the principal producers, and should in all cases touch either the Arkansas or Red River, so that the crops could be run out on flatboats. Reference should be had to timber and prairie as well as bottom and uplands. Persons not freedmen, living now upon lands so set apart, should be allowed the option of remaining or having the improvements appraised by three disinterested parties, and receiving the appraised value of the same from the government. Sixty days from the passage of the act or approval of the treaty should be allowed such party to signify his choice to the proper officer.

Provisions should be made for the survey of such tracts, at the earliest time practicable, into sections, &c., and the freedmen over eighteen years of age allowed to enter three hundred and twenty acres of the same under the homestead law, or by scrip provided for the purpose, without power of alienation during the life of the party entering the same, or for a definite term of years.

When the tribes know that this policy and course is determined upon by the government they will, in my judgment, submit to it without any open resistance, perhaps without a murmur; and the freedmen will rejoice that at last they have a prospect of a permanent home for themselves and their children.

The freedmen of the Seminole and the Creek tribes believe that the national laws and customs of their tribes are sufficient for their protection, while the

freedmen of the other tribes all feel, and say they know, that there is no security or protection for them, either in person or property, without some power or government superior and above that of the Indian nations to which they belong. These views of the freedmen are, in my judgment, correct, and the territory should either be organized into a military district, with martial law in full force, *and fully enforced*, with a good executive commander who would supervise everything, or a territorial government should be organized to execute the laws.

All the Indian tribes are unanimously opposed to the erection of a territorial government; but such a government, or a military government, is imperatively required by the situation. It cannot be expected that any government would leave ten or twelve thousand of its citizens as the freedmen of the Indian territory now are, while within its own borders, without any government, or without the full protection and benefits of its own laws and institutions. To hand them over to the laws and customs of the Indian tribes would be extraordinary and anomalous.

All lands set apart for the freedmen should, whenever practicable, be located east of the ninety-seventh degree of longitude, as the drought is usually so severe west of that as to render the maturity of crops very uncertain. With lands set apart for the freedmen of the Indian nation, and the freedmen located upon them, and a government, military or civil, organized and executed for their protection, they will, beyond doubt, soon become an industrious, intelligent, and happy population.

All of which is respectfully submitted.

I have the honor to be, very respectfully, your obedient servant,

JOHN H. SANBORN,

Brevet Major General and Commissioner.

Hon. James Harlan,

Secretary of the Interior.

General Sanborn's second letter dealt with further recommendations for the welfare of the freedmen. The third letter indicated that he had changed his mind about their condition and their treatment, during the three months of his visit to the Indian Territory. The third letter is as follows:

Fort Smith, Arkansas, April 13, 1866.

Colonel: I have the honor to report that the existing relations between the freedmen of the Indian Territory and their former masters are generally satisfactory. The rights of the freedmen are acknowledged by all; fair compensation for labor is paid; a fair proportion of crops to be raised on the old plantations is allowed; labor for freedmen to perform is abundant, and nearly all are self-supporting.

Only one hundred and fifty have applied for assistance this month, and I think the number will be much reduced next month.

Much of the assistance rendered is to freedmen that have been taken south by their masters, and who are now returning to their old homes.

Under these circumstances there seems to be little reason for continuing this commission beyond the tenth of next month, unless it should be to correct the few abuses that may arise, and exercise a general supervision over these matters in the territory, and this will probably be more necessary about the time of the maturity of the crops than during the summer months while they are growing.

The necessity or advantage of continuing the commission also depends very much upon the conditions of the treaties about to be concluded at Washington, and the laws passed in pursuance thereof. But it seems that the Indian agents, under proper instructions, could well attend to and perform all those duties that now, or in any event after the tenth of next month will, pertain to this commission.

I therefore respectfully request that you will either grant me a leave of absence of forty days, to take effect from the tenth of next month, or that you will allow me to proceed to Washington at that time and close my accounts, and there wait further orders.

I have the honor to be, very respectfully, your obedient servant.

JOHN B. SANBORN,

Brevet Major General and Commissioner.

Colonel D. N. Cooley,

Commissioner of Indian Affairs, Washington, D. C.

—Annual Report of the Commissioner of Indian Affairs for 1866, pp. 283-87.

APPENDIX XXX—2.

PERSONNEL OF THE PEACE COMMISSION

"General Bussey had said in his despatch to the Grand Council that one reason why it would be impossible for the United States commissioners to journey to Armstrong Academy was because they had invited various persons having business with them to meet them at Fort Smith, a clear intimation that the consummation of peace with the southern tribes was not the only occasion for their trip westward. Subsequent events were to prove that that was only too truly the case. Had the recipients of Bussey's communication studied his words carefully, they would surely have had a foreboding. The words in themselves were ominous; but who were the people who were to have business dealings with an ostensibly Indian peace commission, business of such importance that it received more consideration beforehand than did the people whose fortunes hung in the balance? Were they land speculators or would-be railroad magnates? Were they politicians from Kansas, eager to relieve, by hook or by crook, their sunny state of an obnoxious aboriginal encumbrance? Who were they? Assurance may be doubly sure that whoever they were they were not disinterested friends of the red men.

"It had been thought well to have the Peace Commission consist of several persons. In numbers there is a certain kind of strength imparted and not necessarily a contrariety of disposition. Were it to become incumbent upon the commission to bring any undue pressure to bear upon the Indians, who were not only brave fighters, but also educated and keenly intellectual men, as all their public documents attest, it might not be amiss to have a variety of skill, subtlety, and some sternness to pit against excessive obstinacy. Was it for that reason that the men selected were all, with a single exception and that an afterthought, taken from the official and military classes?"

—Annie Heloise Abel in "The American Indian Under Reconstruction," pp. 173-74.

APPENDIX XXX—3.

FORT SMITH PROTOCOL

Articles of agreement entered into this thirteenth day of September, 1865, between the commissioners designated by the President of the United States and the persons here present representing or connected with the following named nations and tribes of Indians located within the Indian country, viz: Cherokees, Creeks, Choctaws, Chickasaws, Osages, Seminoles, Senecas, Senecas and Shawnees, and Quapaws.

Whereas, the aforesaid nations and tribes, or bands of Indians, or portions thereof, were induced by the machinations of the emissaries of the so-called Confederate States to throw off their allegiance to the government of the United States, and to enter into treaty stipulations with said so-called Confederate States, whereby they have made themselves liable to a forfeiture of all rights of every kind, character, and description which had been promised and guaranteed to them by the United States; and whereas the government of the United States has maintained its supremacy and authority within its limits; and whereas it is the desire of the government to act with magnanimity with all parties deserving its clemency, and to reestablish order and legitimate authority among the Indian tribes; and whereas the undersigned representatives or parties connected with said nations or tribes of Indians have become satisfied that it is for the general good of the people to reunite with and be restored to the relations which formerly existed between them and the United States, and as indicative of our personal feelings in the premises, and of our several nations and tribes, so far as we are authorized and empowered to speak for them; and whereas questions have arisen as to the status of the nations, tribes, and bands that have made treaties with the enemies of the United States, which are now being discussed and our relations settled by treaty with the United States commissioners now at Fort Smith for that purpose:

The undersigned do hereby acknowledge themselves to be under the protection of the United States of

America, and covenant and agree, that hereafter they will in all things recognize the government of the United States as exercising exclusive jurisdiction over them, and will not enter into any allegiance or conventional arrangement with any state, nation, power, or sovereign whatsoever; that any treaty of alliance for cession of land, or any act heretofore done by them, or any of their people, by which they renounce their allegiance to the United States, is hereby revoked, cancelled, and repudiated.

In consideration of the foregoing stipulations, made by the members of the respective nations and tribes of Indians present, the United States, through its commissioners, promises that it will reestablish peace and friendship with all nations and tribes of Indians within the limits of the so-called Indian country; that it will afford ample protection for the security of the persons and property of the respective nations or tribes, and declares its willingness to enter into treaties to arrange and settle all questions relating to and growing out of former treaties with said nations, as affected by any treaty made by said nations with the so-called Confederate States, at this council now convened for that purpose, or at such time in the future as may be appointed.

In testimony whereof, the said commissioners on the part of the United States, and the said Indians of the several nations and tribes, as respectively hereafter enumerated, have hereunto subscribed their names, and affixed their seals, on the day and year first above written.

—Annual Report of the Commissioner of Indian Affairs for 1865, pp. 330-31.

APPENDIX XXX—4.

GOVERNOR R. J. WALKER'S INAUGURAL ADDRESS.

Extract from the inaugural address of Robert J. Walker, territorial governor of Kansas, and quoted by John Ross to the Cherokee National Council, in 1857.

"Upon the south Kansas is bounded by the great southwestern Indian territory. This is one of the most salubrious and fertile portions of this continent. It is a great cotton growing region, admirably adapted, by soil and climate, for the products of the south; embracing the valleys of the Arkansas and Red rivers; adjoining Texas on the south and west, and Arkansas on the east; and it ought speedily to become a State of the American Union. The Indian treaties will constitute no obstacle, any more than precisely similar treaties did in Kansas; for their lands, valueless to them, now for sale, but which, sold with their consent and for their benefit, like the Indian lands of Kansas, would make them a most wealthy and prosperous people, and their consent on these terms would be most cheerfully given. This Territory contains double the area of the State of Indiana, and, if necessary, an adequate portion of the western and more elevated part could be set apart exclusively for these tribes, and the eastern and larger portion be formed into a State, and its land sold for the benefit of these tribes, (like the Indian lands in Kansas,) thus greatly promoting all their interests. To the eastern boundary of the region, on the State of Arkansas, run the railroads of that State; to the southern limits come the great railroads from Louisiana and Texas, from New Orleans and Galveston, which will ultimately be joined by railroads from Kansas, leading through Texas to San Francisco. It is essential to the true interests, not only of Kansas, but of Louisiana, Texas, and Arkansas, Iowa and Missouri, and the whole region west of the Mississippi, that this coterminous southwestern Indian territory should speedily become a State, not only to supply us with cotton and receive our products in return, but as occupying the area over which that portion of our railroads should run which connect us with New Orleans and Galveston; and by the southern route with the Pacific from her central position, through or connected with Kansas, must run the central, northern, and southern routes to the Pacific, and with the latter, as well as with the Gulf, the connexion can only be secured by the southwestern territory becoming a State, and to this Kansas should direct her earnest attention as essential to her prosperity."

—Annual Report of the Commissioner of Indian Affairs, for 1857, pp. 221-22.

APPENDIX XXX—5.

"LOYAL" CHOCTAWS AND CHICKASAWS

The "loyal" Chickasaw delegation was composed of the following: Et Tor Lutkee, Louis Jonson [or Lewis Johnson], Esh Ma Tubba, A. G. Griffith, Maharda Colbert, headmen; Frazier McCrean, Benjamin Colbert, Ed. Colbert, ——— Jackson, Jim Doctor, Simpson Killcrease, A. B. Johnson, ——— Corman, George Jonson, ——— Wilburn.

The "loyal" Choctaws were represented by William S. Patton, Robert B. Patton, A. J. Stanton, Jeremiah Ward.

The "official record" of the peace council gives the following as part of the record on the afternoon of the first day:

"Robert B. Patton on behalf of the loyal Choctaws, said: 'I wish to state that I am not here as a delegate at all, but have been chosen by the agent [Isaac Coleman] to represent the loyal Choctaws. They are very few, most of the tribe having joined the rebels. I am here simply to ask of the commissioners our rights. We desire to get possession of the lands allowed us by the treaty of 1855.'

"President: 'How many loyal are there?'

"Patton: 'I suppose about 212. The agent says about 1,800 since surrender.'

"President: 'The 212 were always loyal?'

"Patton: 'Yes; never went south.'

"President: 'Where are the 1,800?'

"Patton: 'At their old homes; all full-bloods. No half-bloods yet returned.'

"Ex-tor-lut-kee (John Lewis), on behalf of the Chickasaws, said:

"I want to say a few words. My agent wrote up to me, living about four miles beyond Fort Gibson, to meet him here. When I started, I expected to meet our Father here with our southern brothers. After I got here, I heard a report that you came for something else. I expected to hear something between us and the south, and wanted to hear what sort of laws you would lay down for the south; but have heard nothing. We do not wish to say anything contrary, but are waiting for the others to get through; and think we will be willing to do whatever the rest do. We are glad to see you all.'

"Alfred Griffith, also of the Chickasaws, said:

"This evening we have come together. I am very glad, and thank my God that he has sent the men from Washington. We are the loyal people of the Chickasaw nation, who took sides with the government. We are the ones that kept the laws that the government laid down, because we thought we would all be safe. We were all here at the time set, the 1st of September. We all understand what we have come here for, but still there is some misunderstanding. How is it? I hope we can understand yet.'

In submitting a statement in answer to the seven propositions presented to the council by the commissioners, the "loyal" Chickasaws said that they were unauthorized to enter into a treaty with the United States. However, on their part they were willing to accept the first, second and third propositions. They felt unauthorized to act on the fourth, fifth and sixth propositions. On the seventh proposition they suggested "that no person except our former slaves, or free persons of color, now residents of the nation, will be permitted to reside in the nation or tribe, unless formally incorporated into the same, except officers, agents, and employes of the government, or of any internal improvement authorized by the government."

Robert B. Patton submitted the written statement on behalf of the "loyal" Choctaw delegation. It stated that the delegation was not authorized to make or sign any treaty with the United States in behalf of the Choctaw Nation; that the first, second, third, fourth, fifth, and sixth propositions met their approval. They asked for a modification of the seventh article to read thus: "No white person, except officers, agents, and employes of the government, or of any internal improvement authorized by the government of the United States; also, no person of African descent except our former slaves, or free persons of color who are now, or have been, residents of the territory, will be permitted to reside in the territory, unless formally incorporated with some tribe, according to the usages of the band."

On the sixth day of the council (after the protocol had been submitted by the commissioners), the "official record" is in part as follows:

"Lewis Johnson, on behalf of the loyal Chickasaws, said: 'I have always been one of those who have been loyal and cleaved unto our Great Father, and when I found that the old chiefs and folks had broken the treaty I turned my back on them and went north. Then there was great trouble and guns firing behind my back, but they did not kill me, and I went under the protection of my Great Father in Kansas, and then I knew I was safe. I came here to settle this business before I return home, and as I stand before you, it seems as though a weight was falling from my shoulders, and that I am coming into the light. I always intended to abide by the law, for I always wished to be on my Great Father's side. I have heard much said about the black folks. They suffered as much as we did. I have always understood that the President esteemed the colored people, and we are willing to do just as our Father may wish, and take them in and assist them, and let them help us. So I think and feel towards them.'

"I agree with all the wishes of my Great Father, and I expect he will henceforth protect me. I am telling you this from the centre of my heart, and everything I say is heartfelt.'

"The delegation of loyal Chickasaws then signed the treaty."

From source of material available in the "official record," evidently the "loyal" Choctaw delegation made no comment whatever upon the terms of the treaty.—Report of the Commissioner of Indian Affairs for 1865, pp. 313, 316, 317, 320-21, and 334, respectively.

Miss Abel in "The American Indian Under Reconstruction," pp. 211-12, makes the following comment with regard to the southern Choctaws and Chickasaws:

"Additional signatures to the Articles of Agreement [i. e., protocol] were secured. Southern Creeks, southern Osages, southern Comanches, and southern Cherokees were now in the group with the unionists and the southern Seminoles. The secessionist Choctaws and Chickasaws alone remained outside and on this ninth day of the council they, too, were heard from. No weak suppliants were these Indians. Of the allies of the late Confederacy, they were among the most proud-spirited and, unlike the New Hope conventionists, they shouldered the whole blame for their own defection. They spurned the thought of having been overpersuaded by Cooper or by Pike. Not by the machinations of hired emissaries but by their own free-will had they revolted. They had honestly believed in the doctrine of secession and had supposed 'the right of self-government' to be 'the great cardinal principle of republican liberty.' Upon the more delicate phases of the negro question, they ventured at this time no opinion. Had they done so, it can be imagined what they would have said. They would have told the North, not to ease its own conscience by forcing the Indian to bear the whole expense of compensation to the negro. The Choctaw would never submit to being made chargeable for indemnity to the white man's slave. He would do rightly by his own but he would not be dictated to. Nor would he allow his tribe to be put into the position of a suppressed nationality, without protest. Manifest injustice he had had to submit to many times before. He had yielded to a force stronger than himself; but he had never allowed his oppressor to delude himself into thinking that the Indian was oblivious of the wrong done. His indignation had echoed and re-echoed until the all too self-righteous white man had been put to shame by the ruthless exposure of his own hypocrisies."

APPENDIX XXX—6.

FAULTY GOVERNMENT INDIAN POLICY

In quoting the following extract from "The Indian Policy of the Army, 1860-70," by Raymond L. Welty, Ph. D., professor of history, Morningside College, taken from the "Cavalry Journal," Vol. 36, pp. 367-81, it is well to bear in mind that the article deals primarily with the treatment of the Indians of the Plains,—the so-called "wild Indians," the great majority of whom were removed to Western Oklahoma after 1866. . . . The Indian tribes during this period, 1860 to 1870, were treated as independent nations. The rela-

tions between the Indians and the United States were established by formal treaties ratified by the Indians and the United States Senate. The treaty usually provided for a reservation, or assigned some boundary between the Indian lands and those to be considered as belonging to the United States. In fact, the principal reason for making these treaties was the cancelling of the Indians' title to their ceded lands. Under this policy the Indians had by treaty been pushed back westward across the United States.

"The evils of the treaty system were more easily seen when, by 1860, a barrier of Indians had been banked up against the western expansion of the settlements. Before 1860 there had always existed good land to the west upon which the Indians when moved could be placed, but by 1860 the supply of good land had been almost exhausted. If the Indian was moved he was placed upon land so poor, or in regions so lacking in rainfall, that his existence became a doubtful struggle. But the desire for land by the frontier again forced the tribes farther back. The annuity goods, which were bribes to obtain the consent of the Indians to these cessions of land, became larger and larger as the pressure became greater and the supply of land decreased. These annuities of goods, provisions, and munitions were disbursed by special officers who were known as Indian Agents. These agents were expected to be the guardians of the savages—to protect and aid in their civilization.

"The annuities furnished the 'treaty' Indians led to their ruin. These annuities attracted to the reservations Indian traders, gamblers, whisky sellers, and unprincipled persons who infested the frontier. These parasites soon possessed the Indians' annuities. The Indian thus surrounded by the worst possible associates, imitated the ways of civilization that he saw, and so became a drunkard and a vagabond—plundered and wronged on all sides. As soon as the expansion of settlements made his lands valuable he again was at the mercy of land speculators, Indian traders, contractors, settlers, and politicians—all of whom brought pressure upon the government to make another treaty to secure his lands and to provide for more annuities to be stolen from him. So this vicious cycle continued until the Indian either went to his destruction peacefully in some out of the way place, or, goaded by his wrongs and maddened by drink, committed outrages that horrified civilization. But forceful resistance only hastened his downfall, for civilization was quick to revenge opposition to its 'system' by the sword, or if that failed, by bribery with its usual results.

"In commenting on this system General John Pope, who saw active service on the frontier, declared: 'Both in an economic and humane view, the present Indian policy has been a woeful failure. Instead of preventing, it has been, beyond doubt, the source of all the Indian wars which have occurred in late years. So long as our present policy prevails, the money and the goods furnished to the Indians will be a constant and sufficient temptation to unscrupulous white men, and so long may we expect outrages and Indian outbreaks on the frontier.' . . .

"The Indian policy advocated by the army at the outset presupposed that the Indians should not check the advance of civilization over the western country. 'I,' wrote General Pope, 'have not undertaken to discuss the question of the right of a few nomadic Indians to claim possession of the vast district of country which they roam over, to check the advance of civilization, or to retain in wilderness and unproductiveness, for the scanty subsistence of a few thousand savages, regions which would support many millions of civilized men. However, such questions may be decided by abstract reasoning, all history shows that the result will certainly be in some way the dispossession of the savage and the occupation of his lands by civilized man. The only practical question, therefore, for the government to consider, is the means by which this result may be attained with the greatest humanity, the least injustice, and the largest benefit to the Indian, morally and physically.'

"This was a forecast of the history of the Indians. It is useless to blame Columbus for discovering America—both followed the laws of their nature and being. Therefore, the policy which the army wished to adopt was not one of keeping or holding the Indians in a temporary state of peace, but one to replace the nomadic Indians by a white civilization with the least

injustice and the greatest benefits possible to the Indians. . . .

"The military authorities proposed to keep peace on the basis of fear. Their treaties were to be simply explicit understandings with the Indians that, so long as they kept the peace the United States would keep it, but as soon as they committed hostilities the army would march into their country, establish military posts, and make war against them. This meant no expenditure of money, no annuities, and no presents to the Indians, and what is better, no unprincipled traders, gamblers and contractors hanging around Indian camps, for the Indian would have no money to spend in debauchery. General Pope declared: 'Indians will keep the peace when they fear the consequences of breaking it, and not because they are paid (and badly paid too) for keeping it, and when they can, by the present system of treaty-making, really make more by committing hostilities than by keeping the peace.'

"The Indian treaties of this period pretended to guarantee to the Indians definite reservations. Provisions were always inserted in them that the Indian reservations and hunting grounds, except along certain definite routes, were not to be entered by any persons without the permission of the Indians. These provisions were never enforced. White persons crossed at will over the Indian's lands, killed his game, seized his land, and even entered his reservation to sell him whiskey and to steal his annuities. In commenting on these facts, General Pope declared: 'By what right are Montana and the larger part of Utah, Colorado and Nebraska occupied by whites? What right, under our treaties with Indians, have we to be roaming over the whole mining territories, as well as the plains to the east of them, molesting the Indian in every foot of his country, drawing off or destroying the game upon which he depends for subsistence, and disposing him of the abiding places his tribe has occupied for centuries? All these things we are permitting our people to do, mainly because we could not, if we would, prevent them. Yet these are violations of solemn treaties with the Indians, violations of justice and of right, which we solemnly pledged ourselves to prevent. How can we expect the Indian to observe a treaty which he sees us violate every day to his injury?'

"It was impossible for the army or the civil authorities to prevent the frontiersmen from infringing upon the rights of the Indians. 'The white men on the frontier,' wrote General Pope, 'and close in contact with these reservations, unrestrained by laws and by any sound public sentiment, settle all disputes and avenge all offences, however trivial, in which Indians are concerned, with a pistol or rifle, themselves being both judges and executioners.' This friction between the two races prevented their living together in peace. The frontiersman looked upon the Indian reservation as an obstacle in his path. With this conception and because of the bitter memories of Indian atrocities, the frontiersman too often held that the Indian had no rights which the white man was bound to respect."

APPENDIX XXXI—1.

CONDITION OF THE SEMINOLES AT THE END OF THE WAR.

Upon their arrival at Fort Smith in September, 1865, the members of the Southern Seminole delegation signed the protocol offered by the government peace commissioners, in conjunction with the northern delegation of the tribe. However, on the same day, after due reflection upon the terms being presented to them by the commission, the southern delegation addressed a communication to the commissioners, stating that they had not fully understood the purport of the terms offered and rescinded their action in signing the protocol with reference to the third and sixth articles of the seven original propositions. They wished to leave these two questions open to future consideration. They also submitted another statement, signed by John Jumper, as the principal chief of the Seminoles, which read in part as follows:

"We have been exiles from our own lands and homes for more than two long years. Amid the ravages of war we were able to save very little of our prop-

erty, very few cattle, horses, hogs, and agricultural implements, whatever. We were, before the outbreak of this white man's war into which he threw us, a poor people, just struggling to emerge from the darkness and poverty of barbarism; but what few farms we had opened, what few flocks of sheep, herds of cattle and droves of horses, we then possessed, are now destroyed. We are now poorer than ever—a feeble, suppliant tribe; yet not forgetful of the manhood of our forefathers, who displayed it in the everglades of Florida—nor of our own, which was willing to breast the storm of war in the dismal dark years of 1861-65. The Confederate States, poor and crippled as they were, fed our people—such as were unable to feed themselves—for two years. Since the cessation of hostilities, the contractor for the Confederate States has generally supplied us. Had he not done so, our women and children would have suffered. We had no fields in the lowlands of the Washita River, where we are now and have been since February, 1864, to till; and if we had had such fields, we possessed no implements or animals with which to cultivate ground. Of course we could grow no food, and unless the contractor of the Confederate States had stepped up to our aid, many of us would have perished.

"Now, since signing the treaty of amity and peace with the United States, we are utterly thrown upon our own resources, shown to you, sir, to be drained, or upon the humanity of your own government, by whose invitation and demand we have come forward and smoked the pipe of peace. What are we to do? We ask you to put to yourself the question, and call yourself a poor Seminole, casting about for succor amid a wreck of ruin and poverty. The Confederate States no longer exist; to their humanity and sympathy we can no longer appeal. The contractor, who, of himself, generously furnished us since peace, can no longer do so. We have, ourselves, nothing in corn, cattle, hogs, or supplies of any kind, and we must suffer unless you, yourself, take steps for our relief. This relief must be speedy, too, or it will be of no avail. This relief we do not ask except till we are able to gain subsistence from the earth, which we cannot now do until another spring, summer, and autumn, and which we *will* do when those seasons come again, for we prefer to make our bread.

"We are now [September 16, 1865] about to move our families from their present camps in the woods of Wachita to our own land. There we shall not find the homes we left, yet we desire to go immediately thither to make such preparations as we are able for the coming winter, and for the sowing and harvest thereafter. We are anxious and determined to re-establish and maintain peace with our Seminole brethren who have differed with us in this war, and resolved to keep good and steadfast faith with the United States Government.

"But in our own country we shall find no food; we have none to take thither with us. We, therefore, of necessity, appeal to your great government in our behalf in this matter." (Report of Commissioner of Indian Affairs for 1865, pp. 351-52.)

In his report dated October 2, 1865, United States Agent Reynolds, for the Seminoles, stated that the southern portion of the tribe numbered about one thousand and were located in the Chickasaw country. He further remarked, "Their flocks and herds have been driven off by the necessities of enemies of the country and the avarice of pretended friends, until their country is uninhabited, and their improvements completely destroyed and laid waste." (Ibid., pp. 283-4.)

About five hundred Northern Seminoles had returned as refugees from Kansas in 1863, to Fort Gibson, where other members of the tribe joined them toward the end of the war. These people remained in the vicinity of Fort Gibson until 1866. In his report concerning them, on September 25, 1866, Agent Reynolds stated, "Last year it was found impracticable to remove them to their old homes in the Seminole country from the fact that no supplies of any kind could be had in their country, and the long distance from Fort Gibson (160 miles) to transport supplies induced the department to abandon the settling them on their own reservation, and to adopt the other alternative of locating them, for the time being, near the supplies

purchased for them under contract and delivered at Fort Gibson.

"Both the northern and southern Seminoles, so long divided by the late war, evince a commendable desire to bury the past and come together again as friends and brothers. Some jealousy and bad feeling still exist, and many disputes arise relative to the rights of property; but it is hoped that all disturbing causes will soon pass away, and the tribe be, as in times past, harmonious, peaceful and happy." (Ibid., Report for 1866, p. 321.)

The estimated number of the Seminoles in 1865 was given as two thousand. By the official census taken in 1866, the population of the Seminole Nation was found to be "male, 1,425; female, 1,525; total, 2,950." (Ibid., p. 322.)

APPENDIX XXXI—2.

THE GREER COUNTY CLAIM OF THE CHOCTAWS

The country bounded by the Canadian and Red rivers, lying between the 98th and 100th meridians amounts to 6,800,000 acres. However, under conditions existing in 1866, the "Leased District," so-called in the Choctaw-Chickasaw treaty, did not contain the whole of that region, though the boundaries of the Choctaw Nation, under its patent, were later found to include this country. These circumstances were due to the fact that the main channel of Red River had been thought to be the stream now known as the North Fork of Red River, thus leaving all of the country in Southwestern Oklahoma, now included in Jackson, Harmon, Greer, and part of Beckham counties, supposedly as a part of Texas. This region had always been included within the boundaries of Texas, being given the name of Greer County by the Texas Legislature, in 1860. It remained thus until 1896, when, by a decision of the United States Supreme Court, the main channel of the Red River was found to be south of the North Fork, the latter being only a branch of the Red River proper. With this change on the map, old Greer County, Texas, became a part of Oklahoma Territory, bringing the title of this country under the original patent granted to the Choctaw Nation by the United States. Many Choctaws believe that a settlement for the country included in old Greer County, Texas, has never been made to them by the Government for four reasons; namely, (1) the region between the North Fork and the main channel of Red River was not considered as included as a part of the "Leased District" under the Treaty of 1866, since at that time it was supposed to be included within the boundaries of Texas, and had been recently named as a county in that state; (2) this region, known as Greer County, Texas, was never included as a part of any Indian reservation, a specific provision with regard to the lands included in the "Leased District," under the Choctaw-Chickasaw Treaty of 1866, but, on the other hand, the country was sold to settlers as other public lands under the rules and regulations of the Government Land Office, after the Supreme Court decision, without any consideration being allowed the Choctaw people in whom the title to these lands rested; (3) the fact that the country within the boundaries of old Greer County, Texas, was for many years in litigation before the United States Supreme Court whose final decision caused it to be attached to Oklahoma Territory, within the limits of the Choctaw Nation, would indicate that the question of its title under Government patent had never been fully settled; (4) no further settlement of the Greer County claim of the Choctaws has ever been presented to Congress, except an attempt to include it as a part of the "Leased District" to which it clearly cannot be attached, since old Greer County and the "Leased District" have each had an entirely separate and distinct history, though both were a part of the Choctaw country from a description of its boundaries given in the patent to the Choctaw Nation from the United States Government.

APPENDIX XXXI—3.

THE FREEDMAN QUESTION AMONG THE CHOCTAWS AND CHICKASAWS.

The question of granting their freedmen the rights of suffrage and citizenship remained unsettled from

year to year after the Civil War, since both the Choctaw and the Chickasaw failed to adopt such measures that would meet the requirements of the Federal Government, under the Treaty of 1866. Conditions in the Chickasaw Nation, especially, did not warrant the adoption of the freedmen; since the Chickasaws had been wealthy in slaves before the war, now their number was almost equalled by the number of freedmen in their midst. The granting of the rights of citizenship to such a proportionately large number of freedmen would have presented a real problem in the tribal elections under the constitution of the Chickasaw Nation, so that the situation would have been similar to that in certain states of the South if the negroes were given full rights. In reality the people of both the Choctaw and Chickasaw nations desired to have the freedmen removed from their midst by the Federal Government, but it was the Chickasaw legislature that repeatedly voiced this opinion year after year by adopting resolutions to that effect addressed to the Federal Government. By the terms of the Treaty of 1866, it required the concurrent action of both the General Council of the Choctaw Nation and the Legislature of the Chickasaw Nation to render the adoption of the freedmen valid, since the two nations held their landed interests in common.

Finally, in 1875, Hon. J. P. C. Shanks, special commissioner appointed by the Secretary of the Interior to investigate and report of the status of the freedmen in the Choctaw and Chickasaw nations, rendered his report against the removal of the freedmen and recommended that Congress take steps to secure their recognition as full citizens of the said nations. Subsequently, commissioners from both the Choctaws and the Chickasaws conferred together on more than one occasion, but could never arrive at any solution of the matter.

Congress at last forced the question, by passing an act on May 17, 1882, appropriating the sum of \$10,000 for the education of the freedmen in the Choctaw and Chickasaw nations, this amount to remain under the control of Federal authorities and to be deducted from the \$300,000 that was due on the Leased District cession of 1866. However, it was provided that if either of the nations adopted and granted full rights to the freedmen by legislative action before the Congressional law went into effect, the money appropriated would be paid over to the said nation for the purposes designated, in the proportion allowed (i. e., one-fourth to the Chickasaw Nation and three-fourths to the Choctaw Nation) under the Treaty of 1866, the amount to be taken out of the unpaid balance of the \$300,000 due the said Nation.

The Choctaws considered that this Congressional act established a bad precedent, since it allowed the diversion of funds rightfully due the Nation, inasmuch as the United States had not removed the freedmen under the provisions of the Treaty of 1866. These diverted funds would be under the direction of the Federal Government for the benefit of the freedmen, who were in reality United States citizens, and who remained in the Choctaw Nation virtually against the will of its people; thus the Choctaw authorities and the Choctaw citizens would be placed in an anomalous position, with no control over the situation. Since the freedmen were in a minority in the Choctaw Nation, with no possibility of any one of these people ever attaining a position of authority, the General Council made provisions for the granting of citizenship to the ex-slaves of the Choctaws.

The measure, known as the Freedmen Bill, was passed by the Choctaw General Council and approved on May 21, 1883, by J. F. McCurtain, as principal chief, and Thompson McKinney, as national secretary. Under its provision, the freedmen (i. e., persons of African descent, formerly held as slaves, resident in the Choctaw Nation on September 13, 1865), and their descendants were entitled to all rights and privileges with the citizens of the Choctaw Nation, excepting in the annuities, moneys, and public domain of the said Nation. The freedmen were to be granted forty acres of land as an allotment: they were to be given educational advantages; and they were entitled to hold office with the exception of that of principal chief or of district chief. A second measure was also passed at the same time by the General Council, providing for the appointment of a commission of three Choctaws

by the Principal Chief, to make a roll of those freedmen who were entitled to the benefits of this legislation. Also, it was held that intermarriage with a freedman did not confer rights of citizenship in the Nation. These acts on the part of the Choctaw Nation were held by the Department of the Interior to be a substantial compliance with the requirements of the Treaty of 1866, and as a result the balance of the \$300,000 due the Choctaws was placed to their credit on the books of the United States Treasury. By enacting the Freedmen Bill, the Choctaws remained in a position of authority over the freedmen within the limits of the Nation; they stopped the establishment of the precedent of the diversion of tribal funds for the use of the freedmen who would have been citizens of the United States within the boundaries of the Choctaw Nation; and they received the benefits of their pro rata share of the Leased District money. It may be further stated that no freedman ever attained a position of authority by election in the Choctaw Nation; in some instances they were appointed to serve as special deputy sheriffs under the light horsemen, and it is said, were in a very few cases members of the jury in court. Separate schools were also maintained for the freedmen, which were under the supervision of negro superintendents and teachers.

The Chickasaw Nation never adopted its freedmen as citizens; however, for a number of years the Chickasaw authorities allowed the freedmen to obtain permits as tenants on the tribal lands. As no record of the freedmen entitled to privileges in the Chickasaw Nation under the treaty at Fort Smith was preserved, fraudulent claims to these privileges became the rule among hundreds of negroes from other States. In the late 'eighties, many of these fraudulent claimants living in the Wild Horse, Caddo, and other sections of the Chickasaw Nation became landlords of good sized farms in some instances, and lived on the results of the labor of both white and other negro tenants. Some of these negroes were also owners of large herds of cattle and horses that ranged on the Chickasaw lands. These negro landlords, as United States citizens, on a few occasions, went so far as to band together in order to evade the laws of the Chickasaw Nation. To alleviate these conditions, Senator Sam Paul, of the Chickasaw Legislature, suggested that the freedmen memorialize Congress for special allotments in the Leased District. However, some years later, this plan was objected to by other prominent Chickasaw and Choctaw citizens, so that it was never carried out.

Under the terms of the Supplemental Agreement between the United States and the Choctaws and the Chickasaws, made on March 21, 1902, the Commission of the Five Civilized Tribes (Dawes Commission) enrolled the Chickasaw freedmen and allotted them forty acres from the Choctaw and Chickasaw lands, according to the Atoka Agreement; it was provided, however, that the controversy over the status and the rights of the freedmen should be submitted to the United States Court of Claims for determination. Some time after allotment, the Court of Claims rendered its decision in favor of the Chickasaw Nation. Thereupon, the Chickasaws brought suit against the United States and secured payment for the lands that had been granted the freedmen, the Choctaws receiving their pro rata share, or three-fourths of the sum allowed. Recently (1929) the Choctaw Nation through its attorneys on claims before the Federal Government, also instituted a suit to secure payment for the lands allotted the Choctaw freedmen out of the national domain; should the Choctaws win this suit, the Chickasaws would receive their pro rata share of the sum allowed by the Court of Claims.

APPENDIX XXXI—4.

THE NEUTRAL LANDS AND THE CHEROKEE STRIP.

In 1825 when the Osages gave up the last of their land holdings within the present boundaries of Oklahoma, by treaty with the Government, they were assigned a reservation in what is now the State of Kansas. This reservation was fifty miles wide and extended approximately as far west as the 100th meridian, the eastern line of the reservation being parallel to and twenty-five miles distant from the western boundary of Missouri. The rectangular tract

This was particularly true of the Quahada Comanches of country lying between the eastern boundary of the Osage reservation and the western boundary of the State of Missouri was left unassigned to any Indian tribe and became known as the "Neutral Lands." In 1835, by the terms of the Treaty of New Echota, the Neutral Lands were sold to the Cherokees for a consideration of \$500,000, the northern line of the Cherokee Outlet coinciding with the southern boundary of the Osage reservation which lay to the north. In the years immediately preceding the Civil War, all the Cherokees were in favor of selling the Neutral Lands, in order that the Nation might lift its national debt which had become burdensome; but it was not until the Cherokee Treaty of 1866 that any disposition was made of these tribal holdings.

When Kansas was admitted as a State in 1861, its southern boundary was coincident with the thirty-seventh degree North Latitude, leaving a strip of Cherokee country, two miles wide, lying between the southern boundary of Kansas and the Osage reservation, extending west to the 100th meridian. This was properly known as the "Cherokee Strip." Some years after the War, when the Cherokees leased the Cherokee Outlet lands to the cattlemen for grazing purposes, it was popularly but erroneously called the "Cherokee Strip." On March 6, 1883, the cattlemen organized the Cherokee Strip Live Stock Association, with its main offices at Caldwell, Kansas. From about that time, the Cherokee Outlet was generally known and called the "Cherokee Strip" throughout the West.

The Oklahoma Historical Society has in its possession a fac simile copy of a map of the "Cherokee Strip, Indian Territory." It was made in 1883 for the Cherokee Strip Live Stock Association by S. T. Wood, Fred Eckert, T. W. Walton, and C. H. Burgess, on a scale of four miles to one inch. It was compiled from surveys of the ranges also made for the Association, and shows the topography of the country, including stream valleys, trails, ranch headquarters, metes and bounds of each ranch lease, names of lessees, and stock brands.

APPENDIX XXXI—5.

ALLEN WRIGHT.

Allen Wright was born of Choctaw parentage, in Mississippi, November, 1826. According to tribal custom he belonged to his mother's clan, or *iksá*, called *Hayi-pa-tukla*. In 1833 his family migrated to the Indian Territory, his mother having died just before undertaking the journey over the "Trail of Tears," as the Choctaws called the road over which they had traveled away to the West from their ancestral homes. His father settled near Lukfata, in present McCurtain County, Oklahoma, where he died soon afterward. It was while attending the neighborhood school and the Sabbath school at Eagletown, that the lad who had been called Kilihote, in Choctaw, was given the name of Allen Wright, the surname being that of the missionary to the Choctaws, Rev. Alfred Wright.

In 1840, just after the death of his father, Allen Wright entered Pine Ridge Mission, Choctaw Nation, under the special care and supervision of Rev. Cyrus Kingsbury, who was senior Presbyterian Missionary to the Choctaws. He attended Spencer Academy, Choctaw Nation, from 1844 to 1848, when he was chosen, on account of his proficiency in his studies and his marked ability, to enter Delaware College, Newark, Delaware. At the discontinuance of Delaware College, two years later, he then entered Union College, Schenectady, New York, whence he graduated in 1852 with an excellent record in the classical course. He immediately matriculated at Union Theological Seminary, New York City, whence he graduated in 1855.

He was licensed to preach the Gospel by the Fourth Presbytery of New York, in April, 1855, at which time he was also made an honorary member of the American Board of Commissioners of Foreign Missions. The following year he was ordained as a full minister of the Gospel by the Presbytery of Indian, Synod of Arkansas, being given charge of Armstrong National Academy of the Choctaw Nation, with preaching appointments as foreign missionary at five outlying stations. In 1856 he entered public life, being elected a member of the General Council of the Choctaw Nation; subsequently, he served as treasurer, principal

chief, and superintendent of schools, though actively engaged as a mission worker all the while.

In 1857 he was married to Miss Harriet Newell Mitchell, of Dayton, Ohio, who had come to the Choctaw Nation as a missionary and teacher under the Presbyterian Church. In 1861, as one of the commissioners on the part of the Choctaw Nation, he signed the treaty which was negotiated between his people and the Confederate States. He served in the Confederate Army as a chaplain during the Civil War, and at its conclusion, was selected as one of the Choctaw commissioners to negotiate a new treaty with the Federal Government. While he was absent in Washington on this mission, in 1866, he was chosen by his people to serve them as principal chief. Two years later he was reelected for another term.

In 1876 he was elected by the General Assembly of the Presbyterian Church as one of the American delegates to the World's Presbyterian Assembly, in Scotland. His later years were largely devoted to literary pursuits aside from his active work in the mission field among his people. He translated many of the Choctaw and all the Chickasaw laws into the tribal vernacular for publication. He wrote and published a Choctaw-English lexicon or definer, and he was the author or translator of a number of hymns in the Choctaw language. His last work, completed just before his death, was the translation of the Psalms of David from the Hebrew direct into Choctaw, without the medium of the Greek or English versions. He died at Boggy Depot, December 2, 1885.

APPENDIX XXXI—6.

THE NAMING OF OKLAHOMA.

As recounted by Doctor Morrow, Governor Allen Wright stated that the members of several of the tribal delegates were called into conference on one occasion, for the purpose of discussing a tentative draft of the provisions which it was expected the Government would insist upon being included in the new treaties to be entered into by each of the Five Civilized Tribes. As the reading of this draft proceeded, the clause providing for a territory organization was reached when the Commissioner of Indian Affairs (Mr. Cooley) interrupted to enquire:

"What would you call your territory?"

Instantly and wholly impromptu, Delegate Wright responded: "Oklahoma!"

It was noticeable that the members of the delegation from another tribe glanced in Mr. Wright's direction in evident displeasure at such promptness in replying to the question. Nothing further was said concerning the matter at the time; neither then nor afterward did any of the delegates see fit to try to suggest a better name. Later, the name appeared in the Choctaw-Chickasaw Treaty in the proviso to the effect that "the Superintendent of Indian Affairs shall be the executive of the said territory with the title of 'Governor of the Territory of Oklahoma.'"

Governor Wright's narrative of this incident was told with much amusement, because of the manifest unwillingness with which the name, Oklahoma,—taken from the Choctaw words "Okla Homma, or Humma" (Red People),—had been received by the delegates of another tribe. Since the bills providing for the organization of a Territory of Oklahoma had never passed either house of Congress, and, moreover, since the Oklahoma movement was far from being popular or promising to be successful at the time that Governor Wright related the story, his connection with having suggested the name did not have much significance for him aside from its humorous aspect, for the possibility of the ultimate adoption of the word as the name of a great State was then very remotely, if at all, probable.

APPENDIX XXXII—A.

THE MEDICINE LODGE PEACE COUNCIL.

Most of the Indians of the Plains tribes who were represented in the council at which the treaties of 1865 were signed (near the mouth of the Little Arkansas River in Kansas), kept their part of the agreements then entered into in good faith. Some of the bands of Cheyennes and Comanches were not represented in the council and these did not make any pretense of being bound by an agreement to which they were not parties.

and the Dog Soldier Cheyennes. There was a disposition on the part of the military authorities to hold the entire tribe responsible for the misdeeds of one such band, notwithstanding the fact that, as political entities, reputed tribal organizations were very loosely bound together, if at all. The Government had not fulfilled its treaty agreements and the Indians were inclined to feel that they were therefore not bound by theirs. There were always some white men in whom even the most implacable Indians placed their confidence. One of these was Major Edward W. Wynkoop, of Colorado, who, in November, 1866, became the tribal agent of the Cheyennes and Arapahoes. He succeeded in talking even the semi-hostile Dog Soldier Band of Cheyennes into a good humor.

Early in the spring of 1867, General Winfield Scott Hancock, commander of the Department of the Missouri, personally took the field at the head of a strong force of troops at Fort Harker, Kansas, for the purpose of settling the "Indian question," which seemed to baffle so many other wise heads. The fact that, though he was a brave soldier and a successful general, he had not had any previous experience in dealing with Indians did not disturb his equanimity. With a well equipped expedition, including infantry, cavalry, artillery and a pontoon train, he set forth to overawe the Indians by the mere display of the superiority of his force. Marching his command from the valley of the Smoky Hill to that of the Arkansas, he arrived at Fort Larned, where he met Major Wynkoop, the tribal agent, who courteously offered to assist in arranging for a council or conference with the chiefs of the Dog Soldier Band. Agent Wynkoop sent a courier to the Indian camp, distant nearly thirty-five miles, asking that the chiefs come in for council. They came as promptly and as quickly as they could, considering the distance and the facts that the snow was deep and lack of proper food for their ponies, as was generally the case at the end of the winter. The distance was greater than the General had thought and they were later in arriving than he had expected. For this presumptive lack of promptness they were upbraided. General Hancock then accused them of depredations for which they were not responsible. Such a course did not have a tendency to create confidence in the minds of the Indians.

Finally, General Hancock announced his intention to march his command to the Indian village for the purpose of holding a council, as some of the chiefs had not come. The chiefs at once besought their agent, Major Wynkoop, to try to dissuade the General from putting such a purpose into effect, stating that, if he did march his command to their village, their women and children would be frightened (for the memory of the Chivington massacre, on Sand Creek a little more than two years before, was still fresh in their minds) and seek safety in flight. Major Wynkoop plead with the General not to put his threat into execution. But, though he knew Indians and Indian character (which General Hancock did not) and though he had been a brave soldier, Major Wynkoop had never seen more than one small brigade of troops assembled in one command, while the general had led thousands of men into some of the greatest battles of the Civil War. Therefore, the opinions of the young Westerner were lightly considered and his earnest advice, based as it was on a thorough knowledge of the situation, was disregarded, and the march to the Indian village was begun.

While the advancing column was still several miles distant from the Indian camp, Roman Nose, the Northern Cheyenne leader, rode out to meet General Hancock. Two more perfect types of the red and white races probably never faced each other than Roman Nose and General Hancock. A brief interview ensued. It is said that Roman Nose had expressed to some of the other Indians a desire or intention to kill General Hancock, even though he knew his own life would be forfeited for so doing, but he was dissuaded from doing so by some of the other chiefs. The column finally reached a position near the Indian village and went into camp. Then it was learned that the village had been abandoned—that the women and children had scattered in many directions, taking only such belongings as could be carried by hand. General Hancock summoned the chiefs before him and sternly demanded why the women and children had fled. Roman Nose

replied, telling the General of the Sand Creek affair, where the women and children of the Cheyennes had been wantonly killed by troops under Colonel Chivington and naively asking him if white women and children would not have become panic-stricken under similar circumstances. To this the General bluntly responded that he regarded the flight of the women and children of the village as an act of treachery, and that he wanted the principal men of the band to go in search of them and bring them back. They asked for the loan of horses, as their own were in no condition to undertake such a trip. Horses were furnished but the effort to find and bring back the people who had scattered was futile. General Hancock then announced his determination to burn the lodges and property contained in the abandoned Indian village. Against this course, Major Wynkoop filed a written protest, but it was of no more avail than the verbal protests which had been made before. Three hundred lodges, which with the contents, aggregated in value the sum of \$100,000, were piled up and burned by General Hancock's orders. Thus, by the exercise of arbitrary authority and power on the part of an officer who turned a deaf ear to the advice of those who knew more about Indians than he did, another Indian war was started, involving most of the tribes of the Southern Plains, entailing the loss of scores of lives of settlers, freighters, immigrants and soldiers, and costing many millions of dollars. All through the summer the Indian war went on and autumn found the red warriors of the Plains tribes still unwhipped. And yet, when General Hancock was transferred to another command a few months later, the governor of Kansas saw fit to extend to him the thanks of the people of that state.

When the autumn season was at hand, the Indians were generally ready to attend a peace council. Solicitude for their hungry families and the desire for warm clothing for winter generally quickened an interest in the reestablishment of peace. In the autumn of 1867, it was different; the Indians were not disposed to sue for peace. It was therefore necessary to send to them men in whom they had confidence—such men as Chisholm and Black Beaver and Wynkoop—for the purpose of persuading them to attend a peace council. Even then, they came in an ugly humor and in no mood for making peace.

The peace council was held in the valley of Medicine Lodge River, in Southern Kansas, just a few miles from the Oklahoma border, during the latter part of October, 1867. It was a notable assemblage. Most of the leaders of the principal tribes of the Southern Plains were there—Cheyenne, Arapaho, Comanche, Kiowa and Plains Apache. The Government commission was the largest and possibly the ablest that had ever been sent out on such a mission. There was a large military escort and an abundance of rations and supplies for the Indians.

The Government peace commission was peculiar in that it was partly named by the act of Congress which provided for its creation and operation. This act, approved July 20, 1867, provided that, in addition to three army officers not below the rank of brigadier-general, N. G. Taylor (commissioner of Indian Affairs), John B. Henderson (chairman of the Senate Committee on Indian Affairs), S. F. Tappan and John B. Sanborn should be members of the peace commission. Rev. Nathaniel G. Taylor was from Tennessee and was a personal friend of President Andrew Jackson. He was the father of Robert L. Taylor and Alfred A. Taylor, who were prominent in the public affairs of Tennessee in the succeeding generation. John B. Henderson was United States Senator from Missouri. Col. Samuel F. Tappan had been an officer of a Colorado volunteer regiment during the war. John B. Sanborn had entered the volunteer military service as colonel of a Minnesota regiment and had been promoted to the grades of brigadier and major-general. The military members of the commission were Lieutenant-General William T. Sherman and Brigadier-General William S. Harney. Subsequently, in order to insure a full attendance, Brigadier-General Christopher C. Augur was added to the membership of the commission. The commissioners met at St. Louis, where they organized and chartered a steamboat by means of which they ascended the Missouri River and held councils with several of the Sioux tribes. Generals

Sherman and Augur and Colonel Tappan were then sent to visit other tribes, while the rest of the members of the commission proceeded to Medicine Lodge. Generals Sanborn and Harney had been members of the commission which had met the Cheyennes, Comanches and other tribes of the Southern Plains in council at the mouth of the Little Arkansas River two years before. General Augur and Colonel Tappan joined the other members of the peace commission before its negotiations were completed at Medicine Lodge.

Several representatives of the press accompanied the peace commissioners from Fort Larned to the Medicine Lodge council. Among the most noted of these correspondents were Henry M. Stanley, who represented the "Missouri Democrat" (now known as the "St. Louis Globe-Democrat"), and who subsequently attained world-wide fame as the explorer of Africa; Thomas W. Knox, who also achieved distinction as a traveler and author, and Milton W. Reynolds, who was destined to become intimately associated with the movement for the opening of Oklahoma to settlement. Reynolds was then editor of the "Kansas State Journal" and correspondent of the "Chicago Times." Other newspapers represented by correspondents were "Harper's Weekly," "New York Herald," "Chicago Tribune," "Cincinnati Commercial," "Cincinnati Gazette," "St. Louis Republican," and the "Leavenworth Bulletin."

Most of the Kiowa, Comanche, Arapahoe and Plains Apache Indians were represented in the council which convened in a grove of elm trees on the morning of October 19th. Very few of the Cheyennes were present as they were engaged in the ceremonies incident to "making medicine," a day's journey distant. Black Kettle, the head chief of the Cheyennes, was present but his people absolutely refused to come in until they were through with the ceremony of "renewing the medicine arrows." This prolonged the council several days beyond the length of time that would have been otherwise required. Many speeches were made by the members of the peace commission, conciliatory and persuasive; those made by the various Indian chiefs differed according to the dispositions and whims of the respective speakers, some being friendly, others plaintive, and still others defiant. The tribal agents, Major E. W. Wynkoop and Colonel J. H. Leavenworth, were present. The former held the confidence and friendship of his people—the Cheyennes and Arapahoes—but the latter appeared to have lost his hold upon part of his charges, at least, as Satanta, the leading chief of the Kiowas, demanded a new agent. Each tribe had its interpreters. Some of these were quite important figures in the negotiations. Mrs. Virginia Adams, who was of mixed white and Arapahoe descent and who spoke several Indian languages as well as English, was the interpreter for the Arapahoes. Phil McCusker, a noted frontier character, was the interpreter for the Comanches.

Writing twenty years later, Milton W. Reynolds reminiscently described the Medicine Lodge Peace Council as follows:

"It was a great council on the part of the Indians. It is said that there were 15,000 present. At first they were sullen and morose and not disposed to treat; they were hungry and mad. They were filled and after feasting, became better natured. It was at this council that I heard Satanta boast of the men he had killed and the horses he had stolen, 'up at Larned.' He rode a big black horse which was branded 'U. S.' Satanta was a fiery speaker, vehement, impetuous as a torrent, generally believed to be a common liar and a most consummate scoundrel. Kicking Bird was the second chief of the Kiowas and afterward became principal chief. He was a good Indian. I slept in the same tent with him. He once saved my life and that of my friend Colonel Murphy (superintendent of Indian Affairs), but as that incident is only important to ourselves, I pass it by.

"On one occasion we (the peace commission) came very nearly being gobbled up by the Indians, and probably would have been but for the presence of two old Indian fighters—Governor Samuel Crawford (of Kansas) and General William S. Harney. It was a dull, dreary day. Listlessly and lazily drops of rain drizzled all day long. Toward evening the Indians became restless; they moved about sullenly, sluggishly and slow; they would not come into the council. Governor

Crawford called General Harney's attention to the unpleasant signs which, to his practiced eye, were plainly visible. The troops of the escort were at once drawn up in a hollow square with the peace commission in the center and a Gatling gun turned straight upon the camp of the Indians. Needless to say, there was no massacre such as occurred under similar circumstances in the lava beds of Oregon a few years later.

"After many days of powwowing, the Indians treated. They were given homes in the Indian Territory and agreed to leave and forever abandon Kansas. We—that is, the commission—slashed away promiscuously and gave away empires to the Cheyennes, Arapahoes, Kiowas, Comanches and Apaches—anything they wanted in the way of lands and hunting grounds in the Indian Territory—anything to get them out of Kansas."

As a matter of fact, the Cheyennes and Arapahoes were very reluctant to accept reservations in the Indian Territory, while the Kiowas and Comanches did not want to be confined to the limits of a reservation of any kind or in any place. The speech of Satanta, the Kiowa chief, as reported by Stanley, bears evidence of this. His speech was in part as follows:

"All the chiefs of the Kiowas, Comanches and Arapahoes are here today. They have come to listen to the good word. We have been waiting here a long time to see you and we are getting tired. All the land south of the Arkansas belongs to the Kiowas and Comanches and I don't want to give away any of it. I love the land and the buffalo and will not part with any. I want you to understand also that the Kiowas don't want to fight and have not been fighting since we made the treaty (two years before). I hear a great deal of fine talk from these gentlemen, but they never do what they say. I don't want any of those medicine homes built in the country; I want the children brought up just exactly as I am. . . .

"When I look upon you I know you are all big chiefs. While you are in the country we go to sleep happy and are not afraid. I have heard that you intend to settle us on a reservation near the mountains. I don't want to settle there. I love to roam over the wide prairie, and when I do it I feel free and happy, but when we settle down, we grow pale and die.

"Hearken well to what I say. I have laid aside my lance, my bow and my shield, and yet I feel safe in your presence. I have told you the truth. I have no little lies hid about me, but I don't know how it is with the Commissioners; are they as clear as I am? A long time ago this land belonged to our fathers, but when I go up the river I see a camp of soldiers, and they are cutting my wood down or killing my buffalo. I don't like that, and when I see it my heart feels like bursting with sorrow. I have spoken."

In the end, however, the chiefs of all of the tribes were persuaded to sign treaties with the Government commissioners, by the terms of which their people were to accept reservations and cease from roaming at large. They were plainly told that the buffalo would disappear from the Plains in the course of time and that they would have to settle down and till the soil for the means of subsistence.

The treaty with the Comanches and Kiowas was concluded and signed October 18, 1867. It provided for perpetual peace between the people of these tribes and the Government, and that they should accept as a reservation a tract of land lying between the Washita and Red rivers, west of the 98th meridian and extending to the North Fork of the Red River. There were many other provisions, including those relating to the establishment and maintenance of the agency, of schools, and teachers; the Indians were to be furnished with such farming implements as they might desire, together with seeds for planting, and were to be properly instructed in the art of tilling the soil; they were to have the privilege of hunting buffalo as far north as the Arkansas River and were to have certain specified annuities. On their part, the Indians were to cease from all depredations and withdraw their opposition to the construction of railways and the establishment of military posts and to refrain from molesting emigrants, wagon trains, coaches, etc. The Government was to furnish physicians, teachers, blacksmiths, and such other employees as might be necessary.

A supplemental treaty, concluded three days later,

provided that the Apaches of the Plains, who had left the Kiowas and Comanches and joined the Cheyennes and Arapahoes by the terms of a treaty made at the mouth of the Little Arkansas, two years before, should become reaffiliated with the Kiowas and Comanches.

The treaty with the Cheyennes and Arapahoes was not finally agreed upon and signed until October 28th. By its terms a reservation, bounded on the north and east by the State of Kansas and the Arkansas River, and on the south and west by the Cimarron River, was assigned to these tribes. The rest of the provisions of the treaty were practically identical with those of the one which had been concluded with the Kiowas and Comanches, ten days earlier.

APPENDIX XXXII—1.

A LITTLE CHILD AS A PEACEMAKER.

The peace agreement between the Kiowa and Pawnee tribes was due to accidental circumstances rather than to deliberate intention. There had been open hostilities between the two tribes for generations. In those days, it was not uncommon for young Pawnee warriors to strap three or four extra pairs of moccasins to their belts, fill a small pouch with dried meat, armed only with bow and arrows and a knife and carrying a rawhide riata, to start afoot for the country of an enemy in quest of horses. About the year 1870, a Pawnee sub-chief started out at the head of a party of five warriors to go to the Kiowa country after horses. They traveled at night and concealed themselves by day. After having covered a distance of more than four hundred miles and with all of their food supply consumed, they crept into a thicket just before dawn one morning. Soon, there was a disturbance near at hand. One of the Pawnees crept out to reconnoitre, quickly returning to report that a Kiowa village was near at hand and that there was danger of being discovered. Again creeping out to survey the scene, he returned once more to report that the lodges were being taken down and that the village was about to be removed to some other place.

Soon the village disappeared with the exception of a single lodge. Its owner was seen to mount his horse and follow after the disappearing cavalcade. Intently the Pawnee chief watched the remaining lodge. After a while, the owner was seen to return and dismount, his wife unsaddling the horse, which was hobbled and turned loose to graze. When she had followed her warrior-husband into the lodge, the chief signed his men to follow him. Approaching the lodge silently, they seated themselves in front of it. The woman was heard as she pounded dried meat. Soon a little child came to the lodge opening with his chubby hand filled with the shredded meat. Smilingly, he approached the chief and gave him the meat, immediately returning into the lodge where his mother was soon pounding meat. This was repeated several times until the child's mother refused to give him any more meat. Again signalling the others to follow him, the Pawnee chief threw back the lodge cover and stepped inside. Instantly filled with dismay at the sight of so many enemy-warriors entering his lodge, the Kiowa owner fell back to a reclining position. Addressing him in the silent sign language, the Pawnee chief stepped forward and lifted him again to a sitting position, saying: "Fear nothing, friend, for we have eaten your meat and we mean no harm to you or yours. We are hungry." So they were fed. Then, the pipe was lighted and they smoked together.

At this juncture, the lodge flap was again thrown back and the face of a Kiowa chief was seen at the entrance. Quickly the owner of the lodge (whose wife was the chief's daughter) arose to explain the presence of the Pawnee warriors in his home. Convinced of their honorable behavior, the chief and his followers greeted the strangers kindly. They sat down to smoke together. Finally, the Kiowa chief, using the sign language, asked:

"You came for horses?"

The Pawnee chief answered:

"We did, but we shall return without them."

But the Kiowa chief replied that they should ride. He said:

"You shall ride. This night our horse herd shall

be left unguarded. Take what you need. Our young men will pursue you in the morning but at the end of half a day they shall return without overtaking you. One thing only do we desire in return. Give to us the pipe that we have been smoking."

To this the Pawnee chief rejoined:

"That we may not do, since it is a sacred pipe of the Pawnees—it may not be sold, neither may it be given away. But it might be lost. So, when we have traveled nearly to the middle of the day, I will draw my bow and kill a colt. Twenty paces east from the dead colt's head, the lost pipe may be found." So, when the pursuers came to the colt that had been killed, the chief found the pipe that had been "lost," interpreted it as a sign that the pursuit should be abandoned. A few months later, the Pawnees returned—but not afoot. This time, they came asking that the warfare between the two tribes should end and that peace should be made.

So it was that the smiling generosity of a little child led to the dissipation of the war clouds which had been at enmity ever since they had been known to each other.

APPENDIX XXXII—2.

LIEUTENANT LAWTON QUELLS MUTINY.

In order to impress the Northern Cheyenne prisoners with the superior valor and ability of the white soldiers, the military escort of the nine hundred captives consisted of but seventeen troopers, under the command of Lieutenant Henry W. Lawton, of the 4th Cavalry. The transportation consisted of a pack train accompanied by twenty civilian employees, the journey southward, which required seventy days, was made from one military post to another stops, being made en route at Fort McPherson (Nebraska), Forts Wallace and Dodge (Kansas), and Camp Supply (Indian Territory) for needed provisions. Sixty-six of the captive Northern Cheyenne warriors had been sworn in as Indian policemen, each being furnished with a cavalry horse and accoutrements and a Springfield carbine with three rounds of ammunition. Although the Northern Cheyennes were never tractable at best, Lieutenant Lawton treated them so fairly and tactfully that there were no signs of serious insubordination until after the cavalcade had reached a point within a few days' journey of its destination.

Shortly after leaving Camp Supply and crossing Wolf Creek, a herd of buffalo was encountered. It was surrounded by Indians of the various tribes from the reservations in Western Oklahoma and by white hunters as well. The sixty-six Northern Cheyenne policemen then made a demand upon Lieutenant Lawton for the immediate issue of more ammunition, ostensibly to enable them to kill buffalo. The lieutenant was warned by his interpreter, and also by George and Robert Bent, who happened to be present, that the real design in thus demanding more ammunition was to enable the malcontents to defy the escort and retrace the backward trail to the North. The demand for more cartridges was therefore refused. The members of the Indian police force thereupon withdrew to a position at some distance from the escort and the pack train, where they proceeded to hold a pow-wow over the matter. Finally, a messenger was sent to Lieutenant Lawton to inform him that if he did not comply with the demand for more ammunition, the policemen would come and take it by force. Lieutenant Lawton was standing out in front of his little command when this ultimatum was delivered. Pointing to a buffalo path a few yards in front of his line, he turned to his interpreter and said:

"Tell him" (the messenger) that I will kill the first man who tries to cross that path."

With his light campaign hat tilted back on his head and with an army revolver in each hand, he looked as if he meant what he had said. Then, as the messenger galloped toward the mutinous group, he half turned toward the troopers and civilian employees and said:

"Get behind your horses and mules, men!"

When his reply to the last demand was delivered, there was a howl of rage from the baffled red policemen and they began to ride back and forth in ap-

parent confusion. Soon, however, they formed in line with the evident intention of charging the little band of troopers and civilian packers. As the line of warriors started, Lieutenant Lawton cautioned his men to keep cool, adding the injunction not to shoot until he did. The charging line came on like the wind and a few fleeting seconds brought it within two rods of the buffalo path, yet so sharply did each steed swerve to the right or to the left that never a hoof crossed the dead line. The band of malcontents soon scattered among their people and the threatened mutiny was ended. Lieutenant Lawton's nerve had saved the day.

(Twenty-three years later, as a major-general of the United States Army, Henry W. Lawton yielded up his gallant life on the field of battle, during the Philippine Insurrection. The city of Lawton, county seat of Comanche County, attests Oklahoma's respect for his memory.)

APPENDIX XXXIII—1.

JESSE CHISHOLM, PATHFINDER, PEACEMAKER AND TRADER

Jesse Chisholm was born in Tennessee, about the year 1806. His father was a white man, of Scotch descent, and his mother was a Cherokee Indian woman. He probably migrated to the West before the Western Cherokees left Arkansas. Although of a quiet, unassuming disposition, he became well known throughout the southwestern frontier because of his integrity and uncompromising honesty and truthfulness. He has been mentioned in one way or another in most of the books and published reports of explorations and travels in the Southwest which were issued during the last forty years of his life. He is first mentioned in an account of a war between the Cherokees and the Towakonies, about 1827. He accompanied the Leavenworth-Dodge expedition to the Red River country in 1834.

He settled at old Fort Edwards (Camp Holmes), near the mouth of Little River, in what is now Hughes County, about 1838. His wife was a daughter of the trader, Edwards, and a member of the Creek tribe. About 1850, he established a trading post in the southern part of the present Cleveland County and, in 1858, he established another trading establishment or ranch, at Council Grove, on the North Canadian, about six miles above the site of Oklahoma City. He hauled large kettles to the salt springs in what is now Blaine County, where he manufactured salt several years before the Civil War.

A man of most humane disposition, he rescued by ransom no less than nine captive children and youths, who (at various times) were held in bondage among the Comanches and Kiowas. These captives, most if not all of whom were Mexicans, were adopted and reared in his home as members of his own family. He was a good business man and a successful trader, yet his generosity and charity was such that he never amassed as much wealth as a more selfish man might have done under similar circumstances.

At the outbreak of the Civil War he was prevailed upon to act as a guide for Albert Pike, the Confederate commissioner, on occasion of his visit to the tribes on the Upper Washita for the purpose of making a treaty with them. Apparently this project was not to his liking, however, as a few months later he was numbered among the refugees who followed Opothleyohola for the purpose of finding an asylum in Kansas. But the refugee camps were distasteful to one who loved to live in the open, so he soon drifted west to the mouth of the Little Arkansas, where the Wichita and kindred tribes had settled for the time being. A small stream which flowed by his ranch on the present site of Wichita is still called Chisholm Creek. When he came south on his trading trip in the spring of 1865, he was accompanied by James R. Mead, another trader, who was one of the founders of Wichita.

Along with Black Beaver, the Delaware leader (who was his friend and fellow trader), William Matthewson and James R. Mead (white traders), he was influential in helping to persuade the Comanche and Kiowa chiefs and headmen to attend the peace councils at the mouth of the Little Arkansas (Wichita), in 1865, and at Medicine Lodge, in 1867. He

was universally trusted and respected by the Indians of many tribes. And white men had the same confidence in his integrity that the Indians did. His word was as good as his bond with merchants and supply houses with whom he had dealings, at Leavenworth, St. Louis and elsewhere. His services were in demand as a guide and scout with exploring expeditions, surveys and military commanders, though he was loath to accept such service as he could make much more money as a trader. Although he was growing old and feeble, he continued actively engaged in the Indian trade, until his death, much of the time out on the buffalo range. According to common report, he was able to speak fourteen different Indian languages. His services were in frequent demand as an interpreter, especially by Government peace commissioners, surveyors, explorers and military commanders. Although he always had one or more trading posts, much if not most of his trading was done in the camps of the Indians on the Plains, his stock in trade and the products of the business being transported in wagons. Among the people of all the tribes of the Southern Plains, by whom he was recognized not only as a friend, but also as a brother, counselor, and arbiter, his death in March, 1868, was the occasion of great mourning. He was buried near the North Canadian River, in Blaine County.

For further data concerning Jesse Chisholm and his career, consult Pacific Railway Survey Reports, Vol. III; Kansas Historical Society Collections, Vols. V, VII and VIII; Official Records of the Union and Confederate Armies, Series I, Vols. XXII and XLVIII, Series IV, Vol. I.

Recommendations of the Secretary of the Interior

I find that Mr. Joy, one of the principal stockholders of the Kansas & Neosho Valley Railroad Company, in the year following the acts and the ratification of the treaties which have been mentioned, procured possession, by purchase, of the tract of land in southeastern Kansas, immediately north of the boundary of the Indian Territory, known as the "Cherokee Neutral Lands" and that, soon after this purchase, the line of said railway company was located due north and south through the greater part of said Cherokee lands, and nearly if not exactly, upon the line dividing the land so purchased into two equal eastern and western parts; the construction of the road upon this line, which I believe to have been made for the purpose of giving, as nearly as possible, equally increased values to the lands so purchased, in all their parts, has taken this road off the line necessary to intersect the Indian boundary line, "at the Neosho River or near the same," and that the road has, in fact, been constructed to a point on the Indian boundary line about ten or more miles east of the said Neosho River, touching the reservation of the Quapaws, through which no power to pass has been granted by treaty or consent of the Indians holding that and several other small reservations in the northeastern corner of the Territory. I find, further, that the point where the said Kansas & Neosho Valley Railroad Company has touched the southern boundary of Kansas and the northern boundary of the Indian Territory, is not one reasonably within the meaning and purposes of the general scheme which I have found to have been fixed by the legislation and treaties referred to. In addition to these considerations, I would submit that it would be manifestly unfair and inequitable if one company were allowed, at its own will, to change the plan of the route so as to shorten its own line to the common point and lengthen that of its competitors, by a distance which might be twenty-five miles, or equal to that from the Neosho River to the Missouri boundary-line. I therefore find that the Kansas & Neosho Valley Railroad Company is not authorized, under present legislation, to enter the Indian Territory and build the trunk line aforesaid, and that, to complete its right, at this time, to do so, it would have been necessary for the said road to have been completely constructed to a point in the Neosho Valley, at or near the crossing of the boundary line by the Neosho, and where it could enter the Cherokee country without crossing the reservation of any other Indian tribe. This, the said company has not done.

As to the Southern Branch Union Pacific Railroad

Company, I find that its line of road is substantial and in accord with the scheme fixed by the legislation and treaties, but that said company has not built a completed line of railroad, up to this date, to the crossing of the Indian boundary line. I find, further, that the said Railroad Company, without completing its said road to the aforesaid common point of crossing the Indian boundary, has gone on in advance to grade within the Indian Territory, and is, therefore, an intruder within said Territory, and that the complaint of the Cherokee Nation in regard to it is well founded.

As to the Leavenworth, Lawrence & Fort Gibson road, it is not averred on its behalf that it is now in a condition to claim the right of entry to the Indian Territory.

As to the Atlantic & Pacific Company approaching the Indian Territory upon the east, I do not find that its claim to cross the Cherokee country is disputed by any other corporation authorized to build a road in that direction; but not having had fully before me the facts requisite to determine whether said company has fulfilled conditions precedent to entering the Territory and it being admitted that the road has not yet reached the neighborhood of the eastern boundary line of the Territory, it is not necessary now to pass upon its rights.

APPENDIX XXXIV—1. THE DEATH OF SATANK.

When Colonel McKenzie started to leave Fort Sill with the Kiowa prisoners and the escort, Satanta and Big Tree rode in one wagon and Satank, who was so refractory that he had to be shackled, rode in another, with two soldiers to guard him. George Washington, the Caddo chief, was riding by the side of the wagons as they left Fort Sill.

Satanta sent a message to his people, brief and explicit, though not so desperate. It was as follows:

"Tell my people to take the forty-one mules that we stole from Texas to the agent, as he and Colonel Grierson requires. Don't commit any depredations around Fort Sill or Texas."

When but a short distance from the post, Satank called to George Washington and said:

"I want to send a little message by you to my people. Tell my people that I am dead. I died the first day out from Fort Sill. My bones will be lying on the side of the road. I wish my people to gather them up and take them home."

Then Satank began to chant his death song and, turning his back to the guards, he pulled the shackles from his wrists, tearing the skin from his hands in the process. He then produced a butcher-knife from beneath his blanket, though he had been twice searched by the soldiers, and with it started for the guards, both of whom jumped from the wagon, leaving their guns. Satank picked up one of these and began to load it but fell, pierced by several bullets fired by other guards, and died in a few minutes. He was buried at Fort Sill, his own people declining to receive the remains for burial.

Satanta and Big Tree were placed on trial before a Texas court, charged with murder. They were convicted and sentenced to be hanged. Agent Tatum asked that the sentence be commuted to life imprisonment, his petition being supported also by Colonel Grierson, General Sherman and the trial judge. The Governor of Texas granted the request. The Kiowas were cowed for a time, ceased raiding, restored some stolen stock and surrendered several white captives. They always demanded to be rewarded for bringing in captives (it having been the custom to exact a heavy ransom for the release of white prisoners) but Agent Tatum was firm on that point, no more rewards ever being paid for such transactions after he took charge of the Agency, at Fort Sill.

APPENDIX XXXIV—2. BLACK BEAVER AND THE WILLIAM PENN TREATY.

"You ought to stop raiding in Texas. You should send your children to school and then settle down and do as your friends, the Quakers, want you to do. The Quakers are your friends. Their fathers made a treaty with the Indians, nearly two hundred years ago, in which they bound themselves, and their children after them, to be friends to each other forever. This treaty

has never been broken. The Indians have never taken any Quaker's blood and the Quakers have always been true friends to the Indians. I am not telling you this from hearsay; though the treaty was made so long ago, a copy of it has been kept by my people; my own eyes have seen it and my own hands have held it.

"Our grandfather at Washington knew about this treaty and for this reason has sent the Quakers among us. He knew they would do right by his red grandchildren. He sent two of them to build us a school; they made us a good school and we know they are good men; that they love the Indians and will take good care of the Indians' children. He has now proved them and has taken them away from us and sent them to you. One of them—Mr. Thomas (Thomas C. Battey)—has been with you for a long time and you know he is a good man. Mr. Alfred (Alfred J. Standing) is also a good man. When you are ready to send your children to school, you will find they will be kind and good to them. The stone schoolhouse, to which we (Delawares and Caddoes) send our children, is yours. We know it is yours and we will give it up at any time you want it. We only use it because you do not—because we have not enough room in our own schoolhouse.

"I attended the great council at Okmulgee, in which fifteen Indian nations were represented. They were all for peace. They wanted all the Indians of this Territory to be united; to become as one people and to have one cause. The raiding of the young Kiowas and Comanches works against the progress and to the injury of all Indians."

Thomas C. Battey, the Quaker school teacher, who was living among the Kiowas of Kicking Bird's Band at that time, was present at the council with the Comanche and Kiowa chiefs at the Fort Sill Agency and, naturally, was greatly interested in the story of the Penn Treaty which Black Beaver told in the course of his address to the chiefs. Afterward, when he visited Captain Black Beaver at his home on the Washita he asked particularly about the copy of the treaty which William Penn had given to the Indians. He told Captain Black Beaver that he, too, would like to see it with his own eyes and hold it in his own hands. In reply, Black Beaver gave the following account of the Penn Treaty and its disappearance:

"When William Penn gave the treaty to the Indians, he told them to keep it for their children who should live after them. They accordingly placed it in the hands of their principal chief for its preservation. Other treaties, as they were made, were deposited with him, but this he kept separate from them. When the chief died, these documents were taken care of by his successor. Afterward, when other treaties were made, as this treaty of peace and friendship made with William Penn became of concern to several tribes, they in general council selected to have special care of this first, as they called it, 'the Great Treaty.' After his death another was chosen and so it continued to be preserved for many years by persons chosen in the general council. Eventually, as the different tribes became scattered, the Delawares retained possession of it and it was preserved by them as it had been before, the tribe in council making choice of a reliable person to take care of it. As time passed on and the tribe moved westward this treaty fell into my hands and I had it until the breaking of the Civil War.

"While on a visit to my sister, in the Chickasaw Nation, in the spring of 1861. I learned that an officer (Major William H. Emory, First U. S. Cavalry) whom I had known during the Mexican War, was in command of the neighboring military post (Fort Washita) and I went to make him a visit. There I first learned of the secession of the southern states. As the Chickasaws and Choctaws, by whom the fort was surrounded, were slave owners, the commander of the garrison found himself completely hemmed in by southern sympathizers, if not by open enemies, so that he saw difficulty in attempting to escape from such an embarrassing situation. He accordingly laid the whole matter before me, as I knew the whole country well, and asked me to help get the force out of such a hazardous position. At first I objected to doing so because of the exposed situation in which my own property would be placed and the loss that I might sustain if I did not promptly remove it (principally horses and cattle) to a place of safety. Upon being assured by



CAPTAIN BLACK BEAVER
Delaware Leader

him that the Government would fully reimburse me for any loss which I might sustain while thus endeavoring to rescue its troops and property from threatened destruction, I finally agreed to make the effort to conduct them to a place of safety. This, from my knowledge of the country and my acquaintance with the other tribes, I was able to do, successfully guiding the command to Fort Leavenworth, a distance of more than 300 miles and one which necessitated an absence of several weeks from my home.

"As I was returning to my home on the Washita, from my journey to Fort Leavenworth, I met the Wichitas, part of the Caddoes and a few families of Delawares fleeing in consternation, the Chickasaws and other slave-holding Indians having invaded our country, burned our buildings, laid waste our farms and taken our stock. Thus rendered destitute and homeless I remained in Kansas until the War was over. After the War I returned with the other Delawares, the Wichitas and the Caddoes, to the valley of the Washita. There I found my home destroyed and my farm desolated and overgrown with brush. In the destruction of my home, the Penn parchment, so long and so carefully preserved by the Delawares, is supposed to have been burned."

The Delaware-Caddo Settlement on the Washita, near the site of Anadarko, was occupied and partially destroyed by a detachment of Texas State troops, in May, 1861, immediately after the occupation of Fort Arbuckle. This detachment, which was under the command of Lieutenant William Cloud, had been directed to march up the valley of the Washita and take possession of Fort Cobb, which had also been abandoned by the Federal garrison, and of the Indian Agency near by. It is not probable that the improvements of any of the farms of the semi-civilized Indians were destroyed except in such instances as the owners were known to be adherents of the Federal cause, as in the case of Black Beaver. There is a bare possibility that, before the destruction of Black Beaver's home that it may have been ransacked by some of the raiders, in which event, if the Penn Treaty happened to fall into the hands of some one of sufficient intelligence to appreciate its possible sentimental and historical value, it might have been carried off as a souvenir, and, if so, there is a bare possibility that it may still be in existence.—J. B. T.

APPENDIX XXXV.—1.

GENERAL SULLY'S EXPEDITION TO THE NORTH CANADIAN.

The expedition intended to operate south of the Arkansas was composed of the principal portion of the Seventh Cavalry and a few companies of the Third Regular Infantry, the entire force under the command of Brig.-Gen. Alfred Sully, an officer of long experience among the Indians, and who had in times gone by achieved no little distinction as an Indian fighter and, at a later date, became a partial advocate of the adoption of the peace policy. General Sully's expedition, after being thoroughly equipped and supplied, under his personal supervision, with everything needful in a campaign such as was about to be undertaken, crossed the Arkansas River about the first of September, at Fort Dodge, and, marching a little west of south, struck the Cimarron River, where it first encountered Indians. From the Cimarron, the troops moved in a southeasterly direction, one day's march, to Beaver Creek, the savages opposing and fighting them during the entire day. That night the Indians came close enough to fire into the camp, an unusual proceeding in Indian warfare, as they rarely molest troops during the hours of night. The next day General Sully directed his march down the valley of the Beaver; but just as his troops were breaking camp, the long wagon train having already "pulled out," and the rear guard of the troops having barely got into their saddles, a party of between two and three hundred warriors, who had evidently in some inexplicable manner concealed their approach until the proper moment, dashed into the deserted camp within a few yards of the rear of the troops, succeeded in cutting off a few led horses and two of the cavalymen who, as is often the case, had lingered behind the column. General Sully and staff were at that moment near the head of the column, a mile or more from camp. The general, as was

his custom on the march, being comfortably stowed away in his ambulance, of course it was impossible that he or his staff, from their great distance from the scene of the actual attack, could give the necessary orders in the case.

Fortunately the acting adjutant of the cavalry, Brevet-Captain A. E. Smith, was riding at the rear of the column and witnessed the attack of the Indians. Captain Hamilton, of the cavalry, was also present in command of the rear guard. Wheeling his guard to the right about, he at once prepared to charge the Indians and to attempt the rescue of the two troopers who were being carried off as prisoners before his very eyes. At the same time, Captain Smith, as representative of the commanding officer of the cavalry, promptly took the responsibility of directing a squadron of cavalry to wheel out of column and advance in support of Captain Hamilton's guard. With this hastily formed detachment, the Indians (still within pistol range but moving off with their prisoners) were gallantly charged and so closely pressed that they were forced to relinquish one of their prisoners, but not before shooting him through the body and leaving him, as they supposed, mortally wounded. The troops continued to charge the retreating Indians, upon whom they were gaining, determined if possible to effect the rescue of their remaining comrade. They were advancing down one slope, while the Indians, just across a ravine, were endeavoring to escape with their prisoner up the opposite ascent, when a pre-emptory order reached the officers commanding to withdraw their men and reform the column at once. Delaying long enough for an ambulance to arrive from the train in which to transport their wounded comrade, the order was obeyed. Upon rejoining the column, the two officers named were summoned before the officer commanding their regiment and, after a second-hand reprimand, were ordered in arrest and their sabres taken from them, for leaving the column without orders—the attempted and half-successful rescue of their comrades and the repulse of the Indians to the contrary notwithstanding. Fortunately, wiser and better-natured counsels prevailed in a few hours and their regimental commander was authorized to release these two officers from their durance, their sabres were restored to them and they became, as they deserved, the recipients of numerous complimentary expressions from their brother officers. The terrible fate awaiting the unfortunate trooper carried off by the Indians spread a deep gloom throughout the command. All were too familiar with the horrid customs of the savages to hope for a moment that the captive would be reserved for aught but a lingering death, from torture the most horrible and painful which savage, blood-thirsty minds could suggest. Such was in truth his sad fate, as we learned afterward when peace (?) was established with the tribes then engaged in war. Never shall I forget the consummate coolness and particularity of detail with which some of the Indians engaged in the affair related to myself and party the exact process by which the captured trooper was tortured to death; how he was tied to a stake, strips of flesh cut from his body, arms and legs, burning brands thrust into the bleeding wounds, the nose, lips and ears cut off, and, finally, when from loss of blood, excessive pain and anguish, the poor, bleeding and almost senseless mortal fell to the ground exhausted, the younger Indians were permitted to rush in and dispatch him with their knives.

The expedition proceeded on down the valley of Beaver Creek, the Indians contesting every step of the way.* In the afternoon about three o'clock, the troops arrived at a ridge of sand-hills, a few miles southeast of the site of Camp Supply, where quite a determined engagement took place with the savages, the three tribes, Cheyennes, Arapahoes and Kiowas, being the assailants. The Indians seemed to have reserved their strongest efforts until the troops and train had advanced well into the sand-hills, when an obstinate and well-conducted resistance was offered to the fur-

*Sully's Expedition apparently reached the valley of the Cimarron in the northern part of Beaver County, and entered that of Beaver Creek somewhere near the eastern line of the same county. Thence the route followed was southeastward through Harper County and into Woodward County, where the retrograde movement began.

ther advance of the troops. It was evident to many of the officers, and no doubt to the men, that the troops were no doubt nearing the location of the Indian villages and that this last display of opposition to their further advance was to save the villages. The character of the country immediately about the troops was not favorable to the operations of cavalry; the surface of the rolling plain was cut up by irregular and closely located sand-hills, too steep and sandy to allow cavalry to move with freedom, yet capable of being easily cleared of savages by troops fighting on foot. The Indians took post on the hilltops and began a harassing fire on the troops and train. Had the infantry been unloaded from the wagons promptly, instead of adding to the great weight, sinking the wheels sometimes almost to the axles, and had they, with the assistance of a few of the dismounted cavalry, been deployed on both sides of the train, the latter could have been safely conducted through what was then decided to be impassable sand-hills, but which were a short time afterward proved to be perfectly practicable. And once beyond the range of sand-hills but a short distance, the villages of the attacking warriors would have been found exposed to an easy and important capture, probably terminating the campaign by compelling a satisfactory peace. Captain Yates, with his single troop of cavalry, was ordered to drive the Indians away. This was a proceeding which did not seem to meet with favor from the savages. Captain Yates could drive them wherever he encountered them, but it was only to cause the redskins to appear in increased numbers at some other point. After contending in this non-effective manner for a couple of hours, the impression arose in the minds of some that the train could not be conducted through the sand-hills in the face of the strong opposition offered by the Indians. The order was issued to turn about and withdraw. This order was executed and the troops and train, followed by the exultant Indians, retired a few miles to the Beaver and encamped for the night on the ground now known as Camp Supply.

Captain Yates had caused to be brought off the field, when his troop was ordered to retire, the body of one of his men who had been slain in the fight with the Indians. As the troops were to continue their backward movement next day, and it was impossible to transport the dead body further, Captain Yates ordered preparations made for interring it in camp that night; but knowing that the Indians would thoroughly search the deserted camp-ground almost before the troops should get out of sight, and would be quick, with their watchful eyes, to detect a grave, and, if successful in discovering it, would unearth the body in order to obtain the scalp, directions were given to prepare the grave after nightfall, and the spot selected would have baffled the eye of any but that of an Indian. The grave was dug under the picket-line, to which the seventy or eighty horses of the troop would be tethered during the night, so that their constant tramping and pawing should completely cover up and obliterate all traces of the grave containing the body of the dead trooper. The following morning even those who had performed the sad rites of burial to their fallen comrade could scarcely have been able to indicate the exact location of the grave. Yet, when we returned to that point a few weeks afterward, it was discovered that the wily savages had found the grave, unearthed the body and removed the scalp of their victim on the day following the interment.

Early on the morning of the day succeeding the fight in the sand-hills, General Sully resumed his march toward Fort Dodge, the Indians following and harassing the movements of the troops until about two o'clock in the afternoon, when, apparently satisfied with their success in forcing the expedition back, thus relieving their villages and themselves from the danger which had threatened them, fired their parting shots and rode off in triumph. That night the troops camped on Bluff Creek, from which point General Sully proceeded to Fort Dodge, on the Arkansas, leaving the main portion of the command in camp on Bluff Creek.

APPENDIX XXXV—2.

BLACK KETTLE

Black Kettle, the Cheyenne chieftain, was about sixty-five years old at the time of his death. He was

born near the Black Hills. He was reputed to have been one of a family of fourteen brothers, all of whom were killed in battle. In the division of the Cheyenne tribe, about 1835, his family elected to go with the southern company. Of his earlier life and career, not much has been recorded. His name appears for the first time as one of the signatory chiefs on a treaty with the Government when the document was negotiated and agreed to at Fort Wise, Colorado, in 1861. In this instance he was the first to sign as he was in the treaty of Mouth of the Little Arkansas (Wichita, Kansas), in 1865, and in that of Medicine Lodge, in 1867.

While Black Kettle had doubtless distinguished himself as a warrior in his younger years—in fact, he could scarcely have attained his rank and station had it been otherwise—he was peaceably disposed during the later years of his life. In the late summer of 1864, it was he who took the initiative by sending a letter to the post commander at Fort Lyon (formerly Fort Wise), stating that he and his people wanted peace and suggesting an interview or conference for that purpose. Taking a strong escort, Major E. W. Wynkoop, the post commander, went to the great Cheyenne camp, nearly a hundred miles distant. There was an evident lack of harmony among the chiefs and considerable difficulty was experienced in the effort to open formal negotiations and even then Major Wynkoop informed them that he had no authority to enter into a treaty with them, though he was willing to aid them in their effort to that end if it was their sincere desire. However, this meeting did result in his offer to accompany a delegation of chiefs to Denver, the territorial capital, for the purpose of interviewing Governor John Evans, who was ex-officio superintendent of Indian affairs for Colorado. Black Kettle, White Antelope and Bull Bear, all Cheyenne chiefs, with Left Hand and three minor chiefs of the Arapaho tribe accepted Major Wynkoop's offer and accompanied him to Denver.

At Denver, whither Major Wynkoop had sent word by courier in advance of his arrival, he had all that he could do to prevent his charges from being mobbed. Moreover, Governor Evans refused to discuss peace with the visiting chiefs, telling them to surrender to the military authorities if they really wanted peace. Major Wynkoop had already been in the volunteer military service for more than three years and much of that time had been spent in campaigning against hostile Indians, so he could scarcely be classed as a sentimentalist on the Indian question. Down to that time, he might have been said to know Indians mostly by reputation and, at that, a reputation that was largely due to an inflamed public sentiment that saw only the worst phase of Indian character and which refused to recognize the wrongs that had goaded the Indian into the most atrocious barbarities in retaliation. In riding to Denver with Black Kettle and his fellow chiefs, he first came into contact with responsible leaders of the American Indians in a personal way and, as he learned to know them, he learned also to respect them and to understand their viewpoint. So, too, when he had to stand between them and threatened violence at the hands of the people of his home town, these untutored savages of the Plains learned to admire and respect his courage and his fidelity to the promises which he had given to them. That his mission to Denver had failed was due to no fault of his, for military authorities, high above him in rank and power, had seen to it that his plans were thwarted.

As Major Wynkoop rode away from Denver, he did what he could to assuage the bitterness of the disappointment which Black Kettle and his delegation of chiefs felt as the result of their rebuff at the hands of the official authorities. He sought also to encourage them to be patient and to try to keep their people at peace. As a result of the confidence which developed in their minds as to his sense of justice and fairness, Black Kettle and these other chiefs soon took their people and all their belongings to Fort Lyon, where they formally surrendered to Major Wynkoop, turning over their arms and all of their horses. But this did not satisfy the Indian haters, military and civilian, as evidenced by the telegrams that sped back and forth between Denver and the military department headquarters at Fort Leavenworth. Peace was

not to be allowed to come thus easily. Charges were preferred against Major Wynkoop and he was ordered to report at the headquarters of the military district, at Fort Riley, distant four hundred miles, and answer the same. He was succeeded as post commander by the junior major of his own regiment, a weak-willed being who was ready to do the bidding of those who were plotting the destruction of the Indians despite the fact that the latter had surrendered in good faith and were implicitly trusting the honor of the white man's Government to accord to them and their families the protection due them as prisoners of war. When Major Wynkoop left on his long and unpleasant journey, his last injunction to Black Kettle was that, come what might, he should keep the American flag flying over his lodge—an injunction which was most religiously observed.

After Major Wynkoop was gone, events followed in rapid succession. First, the post commander gave back to the surrendered Indians their horses and their weapons and told them to leave as he did not want them around the post. He directed them to move to Sand Creek, forty miles to the northeastward. Then an expedition was organized at Denver, under the command of Colonel John M. Chivington, the commander of Major Wynkoop's own regiment and a man who had long been an ordained minister of the Gospel. This expedition marched first to Fort Lyon, where it was reinforced by all of the troops that could be temporarily spared from the garrison. Then followed a night march to the camp on Sand Creek, which was reached and attacked at daylight. The Stars and Stripes were still flying from the top of Black Kettle's lodge. More than that, when he heard the first shots fired, he asked White Antelope, his friend and fellow chief, to take a flag of truce out and wave it where the white soldiers could see it, so that they might know that the people of that village were at peace and not at war. But White Antelope soon found that the soldiers were shooting at him, regardless of the white flag which he was holding aloft. Then he threw it from him, folding his arms and died in the attitude of lofty contempt for white men who refused to honor one of the most significant emblems of their race.

The carnage which followed was something appalling. When it ended, there were one hundred and sixty-one bodies of slain Indians—men, women and children—lying, stark and gory, in and around the lodges on that camp-site, many of them shockingly mutilated. Indeed, for fiendish ferocity, it may well be doubted whether the incidents of this massacre could have been outdone by the veriest savages. Only on the theory that officers and men must have been given a ration of gunpowder and whiskey can the enormities of that occasion be explained. What wonder that, when Colonel Chivington lay dying, nearly thirty years later, the spectre of that massacre came to stand by his pillow and that he babbled of the slaughtered babes of the Cheyenne village, as the sands of his earthly existence slowly ran out! Yet, even after this, Black Kettle remained firm in his confidence in and friendship for Major Wynkoop and other white men whom he knew to be true friends of his people and, less than a year later, he led in signing another treaty for, untutored even though he may have been, he was far too wise not to realize that only peace could save his people from extinction.

After his death, in the affair on the Washita, there was much dispute as to whether Black Kettle was friendly or hostile at the time. Albert G. Boone, William W. Bent, James R. Mead, William Matthewson and other traders and frontiersmen, who knew him well, discounted every story to the effect that he was secretly hostile and that he had only met a merited retribution. In General Sheridan's "Memoirs" (Vol. II, p. 318) the following statement was made: "Black Kettle was an old man and did not himself go with the raiders to the Saline and Solomon and, on this account, his fate was regretted by some. But it was old age only that kept him back, for, before the demons set out from Walnut Creek, he freely encouraged them by 'making medicine,' and by other devilish incantations that are gone through with at war and scalp dances. When the horrible work was over he undertook to shield himself by professions of

friendship, but being put to the test by my offering to feed and care for all of his band who would come to Fort Dodge and remain there peaceably, he defiantly refused. The consequences of this refusal was a merited punishment only too long delayed." Yet, with all due respect to the memory of the dauntless commander of the Department of the Missouri, there is no evidence that he ever met or knew Black Kettle personally, or that there was ever any communication or correspondence between them, hence it would seem that there might at least have been a possibility that the fancied "defiant refusal" was after all but a mere failure to accept an invitation, on Black Kettle's part. Moreover, since General Sheridan cited no authority for his statement to the effect that Black Kettle encouraged or incited his people by "making medicine" and other incantations before they started on the raid, it would seem quite possible that this statement might have been based upon hearsay or unfounded rumor.

Major Wynkoop, who served as tribal agent for the Cheyenne and Arapaho people from 1866 to 1869, and who probably knew Black Kettle as no other white man ever did, always maintained that the old chief was innocent of any complicity or responsibility for the raid through the valleys of the Saline and Solomon rivers, which was the actuating cause of the planning of a winter campaign on the Washita. In considering General Sheridan's positive though unsubstantiated statements, it is well to bear in mind that a controversy was then raging over a proposed transfer of the Bureau of Indian Affairs from the Interior Department to the War Department. Although Major Wynkoop had had a most creditable record as an officer in the volunteer military service, he had been appointed to the position of United States Indian agent from civil life. He was snubbed by General Hancock, was sneered at in the writings of General Custer ("Wild Life on the Plains," pp.), while his devoted and unselfish services were passed unnoticed in General Sheridan's Memoirs. While "the Indian Ring" and the shortcomings of the average tribal agent may have been all that they were depicted by the proponents of the transfer of the Indian Bureau to the War Department, there was certainly no grounds for belittling the service of Major Wynkoop as systematically as it seems to have been done.

It should not be forgotten that, after he had moved from the Arkansas down to the valley of the Washita with the people of his band, Black Kettle left them and journeyed to Fort Cobb for the purpose of reporting his whereabouts to General William B. Hazen, who had been sent there for duty as a special Indian agent, and to assure him that he was friendly and that he did not want war. To this statement, General Hazen replied, informing Black Kettle that three columns of troops were already in motion for the purpose of enveloping and punishing hostile Indians; that these troops would be unable to distinguish between the camps of friendly Indians and those of hostile bands and closed by warning him that, if he and his band were friendly, they should lose no time in moving down to Fort Cobb and placing themselves under the protection of the special agency. Black Kettle was so profoundly impressed with the seriousness of the situation that, though it was late in the day and a storm was brewing, he started immediately to return to his camp, distant a full hundred miles up the Washita Valley. Caught in the severe blizzard which followed, he pushed on and arrived at the village, late in the evening before the morning attack in which he was doomed to meet his tragic fate. Though it was night and, despite a prevalent belief among the Cheyenne people that it was "bad medicine" to hold a council at any time except in the light of the sun, he hastily called a council in which it was determined that the lodges should be pulled down in the morning and the movement toward Fort Cobb should begin immediately thereafter, regardless of the severe inclemency of the weather. Had General Custer's squadrons arrived a few hours later, this Battle of the Washita might have been with some other village and the great tragedy of an unkind fate might have been visited upon some other chief, possibly of a different tribe.

King Philip, Pontiac, Cornstalk, Logan the Mingo, Tecumseh, Osceola, Black Hawk—all mighty men of their race—and who shall say that Black Kettle was not worthy to be mentioned with them!

APPENDIX XXXV—3.

MOW-WAY'S STORY OF HIS TRIP TO FORT LEAVENWORTH.

"I supposed, when we started, that the soldiers were going to take us away off and kill us. But we traveled on and on, day after day, in the wagons and were kindly treated. When one of the Indians was taken sick, I supposed the white men would be glad for him to die. But instead, they doctored him and seemed to do all that they could to cure him. But he died, and then they did not throw him onto the grass for the wolves to eat, as I expected they would, but the commanding officer sent some of his men to dig a grave for him. They made a box and put him into it, with all of his clothing, his bows and arrows; everything he owned, they gave him. The hole they dug was the nicest one that I ever saw. They made a little mound over him, smooth and nice. I could not understand why such mean people, as I thought the white people were, should be so kind to an Indian in sickness and after death.

"When we had traveled many days, we came to where there was a new kind of road that I had never heard of. There was a very large iron horse hitched to several houses on wheels. We were taken into one of them, which was the nicest house I ever saw. There were seats on each side of it. As soon as we were seated, the iron horse made a snort, and away it went, pulling the houses! Our ponies could not run half so fast. It only ran a little while and then made a big snort and stopped at another white man's village. The iron horse kept running and snorting and stopping at white men's villages, and the villages kept getting larger and larger. I had no idea the white people had so many villages, or that there were so many white people. At length, we reached Leavenworth, which was the largest of any of the villages. There, the people were so many and the land so scarce that they built one house on top of another, two or three houses (stories) high. These houses were divided into little houses (rooms) inside. The houses were built close together on both sides of the road. They were full of people, and the roads between the houses were full of people. I know not where they all came from, but I saw them with my own eyes. I had no idea there were so many people in existence.

"After we were taken over one of the houses built on top of another, we were taken into a house down in the ground, right under the other one. There was no one living in it, but there were barrels of foolish water (whiskey) in it. There was some of it offered to me to drink, but I saw that it made white men foolish who drank it, and I was afraid to take any for fear I would get as foolish as they did.

"We were taken into a house that was built on the water (Missouri River steamboat), and it could swim anywhere. It made no difference how deep the water was, it could swim. There is where the sugar comes from. I saw men rolling great, big barrels of sugar out of the house on the water, and so many of them! Nobody need tell me that sugar is scarce after seeing the large amount come out of the house that was swimming on the water."

(After having been kept at Fort Leavenworth for some time, Mow-way and his little party of fellow warriors appeared at Fort Sill and reported themselves to the post commander (General Grierson) as his prisoners, stating that they "had been sent from Fort Leavenworth in the custody of a white man, who took some foolish water at Wichita camp, and had been drinking there for several days and had lost his senses" and that they had come on without him. "Well," said the General, "if that is the case, I will not treat you as prisoners. Orderly, take these Indians to the Agency and turn them over to Agent Tatum!" There, the agent released them and told them to go to their own people. And Mow-way was ever afterward a man of peace.)

APPENDIX XXXV—4.

GENERAL CUSTER'S DESCRIPTION OF THE SMOKE SIGNAL.

* * * Before daylight the following morning we had breakfasted and as soon as it was sufficiently light to enable us to renew our march we set out, still keeping almost due west. In the afternoon of that day we reached the last prominent peak of the Wichita mountains, from which point Little Robe and Yellow Bear had said they would send up a signal smoke.

I had often during an Indian campaign seen these signal smokes, on my front, on my right and left—everywhere, in fact—but could never catch a glimpse of the Indians who were engaged in making them, nor did I comprehend at the time the precise import of the signals. I was glad, therefore, to have an opportunity to stand behind the scenes, as it were, and not only witness the *modus operandi*, but understand the purpose of the actors.

Arriving at the base of the mountain or peak, the height of which did not exceed one thousand feet, we dismounted, and leaving our horses on the plain below, owing to the rough and rocky character of the ascent, a small portion of our party, including of course, the two chiefs, climbed to the summit. After sweeping the broad horizon which spread out before us, and failing to discover any evidence of the presence of an Indian village anywhere within the scope of our vision, the two chiefs set about to make preparations necessary to enable them to "call to the village," as they expressed it.

I have alluded in a former article to the perfect system of signals in use among the Indians of the plains. That which I am about to describe briefly was but one of many employed by them. First gathering an armful of dried grass and weeds, this was carried and placed upon the highest point of the peak, where, everything being in readiness, the match was applied close to the ground; but the blaze was no sooner well lighted and about to envelop the entire amount of grass collected, than Little Robe began smothering it with the unlighted portion. This accomplished, a slender column of gray smoke began to ascend in a perpendicular column. This, however, was not enough, as such a signal, or the appearance of such, might be created by white men, or might rise from a simple camp fire. Little Robe now took his scarlet blanket from his shoulders, and with a graceful wave threw it so as to cover the smouldering grass, when, assisted by Yellow Bear, he held the corners and sides so closely to the ground as to almost completely confine and cut off the column of smoke. Waiting but for a few moments, and until he saw the smoke beginning to escape from beneath, he suddenly threw the blanket aside, and a beautiful balloon shaped column puffed upward, like the white cloud of smoke which attends the discharge of a field piece.

Again casting the blanket on the pile of grass, the column was interrupted as before, and again in due time released, so that a succession of elongated, egg-shaped puffs of smoke kept ascending toward the sky in the most regular manner. This beadlike column—had crossed it without horses, tents or food and, suddenly, in daylight, swooped down on them, captured their village and made their chiefs prisoners.

The council went right on, but "Yellow Hair," who had only listened before, now "made talk" himself. He told the chiefs that he wanted the two captives alive and unharmed. He coolly ignored their protestations that they had not even heard of white squaws among the tribes. He greatly disconcerted them by talking and acting as if they had not spoken, whenever they lied. As their statements had all been false, except in minor matters, they now began to tell the truth. In the face of the recent denials, they now admitted that two women were held but said that the captives were at a camp fifteen miles down the river (Sweetwater). Custer told them to pack up at once and move down to that camp and he would come the next day and get the women. In an hour the last warrior galloped away to overtake the squaws and pack-ponies. The chiefs seized as hostages were Dull Knife, Fat Bear and Big Head.

That night, hunger and cold were self-invited guests. In addition, suspense was there—a new visitor. Next morning, the 21st, the column was early in motion. The Indian trail was broad the first five miles, then, as expected, began to fade away until, in another five miles, there was no trail at all. * * * At the end of ten miles was a camping place but it had not been used since the year before.

APPENDIX XXXV—6.

THE RESCUE OF THE CAPTIVES.

The regiment bivouacked for the night, and General Custer had the head chief taken down on the creek, a riata put around his neck and the other end thrown over the limb of a tree. A couple of soldiers took hold of the other end of the rope and, by pulling gently, lifted him up onto his toes. He was then let down and "Romeo," the interpreter, explained to him that, when he was pulled up clear from the ground and left there, he would be hung.

The grizzly old savage seemed to understand the matter fully and then Custer told him that if they did not bring in those women by the time the sun got within a hand's breadth of the horizon the next day, he would hang the chiefs on those trees. He let the old chief's son go to carry the mandate to the tribe.

It was a long night, but everybody knew the next afternoon would settle the matter in some way. As the afternoon drew on, men climbed the hills around camp, watching the horizon, and about four p. m., a mounted Indian came onto a ridge a mile away. He waited a few minutes and then, beckoning with his hand to some one behind him, he came to the next ridge and another Indian came onto the ridge he had left. There was another pause; then the two moved up and the third came into sight. They came up slowly in this way until at last a group of a dozen came in sight, and with a glass, it could be seen there were two persons on one of the ponies. These were the women. The Indians brought them to within about 200 yards of camp: where they slid off the ponies and "Romeo," the interpreter, who had met the Indians there, told the women to come in. They came down the hill, clinging to each other as though determined not to be separated whatever might occur. I met them at the foot of the hill and, taking the elder lady by the hand, asked if she was Mrs. Morgan. She said she was, and then introduced the other, Miss White. She then asked, "Are we free now?" She then asked, "Where is my husband?" I told her he was at Hays recovering from his wounds. Next question: "Where is my brother?" I told her he was in camp but did not tell her he was under guard to keep him from marring all by shooting the first Indian he saw. Miss White asked no questions about her people. She knew they were dead before she was carried away. Custer had an "A" tent, which he brought along for headquarters, and this he turned over to the women.

On the trip, a scouting party chased an Indian who got away from them, but he lost a bundle, which was thrown into one of the wagons. On examination, it proved to be some stuff that he had bought of some of the traders at the fort. It contained calico, needles, thread, beads and a variety of things. The bundle was given to the women and in a surprisingly short time they had a new calico dress apiece. The story the women told us of their hardships, the cruelty of the squaws, the slavery to which they were subjected, their suffering through the long flight of the Indians to escape the troops, ought to cure all humanitarians in the world. The women told us the Indians had been killing their dogs and living on the flesh for the last six weeks.

At the retreat that night, while the women stood in front of their tent to see the guard mounted, the band played "Home, Sweet Home." The command marched the next morning for the rendezvous on the Washita. It was a couple of days' march, but when the end came, there was coffee, bacon, hard bread and canned goods. Any one of them was a feast for a king. From Washita to Supply, Supply to Dodge, Dodge to Hays, where the women were sent home to Minneapolis and the Nineteenth was mustered out of the service. The Indian prisoners were sent to Sill and soon after the Cheyennes reported there and went onto their reservation.

In writing afterward of the rescue of the two captives, General Custer made the following statement:

Men whom I have seen face death without quailing found their eyes filled with tears, unable to restrain the emotion produced by this joyful event. The appearance of the two girls was sufficient to excite our deepest sympathy. Miss White, the younger of the two, though not beautiful, possessed a most interesting face. Her companion would have been pronounced beautiful by the most critical judge, being of such a type as one might imagine Maud Muller to be.

Their joy at deliverance, however, could not hide the evidences of privation and suffering to which they had been subjected by their captors. They were clothed in dresses made from flour sacks, the brand of the mills being plainly seen on each dress; showing that the Indians who had held them in captivity had obtained their provisions from the Government at some agency. The entire dress of the two girls was as nearly like the Indian mode as possible; both wore leggings and moccasins; both wore their hair in two long braids and, as if to propitiate us, the Indians, before releasing them, had added to the wardrobe of the two girls various rude ornaments such as are worn by squaws. About their wrists were coils of brass wire; on their fingers had been placed numerous rings, and, about their necks, strings of variously colored beads. About the first remark I heard young Brewster make after the arrival of the two girls was, "Sister, do take those hateful things off." * * *

Upon our arrival at Fort Hays we were met by the husband of young Brewster's sister, who had learned of her restoration to liberty from the published dispatches which had preceded us to Fort Hays. He was still lame from the effects of a bullet wound received at the time the Indians had carried off his bride, whom he had given up as dead or lost to him forever. The joy of their meeting went far to smooth over their late sorrow. They could not find language to express their gratitude to the troops for their efforts in restoring them to each other. As the Indians had robbed them of everything at the time of the attack, a collection was taken up among the troops for their benefit, which resulted in the accumulation of several hundred dollars, to be divided between the two captives. The time came for our guests to leave us and rejoin their people, or such of them as had survived the attack of the Indians. Good-byes were spoken and the two girls, so lately victims of the most heartless and cruel captivity, departed with husband, brother and friends for their frontier homes, bearing with them the warm sympathies and cordial good wishes of every soldier in the command.

APPENDIX XXXV—7.

ENMITY BETWEEN INDIANS AND BUFFALO HUNTERS.

The following extract from Robert M. Wright's volume of reminiscences, entitled "Dodge City, the Cowboy Capital" (pp. 77, 78), gives some idea of the ill feeling existing between the Indians and the buffalo hunters:

"There was great antipathy between the hunters and the Indians; they cordially hated each other. This hatred between them was greatly on account of their different manner of killing the buffalo. The Indians hunted the buffalo altogether on horseback, with bow and arrow, or else with a long spear or lance, which they planted in the side of the animal by riding up alongside of him. By either means they had to ride up close to the buffalo, scattering the herd and running them out of the country or off the range entirely. The Indians claimed they only killed for meat or robes, and, as soon as they had sufficient, they stopped and went home, the herds of buffalo soon gathering again and recovering their panic. Whereas, the hunter never knew when to quit or when he had enough, and was continually harrassing the buffaloes from every side, never giving them a chance to recover, but keeping up a continual pop-pop from their guns. The Indians further claimed that the hunters' mode of killing was not only unfair, but it was cowardly, and downright murder, pure and simple, for they did not give the buffaloes the ghost of a show for their lives. They would get a stand on a herd by shooting the leader, at the

distance of a mile, clear out of scent and sound of the gun, and almost out of sight, and, in a short time, would annihilate the entire bunch, whilst the bewildered animals would wander around, taking their deaths, ignorant of what was the source of danger or how to get away. Besides, many of them, wounded, would wander off, out of sight and reach, and were not found until they were unfit for market; and the Indians claimed that the noise of the hunters' guns and their mode of killing would soon drive the buffalo out of the country or annihilate them. Time has proved that the Indians were correct.

*"A band of hunters cared no more for Indians than Indians did for footsoldiers, and, unless they greatly outnumbered the hunters, and then only under the most favorable circumstances, the Indians would not attack the hunters. They were afraid of the hunters' big guns, his cool bravery, and, last but not least, of his unerring, deadly aim. Then, too, the hunter had but little plunder that was dear to the Indian, after the fight was won—only a team of work horses, and the red-skin cared much more for riding ponies than for work animals."

In the "Life of 'Billy' Dixon" (pp. 81-85), there appears the following account of Dixon's personal experience in hunting buffalo in the forbidden territory when that sort of enterprise was attended by much risk and danger:

"When the Santa Fe's construction was stopped at Granada, hundreds of men were thrown out of employment, and found it necessary to make some kind of shift for work, or leave the country. Right here is the catastrophe on the Little Bighorn, nor was such message received until several days later. The white man had a steamboat, railway and telegraph lines, yet the Indians at Darlington, nearly a thousand miles distant from the field of carnage, had word of result several days before the white man could bring the word. How was it done? By swift relays of runners? By heliographic signals? By smoke signals? Or were the tidings transmitted through the intervening space, as swiftly as the modern wireless, by telepathy? The white man does not know to this day, how it was done. Agent Miles sought to unravel the mystery but without success. During the intervening half century, the incident has almost been forgotten but it was the subject of much local speculation at the time.

APPENDIX XXXV—5.

THE ARREST OF THE CHEYENNE CHIEFS.

Then ensued a dramatic scene. Warriors swarmed like angry bees. On their bony ponies hundreds of them raced around their village and the two regiments in the most threatening manner. Around and around they galloped, brandishing their fine rifles, screaming with rage and baffled hate. Though taken by surprise they were now already dressed for battle. Their gorgeous war-bonnets, brilliant battle pennants, long-fringed leggings (stolen from some freighter's wagon, doubtless), were all in sharp contrast to their sheet-iron colored skin, for, cold as it was, few wore blankets. It seemed that they were in such a frenzy of hatred that they must throw themselves in sheer, insane fury upon "Yellow Hair" (Custer) and his officers. But there was something ominous in the perfect silence of the motionless soldiers, their clothes faded and ragged, their faces almost black from camp fire and storm, their eyes deep-sunken, their teeth protruding and their fleshless cheeks like lines of skeletons. More impressive still to the superstitious Indian was the fact that these soldiers had crossed what the Indians all regarded as an impassable desert of smoke, considering the height from which it began to ascend, was visible from points on the level plain fifty miles distant.

The sight of these two Indian chiefs so intently engaged in this simple but effective mode of telegraphing was to me full of interest, and this incident was vividly recalled when I came across Stanley's painting of "The Signal," in which two chiefs or warriors are standing upon a large rock, with lighted torch in hand, while far in the distance is to be seen the answering column, as it ascends above the tops of the trees, from the valley where no doubt the village is pleasantly located. In our case, however, the pic-

ture was not so complete in its results. For strain our eager eyes as we might in every direction, no responsive signal could be discovered, and finally the chiefs were reluctantly forced to acknowledge that the villages were not where they expected to find them, and that to reach them would probably involve a longer journey than we had anticipated. Descending from the mountain, we continued our journey, still directing our course nearly due west, as the two chiefs felt confident the villages were in that direction. That day and the next passed without further incident.—Custer's "My Life on the Plains," pp. 217-18.

From the time of the attack upon and destruction of the Black Kettle village, in November, 1868, the Southern Cheyenne people were especially bitter toward General Custer—much more so, indeed, than toward other Army officers with whom they had been in conflict. A number of warriors of this tribe are understood to have been with the Northern Cheyenne braves who were assembled with the Sioux on that fateful June day in 1876, when Custer and his immediate command were annihilated. Several days later, the Cheyennes who were living in camp in the vicinity of their tribal agency, at Darlington, suddenly began to dance as if in celebration of some great event. Finding that such enthusiastic dances were in full swing in all of the Cheyenne camps, Agent John D. Miles went among them to ascertain the cause. In reply to his inquiries, he was informed that there had been "big fight" in which "heap white soldiers are killed" and "Yellow Hair (Custer) is dead." At the time, neither the Agency nor the military post of Fort Reno, across the river from Darlington, had received a word concerning where the rapid extermination of the buffalo began. All of these men who could rustle a team and a wagon and get hold of an outfit went out on the Plains to kill buffalo. During the fall and winter of 1872 and 1873 there were more hunters in the country than ever before or afterwards. Thus came the high tide of buffalo-hunting. More were killed that season than in all subsequent seasons combined, I feel safe in saying that 75,000 buffaloes were killed within sixty or seventy-five miles of Dodge City during that time. The noise of the guns of the hunters could be heard on all sides, rumbling and booming hour after hour, as if a heavy battle were being fought. There was a line of camps all the way from Dodge City to Granada. Throughout the time since 1871 Jack Callahan and I had worked together.

"The increasing numbers and destructiveness of the buffalo hunters had been making the Plains Indians more and more hostile. The danger to hunters was increasing day by day. All that region south of the Arkansas was forbidden ground, the Indians insisting that the white men should obey the terms of the Medicine Lodge treaty. If the killing of the buffaloes should continue unabated, the Indians would soon be facing starvation; at least, their old freedom would be at an end, as they could no longer roam the country at will, confident of finding meat in abundance wherever they might go.

"The Arkansas was called the 'dead line', south of which no hunter should go. The river was patrolled at intervals by Government troops, as a feeble indication that the Medicine Lodge treaty had not been forgotten, but their vigilance was so lax that there was no difficulty in crossing back and forth without detection. The danger of attack by Indians was a far more potent obstacle to the buffalo-hunter, but as buffaloes grew fewer in number and the price of hides advanced, even this did not deter hardy hunters from undertaking forays into the forbidden country. The troops were supposed to prevent the passing of the Indians to the north side of the river. This patrol also failed to work.

"We gazed longingly across the sandy wastes that marked the course of the Arkansas. The oftener we looked the more eager we became to tempt fate. Even the sky looked more inviting in that direction, and often after a flurry of cold weather the wind from the south was mild, balmy and inviting. As a matter of fact, the possible danger of encountering hostile Indians added spice to the temptation.

"So we crossed over. Finding a pleasant stretch of bottom land, where the grass grew tall and thick, we

cut and stacked a lot of prairie hay for our teams and saddle horses. The grass waved above our horses' backs as we rode along. Later, we found Indians too numerous in this vicinity for us to devote much time to hunting and we abandoned the camp.

"Before we made the change, however, Callahan and I, both well mounted, and followed by one man in a light wagon, started southward on a scouting trip, intending to be gone several days. We wanted to feel out the country and locate the buffalo herds.

"When we reached Crooked Creek, we ran smack into a bunch of Indians, and had a skirmish with them. The Indians could not speak English. This did not prevent our understanding them. Their old chief motioned to us to go northward. That was a long time ago, yet I remember clearly the appearance of this old warrior. Conspicuously, fastened under the skin of his left cheek he wore a long, brilliant feather. All the warriors were painted red and yellow. We believed, however, that we were able to take care of ourselves, and continued on our way. Further down the creek, we struck another band of hostiles. This was rather too much of the same thing, and we decided that if we valued our scalps we had better pull out.

"We turned around and headed for camp, missing it about three miles in the darkness, and going into camp for the night in the enemy's country. Next morning we got back in safety, and called all hands round to discuss the situation. Plainly, to stay south of the Arkansas meant putting in more time fighting Indians than hunting buffaloes.

"But buffaloes had begun coming in by thousands, so we agreed to remain two or three days and make as big a kill as possible. Hunting was good, and a week had slipped by. The hides were green, which forced us to linger until they were dry. Not only were hides more easily handled when dry, but they made lighter loads."

APPENDIX XXXV—8.

QUANAH.

Quanah, or Quanah Parker, as he was later called, who was one of the most unique and interesting characters in the annals of Oklahoma, first came into prominence during the last Indian war. The mother of Quanah was Cynthia Ann Parker, whose tragic career has been briefly related in a previous chapter. Quanah was supposed to have been born about 1849, near Wichita Falls, Texas. He was about eleven or twelve years old when he lost his mother, for she died about three years after she was captured by the Rangers. His regard for her memory became one of the ruling passions of his life. A year or two before his death, her remains were moved from the Parker family burial ground and re-interred at Quanah's home, near Cache. It was his dying request that he should be buried beside his mother, which was done.

When he became old enough to be a warrior, he soon developed the qualities of leadership, and won rank as a chieftain through sheer force of character. He remained irreconcilably hostile to the white people until his final surrender in 1875. He then visited his mother's relatives in Texas, and began to make an earnest and serious effort to prepare his people for the great change which he foresaw would have to be made by them. He also assumed her family name and was ever afterward known as Quanah Parker. Although he had been one of the active leaders in the Indian war of 1874, he was not among those chosen for punishment by being sent to Florida, presumably for the reason that he had never before been reconciled to a life of peace with the white man, and, hence, could not be charged with the violation of a treaty agreement. As he had been a leader in war, so he then became a counselor of peace and the ways of civilization, which he adopted. As such, his influence eventually extended far beyond the bounds of his own tribe.

He was a man of much thought and few words, albeit his words were heavy with meaning when he did speak. He was also possessed of the ability to put a whole chapter in a few words. Many of his laconic expressions will long be treasured by the white people who came to know and appreciate him during his later years. He was gifted with a remarkably keen sense of humor. His comments concerning the first

artificial ice plant that he ever saw, will illustrate his humor, as well as his brevity of expression.

After he had forsaken the warpath and retired to reservation life, Quanah, like some of the rest of the Comanches, took trips to some of the frontier settlements at rare intervals. Upon one such occasion, he had gone with a company of his fellow tribesmen to Fort Worth, which was just beginning to kick off the swaddling habiliments of a pioneer community. While there, the entire party was taken to inspect one of the first artificial ice plants ever installed in Texas. It interested Quanah very much. He eyed every operation intently, until the other members of the party told him it was time to return to camp, Quanah accompanying them with evident reluctance. In a little while, however, he had slipped away from the camp and returned to the ice factory, where he spent another hour. He gazed at the seemingly ceaseless throbbing of the ammonia compressor: then he turned his attention to the pans whence the great ice cakes were removed and, next, he would walk over to an ammonia pipe, encrusted with white frost. This he would touch with his finger, shaking his head and muttering to himself, but making no comments and asking no questions. He knew it was ice, for he had seen it with his own eyes and had felt it with his own hands.

The next day, Quanah accompanied the rest of the band back to the reservation. The first evening after arriving at his home camp, he was greeted with the question: "Well, Quanah, what does the white man do, now?" (All Indians had learned that the white man was always doing something new.) To this inquiry, Quanah responded:

"Oh, white man smart! White man heap smart! White man smarter than God! God make ice in winter—white man make ice in summer!"

(It should be stated that Quanah did not say that in a spirit of irreverence. Rather, he wished to emphasize the evident fact that the white man had been given power over the very limitations of nature, itself.)

APPENDIX XXXV—9.

THE ATTACK ON THE OSAGE HUNTING PARTY.

"Upon hearing of the threats and preparations made by some of the Plains Indians to make war on the whites, I anticipated the order of the Department by sending runners to the Plains, where the Osage had just gone with their women and children and herds of ponies. In order to find buffalo, they scattered over that vast country and it was impossible to reach all the parts of bands with the information. One party of twenty-nine persons, including ten women and children, wandered to the state line of Kansas. Asking some white men who came to their camp if they knew of any buffalo, they were directed forward into the state to a sandy and uninhabited portion of the country, where they at once proceeded, and found buffalo, a number of which they killed and dried the meat. They had no thought of doing wrong, as this was on their former reservation, where they had reserved the privilege of hunting as long as game could be found there and the country remained unsettled. The party was preparing to start home when they discovered a company of people in the distance. They decided to await their arrival and learn who they were. They proved to be about forty white men, mounted and armed with breech-loading guns and revolvers. They stopped when within half a mile of the Osages. The Osages sent out two of their men to speak with them; they shook hands friendly, then disarmed the Osages and detained them. Other Osages, two together, continued coming up until eight were treated as the first and held as prisoners. As no more were seen coming, it was thought best to make sure of these, and the work of death commenced. Four were shot on the spot and four miraculously escaped the murderous fire. The white men then charged on those who remained in camp. They sprang on their ponies, not having time to gather up saddles, clothing or anything else, and fled for their lives. They were pursued three or four miles under a shower of bullets, but fortunately no more of them were killed.

"At night, two of the party returned to look after the dead and their property. Three bodies were found,

two of them scalped and otherwise mutilated after death. Fifty-four ponies, colts and mules, that they had left behind when escaping, had been driven off by the marauders and all their property carried off or destroyed. They made the journey to their reservation in five days, without food, some of them on foot and most of them nearly naked. I immediately supplied them with food and clothing, and examined them separately in relation to their treatment and misfortunes, and obtained from them the facts here given. They also positively affirmed that they had but four guns (muzzle-loading) and two revolvers with them and that the white men took two of the guns and the two revolvers from those who were taken prisoners.

"Without delay, I sent a commission composed of reliable men, to wit: Mahlon Stubbs, former agent of the Kaws; United States Commissioner Kellogg, and Edward Finney, to visit the place of disaster and ascertain who had committed the outrage, have them arrested if possible, recover the property and learn the facts they could in the case. They visited the town of Medicine Lodge, eighteen miles distant from the place of murder. The town was enclosed with a stockade and a company of about sixty border-men, armed with the latest improved breech-loading carbines and revolvers, were the principal occupants of the place, under the command of Captain Ricker and Lieutenant Mosley. The killing of the Osages was acknowledged with a vicious satisfaction, but much reticence was manifested by them in regard to details of the murder and robbery. They peremptorily refused to give any statement in writing under oath before the United States commissioner; also refused to deliver up the property which was seen by the commissioners, and said they were accountable to no one but the governor of Kansas, to whom they had rushed immediately after committing the crime, for protection, he mustering them in as state militia, and dating the papers back so as to legalize this cruel massacre.

"One of the commissioners then went to the governor of Kansas, in company with Superintendent Hoag. He refused to deliver up the property in question. The commissioners then return to the Agency and took the testimony of some of the Indians. Negotiations are still pending for the recovery of the property and for satisfaction to the tribe for the loss of the four men. The Osages are patiently awaiting a just settlement to be made for them by the officers of the Government."

APPENDIX XXXV.—10.

THE BUFFALO WALLOW FIGHT.

On September 10th, 1874, Colonel Nelson A. Miles, whose immediate command was then operating on McClellan Creek, in the Panhandle, a few miles west of the Oklahoma line, ordered Amos Chapman and William Dixon, scouts, and four enlisted men of the 6th Cavalry, namely, Sergeant Z. T. Woodall and Privates Peter Rath, John Harrington and George W. Smith to carry dispatches to Camp Supply. This little party, aware of the great risk of such a journey, traveled after night and hid during the day in a secluded ravine. The morning of the second day a large war party of Comanches and Kiowas was unexpectedly encountered. The white men were quickly surrounded and had to make a fight for their lives. Dismounting in order to fight on foot, Private Smith was elected to hold the horses. He was soon shot and all of the horses stampeded, with coats, canteens and haversacks attached to the saddles. Without food or water and in a most exposed position, the situation was all but hopeless. Finally the keen eyes of one of the scouts detected a buffalo wallow—a slight depression, ten feet in diameter. One after another they made a run for it—all except Chapman and Smith, both of whom were too seriously wounded. Drawing their belt knives they promptly began to deepen the depression by digging the earth, which was fortunately sandy, and throwing it out, stopping frequently to fire at the Indians when they threatened to charge or to approach the two wounded men. Smith was supposed to be dead, as he had not moved since he fell. Chapman's left knee had been shattered and he could not walk. At imminent risk to his own life, Dixon finally ran to Chapman (who was a larger

man than himself) and carried him to the buffalo wallow on his back. The besieged men continued to dig their place of refuge deeper until they had quite a wall of earth about it.

The September day grew hot as the sun neared the zenith and the men suffered severely from thirst, yet the visions of the frightful tortures which they would have to undergo, if captured, caused them to fight with sheer desperation. The wounded men—and they were nearly all wounded by that time—suffered greatly from thirst, but there was no water. But there was plenty of excitement, for the encircling cordon of warriors gave them no surcease from their watchful anxiety. They were careful of their ammunition and never wasted a bullet and a number of the Indians paid for their temerity by wound or death as the result of getting within range of some of the marksmen in the buffalo wallow. And then, just when their thirst seemed to become unbearable, a great black cloud gathered in the west and the lightning began to play and the thunder crashed and rolled, and soon the rain came in blinding sheets, and water—precious water—muddy, yes, and bloody too, from their own clotted wounds, tricked down the slopes of their earthen refuge and gathered into a little pool where they could and did drink. Then the wind shifted to the north and the temperature fell till all were chilled to the marrow. The Indians having withdrawn to a distance, one of the men went to secure the cartridge belt and revolver of Smith and was surprised to find him still alive. He was carried to the buffalo wallow but did not live long.

It was a long night. Dixon wanted to avail himself of the protection of the darkness to start for Camp Supply for help, but the wounded, who depended upon his skill as a marksman to protect them, protested. Rath then started out but came back two hours later and reported that he had been unable to find the trail. In the morning the sun came out and the air was soon warmed. Not an Indian was in sight. It was decided that Dixon should make an effort to reach Camp Supply. He soon found the trail. Then he discovered a detachment of troops approaching. It was under the command of Major Price. The surgeon examined the wounded men but did not dress their wounds. Then they were left where they were found, with no reinforcement, except that they were given some hard-tack and dried beef. They were hopeful, for they knew the news of their sorry plight would be carried to Colonel Miles, at least. All the rest of that day, all of the following night, all of another day, they waited and far into another night. And then, about midnight, they heard the faint sound of a bugle afar off. Again it sounded, and nearer, too. "Billy" Dixon said, "It made us swallow a big lump in our throats and bite our lips." Then they fired their guns and soon the troopers rode up to them in the darkness, and they were saved. Three of the survivors had been seriously wounded and the other two, Dixon and Rath, were slightly wounded. Each of the five received honorable mention in General Miles' report, were recommended for medals of honor, which were granted by joint resolution of Congress and were the subjects of a complimentary order issued by the commander of the troops in the field. The remains of Private Smith were buried in buffalo Wallow, where he died.

"Billy" Dixon.

The version of the buffalo wallow fight herein given is condensed from the account which appears in the "Life of 'Billy' Dixon." Although it differs in some important details from the one which was first published, "Our Wild Indians" (pp. 328-32), by Colonel Richard I. Dodge, United States Army, whence it has been largely copied and credited, Dixon's statement appears to be the more reasonable of the two and, moreover, has the support of corroborative evidence, as it is borne out by a letter written to Dixon fifteen years afterwards, by Sergeant Z. T. Woodall, who was one of his comrades in that fight.

"Billy" Dixon was born in Ohio County (West) Virginia, in 1850. His mother died when he was ten years old and his father, two years later. For a time he lived with a paternal uncle in Missouri. At the age

of fourteen he set out to make his own way in the world, inspired with an ambition to go farther west and see something of its wild life. He first "hired out" to a freighting outfit at Leavenworth, which was to cross the Plains, but the wagon train (which was in the government service) was ordered to Southern Kansas instead. Later, he took his first trip across the Plains to Fort Collins, Colorado, as driver of a mule team with a freighting train.

The winter of 1866-67 was spent by young Dixon attending a country school near Leavenworth—he had only had two terms of schooling before. The following spring he was back in the service as a freighter on the Plains. In the autumn of that year he drove one of the wagon teams in the train that accompanied the peace commission escort to the Medicine Lodge peace council. Continuing to follow the life of a freighter, he drove one of the wagons in the train which accompanied Custer's command to Camp Supply, in November, 1868. The next year he fell in with two men engaged in hunting and trapping. From this he drifted into the occupation of buffalo hunting as a business, which he followed more or less continuously until the Indians put a stop to it in the summer of 1874. Thereafter he served with the government as a civilian scout at Fort Griffin until 1883, when he settled upon a tract of land embracing the original Adobe Walls, in Hutchinson County, Texas, where he made his home for twenty years.

In 1894, Dixon married Miss Olive King, of Virginia, who had gone to the vicinity to visit her brothers who were neighboring settlers. In 1902, he sold his ranch at Adobe Walls and moved to Plemons, Texas, and two years later to a homestead in Beaver (now Cimarron) County, Oklahoma. In the autumn of 1912, his wife insisted that the story of his life should be written for publication. She wrote it at his dictation and even followed him to his work in order that no salient fact should escape. He was a strong man in rugged health at the time yet within a few months he was stricken by a fatal illness, his death occurring as the result of pneumonia, March 9, 1913. His autobiography, the manuscript of which was edited by Frederick S. Barde, one of Oklahoma's ablest newspaper men, was published within a year afterward and is rightly regarded as one of the most important of the recent literary contributions to the history of the Great Plains. A revised edition of the life of 'Billy' Dixon, edited by the writer (J. B. T.) was published in 1927.

APPENDIX XXXV—11.

GENERAL POPE'S REPORT ON SOUTHERN CHEYENNES AT DARLINGTON.

"In so far as the Indians were concerned, there was but one troublesome and, at one time, dangerous affair, and that was due, as usual, to a dispute about food. On the 16th of August, the Southern Cheyennes made claims upon Indian Agent Miles for back rations which they asserted were due them, but to which the agent refused to consent. The Indians, about 300 in number, became violent and threatened to kill Miles and sack his agency. Indeed, they pulled him off his horse and compelled him to give them the order for rations which he had refused. Subsequently, they dragged him out of his office and, but for the presence and influence of Captain Randall, Twenty-third Infantry, commanding at Fort Reno, would probably have killed him. Captain Randall marched a large part of his command to the point where the Indians were assembled and insisted upon their keeping the peace and submitting to the orders of Agent Miles. At one time the situation was very critical and but for the judicious and firm attitude and conduct of Captain Randall and the resolute presence of his command, it is more than likely that serious hostilities would have been begun by the Indians. Too much commendation cannot be bestowed upon Captain Randall for his prompt and judicious action and for the respect for and confidence in himself, with which he has impressed the Indians near his post. The effect of this faith in him was as great in keeping the peace as the presence of a military force prepared for action. Little Chief, of the Northern Cheyennes, rendered most efficient service to Cap-

tain Randall, not only in restraining his own people, but in siding cordially and openly with the military authorities. I desire to bring to the attention of the Secretary of the Interior the admirable behavior of Little Chief, and venture to express the hope that his painful longing to go back to the north, which he honestly believes to be his right, may be considered favorably by the Interior Department. Certainly his conduct on this occasion merits very great consideration.

"This trouble about food has always been, and will continue to be, in constantly increasing proportions, the source of trouble with the Indians, and I would most respectfully recommend to the Secretary of the Interior that he forbid the Indian agents to punish or seek to control the action of the Indians by withholding provisions from them. Certainly some better and less exasperating method than this can be found to compel the Indians to work in the field, send their children to school, or to other things that the Indian Bureau may consider for the benefit of the Indian."

Eye witness gives the credit for preventing the outbreak of active hostilities at the Darlington Agency that day to Ben Clark, who was the post scout and interpreter at Fort Reno, rather than to Captain Randall, whose force was badly outnumbered. At the critical juncture, Clark was said to have stepped forward and to have done some very effective work in persuading the Indians to take a more rational course. Captain Randall's available force was said to have been too weak to overawe the mutinous Cheyennes.

APPENDIX XXXV—12.

PORTION OF GENERAL SHERIDAN'S REPORT.

"I gathered from these, and many others of their party, that, while they agreed to the leases, they had become sick of the bargain. It was apparent that the signing had been done in an individual capacity, and by the encouragement, if not the forcible persuasion of the former agent (J. D. Miles), his employees and a large number of interested individuals who lived lawfully and unlawfully around the agency. These Indians now saw they had made a mistake and, while they had thus far exhibited no other spirit than that of submission to their fate, it had become clear that the obligatory abandonment of the places many of them had settled upon, and which was evidently caused by the fencing of the leases and white occupation, had wrought a feeling of dissatisfaction that could only be remedied, in their view, by cutting off the leases. Many of their cattle had been absorbed by the large herds, and ponies stolen.

"No matter how the vexed questions relating to the leases may be ultimately settled, there is no doubt about one thing, and that is that a reorganization of the affairs of the reservation should take place. There are within its limits too many white people who have no lawful business here. All who are not authorized owners (or employees of theirs), all who are not officially connected with the agency, and all who are not officially connected with the military post should be obliged to leave at once, and no one should be permitted to reside within its boundaries who does not come under these classes. The cattle companies employ in all about 160 men, taking it the year round. The agency has seventy and the military post fifty-five authorized employees. There are twenty-one squaw men. To these may be added a roving and unauthorized population of about 200. With a view of regulating this white population, and also with the desire of restoring among the Indians a discipline and respect for the government officials, which seems to have been lost by loose and unskilled management, I have recommended to you a course embodying the idea that the reservation be temporarily placed under a military officer. I still adhere to that recommendation, and feel confident a permanent settlement can only be arrived at by that means. As remarked above, the most of the Indians have lost confidence in their agent; indeed, many of them had never had any from the start. They looked upon him as the indirect minister of the lessees, his policy of concentrating them near the agency in effect accomplishing

the purposes the lessees have in view—that is, clearing their leaseholds of Indian occupants—and he will never be able to control them except under the pressure of physical force. Every Indian who refused to acknowledge the leases or who declines to live near the agency and pursue a species of farming under the agent's personal supervision, and every Indian who declines to immediately throw off the customs of his people and take up the white man's road is regarded with disfavor and denounced as bad, if not absolutely hostile. The Indians know all this. They have learned it from the agent's report, from the newspapers, from half-breeds, squaw-men, interpreters, and the loose white element that has unfortunately followed the cattle-men upon the reservation. They blame the agent and employees with threatening to disarm them, for giving rise to the excitement existing for some weeks past, and attribute to him many other ills, so that now there is a total lack of confidence. Therefore his power is gone, and I doubt if it can be restored except by absolute subjugation or placing here new officials in whom they will have faith. Firmness, justice, and above all, patience should govern in dealing with them. They cannot be expected to do in a day or in a long series of years what their eastern brethren, the Cherokees and Choctaws, have done. They are Plains Indians, nomads, and meat-eaters, and have never until very recently attempted to till the soil, and any other than slow progress must not be expected, unless it be the desire of the Government to accomplish their civilization by forced means."

APPENDIX XXXV—13.

JOHN H. SEGER.

John H. Seger, a native of Ohio, who, as a mere boy, had seen hard service as a volunteer soldier in the Union Army during the Civil War, entered the Indian service as an agency employee at Darlington, in 1872. Two years later, when the last war with the Indians of Western Oklahoma broke out, the teachers employed at the agency school deserted their posts and fled, as they believed, for their lives. In the midst of such demoralization, there was no one to take care of the school children, and Mr. Seger voluntarily assumed the responsibility. When the parents of the Indian school children learned of what had happened (for they were not of the hostile bands) they made some very sarcastic comments concerning the timidity of the superintendent of the school who had deserted his post in the hour of danger, urging that he be discharged, and that Mr. Seger be installed as superintendent of the school. Although he had neither the education, training or experience in school work, the urgent request of the Indians was granted, and he was appointed as superintendent of the school, which he conducted successfully for several years.

In the spring of 1886, he was sent by Captain Lee to colonize a number of Indian families on farms at a place distant sixty miles from the Darlington Agency. This became known as the Seger Indian colony, which eventually came to be regarded as a subagency. Farms were opened up and an industrial school was built. He remained in active control for twenty years, until the jealousy of younger and better educated men in the Indian service, and the resentment of politicians and speculators in Indian lands (whose efforts to spoliolate the incompetent Indians he had often successfully thwarted) resulted in his reduction in rank to that of District Indian Farm Supervisor. He continued to work in that capacity until 1915, when he voluntarily retired after forty-three years of continuous service. Mr. Seger died at his home, near Colony, February 7, 1928.

APPENDIX XXXV—14.

BRIEF SKETCH OF CAPTAIN LEE'S REPORT.

"An efficient and experienced force of employees is a sine qua non to the successful work of an agent in the advancement of the Indians. With one or two exceptions I found such a force here industriously at work. Believing that none of the positions could be properly regarded as offices, to be filled with reference to the employee's politics, not having been sent

here on account of my political preferences, and not desiring to secure places for personal friends or relatives, I decided to keep the force at hand and make the retention dependent upon individual merit rather than outside influence.

"One additional farmer was removed to make place for one appointed by the Department. The appointee in this case, though a most excellent old gentleman, is, I regret to say, by reason of old age and permanent infirmity, not suited to discharge the duties of his position. I presume the Department was not aware of this when the appointment was made, though the facts have since been made known. This farmer has done no full duty since July 8th, and the agency physician reports that he never will be able for active duty. I am now compelled to employ an Indian to perform the duties.

"It may perhaps be pertinent to express my views in relation to the removal and appointment of agency employees, and I do so in no spirit of disrespect to the highest authorities. If an agent uses his position to bestow personal patronage upon his friends and relatives because they are such, then it is quite apparent that if corruption, fraud and inefficiency—not wholly unknown in the past history of some agencies—creep in, the agent, to correct these evils, must rise to Roman standard of patriotism and duty; and abuses 'in the family' may escape the all-seeing eye of the dreaded inspector. If, on the other hand, the Department, from a long way off, appoints the clerks, farmers, carpenters, herders, et al. without the recommendation of the agent, without a personal knowledge of the applicant's qualifications, without an acquaintance with the peculiar necessities of each agency, it is equally apparent that these new and untried employees will be a constant source of embarrassment to the agent, and, instead of accelerating the progress of the Indians, will be a certain hindrance to their advancement. The constant changes in one of the most difficult branches of the service, requiring, above all others, experience, tact and earnest work, is one of the most potent reasons for the snail-like progress in the civilization of the Indians. If the Indian is ever to be civilized, the work must be done right on the reservation, by the right kind of workers. All the conventions of well-meaning philanthropists, all the speech-making in legislative halls, all the traveling commissions that skim the surface and evolve theoretical solutions of the problem, will never do any practical good where the good is needed. No Indian can be civilized 'from afar off.' Were it practicable, almost every new employee, mechanic or farmer, should serve a year or more of apprenticeship under 'old hands' before he or she is fitted to deal with the Indian understandingly. In two out of three of the appointments made at this agency, the Department was evidently misled as to qualifications and fitness. I hazard the opinion that, as a rule, those persons who, through political influence and the importunities of their friends, press hard for positions at Indian agencies, are failures in civil life, and try to get foisted into some good place where a living is assured, which they found it difficult to obtain in private pursuits. There may be exceptions, but they are not common. Every employee so appointed came with an implied warrant of influence to 'back him up,' and the agent cannot well effect his removal for inefficiency without a prolonged correspondence. The only professional man at an agency is the physician, and there is no earthly reason why an agent should nominate him in the first instance, because the agent cannot supervise his prescriptions nor diagnose his sick cases. But in regard to the other employees, the case is different. In my opinion, an efficient, experienced, faithful and reliable clerk, farmer or mechanic should never be removed to make place for a new man."

APPENDIX XXXVI—1.

CHIEFS AND GOVERNORS OF THE FIVE CIVILIZED TRIBES.

GOVERNORS OF THE CHICKASAW NATION.

Cyrus Harris	1856-58
Dougherty (Winchester) Colbert	1858-60



JOHN H. SEGER

Cyrus Harris	1860-62
Dougherty Colbert	1862-66
(Horace Pratt acting Governor 1864.)	
Cyrus Harris	1866-70
W. P. Brown	1870-71
Thomas J. Parker	1871-72
Cyrus Harris	1872-74
B. F. Overton	1874-78
B. C. Burney	1878-80
B. F. Overton	1880-84
(Hickeyubbee acting Governor 1881.)	
Jonas Wolf	1884-86
William M. Guy	1886-88
William L. Byrd	1888-92
Jonas Wolf	1892-94
T. A. McClure served as Governor from June to October, 1894.	
Palmer S. Mosely	1894-96
Robert M. Harris	1896-98
D. H. Johnston	1898-1902
(Present incumbent 1929.)	

CHIEFS OF THE SEMINOLE NATION.

1866-98—John Chupco, John Jumper, John F. Brown.

PRINCIPAL CHIEFS OF THE CHEROKEE NATION.

William P. Ross	1866-67
Lewis Downing	1867-72
William P. Ross	1872-75
Charles Thompson	1875-79
Dennis Wolf Bushyhead	1879-87
Joel Bryan Mayes	1887-91
Johnson Harris	1891-95
Samuel Houston Mayes	1895-99
Thomas Mitchell Buffington	1899-1903
William Charles Rogers	1903-

PRINCIPAL CHIEFS OF THE CHOCTAW NATION.

George Hudson	1860-62
Samuel Garland	1862-64
Peter P. Pitchlynn	1864-66
(John Wilkins as president of the Senate, acting chief from 1865-66.)	
(Nicholas Cochenaur, principal chief protom of October session of the General Council, 1866.)	
Allen Wright	1866-70
William Bryant	1870-74
Coleman Cole	1874-78
Isaac Garvin	1878-80
Jackson McCurtain	1880-84
Edmund McCurtain	1884-86
Thompson McKinney	1886-88
Benjamin Smallwood	1888-90
Wilson Jones	1890-94
Jefferson Gardner	1894-96
Green McCurtain	1896-1900
Gilbert I. Dukes	1900-02
Green McCurtain	1902-10

PRINCIPAL CHIEFS OF THE CREEK NATION

1866-1907—Samuel Checote, Lecher Harjo, Ward Coachman, J. M. Perryman, Legus C. Perryman, Ispahchechar (Spiechee), Pleasant Porter.

APPENDIX XXXVI.—2.

BEADLE'S DESCRIPTION OF INDIAN TERRITORY CONDITIONS.

"I have only given thus far, a few points gleaned from my conversation with the 'white Cherokees,' but our talk at dinner assumed a more personal and political turn. Mr. Parks had invited some of the older citizens to dine with us and, as at a Sunday dinner in the country districts in Ohio, politics came up for discussion.

"What will you do with us?" was the gist of the first question. "Will the Government give half our lands to the railroads and let the whites come in on us to try for the other half?"

"The Government will not establish a territory here and throw it open to white settlers, unless the Indians are willing; but why are you not willing, if you can have a farm secured first to each citizen of the nation?"

"Because our more ignorant people and full-bloods can't live with the Yankees settled all among them. Some tell us we can't hold our lands in common the way we do. Why can't we? If we can't, then let it

be allotted, so much to each family, and the rest common pasturage. These full-blood Cherokees are the most simple minded, honest people in the world. They don't know anything about trading or scheming with white folks. But you know it is the nature of white people to be grasping. Let them settle here and they would take all the advantage in trades, and the Indians could not live here."

"The principal talker, an aged 'white Cherokee,' continued at some length and in good language to argue against the 'Bill to Establish the Territory of Oklahoma,' of which he produced a copy and read extracts. He related with increasing pathos the principal facts in the history of the Cherokees; their first general war with the whites, many years before the Revolution; their removal to the hill country of Georgia, Carolina and Alabama; their second move to Arkansas and a band to Texas; their expulsion from all other places and settlements here. As he progressed, a growing sadness showed on every face. He concluded and an oppressive silence settled upon the company, so profound that I could feel the reproach which seemed thus cast upon my Nation. The melancholy gravity, natural to the Cherokee countenance, seemed to deepen to the intensity of a fixed despair; young and old had the same solemn quiet, and even the rosy little girl bowed her head against the table, and her sweet, sad face seemed shadowed by the wrongs of three generations of her race.

"To a question about the wishes of the full-bloods, the speaker replied: 'Well, the full-bloods won't take any vigorous action. They are an indifferent sort of people. They just say, 'Let it alone. If the United States is a mind to break all treaties and all agreements, and break us up and destroy us, they'll do it anyhow. General Jackson swore by his Maker that this land should be ours while the grass grew and the waters run, and if they're a mind to break that, why, they'll have to do it, that's all.' That's the way the full-bloods talk about it, sir. They won't do anything at all about it; just wait for it as if it was a storm or a streak of lightning.'

"From this and other conversations I found there were three distinct parties among the Cherokees:

"First, the Territorial party, in favor of Oklahoma and white immigration, after setting apart, in fee simple, a considerable farm to each Indian.

"Second, the Ockmulkee Constitution party, in favor of sectionizing the land, giving each Indian his farm and the two railroads their grant, keeping all the rest in common as it is now, and uniting all the tribes under one government of their own (the Ockmulkee Constitution) with American citizenship and local courts; but no territorial arrangement and no white settlement.

"Third, the party in favor of the present condition. "On further examination I found that the first party was very small among all the tribes—or rather, nations—and that the members of it were regarded as traitors to their race; that the third party had, as yet, a large majority of the whole people, but that the Ockmulkee Constitution promised most for the Indians and had the support of their most able men."

After spending several days at Vinita, Beadle made a brief trip into Kansas, where he had occasion to note the sentiment with regard to the opening of the Indian country to settlement. He continued (*Ibid.*, pp. 361-64):

"So I took the Missouri, Kansas and Texas road northward for a brief trip into Southern Kansas. From Vinita it is about thirty miles to the Kansas border. The country along the way bears the same general character—gently rolling and moderately fertile prairies, with clear but somewhat sluggish streams, and occasionally clumps or rather inferior timber. . . . As we near the edge of Kansas a sudden and surprising change occurs. From east to west appears an even line, with fence nearly all the way—on the south side an unbroken prairie, on the north farms, orchards, nice dwellings and every evidence of civilization. If, on Fourth Street, Cincinnati, the north side should remain as it is, and the south side utterly vanish, leaving an unbroken plain as far as the eye could reach, the change would scarcely be more striking. There is no gentle, almost imperceptible fading away from cultivation to wilderness; it is a sudden

jump from civilization to nature's wildness, a sight every hour presenting powerful arguments in favor of the settlement policy for the 'Nation.' It is an argument the Kansans appreciated and, once over the border, I found the popular view of the Indian question wonderfully changed. There is no casuistry in the Kansas view. They take the high ground that the land was put there to be fenced, broke, cultivated and improved; and if the Cherokees will not do it, 'why, ————em, the Government ought to let them have it that will do it.'

"In my tour through Southern Kansas, I everywhere observed as I neared the Indian border, the hostility to that people steadily increasing. In Allen and the counties north, it took the form merely of a mild and rational objection to the neighborhood of such a people. A little further south, a stern opposition to showing any more favor to the race; and along the border, an intense, almost fanatical hostility and an expressed desire to 'exterminate every red devil of 'em.' The borderer has no faith whatever in Grant's policy, or any other policy looking toward the civilization of the Indian. He is an enthusiastic believer in the theory of the 'doomed races.'

"Old Presbyterians who had lived upon the border here for ten or fifteen years, told me they had never seen a Christian Indian, had never had a reliable account of one; that they were convinced that the natives were a reprobate race, and there never was one soundly and truly converted. The testimony of other denominations was about the same. The Kansas view continues: 'Why should the Indian be fed, housed and clothed at our expense, and, at the same time, be allowed to roam over an empire, keeping white men out of the best portion of the public domain? Why not make them citizens, with the same rights to take and hold a given piece of land as other citizens?' The answer, of course, is that, when the thing is done, the Indian's day is also done; he can never stand in competition with his white neighbor, and will pass away. The reply comes back: 'If the Indian cannot stand on his own personal merit, or with any native strength, then he has no right to stand at all; he must go, sooner or later anyhow, and the cheapest and most merciful way is the best.' The neighborhood of the savage is an aggravation, and the virtuous Kansan is indignant because the occasional Indian will steal, and will not be chaste and temperate. The pivotal point of much of this talk is the Indian Territory, which the Kansan thinks is by far the richest and most desirable of all the sections yet within the disposition of the Government.

"The people of Kansas have seen altogether too much of that region to rest in peace. They have traversed it in the purchase of stock; they have driven cattle through it from Texas; they have pursued thieves into it, and the universal testimony, given to me, is, 'the finest country, sir, God ever made.' On that country every young Kansan has his eye fixed. Young men living on the border already have their quarter-sections picked out in the Nation, ready to jump at a moment's notice, rush over and take possession. People easily believe what they wish, and hence the universal opinion in Southern Kansas is that the Indian Territory will be sectionalized and thrown open to settlement in three years at the farthest. Should such action be taken by Congress, then all former excitement in our western settlement would be as nothing compared with the 'rush' which would take place. At least half a million people, from Kansas to Pennsylvania, are waiting for such a chance. . . .

"Let Congress pass an enabling act for that Territory and, in three months, these roads leading south from Kansas City and Lawrence would double their business; in six months it would be quadruple. Throw open the territory next January, and it will be ready for admission as a State by January, 1875. There is unoccupied land for 100,000 homesteads. Settle it with white men and the lands of Southern Kansas would nearly double in value. During the process of settlement, they would have a ready market at their doors for all kinds of provisions at high prices. A troublesome border question would be settled, and several border towns would take a new lease of life from the consequent trade. All the public lines through Mis-

souri and Arkansas would largely increase their business, and Texas and Louisiana would share in the benefits. It will be seen that many powerful interests would unite, even now, in furtherance of the scheme, so many that Congress would probably resist but feebly. All the delegations in the Senate and House from Kansas, Missouri, Arkansas, Louisiana, and Texas would be enthusiastic in its favor, and other border states would join from natural sympathy. All these railroad interests press strongly in the same direction. Thus the proposition would start in Congress, with a powerful party and, despite what eastern members may think of the inherent merits of the scheme, or of natural justice toward the Indian, I am led to think that the Kansans anticipate rightly, and that the territory will be open to settlement before 1875. These arguments are ever present to congressmen and lobbyists, while the protest of the Indians yearly sounds more feeble; and unless the Indian nations can be persuaded to adopt Ockmulkee, they may soon be compelled to accept Oklahoma."

When he was ready to leave the Indian Territory, Mr. Beadle summed up his conclusions concerning the proposed organization of the Indian Territory by Congressional enactment in part as follows (*Ibid.*, pp. 419-20 and 426-30):

"I have now traveled a month among the nations, some two hundred miles by rail and the same through the country afoot and on horseback. I have seen the Indians at home and on their farms, have attended their churches and visited their schools, have talked by their hearths and slept in their cabins, 'eaten their salt and warmed at their fires.' My general impression is one of the most agreeable disappointments. I have seen so much more of progress, of improvement and education, than I had been led to expect that, from a doubting indifference, I have attained to an earnest belief in their capacity and willingness for a perfect civilization. And if my conclusion should sometimes read like an argument for the Indian here rather than a simple statement of facts, I will not deny that my sympathies are powerfully enlisted for these people, and I would willingly do them a kindness if my humble pen should accomplish it in a portrayal of their case.

"Here are 60,000 red men who are neither hunters nor root diggers; they are agriculturists, herdsmen and mechanics. They long ago advanced from the savage to the barbarous state, when they first met the whites; since then they have advanced from the barbarous to the half-civilized and civilized and, in another generation, we may reasonably hope to see them civilized and enlightened. This territory contains the hope, the stay, the glory of our aboriginal race. If these cannot be civilized, the race is doomed. With more than ordinary interest, therefore, I have studied their condition. I am now returned where the prejudice is strong against them; I hear them cursed every hour of the day, and from my window, at this moment, can look out on an angry company of 'intruders,' just expelled by the military from the Osage lands in the Arkansas Valley. As briefly as possible, I propose to sum up my general observations and the reason why these Indians are entitled to the continued protection of the Government.

"The present weakness of these people—at once their greatest drawback and the temptation to outsiders—as it seems to me, is their imperfect land tenure. The land is held in common by the whole tribe, but whatever area any citizen encloses with a lawful fence is his while he occupies it. He may be said to own the improvements but not the land. Nothing is absolutely a fixture. Anything may be removed at the owner's will; hence there is practically no real estate, no conservative landed interest—the only true foundation for a progressive society and a staple civil structure. The herder, hunter or explorer, from Kansas or Texas, rides through a beautiful tract and, when he asks who owns it, the only answer is, 'the Injuns—it's Injun land'; that is, in his estimation, nobody's land if he can by force or fraud get a foothold. If he were told that it was the property of John Johnycake or William Beaverdam, or any other individual, with a patent title, on which he could sue and be sued, the case would be very different to him. A strong party, therefore, is rising up, agitating for this reform.

"This is a distinctive feature of the Ockmulkee Constitution, which commands the support of the best men of the three nations, and looks to a union of all the tribes under one government. It should receive every legal encouragement from Congress. But the common people are suspicious of this move; to them, sectionizing looks like an entering wedge for some scheme for dividing up their lands among railroad corporations and white immigrants. And where shall we look for the real power which gives impetus to the movements lately inaugurated looking to a territorial government and the opening of this country to a general immigration? By the treaties of 1866, all the nations agreed to yield the right of way, with 300 feet along the track, to two railroads through the country. The roads which reached the border first were the Missouri, Kansas & Texas, running southward, and the Atlantic & Pacific, westward. Look at the charter of the first road and you will find one clause to the effect that the road is to receive every section designated by odd numbers, for ten miles on each side of the track—total of sixty-four hundred acres per mile—with these words conditional: 'Provided said lands become a part of the public lands of the United States.' The moment the Oklahoma Bill becomes a law they do become 'public lands,' and the railroad title attaches at once. To the Atlantic and Pacific road, with its Van Buren branch, the grant, with the same condition appended, is twenty sections to the mile. Besides these, two other roads are pressing their claims for contingent grants with fair hope of success. The present area of the Cherokee country, exclusive of lands ceded for 'other Indians to locate,' is about 4,500,000 acres. The Missouri, Kansas & Texas Railroad runs through this for eighty miles; the Atlantic and Pacific Railroad will run about the same. Considering, then, only the roads actually built, this gives them at least 1,500,000 acres! The Oklahoma Bill, seventeenth section, says: 'The Secretary of the Interior shall cause the lands in the said territory to be surveyed, and from and after such survey the Indian title shall be deemed and held to be forever extinguished, and the lands to be public lands of the United States, subject to all the grants and pledges heretofore made by acts of Congress.'

"Is it difficult to see where the motive power and the 'sinews of war' come from? But the territorial bill specially provides that each Indian shall have 160 acres. Let us see, then, where the white settler would come in. There are at least sixteen thousand Cherokees entitled to 'head-rights,' and two thousand more who can and will claim them by coming here. This takes up 2,880,000 acres. Besides, there are reserved school lands and some grants to mission stations. Add these up with the railroad grants, and you will find there is not quite enough land in the Cherokee country to fill the bill. To call it a bill in the interest of white immigrants is nonsense. In the Choctaw country there will be a small surplus—none in the Creek. Besides, in the Creek Nation, the Missouri, Kansas & Texas Railroad runs right down the Grand and Arkansas valleys, through the very best land, but in the Choctaw Nation it crosses the fine valleys at right angles, leaving a little more surplus. Where, then, in the northern part, would the white settler come in? He could buy of the railroad at perhaps five dollars an acre. Shall the Government revoke a fee simple deed and cover itself with ignominy, not to benefit white immigrants, but to pile up mountainous fortunes for a few corporations?

"The first fee simple patent in the Cherokee Nation bears the honored name of George Washington. Their patent for this country—for which they traded other lands sold by the Government for five times what it paid the Indians—was signed by Martin Van Buren, and it cannot be that their successor of today will sanction such an act of gross injustice and bad faith, so contradictory to his own wise and humane Indian policy, which has given him not the least of his great claims to historic immortality.

"There are a score of reasons why a little time should be given the Indians, and why we should not throw open this country to settlement. In the first place, we have solemnly agreed not to do it, which is reason enough for any honorable man. Secondly, there is no present necessity for it. There are countless millions of acres lying idle in every State and

territory north of it, untouched by the cultivator and even unoccupied by the herdsman. There is more unused land in Kansas today than in the Indian Territory. There is room in Nebraska for half a million farmers. There is a tract in Dakota, about the size of Indiana, yet unappropriated, with a climate suitable for northern people, and a most prolific soil. When these are filled, and our population really begins to feel crowded, it will be time enough to trouble the Indians; and long before that time these people will themselves vote to open the country, become like other borderers, and ask for immigration to help develop it. But, with Kansas on one side and Texas on the other, with as much or more good land, it appears to me as if thousands are half crazy to rush into the Indian country, just because it is forbidden. If these fellows who have been harrassing the Osages, and running across the border here, and back, for the past two years, had put in the same labor almost anywhere in Nebraska, they would have each owned a fine farm by this time.

"In the third place, to sectionize the country and throw it open on the present plan, would do the white borderer little or no good. The railroads, of course, get the first grab: their land is already secured and, in the case of the Missouri, Kansas & Texas road, it would take the very heart of the country. Then, the Indians, according to their custom of living, would take all the fine timbered lands along the streams, and what would be left? Any prospective immigrant can figure for himself from the statistics given, and he will find less than one-fifth of the good land would remain to select from. A few men would secure fine farms unquestionably, but for every such one, twenty would be disappointed. Several thousand young men in Kansas are fooling themselves badly about this country. There is not so much good land here as they imagine. And unquestionably, the climate is unhealthful for northern people. Nor is it for the interest of Kansas as a State to have this country opened now. Her Senators should oppose it strenuously. If there were half the amount of good land they imagine, Southern Kansas would lose 20,000 people at once by having it opened. It is now a waste as regards them. Before the war, it was their great region of cattle trade and supply and, ere long, it will be again. At present we have a national use for the Indian Territory.

"Our true policy is to secure these people in their homes, and make them our agents to deal with the wild tribes on the plains. Much has been done already, and more will be, to set the race forward in civilization. Half civilized and barbarous tribes are being slowly reached through the medium of their more advanced brethren. The nations here are already moving in the matter, and a little assistance only is needed to enable them to reach and negotiate with all the wild tribes of Northern Texas and New Mexico. I am hopeful enough to believe that, with a proper policy, all the tribes in the same latitude, except possibly the Apaches, might eventually be made citizens of this territory.

"The treatment and fate of aboriginal races has varied greatly under different governments. The Romans absorbed and Romanized when possible; otherwise they removed and relocated them. When the Teutonic race overran Western Europe, the Celtic aboriginals mostly disappeared; but, in certain districts, from special local causes, or from a more humane policy on the part of the conquerors, remnants survived; and in portions of Scotland, the Erse districts of Ireland, Brittany and Celtiberia, are flourishing communities to this day, little islands of Celts in an ocean of Teutons. We alone have no fixed policy looking toward the saving and reclamation of any part of the native races. Writers, statesmen and theorists have made haste to assume that they were a 'doomed race,' and the Government has followed the exact policy to practicalize that theory. We have sent them our worst men and most destructive practices, and have systematically broken faith whenever it seemed profitable to do so. Here only has a policy, something near sensible and just been pursued, and the results are not discouraging. Let it be improved and extended, and we may reasonably hope the Indians of all the southern territories may be gathered here; that an aboriginal community of 200,000 may grow into a high civilization;

and, in due time, we may have a real native American state, a progressive and prosperous State of Oklahoma."

APPENDIX XXXVI—3

PRINCIPAL CHIEF SAMUEL CHECOTE.

The Chairman of the Government Commission (General Fisk) notified the leaders of both parties of the time of the proposed council and especially enjoined that they should be prompt in attendance. It so happened that the day selected for the convening of the council was Monday. At the appointed hour, practically all of the leaders were present with the single exception of Colonel Checote, who was principal chief of the Creek Nation. He did not arrive until twenty-four hours after the time set for the council to convene, which greatly annoyed the members of the government commission, who were anxious to avoid any delay. When he did arrive, Checote, who had been for many years a Methodist minister, made a most courteous and dignified apology for his tardiness. He said he could not have arrived at the council at the appointed hour except by traveling on the Sabbath, which, he said, would have been contrary to the teachings of his church and faith, and, much as he disliked to disobey the mandates of the great government of the United States, such was his regard for the precepts and example of Christ, whose humble follower he was, that he felt constrained to postpone his start until after the Sabbath. General Fisk at once assured Checote that he had done right in following the dictates of his conscience, and added that he would never again make a business appointment that would cause anyone to travel on the Sabbath, contrary to his beliefs and wishes.

Samuel Checote was born in the valley of the Chat-tahoochee, in Alabama, in 1819. At the age of nine he was sent to a Methodist mission school near Fort Mitchell, in that State. The next year (1829) he came with his parents to the new Creek Country, in the Indian Territory, where he continued to attend the mission schools until the missionaries were expelled by vote of the Creek Council in 1835. He joined the Methodist Church after the missionaries were invited to return. He became a local preacher in 1844. Then the Creek Council made a law forbidding members of the tribe to preach, under a penalty of fifty lashes on the bare back. A number were severely whipped for the violation of this law, while others had to flee from their homes to escape such punishment, Checote being among the latter. Checote personally appealed to Chief Roly McIntosh, who ordered the persecution to cease. Checote joined the Indian Mission Conference of the Methodist Episcopal Church, South, in 1852, and was active in the ministry most of the time until the outbreak of the Civil War. During that conflict he served in the Confederate Army, reaching the rank of lieutenant-colonel of the 1st Creek Regiment, under Colonel D. N. McIntosh. After the close of the war he resumed his work as a Methodist preacher, serving in various fields as circuit rider and as presiding elder. He was greatly interested in the education of his people and was president of the board of trustees of Harrell Institute, a Methodist mission school which was located at Muskogee, at the time of his death. He was one of the representatives of the Methodist Episcopal Church, South, in the first ecumenical conferences of all of the various branches of the Methodist faith, which was held in London, England, in 1881. His name, with the spelling slightly modified, has a permanent place on the map of Oklahoma, as that of the town of Checotah. His death occurred at his home at Okmulgee, September 3, 1894.

APPENDIX XXXVI—4.

GEORGE WASHINGTON GRAYSON

George Washington Grayson was born near old Northfork Town in 1843, of mixed Scottish and Creek Indian blood. He entered the Asbury Manual Training School, a Methodist Mission institute at Northfork Town, in 1850. After completing his course there, he was selected as one of the students from the Creek Nation to attend the Arkansas College, now the Arkansas State University, at Fayetteville, at the expense of the nation. He had been in college two years at the

outbreak of the Civil War, when he left college and enlisted in the 2d Regiment of the Creek Confederate Volunteers. He was then a youth of about eighteen, but he won rapid promotion and, at the end of the war he held the rank of captain under the command of Company K, of the 2d Creek Regiment. He participated in several battles and skirmishes during the war including the capture of the steamboat "R. J. Williams," at Pheasant Bluff on the Arkansas River, just below the mouth of the Canadian.

Soon after the war he married Miss Anna Stidham, whose father, George Washington Stidham, was a noted Creek leader. Like her husband, Mrs. Grayson was a quarter-blood Creek, and was accounted the handsomest young woman in the Creek Nation. Shortly after his marriage, Grayson was elected national treasurer, which office he held for four years. For more than forty years thereafter, he served as a member of the House of Kings—the upper house of the Creek legislative council—from Coweta Town, as a member of the Tiger Clan. He was several times selected as a delegate from the Creek Nation to Washington, where he looked after its interests at the National capital.

After many years he was engaged in mercantile pursuits and also operated a large stock ranch. In person he was a tall, dignified, handsome man of gentlemanly address and cultured mind. His entire life was spent at the scene of his birth, where all of his children were also born.

In November, 1917, he was appointed chief of the Creek Nation by President Wilson. Nearly six months before his death, he sent his resignation to Washington, asking to be relieved from his responsibility, but the resignation was not accepted.

APPENDIX XXXVI—5.

JOHN F. BROWN.

John F. Brown was born in Tahlequah, in 1843. His father, a white man of Scotch extraction, had been a military sergeant and accompanied the Seminole people when they were removed from Florida to the Indian Territory. Although Doctor Brown was a great friend of the Indians, he was not allowed to marry a young Seminole woman of pure Indian blood, for the reason that the Seminole Nation had a law which prohibited any of its members from marrying a white person. The result, in this case, was an elopement to the Cherokee Nation. With his Seminole bride, Doctor Brown established his home at the Cherokee capital, where they lived for many years. The first child of this family was named John F. Brown, for his father. Each of Doctor Brown's children was given a good education. They were also taught to work. At the age of eighteen, he joined his mother's people in the Seminole Nation, and entered the Confederate military service in a Seminole battalion commanded by Lieutenant-Colonel John Jumper. The end of the war found him still in the service and holding the rank of a lieutenant. He became prominent in the Seminole Nation from that time on. In 1866 he represented the South, or Confederate Southerners, in the negotiation of the new Seminole treaty with the Government at Washington, and signed that instrument as a witness. After the close of the war, Colonel John Jumper and John Chupco, the leaders of the two factions into which the Seminole people had been divided by that struggle, jointly ruled as chiefs for more than a quarter of a century. Chupco survived Jumper but a short time and, after his death, John F. Brown was chosen as a principal chief of the Seminole Nation, a position which he held almost constantly for more than a quarter of a century. He engaged in mercantile business, as well as the ownership or management of a large farm. He was greatly interested in education and it was largely through his interested efforts that the Seminole schools at Emahaka and Mekuskey were established by the Seminole National Government. He took great interest in the building of the first railroads into and through the Seminole country. For many years before his death he was an ordained minister in the Baptist church, maintaining a church near his home at Sasakwa, where he preached to his people each Sunday. He was often called to represent his people in inter-tribal council and occa-

sionally to visit Washington, for the purpose of attending to their interests. He was regarded as a conservative man and was much trusted by all of the Seminole people. He died at his home October 21, 1919.

APPENDIX XXXVI—C.

MEMORIAL OF THE DELEGATES OF THE CHEROKEE, CREEK, AND CHOCTAW NATIONS OF INDIANS.

SENATORS: Shall we stand dumb before you like a sheep before its shearer? Shall we lie down supinely and see our national governments destroyed and ourselves despoiled of our lands? Shall our altars be desecrated, and we be the painful witnesses of our own ruin? These are great questions with us, and we must meet them as men, husbands, and fathers.

When we reached Washington about the first of January last we found a thoroughly organized party operating against every Indian interest. The most persistent efforts were being made to intensify public feeling against us as a race, and at one time it seemed that we would be overwhelmed. Denounced without stint, and hunted with remorseless ferocity, it appeared that no age, sex, or condition would be spared, no rights of property respected, nor the slightest regard paid to the most solemn obligations of your government. Yet the leaders of this cruel warfare were for a while concealed under the specious pretext of being instigated solely by a desire to benefit the Indians.

Every measure brought forward, it was claimed, was intended to operate for their advantage, not that of your government, and each was attempted to be clothed in the attractive garb of humanity, when, in reality, each had only the object in view of destroying them. They were invited with fair words into a charnel house, where they were to be left to perish. Mr. Fitch, of Nevada, however, a leader in the speculators' interest, at last threw off the mask, and boldly avowed himself in favor of extermination, and of seizing the Indians' lands. This was the message he sent to the Indians from the House of Representatives a few days ago; and this he proclaims to be his Indian policy, and calls upon Congress to adopt it! We had hoped that if our lands were seized that our lives might be spared, until God, in His own wise providence, called us away; but, alas! the sentiment has gone forth that we must be obliterated from the human family by the power of war, and not one of us be left, as at Thermopylae, to tell the tale of our destruction. We apprehend that if we had no rich lands we might, at least for a time, escape the wrath of our pursuers. But these lands are wanted, and every possible device is resorted to for the purpose of obtaining them. As bad as we are represented to be, we are thought by our enemies to be worthy of having a territorial representative in Congress; and then again we are told we are in the way of progress, and that "manifest destiny" has specially marked us for its victims; that it is all folly for us to repine at or attempt to avert our fate; that we must be driven on in one great procession to premature graves, and that our homes must become the home of the white settler. All the measures which have been concocted look to these ends, and still their authors pretend to be our friends. Friends, indeed! It is the friendship or attachment which the foreigner showed to the Hindoo religion when he consented to become one of its priests, that he might rifle the temple of Juggernaut of the diamond eye. We know, we feel, that we have friends in Congress, men of large souls and just views, who rise far above any selfish consideration, and to them and to our God we commit our cause. The plea of "manifest destiny" is the plea of those who fear not God and covet their neighbor's goods. There is one feature which distinctly marks the course of our pretended friends. They are swift to hunt up every fragment of record which they suppose will militate against the Indians, distort its meaning, and parade it before the public gaze, but suppress every particle of record which is favorable to the Indians, and refuse to fulfill the most solemn treaties with them.

It cannot have escaped your notice, senators, that the earliest and fiercest assaults which have been made upon us at the present session originated in the House

of Representatives, and proceeded from a few members. Two territorial bills were introduced there for our future government; also a bill looking to the divestment of our landed titles; a resolution to direct the Judiciary Committee to inquire if we are citizens by virtue of the fourteenth amendment, when it is so obvious to all that it does not change our political status under the Constitution, leaves us just as we were; and still other measures tending to our injury and overthrow. Now, the House is silent on these subjects. Even the resolution which had passed that body providing for a Joint Committee on Indian Affairs, and which, after a persistent and protracted struggle, passed the Senate, with amendments, is now no more heard of, for the reason, as we are informed and believe, that its special friends ascertained they would not be upon that committee if the resolution passed, and, consequently, had no further use for it.

After looking over the whole ground, the party organized against us thought best to change the theatre of action to the Senate, and bring to bear all available force on that body in favor of one bill which would embrace all the objects in view, and which, if passed, would answer all their purposes. We do not charge that they can or will effect anything in the Senate, nor do we wish to be understood as casting any aspersions on the motives of any Senator; but we conceive it to be our province and duty to examine, in a respectful and dignified manner, the bill of Senator Rice, and ascertain its scope and effect. The bill was referred to the Committee on the Territories, reported back by Senator McDonald, Senator Rice's colleague, and its passage recommended. It involves at least three grave and important legal questions, which we suppose it would be proper for the Judiciary Committee to pass upon, and not the Committee on the Territories.

First. Whether Congress has the constitutional right, in view of our status, treaties, and existing laws, to establish a territorial government over us.

Second. Whether we are citizens under the fourteenth amendment to the Constitution.

Third. Whether the bill does not contain provisions violative to our treaty stipulations.

We believe it to be wrong in principle on all these questions, and various others. We believe it to be fraught with danger to the Indians; so much so, indeed, that if it should become a law and be enforced by the bayonet (it could never be enforced in any other way) it would end our career as a people, and turn us out upon the world a penniless race. We know too well what would follow, not to stand at the threshold and warn our friends at home of the impending danger, and implore you, senators, by the sacred memories of the past, and your exalted sense of justice, to protect us from the invaders of our soil, and save us from final extinguishment. May the Great Father of us all, who cannot look upon oppression with the least degree of allowance, guide you in your efforts to protect the weak and helpless.

Until the almost countless swarm of squatters reached the borders of our lands, around which they are now hovering, impatiently awaiting the hour when they can enter upon them, and the iron rail pointed in their direction, and the speculator saw they were fair to look upon, each making common cause with the border politician, who could well understand we had no votes to give to him, the "new Indian policy" of which we have spoken was not dreamed of—a policy vastly different from the peace policy of the President; the first a policy of war and extermination; the last a policy of peace and preservation. The struggle forced upon us is one between our rights and existence on the one hand, and the speculator and land pirate on the other. We are few and poor, and they are many and rich. We may go to the wall, but it will only be when all our efforts fail to protect our wives and children, and shield our homes from the devastating step of the intruder; or, to use the common expression applied to us, when we must yield to "manifest destiny," and sleep beneath the sod which the plow-share turns over our final resting-place. It is folly to tell us that those who are engaged in these schemes are our friends, seeking to promote our welfare. They mean no such thing as friendship—friends never act as they do. They believe with, and act upon the principle of, Mr. Fitch, that "the only good Indians are the dead Indians," and we would be deluding ourselves, and false to

our people, if we did not proclaim the fact now and here. The notes of their siren song fall upon our ears like the dull heavy notes of death, and our feet are asked to keep time with the funeral march to the grave. We cannot, senators, we dare not be silent. We mean to be respectful, but we must speak the truth in our own defense.

The territorial bill, now pending before your body, contains more extended and alarming provisions than are embraced in either of the two House bills which we have heretofore discussed. We do not think it necessary, however, to dwell upon its usual organic details. We have heretofore said enough upon that point. To assume that it is based upon the grants made in our treaties is to assume that error is truth. Where is the treaty in which can be found a provision surrendering our national independence, and consenting to the abolition of our own local governments? Where and when have we consented to the establishment of such a court among us as the bill provides for—the appointment of judges, secretary, marshals, &c., by the President and Senate? Where is the treaty which expresses a desire on our part to become citizens of the United States? When and where have we conceded the right to make us such? We have been taught by the experience of the past and the observation of the present that our only safety is in remaining by ourselves, and maintaining intact our homogeneity. We will venture the prediction that if you establish over us such a government as the bill provides for, your officers would not get into our Territory before it would be overrun by squatters, who would look to them for protection. Indeed, they would regard their very appointment as an invitation to go, and if Congress were to place an army around our territorial borders they could not be kept back. We have been taught in too many instances, not to be admonished by the lesson that where squatters have the slightest pretext to take possession of Indian lands they do it, and they would take shelter under your territorial bill and the officers appointed by it. Do you ask, senators, what the result would be? Every trouble between an Indian and a white man would be laid to the fault of the Indian. Nothing would please the squatters and their confederates better than to get up difficulties, and they would get them up. A cruel, relentless, and exterminating war would follow. They would glory in such a war; nothing would please them better than for an Indian to kill a white man, even in self-defense. Men will wade through blood for a throne, and they will wade through it for territory. If gentlemen want trouble, we do not see but their wish would be gratified by opening the gateway to our possessions, and turning the squatter and speculator loose upon us. However much our people might seek to avoid difficulty, their object and interest would be to provoke it. We think we hazard nothing in saying that in nineteen out of twenty cases of hostility between the Indians and whites, it was engendered by the class of persons we have just described, or the failure of the government to keep its treaty stipulations. The civilized Indian when wronged, or when he thinks he is wronged, is conscious he is without civil redress, and hence seeks for compensation in reprisals, not having yet learned better. The soldier follows his retreating steps, and the question between them resolves itself into one of life or death. But it is not our purpose to discuss this point. We present it only as an illustration. We want to say that the white man whom it is proposed to send in among us, will have no desire for our perpetuation or prosperity, and in the nature of things ill-feeling would be engendered between them and us. Our whole civil fabric being overthrown, and a new government policy inaugurated, and new officers of another race placed over us, with our institutions and altars lying in ruin around us, it will not and cannot be for the interest, welfare, or honor of either race to harmonize with the other. Why, then, is the proposed change urged? Can you manage the uncivilized Indian any better in a territorial government than you can now? No. Who, then, is sought to be brought under the control of this proposed territorial government? The civilized Indians, and they only. What are they doing that makes them either troublesome, expensive, or dangerous to your government? They do not ask Congress to clothe them or feed them; only to pay them what the govern-

ment owes them for their lands. They are not making war upon the white race or any other, but living quietly in the home which your government guaranteed "to them and to their descendants forever," and pledged its most sacred faith in writing, that "no State or territorial line should ever be extended around it or over it." Would not both parties be injured by violating this pledge and making the proposed change? The reasoning which is applied to the uncivilized Indians, who cannot be brought under its control or influence, is applied to the civilized Indians where it is wholly inapplicable. We defy our assailants to produce one sound argument to show that either the government or the Indian nations would be benefited by the establishment of the proposed territorial government. It would not contribute to peace, it would not add to the prosperity or wealth of either, but would entail the territorial expenses on the United States, whereas the local Indian governments do not cost them a dollar. Moreover, it would not advance the cause of humanity or Christian philanthropy; for we imagine it will not be insisted that the class of men who would get in among us would take any interest in matters of that kind; and to bring these suggestions to a close, we now affirm, from the deepest convictions of our hearts, and before you and the world, that the "new Indian policy," as it is called, means the seizure of our lands and the adoption of any and every measure which it is thought will contribute to the consummation of these ends; and it means nothing less than this.

The object to be attained is exhibited far more plainly in the bill introduced by Senator Rice than it has ever been before. The first section of that bill would deprive the various Indian nations of several million acres of land to which they are as religiously entitled as any other acre they own; but as this question may probably be amicably settled between them and the government, it is not necessary to discuss it here. . . .

We have shown that the bill confers powers upon the proposed legislative council "to create bodies corporate with all adequate powers," and "to grant aid to all such bodies corporate." Here opens the railroad feature of the measure; here is opened the door for railroad companies and speculators to come in with their money and obtain, if possible, such charters as they desire, by offering sufficient temptations; and we confess to you, senators, that we tremble for the safety of our people at their approach. What "aid" is it contemplated shall be granted by the council to bodies corporate? It is provided that the government shall pay the expenses of the council; and they will be destitute of the power of bestowing any money aid. What aid, then, can it bestow? The answer is plain. The railroad men and the speculators are looking to our lands, and if they cannot obtain them in any other way, they hope to possess themselves of them through the medium of the legislative council. They hope they will be able to induce that body to grant them, and this, it looks to us, is the primary object they have in view. Certainly such will be the effect of the legislation. . . .

All of which is hopefully and respectfully submitted.

LEWIS DOWNING,
Principal Chief Cherokee Nation.
SAM'L SMITH,
ARCHIE SCRAPER,
J. P. DAVIS,
C. N. VANN,
W. P. ADAIR,
Cherokee Delegation.
G. W. STIDHAM,
S. W. PERRYMAN,
Creek Delegates.
P. P. PITCHLYNN,
Choctaw Delegate.

—Senate Mis. Doc. No. 143, 41st Congress, 2d Session.

APPENDIX XXXVI—7.

EXTRACT FROM THE SPEECH OF WILLIAM PENN ADAIR.

Another method whereby our civilized people can be advanced in civilization and our less favored ones can be led in that direction is by such patriotic institutions as this International Fair, which its patrons have very properly styled "A school of instruction." Here all

classes of our people, the civilized, the semi-civilized and the nomadic have an opportunity of coming together once a year, as friends, and to interchange ideas of improvement in all the varied pursuits of civilization. Here we see men and women from all grades of our people as representatives from all parts of the country with their works and the results and fruits of their labor in the cultivation of the soil, the arts and sciences of the sewing needle and the loom and the machine shop. Here also we see our men and women representing the Educational interests of the whole country and among them we see graduates from the finest colleges in the United States as also graduated professional men, such as attorneys at law, and doctors of medicine, also we see the greatest benefactor of all the "bone and sinew" of the country, the Farmer, with his agricultural products and live stock of all kinds, his poultry and his numerous grains, "the staff of life," we see also the cotton planter and the common laborer and all seem to be one people and we are gratified to know that all of these various representatives of the numerous and best interests of our people belong to our Indian race and are all as brothers and sisters. We also by invitation have among us on this occasion many of our white friends, ladies and gentlemen from our adjoining states, Kansas, Missouri, Arkansas and Texas and we are happy to welcome them as friends. Also by invitation we are honored by the presence of distinguished members of the Senate and House of Representatives of the United States who constitute the special Congressional Committee to consider the proposition of transferring the Indians to the War Department, and we are happy to receive them as our friends and trust that in view of the hopeful and cheerful condition in which they have found us under the management of the Civil Department of the United States that there be no change made in our present condition and relations with the Government and especially that we be permitted to remain under the management of the Civil Department. Also, we see the different apartments of the Fair grounds and buildings arranged and equipped with admirable taste and in their appropriate places; we find for exhibition all kinds of the best quality of agricultural products and implements, productions of the machine shop, the needle, and sewing machine, and the loom, with many productions of the mechanic arts. In the live stock department we see exhibits of horses, cattle, sheep, hogs, etc., that are as fine as any grown in the neighboring states. All of these things are glorious evidences of the patriotism, civilization, prosperity, unity and friendship of our Indian people among themselves and of the cordial relations existing between them and the Government and citizens of the United States. Every Indian in this country should rejoice at such a happy state of affairs and be proud of this International Fair because of its internationality for such usefulness, and I trust every man and every woman in our entire country will encourage it and that not only the civilized Indians but also our nomadic brethren of the Plains and mountains will be encouraged to attend it and participate in it so that they may learn and follow the various branches of civilization illustrated and represented in it. Some of our brethren of the Plains have heretofore attended this Fair with good results and we trust that no pains will be spared hereafter to induce them to continue their attendance so they, like our leading Nations, may be blessed with all the comforts and powers of enlightened people and thereby be able to unite with the civilized Nations in holding and defending our common country.—Extract from the Address of William Penn Adair at the International Fair, *Chronicles of Oklahoma*, September, 1926, Vol. IV, No. 3, pp. 272-74.

APPENDIX XXXVI.—8.

PIONEERING COAL MINING INDUSTRY IN OKLAHOMA.

By Colonel James J. McAlester.

When I left the Confederate Army, at the close of the war in 1865, I went to Fort Smith to attend school. While I was there, Capt. Oliver Weldon gave me a memorandum book which had been kept by a geologist, who had been a member of a Government explor-

ing party which had passed through the Indian Territory many years before. The preliminary survey of the Missouri, Kansas & Texas Railway was made in 1869. I was then employed as a clerk in the store of Harlan & Rooks, at Stonewall. This firm had several stores and trading establishments scattered over the Indian Territory. When I heard of the proposed railroad construction, I determined to go into business for myself. I still had in my possession the geologist's notebook. Although it was somewhat discolored by age, the writing was still legible. In it was recorded the fact that the best coal was found in the immediate vicinity of "the Cross Roads," which was the place where the Texas Road (i. e., the wagon trail followed by emigrants en route to Texas, by way of Springfield, Missouri, and Fort Gibson, to Preston and Dallas, Texas) was crossed by the California Trail, from Fort Smith to Albuquerque. As the railway line was following the Texas Road very closely, I determined to select a location at "the Cross Roads." This crossing was where the Sixth Ward Schoolhouse in McAlester now stands, and was near the center of what is now known as the McAlester Coal Field.

Having selected a location, I went to Fort Smith, where I laid the whole proposition before Mr. J. T. Hannaford, then a prominent merchant of that place. We formed a partnership and, as licensed traders, opened the store at "the Cross Roads." We made money from the first. The road from the North to Texas was lined with wagons every day, and travel from Fort Smith to Fort Arbuckle and Sill was also heavy. All these travelers had to have provisions; all had money and of course our business prospered. We remained in partnership for about a year and our profits at that time were about \$5,000.00. I finally bought my partner out, married a Chickasaw girl and became a citizen.

Before the railway was built there was no demand for coal and of course none was mined. Some was dug out occasionally and used instead of wood, but very little. In 1872 the railway line was completed to McAlester, as "the Cross Roads" has since been known. When the railway reached that point, we began mining operations in a small way, though we were handicapped by many and trying difficulties. For two years, all the coal was mined from veins near the surface by the stripping process. The Osage Coal & Mining Company, which was organized when the railway was first built, engaged in developing deeper veins, and in 1875, this company built a switch, or spur track, out from the main line to its mine three miles distant. This work was done hurriedly, as was all of the mining work of those times. The company at that time had a contract with the National Agent, whereby it was permitted to do anything to facilitate the operations in getting coal out of the ground. For this privilege it paid a royalty of one cent per ton to the Nation, the National Agent claiming the coal deposits to be the property of the Choctaw Nation. Meanwhile, individual citizens of the Nation claimed this royalty as their own. This resulted in litigation in which the individual citizens were successful.

The Choctaw national authorities were not satisfied with the decision in favor of the individual citizens, however. Coleman Cole, who was then principal chief of the Choctaw Nation, determined to put Robert Ream, William Pusley, Tandy C. Walker and myself out of the way and accordingly ordered his "Light Horse" (a body of tribal militia) to assemble and proceed to the mouth of Brush Creek. There Governor Cole stopped at the home of James Williams and sent his troops after the four of us with orders that we should be summarily executed. Pusley, Ream and myself were arrested, but I succeeded in getting word to Walker and he escaped. After our arrest, Governor Cole caused a piece of ground to be cleared off, remarking that we were to be shot on bare ground and that not a drop of my blood should stain a blade of grass. However, before the date set for the execution, we succeeded in making our escape from the troops. These troops, as before stated, were designated as "Light Horse," and were under the command of Captain White, a white man, who was a very fine gentleman and a member of the Masonic Lodge, and who was opposed to the needless shedding of blood of his own people.

Governor Cole was very much opposed to the mining operations and it was on account of my activity in that line that he desired to have me put out of the way and thus discourage the mining industry and put a stop to mining altogether. However, when the Choctaw people came to realize what my policies were and what the royalties meant in the way of added support for their schools, they ceased to oppose me. I then effected a compromise, whereby the Choctaw Nation and the individual citizen who held the land were to share alike in the distribution of the royalties, each receiving one-half, after which the contracts received the approval of the Secretary of the Interior.

APPENDIX XXXVII—1.

THE RACE IN RAILROAD BUILDING.

There has been a nice little race, for some weeks, between the Missouri, Kansas and Texas and the Missouri River, Fort Scott and Gulf (Kansas and Neosho Valley) roads. In energy, enterprise, and number of miles built, the former road beats the latter. But the latter will probably reach the State line a short time in advance. The cars now run to Columbus, 12 miles from Baxter Springs, 2 miles from the state line.

The grading to Baxter will be finished this week. About 4 miles of iron are now laid below Columbus, and the road will be completed to the town (Baxter) by Thursday, next week. This road will have built 20 miles of road, including nearly all the grading, tying, bridge and culvert building, as well as laying of tracks, in 30 days. They have taken a large force from the Galveston Railroad to complete the road through to the state line. This force is now being re-transferred. The track layers, with their boarding cars and complete outfit, will soon commence laying track below Garnett, building about 20 miles of road per month. It is expected that the Galveston Road will be through to Indian Territory by October, and by November, certain.

The Missouri, Kansas and Texas Railroad will be through in a few weeks, making by fall 3 lines of road on the southern border (of Kan.) ready for the race through the Indian Territory.

The Missouri River, Fort Scott, and Gulf railway will lay their track about two and one half miles below Baxter Springs, where side tracks, and facilities for shipment of cattle from Texas and Indian Territory, will be afforded. If Congress will promptly grant right of way, the Galveston road will be completed to Red River in a year and a half, where it will meet the Northern Texas Railroad, thus affording a through line to Galveston in about 18 months, at least five years sooner than the most enthusiastic of us supposed possible.—Quoted from the Lawrence (Kansas) Journal of April 19, 1870, by the U. S. Railroad and Mining Register, May 14, p. 2.

APPENDIX XXXVII—2.

THE FIRST RAILWAY IN OKLAHOMA

By A. W. Robb

I was connected with the road from the time it commenced doing business in the Indian Territory, in April, 1871, until it reached the Arkansas River. The road at that time had its terminal station two miles south of Vinita. Robert S. Stevens, of New York, was general manager; O. B. Gunn, of Kansas City, was chief engineer, and John Scullin, of St. Louis, laid the rails. The grading was done by various contracting parties. The stations, depots, etc., were built by George Melville. S. G. Eddy was division superintendent.

The business of the road was at first very light, but it increased as the construction was pushed farther south. The first station after leaving Vinita was at Chouteau, where the road received its first shipment of cattle in the Indian Territory. From that point on south the cattle shipments increased very rapidly. The next stop was at Gibson Station, where the first shipment of cotton was received. By this time the business had grown quite large, consisting of military supplies for Forts Gibson and Sill and general merchandise for many parties.

The road opened its station for business at Muskogee about three-fourths of a mile north of the pres-

ent station, on the first day of January, 1872. The location of the depot was changed, on account of the grade, about the first of April following, to the present site. From Muskogee south the business of the road increased rapidly, though I do not know much about it personally.

APPENDIX XXXVII—3.

CONSTRUCTING THE "KATY" ACROSS THE CHOCTAW COUNTRY

By Rev. Dr. J. S. Murrow

When I first came to this Territory, if anyone had told me that I would live long enough to see a railroad built through this country, my reply would have been, "If the good Lord will let me live as long as Methuselah, that might be the case." Well, I am not yet as old as Methuselah, and yet I see many, many railroads and big cities and towns and the country full of white people and comparatively few Indians.

In 1870, it was the common talk among the Indians that two railroads were being built down from Missouri, and which ever one should strike the Indian Territory line first, would build its road through the Territory and into Texas. The Indians did not like this. They were very much afraid of the coming of the white people, as indeed they had great cause to be.

The "coming of the railroad" was the subject of conversation at many of their gatherings. I remember hearing one old full-blood haranguing a crowd of his people on this subject once. He made a forcible talk, bringing out many good reasons to prove that the railroad would be a detriment. Finally, he wound up with the following "clincher":

"I have ridden on those railroads east of the Mississippi. They have little houses on wheels—whole strings of them. One string can carry several hundred people. Those little houses can be shut up and the doors locked. If we allow that railroad to come, the white men will give a picnic some time by the side of their iron road and will invite all the full-bloods to attend. They will get the men to play ball, off a piece. Then they will get our women to go into the little houses on wheels and will lock them up and run off with them into Texas or Missouri. Then what will we do for women?"

But the railroad came all the same. I well remember when it reached Atoka, in July, 1872. Mr. J. D. Davis and Mrs. E. A. Flack owned all of the land about the place. The officers of the road desired to build a depot at Atoka. They wanted to double the amount of land allowed them by law for their side-tracks. They accordingly asked Mr. Davis and Mrs. Flack to meet them in conference concerning the matter. Mrs. Flack was a fine old Indian woman. When Messrs. Stevens, Scullin and the chief engineer (Maj. O. B. Gunn) made known their wishes, Mrs. Flack asked many questions, all of which were satisfactorily answered. Finally, she said:

"You will build us a nice depot house out of lumber?"

"Yes, ma'am," they replied.

"You must paint it white," she continued.

"Well, we do not know about that: we do not usually paint our depots white," was the response, to which she immediately rejoined:

"Oh, you must paint it white; my husband was a white man and I like white houses."

The road brought many blessings. We missionaries could afford to buy two or three calico dresses each year for our good wives, where we could afford but one each year before. The railroad brought many evils also—a class of tramps and adventurers, came with and after the road was built, that for several years constituted a demoralizing element.

Just as the full-blood Indians predicted, the coming of the railroad opened up to the whites a knowledge of the wonderful resources of their country and was soon followed by the demand to "remove the restrictions." This demand has grown more persistent and imperious each year since, and now, poor Lo has in many instances nothing before him in this world but pauperism and the grave.

I well remember many interesting incidents connected with the coming of the "Katy." In 1872 or



REV. DR. J. S. MURROW,
Missionary among the Indians, 1857 to 1926

1873, the management of the railroad gave a free excursion to the Choctaws. A great train-load of them were taken from Caddo, Atoka, McAlester and other points, to Parsons, Kansas, and to Sedalia and Booneville, Missouri. Those cities welcomed the excursionists and made them very happy. Speeches were made by several of the Indian men. At Booneville, old Mr. Forbis Le Flore (long prominent in the public affairs of the Choctaw Nation) made a great hit and was loudly applauded. He said that the white people wanted the Indians' land when the whites already had more than they were using. He then commented upon the fact that the white people regarded the Indians as uncivilized and superstitious, yet, when he was in a bank, in Sedalia, that very day, he had noticed a horseshoe nailed up over the door. He had inquired what it meant and the banker had told him that it was "to bring good luck and keep the witches off."

At first the railroad charged seven cents per mile, passenger fare, but this was later reduced to five cents per mile, at which figure the fare remained until a few years before statehood, when it was reduced to three cents per mile. Some of the early conductors were very unaccommodating. I was once put off six miles south of Perryville (now Chambers) and had to walk that distance up the track under a broiling, noonday, summer sun, although I begged to be allowed to pay sixty cents more and get off at Perryville. However, most of the early conductors were very nice men. I learned to think a great deal of W. H. Maxwell, John Hill, Chick Warner, Ben Brown and others.

The "Katy" is a great railroad and always has been. When it was first built, Mr. Bob Stevens, who had superintended its construction, said that he had performed a railroad construction feat unapproached in the history of railroad building, namely, that he had built the M., K. & T. road through a tunnel, two hundred and fifty miles long—meaning, of course, that it passed for that distance through the Indian Territory, which he regarded as unproductive of railroad revenues. But, bless your soul, the old Indian Territory has been and still is one of the most profitable regions tributary to the lines of the M., K. & T. railway system. It is doubtful if the road has found any more profitable business in any state penetrated by its trunk or feeder lines than it has in Oklahoma.

The equipment of the Missouri, Kansas & Texas Railway of today is, of course, far superior to that which was used in the early days. Today it has the finest coaches that can be built and the road-bed of the "Katy" is reputed to be the best in the Southwest. In olden days, a trip over the "Katy" was almost a sure cure for dyspepsia, but now it is a pleasure to take a trip on its elegant trains over its splendid roadbed.

APPENDIX XXXVII—4.

SURVEY ACROSS THE PLAINS.

From St. Louis to Vinita, 364 miles, and on the Creek lands in the Indian Territory, the road being due southwest; then it bears westwardly near the 35th parallel, and much of the way along the beautiful valley of the Canadian River on the Bernardino Meridian to Southern California, thence northward to San Francisco and south to San Diego. The entire distance from here to San Francisco by this route will not fall short of 3,000 miles, and to San Diego about 2,750 miles. The road will cross the Arkansas near the mouth of the Red Fork of that stream, thence up the Canadian, reaching the Rio Grande about 20 miles south of Albuquerque, thence on or near Fort Wingate, striking the Little Colorado near the mouth of the Rio Puerco. From there it will take the divide between San Juan and Rio Gila. It will cross the Rio Colorado near Fort Mojave, thence west to the summit of the Sierra Nevada, and from there north-northwest to San Francisco.

The country through which it will pass is admirably adapted to the construction of a first class railroad at moderate expense. Nearly the entire route abounds in mineral resources and is also unsurpassed in agricultural wealth. The climate is most salubrious and but little danger need be ever apprehended by snow blockades on this route.

APPENDIX XXXVII—5.

UNNEIGHBORLY RAILROADS

Trains are now running on this railroad from St. Louis to Vinita, Indian Territory, 365 miles north-west of St. Louis, there connecting with the Missouri, Kansas and Texas Railway. Stages run in connection to Fort Smith, Arkansas, and Sherman, Texas. The fares have been reduced, are now only \$8.50 to Vinita, \$16.50 to Ft. Gibson, \$20.00 to Fort Smith and \$40.00 to Sherman. These rates are in consequence of a conflict with Missouri, Kansas and Texas Company, with regard to the junction and depot, which the Republican of the 26th ult. reports as follows:

"The Missouri, Kansas and Texas Company was the first to lay the track past the supposed junction of the two roads, and built a depot at Big Cabin Creek at a point where the stakes indicated the crossing of the Atlantic and Pacific. The company has secured the control of the lands in the vicinity. But the Atlantic and Pacific Company subsequently selected their point for crossing two miles above, and named it Vinita. It was so named by Col. Elias C. Boudinot, who secured the location of a headright about the new town, according to Cherokee custom.

"In September last the Atlantic and Pacific Company received a peremptory order through its engineer, Mr. Kellet, from the engineer of the Missouri, Kansas and Texas, forbidding it to lay a track across their road, claiming they had no right to cross. But Mr. Kellet went on regardless of this order, and put down the track, which was subsequently torn up by the rival company, which also laid side tracks outside the main track, with a view to increasing the obstacles in the way. The Atlantic and Pacific relaid their track and put down frogs, since which time the track has not been disturbed. It seems that then the two companies endeavored to effect a compromise by entering into an agreement thought to be satisfactory. They agreed upon rates of freight and fare for passengers, the price to be the same, \$18.50 over both roads from St. Louis to the junction at Vinita, the Atlantic and Pacific being 36 miles shorter. The Missouri, Kansas and Texas was to fix its local rates from the Junction through the territory to Gibson and Texas for passengers and freight as for both roads. The Atlantic and Pacific built a depot at Vinita, with a view to joint occupancy, but a fresh contention arose in regard to location, the Missouri, Kansas and Texas wanting it located farther west. The Atlantic and Pacific declined to move its depot and the agreement was broken up, and the rivalry stirred up stronger than before. The Atlantic and Pacific put their fare down for passengers to \$8.50 from St. Louis to Vinita, and in retaliation the Missouri, Kansas and Texas' trains refused to stop and take on passengers or freight and passed on to the depot at Big Cabin Creek. Passengers had to lie over and were greatly incommoded. A Methodist minister and two ladies had to stay over all night on the prairie. The Atlantic and Pacific then organized a line of stages to convey passengers between Vinita and Big Cabin Creek, so that its passengers could reach the latter place an hour and a half before the passage of the train going south.

The former company has also organized a transportation company to transport freight overland to Fort Gibson, Fort Smith and other points south. It transports at a cheaper rate than the railroad at the same points. Passengers coming north are not allowed to have baggage checked to Vinita for the Atlantic and Pacific."

The Atlantic & Pacific At The Close of 1871.

From a long article in the "St. Louis Republican" describing the newer part of this road and the recent excursion of the government commissioner to examine and report upon the 50 miles completed this year between Neosho, Mo., and Vinita, Indian Territory, we select the following description of the new section, by the completion of which the company is entitled to a considerable grant of lands:

From Neosho this inspection of the newly completed division commenced. The commissioners took a position at the rear of the rear car, and on reaching a bridge or other structure a stoppage took place for

a critical examination. The track followed down the valley of Lost Creek into the Nation.

Seneca is passed on the right, and is the last town passed in Missouri, it being on the Indian frontier.

From the State line the party passed through the country occupied by the Wyandottes and Senecas as far as the Grand River. The tribes mentioned own 160,000 acres and number about 200. The other small tribes holding separate territories this side the Grand River are the Shawnee, Peorias, Quapaws, etc. The major portion of the Delawares are identified with the Cherokees. A large tract of land, after passing the first farm, belongs to Audrian, a Frenchman.

The bridge over the Grand River (the Neosho) and Lost Creek. Some time was spent here examining this fine structure. The patent is "Port's iron combination." The bridge is 650 feet long, having four spans each 158 feet in length. The piers are of the firmest kind, constructed with stone ferried down on flat boats from a quarry a short distance above, and rise 35 feet above the water. The width of the bridge is 18 feet. The cost was about \$60,000. It was built from the foundations in less than 60 days. The workmanship doubtless complies with every requirement of the law.

The Cherokee Nation is entered on the other side at Prairie City. The improvements were made by George Rogers, but he being an adherent of Col. Boudinot, the Cherokees have denied his right to citizenship. His nativity is not disputed as he is a son of John Rogers, a celebrated chief of the Cherokees.

Samuel Stanton, the Stock Agent of the railroad company, presented himself here. Some very capacious stock yards have been erected near this point under his supervision, as this is the great center of the cattle transportation.

Near here the old Texas trail passes from Fort Scott to Gibson, and runs thence to San Antonio. It was laid out as a military road some 50 years ago, and has since become the great cattle trail. It passes four miles west of Prairie City. Mr. Stanton has made arrangements for loading 2,000 head a day with ten men. In the Prairie City Stock Yards there are 45 chutes, and yard accommodations for five thousand head of cattle. About ten thousand head were shipped east from here in October. One day the agent loaded seven trains (with) an average of 250 head to a train.

The next Indian station is "Oscuma Meonnry" (Good water). Close by is a fine white sulphur spring yielding largely a strong, clear, cold fluid. The next station six miles west is called Afton, and then Albia, when we arrived at Vinita, 364 miles from St. Louis, passing it at the rate of 20 miles an hour to the end of the track two miles beyond. Colonel Boudinot owns 2,000 acres of land around the depot, having made the first improvements which, according to the Cherokee laws, entitles him to hold possession, before the Missouri, Kansas and Texas Railway Company laid down their track. By permission of Colonel Boudinot a stone store has been built by Johnson Thomsen, a Cherokee, and another native named Trott, is putting up a livery stable.

The misunderstanding still exists in all its vigor between the two roads, the Missouri, Kansas & Texas trains refusing to stop at Vinita and let off passengers and freight destined for the Atlantic and Pacific road. But the law requires them to come to a full stop within 1,000 feet from a station before passing it, and passengers are swift to avail themselves of the opportunity.

There yet remain about 17,000 miles of road to be completed to San Francisco. The surveying parties under Jacob Blickensderfer, Engineer-in-chief, will complete their work in December, so as to file the report in the Interior Department by the middle of the month. Leaving Vinita, the route crossed Red Fork of the Arkansas, and follows up to the mouth of Kingfisher Creek, thence crosses to the Canadian, and following up that stream to Fort Bascom, a place west of the Staked Plains, having crossed its northern limit. The route goes near Anton Chico, on the Pecos River, a tributary of the Rio Grande in New Mexico. This is quite a Mexican settlement of 1,000 people about 750 miles from the State line.

When the main road of the Atlantic and Pacific strikes the Canadian, it will meet the Brong road or Prong, coming up from Fort Smith, having a length of 300 miles. It is required in the charter of the

Atlantic and Pacific to build this branch. Four parties are out surveying that route. The surveys will be finished during the month. A railroad coming from the east is finished from Little Rock to Fort Smith, which will connect with the line to the Pacific, keeping up the Arkansas to the Canadian, then up the stream to the intersection with the main trunk from St. Louis.

The land sales of the Atlantic and Pacific road amount to from \$500,000 to \$600,000 annually. The company have alternate sections extending ten miles on each side of the track in the state and twenty miles each side in the Territory. The Government can either make a purchase of these lands from the Indians, or pass the bill through Congress giving each 160 acres of land, and purchase the balance at a nominal price, and with the proceeds create a fund for education—as advocated by Boudinot.

The railroad officials say that the intelligent people of the Territory favor this plan. The railroad company have now 1,400,000 acres in Missouri, distributed from Phelps County west, through Pulaski, Webster, Greene, Lawrence, Newton and Jasper counties. These lands are held for sale at from \$2 to \$15 per acre. They embrace some of the richest lands in the state. Considerable immigration is flowing in, principally from the northern states.

APPENDIX XXXVII—6.

J. H. BEADLE'S STORY OF THE NEW RAILWAY.

The "growing season" seemed fairly set in Southern Kansas, fast tinging the prairies with a rich shade of green, and farmers everywhere were busy with the spring crops. We stopped for twenty-four hours at Parsons, the terminus of the Sedalia Division of the M. K. & T., and, we are positively informed, "the future metropolis of Southern Kansas," "railroad center," etc. For particulars see land circulars and the columns of the Parsons "Sun." We ran thence down the M. K. & T., passed Chetopa just at dark, and by midnight were ninety miles from the border at the new town of Muscogee, then the terminus of the passenger division, though the road was completed to the Canadian River.

I opened my eyes the next morning upon a long, straggling, miserable railroad town, the exact image of a Union Pacific "city," in the last stages of decay. Some two hundred yards from the railroad a single street extended for nearly a quarter of a mile; the buildings were rude shanties, frame and canvas tents and log cabins, open to the wind, which blew a hurricane for the thirty-six hours I was there. If Mr. Lo, "the poor Indian," does in fact "see God in the clouds and hear him in the wind," as the poet tells us, he has a simple and benign creed which gives him an audible and ever-present deity in this country, for the wind is constant and of a character to prevent forgetfulness.

We ate in the "Pioneer boarding car," and slept in another car attached; five of them being placed on a side track, anchored down and converted into a pretty good hotel. Here and about the depot were the citizens employed on the road. Of the town proper, the majority of the citizens were negroes, with them a few whites of doubtful "rep" and perhaps a dozen Indians. The negroes were formerly slaves to the Indians, but slavery here was never severe, and they are little more their own masters than they were before. They earned a precarious subsistence, the women by washing and the men by teaming and chopping, and all were sunk deep, deep in poverty and ignorance.

Here, as at Vinita, I saw no farms, no signs of cultivation. The Indians live off the railroad, in the timber and along the streams. . . . Around the town, far as the eye can reach, extend fertile prairies of rich green, rivaling Ohio meadows in May, while five miles northeast a heavy line of timber marks the course of the Arkansas.

Muscogee, or, if spelled as pronounced, Mooskokee, is the aboriginal name for the tribe we call the Creeks, and, having decided to thoroughly inspect these Indian sovereignties, and their relations with the General Government, we begin with these.

"Erad. Collins is on a big spree, ain't he?"

"You bet he's chargin'!"

"Killed anybody yet?"

"No, only had one fuss. Him and two other Chero-

kees went into the car last night with cocked six-shooters and scared some eastern fellers darned near to death."

"Mind the time he shot that ar marshal?"

"I reckon! Killed him right in front of this car. Shot him twice afore. Fetched him dead that time. Then came in next day and give himself up. Tuck him down to Fort Smith and turned him loose in a little while. Lord, that court don't amount to nothin'."

"Marshal's got a good thing, though."

"I see you; best place to make money in the United States. These deputies are the biggest rascals in the country. That court is a disgrace to the American people and 'll ruin us here yet."

Such was a small part of the conversation we heard our second morning at the table of the dining-car in Muscogee. It was anything but encouraging to a man of peaceful proclivities. A few days after I had my first view of this somewhat notorious Bradley Collins. I was sitting in the tent of an old Cherokee woman in Muscogee, listening to her account of the expulsion from the "old Nation in Geawgey," when shots were heard not far off and an athletic, rosy-featured young man came running by the tent with a pistol in his hand. The old woman merely said, "Bradley's got his shooter; there's a fuss some'ers," and went out for a look. It proved to be nothing but some freedmen practicing on a stray hog, a wanderer from the Creek farms, which they brought down after a dozen shots! Collins walked back with a marked air of disappointment, muttering: "If I couldn't hit a hog first shot, I'd throw away my pistol!"; and the old lady entertained me by his story which has since been verified by others. He is nearly white, an outcast from the Cherokee Nation, a smuggler of whiskey, a desperado and a dead shot. It is said that he has been known to throw a pistol in the air, causing it to make a half dozen turns, catch it as it fell, bring it instantly to a level and hit an apple at thirty paces. He is reported to be "quick on the trigger" that all the other "shootists" in the country have an awe of him. He is known to have killed three men and was then under bond of one thousand dollars to appear at the May term of the Federal Court in Fort Smith, for shooting at a United States marshal with intent to kill. Many excuse him in the case where he actually killed a marshal, as it was a private quarrel, in which both had sworn to "shoot on sight." Associated with him were a dozen or more young "White Cherokees," who were suspected of being robbers, and known to be drunkards and gamblers. A dozen such men can do the cause of Cherokee independence and nationality more harm than all of the Rosses and Downings and their able compeers can do it good.

But we must take all we hear on the railroad with this important qualification. It is the interest and policy of these railroads to belittle the Cherokee government, and make its officers appear as inefficient, and its few criminals as desperate and dangerous as possible. And the roads themselves have added a vast amount of evidence in favor of their indictments against the Indian governments. The records are simply horrible. During the few weeks that the terminus and stage officers were at Muscogee and Gibson, sixteen murders were committed at that two places, and, in a very short time, five more were killed at the next terminus. One man was shot all to pieces just in front of the dining-car at Muscogee, and another had his throat cut at night, almost in the middle of the town. It is true, strangers, travelers and outsiders are rarely if ever troubled. These murders are upon their own class and new-comers who are weak enough to mix in, drink and gamble with them. But a few days after our arrival, a Texan reached Canadian Station with the proceeds of a cattle sale. He met these fellows at night, was seen at 10 o'clock, drunk and generous with his money; a few days after his body was washed ashore some miles down the Canadian. And yet I am assured, and I believe it, a man with a legitimate business, and who will let whiskey alone, can travel through this country as safely as in Cincinnati. The better class of Cherokees regard the railroad towns with perfect horror and are never seen about them.

We are off from Muscogee at 7 o'clock A. M., to see the remaining forty miles of road completed, then a little south of the main Canadian, or North Fork, within a mile of the Methodist Mission (Asbury Manual Labor School), which is reported to be in a flour-

ishing condition, but we lacked time to visit it. Two miles down the river is situated North Fork Town, an important Creek village. We hear that a white man has just been mortally wounded in an affray there, all of the parties being railroad followers. Between the two Canadians the piece of road is some seven miles long, and midway thereon was then the nominal terminus and the station for the El Paso Stage and Mail Line. We pause here an hour. Dusty and travel-worn pilgrims are coming from all points in Western Texas, and spruce, clean looking people from civilization, starting out on long and toilsome journeys through the sandy plains between here and the Rio Grande. Thence to the Main Canadian we traverse a dense forest; all the point between the two rivers is heavily timbered and choked with underbrush. The main stream is now wide and rapid, apparently thick with red mud and sand; but after standing a few minutes, it is sweet enough to the taste, and close examination shows the stream to be tolerably clear, the red showing through the water from the bottom. The bridge here was finished several months before, and about the time the track was laid the southern abutment gave way. It was found that the stone used, from a neighboring quarry, was entirely unfit, falling to pieces in the water; and the entire pier had to be rebuilt. We went over on the first locomotive that crossed; hitherto construction cars had been shoved across singly by hand. After our passage the engine brought over a very heavy train loaded with iron, and the bridge was then officially pronounced safe.

We observed, with a slight uneasiness, that Brad. Collins and his party came down on our train, and it was generally known that they had a cargo of smuggled whiskey in the baggage-car. At the town on the river they met a dozen or more of their sort; the whiskey was opened and passed, and when we returned from viewing the bridge three of them were galloping about the town, brandishing pistols and yelling like demons. My companion took a brief look and suggested, "This is a devilish queer place; let's get out of it." This suited my humor admirably, so we crossed into the Choctaw country and spent the day. Two miles through the heavy forest brought us to a beautiful farm, tilled and improved as well as the average in Ohio, which we found to be the residence of Tandy Walker, Esq., Choctaw and nephew of ex-Governor Walker, of that Nation. Mr. Walker occupies a rather pretentious "double log-house," built in Southern style, with open porch or passage between. Here we took dinner and found him a gentleman of unusual intelligence and enterprise. He tells us that he is the only Choctaw in the district who is in favor of sectionizing and admitting white immigration; and there are probably not a hundred in the Nation who favor it. He was once a leading man, but is now almost ostracized for his vote and opinions. He has five white men in his employ and, like Logam, who had "none to mourn" he is "pointed out as a friend of the whites." By the laws of these nations, white men can reside here by being employed by a legal citizen, in which case the citizen is responsible for their misdemeanors; or he can pay a license and take out a "permit" for his white employees, and the nation takes the responsibility.

While we were "locating tracks" through the Choctaw Nation, the Secretary of the Interior and his party came to inspect the railroad, remaining one night at the Canadian. Being in the interior, we failed to see them, but, on our return, found the community jolly over the party's rich experience.

The day they reached the end of the M. K. & T. track, a man was seized at 4 P. M., near the cars, by four robbers, and relieved of eighty dollars in gold; and that night one was shot dead within a hundred yards of their sleeping car. Mr. Woodward, the superintendent of the road, accompanied the party, and was rather lively in his jokes upon his employees for complaining of these ruffians and asserting there was danger on the road. That night one of the party was taken sick, and Mr. W. started out to look for a doctor. By mistake he poked his head into the tent of a gambler, named Callahan, who happened to be a little out of humor. He thrust a six-shooter into Mr. Woodward's face, and exclaimed, rather pointedly: "Air ye lookin' for me? I'm ready if y' are." Of course such intention was promptly disclaimed, and the superintendent made good time off the ground.

The Secretary was considerably stirred up, and

issued some stringent orders against "intruders in the Indian country." A lieutenant was sent to the terminus with a squad of cavalry under orders to notify the "intruders" and shoot all who refused to leave within twenty-four hours. All the railroad business had been moved from Muscogee to Canadian River and all the roughs who were able had followed.

On the afternoon of a rather sultry day my companion and I left the abandoned town and struck out afoot northeastward for Fort Gibson. Three miles out brought us to the old Texan road, original wagon road and cattle trail from Western Texas to Kansas City and Leavenworth. Here we were overtaken by a grizzly, weatherbeaten old Texan, with a light load for Baxter Springs, Kansas, who politely asked us to ride. As we dropped valises in the wagon, he asked, with what sounded like an eager tone:

"Got any whiskey in them?"

"No," was the answer with expressed regrets.

"If ye had, ye'd walk, you bet; wouldn't have you got in here with one pint of whiskey for five hundred dollars."

This radical temperance platform in this latitude excited our astonishment, and we called for an explanation. He gave it thus: "A burnt child dreads the fire. One pint, yes, one dram o' whiskey'd cost me this hull load. These deputy marshals d—— the thievin' rascals, I say—— they'll search y'r wagon any minit, and, if they find one drop, away goes the hull load to Fort Smith, and d—— the haight of it d'ye ever see again. One trip, a nice lookin' chap enough asked me to ride. He got in, and pretty soon pulled a flask. "Drink," says he. "After you," says I. Well, in less 'n ten minutes comes the marshals and grabbed us. If they find a drop, even on the man as is ridin' with you, they take everything and nary dollar do you ever git. Why, that feller was in with 'em, of course. They seize everything they can git a pretense for, and then divide. There won't anybody but a scamp or a rough take such an office as deputy marshal in this country. There're all on the make and in with the roughs. That's what I say."

I would fain hope the old man was mistaken in his general estimate of Federal officers in the Territory, but there is too much evidence of this nature to permit me to believe the charge entirely false. The most outrageous frauds have been perpetrated by these fellows, I cannot doubt; I can only say that the people generally both white and red, credit a few of the marshals with honesty and official probity.

APPENDIX XXXVII—7.

PAT SHANAHAN'S WAR

Pat Shanahan had been an early section foreman in the service of the Atlantic & Pacific Railway at Vinita. As a result of some misunderstanding between himself and the company he had been discharged. Impressed with a feeling that he had been the victim of a measure of injustice in the transaction, he decided to even the matter up with the railroad company. His wife had died a year or two before, and he had become acquainted with a young Cherokee woman to whom he had taken a liking. After his discharge from the service of the railroad company, he married the Cherokee girl, and thus became an adopted citizen of the Cherokee Nation.

Now it was the privilege of every citizen of the Cherokee Nation, whether a Cherokee by descent or adoption, to select and appropriate to his own use a site for a home and also as much land as he could farm, provided that the bounds of the latter did not approach nearer than a quarter of a mile to the fenced limits of the lands similarly improved and used by some other tribal citizen. Incidentally, it may be stated that, instead of "possession being nine points of the law," it was a common saying that, "Possession is eleven points in the law in the Cherokee Nation."

Availing himself of the privilege accorded to adopted citizens, Shanahan selected and improved a piece of property at the end of the railroad track and, whether purposely or not, built his barn directly in front of the same, on ground over which the track would have to be laid if the contemplated extension was built. When the railroad company was ready to begin operations he was notified that his barn stood upon the right-of-way which had been set aside for that purpose by Congressional enactment. The owner

stood insistently upon his rights as a Cherokee citizen and, when the railroad construction gang attempted to go upon the premises by force, he drove the men off with the aid of half dozen heavily armed assistants who stood behind a barricade or defensive work, made by piling up railroad cross-ties at the disputed point on the right-of-way.

Then the railroad company sought to resort to a legal expedient in order to move the obstructor from the right-of-way. In those days in the Cherokee Nation, clergymen of recognized religious denominations, judges of the tribal courts and mayors of incorporated towns were authorized to perform the marriage ceremony, but there was no provision for keeping records of such marriages and, in many cases at least, no marriage certificate was issued. So, in order to gain time sufficient to remove the house from the right-of-way and presuming the lack of tangible proof, either by witness or documentary evidence, the railway authorities decided to question the validity of the alleged marriage between Shanahan and the Cherokee woman, the effect being to destroy his right as an adopted citizen of the Cherokee Nation. Unfortunately for the success of such a plan, the latter got an inkling of it from some source, so he promptly called upon Rev. J. W. Scroggs, pastor of the Union (Interdenominational) Church, whom he surprised with a bland request to officiate in a ceremony uniting himself and his wife in the holy bonds of matrimony. Incidentally, Shanahan explained that they had been married some years before, but that there was neither record nor certificate to that effect nor did he know where witnesses might be found and that, "for the sake of the children," he thought best to have another ceremony performed.

Unsuspecting as to the real motive which inspired this sudden zeal for conformity with the conventions of society, the minister was conducted to the railroad section house where the ceremony was duly performed, a sumptuous dinner served and a generous fee received. A great light dawned upon his understanding an hour or two later, however, when the agent of the railway company called upon him and upbraided him for spoiling its carefully laid plans by performing the ceremony, reminding him at the same time that he had been the recipient of complimentary transportation and other favors for several years past. The identity of the party who revealed the railway company's plans was never discovered. The wedding was held on railway property to add insult to injury. The company had to come to terms with Shanahan.

APPENDIX XXXVIII—1.

STATEMENT OF COLONEL RICHARD I. DODGE.

At my request Colonel Dodge has kindly furnished me a careful estimate upon which to base a calculation of the number of buffalo in that great herd, and the result is very interesting. In a private letter, dated September 21, 1887, he writes as follows:

"The great herd on the Arkansas through which I passed could not have averaged, *at rest*, over fifteen or twenty individuals to the acre, but was, from my own observation, not less than 25 miles wide, and from reports of hunters and others it was about five days in passing a given point, or not less than 50 miles deep. From the top of Pawnee Rock I could see from 6 to 10 miles in almost every direction. This whole vast space was covered with buffalo, looking at a distance like one compact mass, the visual angle not permitting the ground to be seen. I have seen such a sight a great number of times, but never on so large a scale. "That was the last of the great herds."

With these figures before us, it is not difficult to make a calculation that will be somewhere near the truth of the number of buffaloes actually seen in one day by Colonel Dodge on the Arkansas River during that memorable drive, and also of the number of head in the entire herd.

According to his recorded observation, the herd extended along the river for a distance of 25 miles, which was in reality the width of the vast procession that was moving north, and back from the road as far as the eye could reach on both sides. It is making a low estimate to consider the extent of the visible ground at 1 mile on either side. This gives a strip of country 2 miles wide by 25 miles long, or a total of 50 square miles covered with buffalo, averaging from fifteen to

twenty to the acre. Taking the lesser number, in order to be below the truth rather than above it, we find that the number actually seen on that day by Colonel Dodge was in the neighborhood of 480,000, not counting the additional number taken in at the view from the top of Pawnee Rock, which, if added, would easily bring the total up to a round half million.

If the advancing multitude had been at all points 50 miles in length (as it was known to have been in some places at least) by 25 miles in width, and still averaged fifteen head to the acre of ground, it would have contained the enormous number of 12,000,000 head. But, judging from the general principles governing such migrations, it is almost certain that the moving mass advanced in the shape of a wedge, which would make it necessary to deduct about two-thirds from the grand total, which would leave 4,000,000 as our estimate of the actual number of buffaloes in this great herd, which I believe is more likely to be below the truth than above it.

No wonder that the men of the West of those days, both white and red, thought it would be impossible to exterminate such a mighty multitude. The Indians of some tribes believed that the buffaloes issued from the earth continually, and that the supply was necessarily inexhaustible. And yet, in four short years, the southern herd was almost totally annihilated—W. T. Hornaday's "The Extirpation of the American Bison," pp. 390-92.

APPENDIX XXXVIII—2. WRIGHT'S ESTIMATE.

Robert M. Wright, elsewhere referred to as one engaged in buying and shipping buffalo hides and robes, in his volume of personal reminiscences written during the later years of his life, recorded his impressions as to the numbers of some of the great buffalo herds on the Southern Plains:

I have shot buffalo from the walls of my corral at the fort (Dodge) and so many of them were there in sight it appeared impossible to count them. It was a difficult problem to determine just how many buffalo I saw at one time. I have traveled through a herd of them days and days, never out of sight of them; in fact, it might be correctly called one continuous gathering of great shaggy monsters. I have been present at many a cattle round-up, and have seen ten thousand head in one herd and under complete control of their drivers; but I have seen herds of buffalo so immense in number that the vast aggregation of domestic cattle I have mentioned seemed as none at all compared with them.

In writing this brief description of animal life along the old trails, I have purposely left till the last the mention of the buffalo, for it is the animal to which it is hardest to do justice. The southwestern plains, in early days, was the greatest game country on earth, and the buffalo was the noblest as well as the most plentiful of its game animals. I have indeed traveled through buffaloes along the Arkansas River for two hundred miles, almost one continuous herd, as close together as it is customary to herd cattle. You might go north or south as far as you pleased and there would seem no diminution of their numbers. When they were suddenly frightened and stampeded they made a roar like thunder and the ground seemed to tremble. When, after nightfall, they came to the river, particularly when it was in flood, their immense numbers, in their headlong plunge would make you think, by the thundering noise, that they had dashed all the water from the river. They often went without water one and two days in summer, and much longer in winter. No one had any idea of their number.

General Sheridan and Major Inman were occupying my office at Fort Dodge one night, having just made the trip from Fort Supply, and called me in to consult as to how many buffaloes there were between Dodge and Supply. Taking a strip fifty miles east and fifty miles west, they had first made it 10,000,000,000. General Sheridan said, that won't do. They figured it again, and made it one billion. Finally they reached the conclusion that there must be one hundred million; but said they were afraid to give out these fig-

ures; nevertheless they believed them. This vast herd moved slowly toward the north when spring opened, and moved steadily back again from the north when the days began to grow short and winter was setting in. Horace Greeley estimated the number of buffaloes at five million. I agree with him, only I think there were nearly five times that number. Mr. Greeley passed through them twice; I lived in the heart of the buffalo range for nearly fifteen years; now who do you think would be the best judge of the number? I am told that some recent writer, who had studied the buffalo closely, has placed their number at ninety millions, and I think that he is nearer right than I. Brick Bond, a resident of Dodge, an old, experienced hunter, a great shot, a man of considerable intelligence and judgment, says that he killed fifteen hundred buffaloes in seven days, and his highest killing was 250 in one day, and he had to be on the lookout for hostile Indians all the time. He had fifteen skinners, and he was only one of the many hunters.

Charles Rath and I shipped over 200,000 buffalo hides the first winter the Atchison, Topeka & Santa Fe Railroad reached Dodge City, and I think there were at least as many more shipped from there, besides 200 cars of hind quarters and two cars of buffalo tongues. Often have I shot them from the walls of my corral, for my hogs to feed upon. Several times have I seen wagon trains stop to let the immense herds pass; and time and time again, along in August or September, when putting up hay in the Arkansas bottom, would we have to put out men, both night and day, to keep them out of our work cattle. We usually hunted them on horseback; that is, we would single out one animal in a herd, and ride along by the side of it, and shoot it with a six-shooter. Sometimes we would kill several buffalo in a single run, but very few white men killed them wantonly.—"Dodge City, the Cowboy Capital."

APPENDIX XXXVIII—3.

STATEMENT OF WILLIAM D. STREET.

Another writer who had himself been a hunter, who helped to exterminate the vast herds of the Southern Plains region, was the late William D. Street, of Oberlin, Kansas, who thus described them as he saw them:

The immensity of the buffalo herds in this region was beyond comparison. The writer has seen them on the Arkansas River in the freighting days in the great Southwest, in Southwest Kansas, Indian Territory, the Panhandle of Texas, and the Llano Estacado. One day south of the Arkansas River between Wichita and Camp Supply, they were so numerous that they crowded the marching column of the Nineteenth Kansas so dangerously close that the companies were detailed to wheel out in front and fire volleys into the charging masses. But it was not until I came to the northeastern frontier that I beheld the main herd. One night in June, 1869, Company D, Second Battalion, Kansas State Militia, then out on a scouting expedition to protect the frontier settlements, camped on Buffalo Creek, where Jewell City is now located. All night long the guards reported hearing the roar of the buffalo herd, and in the stillness of the bright morning it sounded more like distant thunder than anything else. It was the tramping of the mighty herd and the moaning of the bulls. Just west of Jewell City is a high point of bluff that projects south of the main range of hills between Buffalo and Brown creeks, now known as Scarborough's Peak. When the camp was broken, the scouts were sent in advance to reconnoiter from the broken point of the bluff, to ascertain, if possible, whether the column was in the proximity of any prowling Indians. They advanced with great care, scanning the country far and near. After a time they signaled the command to advance by way of the bluff, and awaited our approach. When we reached the top of the bluff what a bewildering scene awaited our anxious gaze.

To the northwest, toward the head of the Limestone, for about twelve or fifteen miles, west across that valley to Oak Creek, about the same distance, away to the southwest to the forks of the Solomon, past where Cawker City is located, about twenty-five miles south to the Solomon River, and southeast toward where

Beloit is now situated, say fifteen or twenty miles, and away across the Solomon River as far as the field-glasses would carry the vision, toward the Blue Hills, there was a moving, black mass of buffalo, traveling slowly to the northwest at a rate of about one or two miles an hour. The northeast side of the line was about one mile from us; all our sides, beginning and ending, were undefined. They were moving deliberately and undisturbed, which told us that no Indians were in the vicinity. We marched down and into them. A few shots were fired. The herd opened as we passed through and closed up behind us, while those to the windward ran away. That night we camped behind a sheltered bend and a bluff of one of the branches of the Limestone. The advance had killed several fine animals, which were dressed and loaded into wagons for our meat rations. All night the buffalo were passing with a continual roar; guards were doubled and every precaution taken to prevent them from running over the camp. The next morning we turned our course, marching north toward White Rock, and about noon passed out of the herd. Looking back from the high bluffs we gazed long at the black mass still moving northwest.

Many times has the question come to me: How many buffaloes were in that herd? And the answer, no one could tell. The herd was not less than twenty miles in width—we never saw the other side—at least sixty miles in length, maybe much longer; two counties of buffaloes! There might have been 100,000, 1,000,000 or 100,000,000. I don't know. In the cowboy days, in Western Kansas, we saw 7,000 head of cattle in one round-up. After gazing at them a few moments, our thoughts turned to that herd of buffalo. For a comparison, imagine a large pail of water; take from it or add to it a drop, and there you have it. Seven thousand head of cattle was not a drop in the bucket compared to that herd of buffalo. Seeing them, a person would have said there would be plenty of buffalo a hundred years to come, or even longer. Just think that ten years later there was scarcely a buffalo on this continent. That vast herd and many other herds had been exterminated by the ruthless slaughter of the hide-hunters, who left the meat to rot on the plains, as food for the coyotes and carrion crows, taking only the hides, which were hauled away in the wagons to the Union Pacific Railroad, and shipped in train loads East.

In a few years the bleaching bones were gathered up by the bone-pickers, stacked in great ricks at the railroad stations, and later shipped East, to become fertilizers for worn-out eastern farms. Sold for a price of six to ten dollars per ton, bone-picking enabled many a homesteader to buy the provisions to take his family through the winter, and until he could raise another crop. The hides sold from \$1.00 to \$4.00 each, with a probable average of \$2.75. The robe hides, those killed late in the fall and early winter, being best, brought better prices—sometimes as high as five dollars each. Small fortunes were made by the hide-buyers and traders who furnished the supplies for hunters. Usually the hunters had little to show for their labor, privations and dangers. We have no word to say against the killers; we were one of them. The Government should have passed laws to protect and restrict the killing of buffalo. The danger of extermination was not realized until too late; or as the Indians would say in lamentation and sorrow "Buffalo all gone."—"The Victory of the Plow," by William D. Street, Kansas Historical Society "Collections," Vol. IX, pp. 42-44.

APPENDIX XXXVIII—4.

ORGANIZED BUFFALO HUNTING

In the "Life of 'Billy' Dixon" are found these paragraphs on the buffalo hunting:

The hunting of buffalo for their hides began in the spring of 1870. That was also the beginning of the destruction of the buffalo. As I remember the hunting was started by a firm of eastern hide-buyers, whose agents came to Hays City and other towns near the buffalo range and offered prices that made hide-hunting a profitable occupation.

We were in the very heart of the best buffalo country between the Dominion of Canada and the Rio

Grande, and quickly abandoned trapping for buffalo hunting. The first offers were \$1.00 each for cow hides and \$2.00 each for bull hides, which enabled us to make money rapidly. As the slaughtering increased and buffalo grew scarcer, prices were advanced, until \$4.00 was being paid for bull hides by the fall of 1872.

During the winter of 1870 we ranged all over western Kansas, but principally along the Republican River and its tributaries. Generally, there were three or four men in an outfit, each having contributed his share for necessary expenses. They went where the range was best and buffalo most plentiful. A dug-out was built and occupied as permanent headquarters camp, the hunters ranging for miles through surrounding country. The only kind of dug-out worth having was one with a big open fireplace, near the edge of a stream of good water, with plenty of wood along its banks. We often occupied the same dug-out for a month or more. Then, as the buffalo grew less plentiful, we shifted our camp and built a new dug-out, which was easily and quickly done.

From where the buffalo were killed on the range, we hauled the hides to market. Though I was not quite eighteen years of age, there were very few men who could excel me in marksmanship, which possibly was a natural gift supplemented by more or less practice.

I always did my own killing, and generally had two experienced men to do the skinning. A capable man could skin fifty buffaloes in a day, and usually was paid fifty dollars a month. I have paid as high as twenty cents a hide to a good skinner. We often killed the buffalo the day before they were to be skinned.

APPENDIX XXXVIII—5.

NEWS FROM THE BUFFALO RANGE

Dickinson County has a buffalo hunter by the name of Warnock, who has killed as high as 658 in one winter.—Edwards County (Kansas) Leader.

O dear, what a mighty hunter! Ford County has twenty men who each have killed five times as many in one winter. The best on record, however, is that of Tom Nickson, who killed 120 at one stand in forty minutes, and who, from September 15th to October 20th, killed 2,173 buffaloes. Come on with some more big hunters if you have any.—Dodge City Times, August 18, 1877.

The town of Griffin is supported by buffalo hunters and is their general rendezvous in this section. The number of hunters on the ranges at this season is estimated as 1,500. We saw at Griffin a plat of ground, of about four acres, covered with buffalo hides spread out to dry, besides large quantities piled up for shipment. The hides are worth in this place from \$1.00 to \$1.60 each. The generally accepted idea of the exciting chase in buffalo hunting is not the plan pursued by the men who make it a regular business. They use the needle gun with telescope, buy powder by the keg, their lead in bulk and the shells, and make their own cartridges. The guns in a party are used by only one or two men, who say they usually kill a drove or thirty or forty buffalo on one or two acres of ground. As soon as one is killed, the whole herd, smelling the blood, collect around the dead body, snuffing and pawing up the ground and uttering a singular noise. The hunter continues to shoot them down as long as he can remain concealed or until the last animal "bites the dust." The buffalo pays no attention to the report of the gun and flees only at the sight or scent of his enemy. The others of the party then occupy themselves in "peeling." Some of these have become so skillful that they offer to bet they can skin a five or six-year-old bull in five minutes. The meat is also saved and sent to market, and commands a good price.—Shackelford County (Texas) letter in the Galveston News.

APPENDIX XXXIX—1.

CATCHING WILD HORSES ON THE RANGE.

An interesting event of ranch life in the Indian Territory was the catching of wild horses on the open range. The wild horses of later years were of better stock than those found in this country when Washing-

ton Irving visited the West, as better stock had been introduced among the wild herds that roamed the Plains. As with his cattle, each ranchman's horses were known by his brand and were further distinguished by their build and color. For instance, one herd would be stocky roans, another tall bays or sorrels, and so forth. Frequently colts of one herd would stray off their range to another herd, being left unbranded. Like maverick cattle, it was legal to catch these wild horses and claim them.

In catching a herd of wild horses, their range would be located and their trails found to the watering places on the creeks. On the trail, or at some other convenient spot near the watering place, and always in the woods, a stout horse pen was built. The pen was generally circular, covered about an acre, and was inclosed with a nine-foot fence of logs, made like a rail fence, staked and ridged. The gate consisted of log bars put up between two trees, or two heavy logs set in the ground as posts. Then trees were cut down in two long lines and piled with thick brush, so as to form wings in front of the gate. These piles of brush were about three-quarters of a mile in length, stretching out fan-shaped from the horse pen.

The cowboys then rounded up the herd of wild horses, which were often miles away from the woods, and ran them toward the trails in the river bottom in the direction of the horse pen. When once within the wings of fallen trees and brush, the animals could not escape. They were hurried on into the pen, where the unbranded horses of the wild herd were caught and broken to the saddle. They were then claimed and branded by their new owners.

APPENDIX XXXIX—2.

THE LOST CHILD.

A pathetic incident in the ranch life of Northwestern Oklahoma, which is preserved in "Musings of the Pilgrim Bard," occurred in November, 1888. There was a cow camp, or ranch, of the OE outfit located near Bent Canyon, about twelve miles northeast of Camp Supply, in the present Harper County. The foreman in charge was Hiram Dyer, who had his family, consisting of his wife and baby boy, with him. The little fellow, who was between two and three years old, was a great pet among the employees of the ranch, as indeed he was among those of the neighboring ranches and ranges. He was very active for one of his years, and had several times wandered away from home. A small terrier dog, which was his inseparable companion, always accompanied him on his rambles. More than once when his mother had almost despaired of finding him, some cowboy would come riding up to camp with the youngster in his arms, followed by the faithful little dog.

One day the little boy and his dog disappeared. The anxious mother, alone at the ranch, sought for him in vain. As the cow punchers and range riders came in from the day's round of duties, none of them brought tidings of the missing child and each immediately joined in the search. All night they rode, searching every canyon, coulee and ravine, but no trace was found of the lost child or the dog. Messengers were sent to the neighboring ranges and to Camp Supply and, in a few hours, scores of cowboys, cavalry troopers and Indian scouts rode up to join in the search. It seemed that he could not be found, though the ground was gone over again and again. That day, and the next and the next, passed without finding any trace of the lost boy. The very earth seemed to have opened and swallowed him, as it was said at the time. Then on the fourth day (for the search had not been abated) as one of the searchers was riding through the tall grass near the head of a canyon, he heard the faint bark of the little dog. Following the sound he found the little boy lying face downward, on the sandy bed of a dry watercourse, underneath a shelving bank. Presuming that the child was dead, he called to others to come.

Oliver Thompson, who was a friend of the family, tenderly lifted the wasted little form in his arms when, to his utter astonishment, he discovered that the child was still alive. Hastily mounting his horse he started on a gallop for the ranch. It is said of those who witnessed the finding of the child—cowboys,

cavalrymen, and even stern-featured Indian scouts, all of whom were supposed to be proof against the display of emotion—there was not one whose eyes were not moistened with the tears of manly sympathy. But swift as was the speeding cow-pony, it was not fast enough to win in that race, for the little boy died even as he was being carried home to his distracted mother.

No one of the searchers expected to find the child alive. He had not only been wandering in the open for four days and five nights, but there had been a storm of rain and snow and sleet in the meantime. In addition to this there was the danger of wild animals, such as bears, wolves, wild cats and panthers, all of which were more or less common in the canyons and deep ravines with which that section of the country abounded.

APPENDIX XL—1.

COLONEL BOUDINOT'S LETTER.

Washington, D. C., March 31, 1879.

Sir: Your letter of the 25th instant, making inquiries concerning the lands belonging to the United States, situated in the Indian Territory, is received.

1. In reply, I will say that the United States, 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 United States 3,250,560 acres for the sum of \$975,168. The Seminoles, by their treaty of 1866, sold to the United States the 'leased lands' lying west of the ninety-sixth meridian of west longitude, for the sum of \$300,000. The number of acres in this tract is not specified in the treaty, but it contained about 7,000,000 acres. (See fourth volume, Statutes at Large, pp. 756, 769 and 786.)

Of these ceded lands the United States 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 these 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 United States Government to permanently locate the Wichitas upon the lands they now occupy. The title, however, to these lands is still in the United States.

By executive order, Kiowa, Comanche, Arapahoe 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 United States, and have all been surveyed and sectionized.

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

3. These unappropriated lands are situated immediately west of the ninety-seventh degree of West longitude and south of the Cherokee territory. They 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 United States have an absolute and unembarrassed title to every acre of the 14,000,000 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 lands are ceded 'in compliance with the desire of the United States to locate other Indians and freedmen thereon.'

By the express terms of these treaties, the lands bought by the United States 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 commissioner of the General Land Office, General Williamson, in his annual report for 1878, computes the area of the Indian Territory at 44,154,240

acres, of which he says 17,150,250 acres are unsurveyed. The balance of the lands, amounting to 27,003,990 acres, he announces have been surveyed, and these lands he designates as 'public lands.'

The honorable commissioner has fallen into a natural error. He has included in his computation the lands of the Cherokees west of ninety-six degrees 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 United States 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 United States, 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 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 Atchison, Topeka & Santa 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 Eldorado. These points are Coffeyville, the terminus of the Leavenworth, Lawrence & Galveston Railroad; Chetopah, on the Missouri, Kansas & Texas Railroad, which is built through the Territory to Texas; and Baxter Springs, the southern terminus of the Missouri River, Fort Scott & Gulf Railroad. A glance at the map will show the location of these places. The Atlantic & Pacific, now called the Saint Louis & San Francisco, is finished to Vinita, in the Cherokee Nation, where it crosses the Missouri, Kansas & Texas Railroad. The surveyed line of this railroad runs through these ceded lands.

6. To save the time which would be required to answer the many letters I am constantly receiving upon this subject, I have had made a plain but accurate map which I enclose with this letter.

I shall be glad to furnish maps and such other information as may be requested.

Very respectfully yours, &c.,

E. C. BOUDINOT.

Honorable Augustus Albert,
No. 4 North Howard St., Baltimore, Md.

APPENDIX XL-2.

DAVID L. PAYNE.

David L. Payne was born near Fairmont, Grant County, Indiana, December 30, 1836. His mother was a first cousin of Davy Crockett, the noted hunter-statesman who gave up his life for the cause of Texan independence in defense of the Alamo. Payne's education was as meagre as that which fell to the lot of the average farmer's son in any of the western states of that period, but he is reputed to have been of a studious disposition and was an eager reader. When he was twenty-one years old Payne became a Kansas pioneer, settling on a homestead in Doniphan County and operating a sawmill. At the outbreak of the Civil War he enlisted as a private in the 4th Kansas Infantry, with which he served three years. Returning to Kansas after having been discharged at the expiration of his term of enlistment, he was elected to the Legislature in the fall of 1864. During the course of his campaign for this election, he was again in the field as captain in command of a company of state

militia which had been called into the service to aid in repelling the Price Raid. During the legislative session of 1865 Payne was very active, especially in matters pertaining to military affairs. After the adjournment of the legislature he immediately reenlisted in the military service as a private (taking the place of a man who had been drafted, but who had a large family to support) and was assigned to the 18th Regiment of the United States Veteran Reserve Corps. Shortly afterward he was offered a commission as a lieutenant in the regular army, which he declined. He was at Appomattox and thus was privileged to witness the end of the great conflict between the seceding states and the General Government.

After the end of the Civil War, the career of Payne was so varied as to appear kaleidoscopic. He served as sergeant-at-arms of the Kansas House of Representatives during the legislative session of 1866. Shortly afterward he was appointed postmaster at Fort Leavenworth. In 1867 he was commissioned captain of the 18th Kansas Cavalry—a battalion raised for service against the Indians of the Plains, who were then at war. With this command he saw much active and arduous service in the western part of Kansas. His troop was attacked by a scourge of cholera, which was epidemic on the Plains at that time. Again in the fall of 1868, the War Department called on the Governor of Kansas for a full regiment of volunteer cavalry and, when it was mustered into the service as the 19th Kansas, Payne's name appeared on the official roster as that of a troop captain. During the winter of 1868-69 the 19th Kansas saw active service in Southwestern Kansas, Western Oklahoma and the Texas Panhandle, being with Custer during the greater part of the Washita campaign.

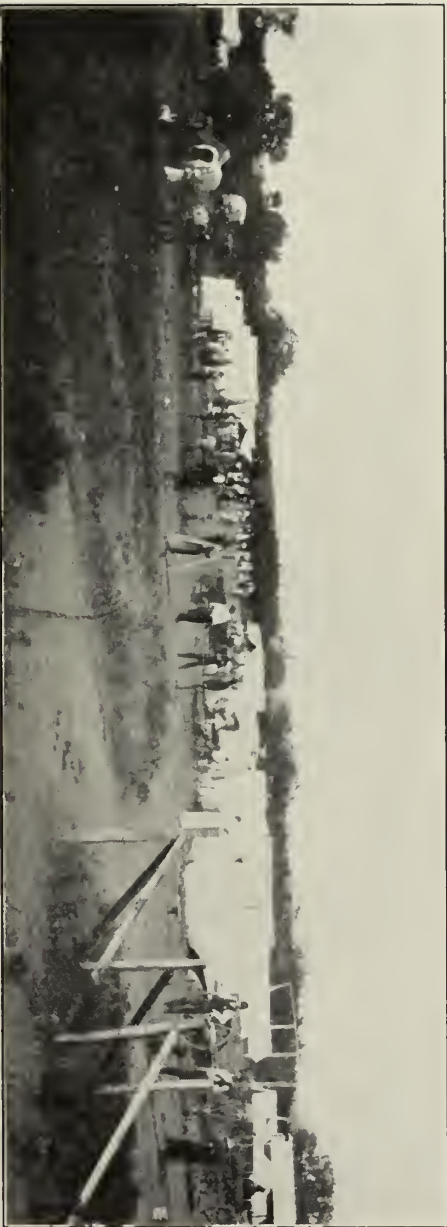
In 1870 Payne settled on a homestead in Sedgwick County, Kansas. The next year he was elected to membership in the lower house of the State Legislature. During the session which followed his principal distinction was gained by introducing and successfully championing a measure for the removal of the political disabilities of ex-Confederate soldiers who, up to that time, had been disfranchised in Kansas. In 1872 he was nominated as a candidate for the State Senate, but was defeated in the election, though running far ahead of his ticket. (He ran as a Democrat then, though he had formerly been affiliated with the Republicans.) He then spent several years in Colorado and New Mexico and at his boyhood home in Indiana. Afterward he secured employment as an assistant doorkeeper of the House of Representatives at Washington, where he remained until 1879.

It is not improbable that he became acquainted with Boudinot and others who were interested in the opening of the "Oklahoma Country," as the unassigned lands were coming to be called. In any event, he began to plan and agitate his Oklahoma colony proposition immediately after his return from the East, though others had already been in the same field. His activities were incessant along this line during the ensuing five years, and he continued to be the soul and inspiration of the movement for the opening of Oklahoma to white settlement until his death. He was engaged in organizing for another invasion of the territory when he died, very suddenly and unexpectedly, at Wellington, Kansas, November 27, 1884. He was buried at Wellington, his funeral being the largest that was ever held in that community.

Payne is popularly credited with having originated the idea of colonizing the Oklahoma country and by many he is believed to have bestowed the Indian name of Oklahoma upon the country in which he tried to effect a settlement. As a matter of fact, he was not entitled to credit on either account. The suggestion of the name Oklahoma can be traced back to a time long before Payne ever dreamed of leading white settlers into it and, moreover, at least two attempts were made to colonize it before he returned to the West from Washington. But, although others who had tried to organize colonies and lead them into Oklahoma became discouraged and turned to other pursuits, Payne persisted with a determination that seemed born of a mighty purpose, and, seemingly, no amount of defeat or disappointment could dampen his ardor or discourage his dauntless spirit. Headless alike of obstacles and sneers, he kept his one great purpose in mind.



WAGON TRAIN AT CALDWELL, KANSAS, READY TO START DOWN THE CHISHOLM TRAIL
TO DARTINGTON AND FORT RENO



CAMP OF THE 'BOONERS' OF PAYNE'S OKLAHOMA COLONY, ON THE BORDER NEAR
CALDWELL, KANSAS, IN THE SUMMER OF 1884

One arrest and removal from the forbidden territory might satisfy the adventurous longing of some of the other Oklahoma leaders, but not so with him.

Payne spent over five years in actively pushing the Oklahoma propaganda. During that time no less than eight attempts were made to colonize the Oklahoma country under his personal direction. It was largely due to his ability as an organizer and to his persistent agitation that the name Oklahoma became a household word. He commanded the confidence and even affection of his followers. His activity and zeal in behalf of the proposed opening of the unoccupied lands of the Indian Territory ended only with his life and, even then, the movement had gained such impetus under his leadership that it went on to the point of achievement without him.

APPENDIX XI—3.

GENERAL JOHN POPE'S REPORT ON PAYNE.

The notorious "Captain Payne" again made an attempt with a small party to enter and occupy the Oklahoma district of the Indian Territory, but, as heretofore, he was arrested by troops and taken to Fort Reno with several of his followers. Thence he was, at the request of the Interior Department, taken to Fort Smith, Arkansas, and turned over to the United States marshal for the western district of Arkansas for trial before the United States courts. He was, of course, released from custody and notified to appear at the next term of the court. He brought suit at once in the State court of Arkansas against the officer who took him to Fort Smith, and laid his damages at an amount which his whole colony could not have made in fifty years. His history, in connection with his oft-repeated and publicly-proclaimed violation of the laws of the United States is contained in the following letter to division headquarters by me in June last:

We shall no doubt soon have a repetition of the attempts of Payne and his followers to enter and occupy the Oklahoma district of the Indian Territory, necessarily followed by his arrest by the troops after long marches, his transportation to the line of the Indian Territory, either north or south, and then his release, without any consequence whatever to him. In a short time he will appear again on the southern line of Kansas, and the same process will be gone through with. These proceedings have been going on for some years. The Government is punished for them by a heavy expense. The troops are punished by long and severe marches at all seasons of the year. The soldiers employed in this business are taken from the posts in the vicinity of the Indians where they are much needed, and have their horses worn and broken down so as to be in part unfitted some time after for the active service which may be imposed on them at any moment, and all this because a convicted criminal, once condemned and fined for his violation of law, persists in repeating his crime. Being wholly impudacious, and the law imposing no other punishment in his case except a fine, which he is unable to pay, he is practically beyond the reach of the law. He proclaims with all the publicity of the newspapers and posters his purpose to renew the offense for which he is now under conviction; assembles openly a considerable number of persons at some point of Kansas, and enters at once upon another violation of the law. This one man under sentence by the United States courts publicly enacts his performance about once a year, and the Government appears to have no remedy except to keep a company of cavalry simply to watch and to rearrest and remove him from the Territory. It would be easy to stop all this brazen outrage upon law and upon respect for the authority for the Government by simply confining Payne in the guard-house at the post in the Indian Territory nearest to which his arrest by troops is made, and compelling him for a time to work for his living, a thing probably very unusual and painful to him; but I presume that process cannot be pursued under the law. Meantime, Payne brings suit in the courts for \$25,000 damages against me for my acts as department commander in having him ejected from the Indian Territory, proclaims his purpose publicly to repeat his invasion this autumn, and then repairs to Washington City, as is stated in the papers,

to confer with the Interior and War Departments on the subject of his next attempt to invade and occupy the Indian Territory.

These transactions would appear to be rather in the nature of a farce but for their effects. Few people in this region have any respect for laws or decisions of the courts in the matter of the Indian Territory, when they see such performances going on constantly, and observe, as they cannot fail to do, that the Government appears to be powerless to punish any one for open premeditated violation of the laws, and the proclamation of the President of the United States based thereon.

Naturally, every loafer or outlaw in all this region, as indeed every ordinary respectable citizen, can have but little belief in the power of the Government to protect the Indian Territory by punishing this class of offenders against the law. Indeed, it is reasonably plain that the only persons likely to be punished are the agents of the Government, military or civil, who are engaged under its orders in trying to prevent this violation of the laws and obligations of the United States.

In order to attempt at least to put a stop to the continued repetition of proceedings which bring the Government and the laws into contempt, I am compelled to ask further instructions as to the personal treatment of Payne if he be again arrested in the Indian Territory in the act of another violation of the law. The present modes of procedure—the only modes I am authorized to pursue—are manifestly ineffective, and have come to be considered a sort of a farce in this part of the country, and furnish the people a source of mirth rather than of warning to respect the laws of the United States and the orders and proclamations of the President.

I sincerely trust that some law will be enacted to cover Payne's case at as early a date as possible. The only proceedings we can take against him have been taken, and manifestly without avail.

APPENDIX XI—4.

COMMISSIONER PRICE'S REPORT ON PAYNE.

From official report made to the War Department and on file in this office, I learned that in the expedition which left Arkansas City for the Oklahoma lands on the 1st of February last, there were about 250 persons, principally from Kansas and Missouri, including some twenty women and children, with from eighty to one hundred wagons, filled with provisions and forage sufficient to last them thirty to forty days, and with tents, furniture, agricultural implements, etc. They appeared in the main to be a well-to-do, quiet set of farmers, and quite a different class of people from those who had been engaged in previous similar enterprises, but they were all well armed, mostly with Winchester rifles and carbines, and among them it was reported there was one man from Wichita, Kansas, who had with him a full wagon-load of whiskey and cigars, intending to open a saloon on arriving at their destination.

Besides this party there were other similar outfits which were discovered and heard of en route from Caldwell and Coffeyville, Kansas, to join the main body. Those from Caldwell are stated to have been, with two or three exceptions, persons without visible means of support, whom the citizens, though deprecating the movement, were glad to get rid of at any price.

Payne, with his secretary, one W. H. Osburn, traveled with the Arkansas City party and, at a meeting held there the night before starting, he is said to have roundly abused the Government and the Army. From the same official sources I learn that every member who joins the Oklahoma colony pays \$2.50 for a certificate of membership therein, of which fifty cents are retained by the secretary and the remainder goes into Payne's pockets. . . .

I also learn that Payne issues "land certificates" to persons who do not desire to go down themselves, by which he guarantees them 160 acres of land in the "Oklahoma Colony" in consideration of \$25, which it is also stated he appropriates to his own use. I have no copy of this last mentioned certificate; but, even if there are no other controlling influences at work, it is

manifestly a profitable speculation for Payne himself, who is not likely to desist from starting these expeditions so long as he can find persons credulous enough to part with their money on such worthless assurances, or so long as the law in relation to trespassers on Indian lands remains in its present unsatisfactory condition.

APPENDIX XL—5. WAR CHIEF'S CHARGES.

On a Government map issued by the Department of the Interior at Washington a few weeks ago and which is named and figured under the direction of Secretary Teller, Commissioners Price and McFarland, are the following described leases in the western part of Oklahoma:

No. 1. E. Fenlon	564,480
No. 2. W. E. Lalaley	564,480
No. 3. H. B. Denman	575,000
No. 4. J. S. Morrison	138,240
No. 5. L. M. Briggs	318,720
No. 6. A. G. Evans	456,960
No. 7. R. D. Hunter	500,000
Total	3,117,880

Spell that out—three million, one hundred and seventeen thousand, eight hundred and eighty acres! Divide it up into 160-acre farms; just 19,486 farms with 120 acres left over for a soldier's home; on each farm a husband, wife and three children would be, say, or in round numbers a thriving, industrious population of 100,000 producers! And this vast domain leased to seven cattle kings! What must be said of such a policy? Why this—Mr. Secretary Teller? Commissioner Price and Commissioner McFarland say those lands rent for two cents per acre, and the total rental is \$62,357.60. Who gets it? It is a well-known fact that there is not an Indian tribe on it and that in all of the Oklahoma country there has not been for years. Of whom, then, are the leases procured? If from the Government, has the money been conveyed into the United States treasury? We will present something handsome to the citizen or official proving that it has. Maybe it was paid last year to the United States troops for tying United States citizens to wagon ends and dragging them like dead dogs out of that same country.

But these are not the only public lands thus filched from the people by the cattle kings. There are other leases in Oklahoma not on this map. Why? And empires of the public lands fenced by these monopolists from Washington Territory to the Texas border, hundreds of millions of acres fattening countless herds of stock—at two cents per acre.

Do not ask why Oklahoma has not been opened for homestead and preëmption. Rather face Jerusalem and pray, "How long, oh Lord, how long?"

APPENDIX XL—6. COLONEL BOUDINOT'S RECOMMENDATION.

Before many weeks the President of the United States will send a commission to the Creeks and Seminoles and Cherokees to negotiate for the purchase of two million acres ceded to the United States by the two first named nations, by their treaties of 1866, called "Oklahoma" and over six million of acres belonging to the Cherokees called the "Cherokee Strip." These two tracts of land stand in entirely different attitudes. The Creeks and Seminoles sold the Oklahoma lands to the United States for a specified price and have received the money from them. It was the understanding at the time of such sale that the lands were to be used for a particular purpose, and because of such understanding the Creeks and Seminoles no doubt agreed to and did receive much less than the lands were really worth. It is true that these lands are worth much more now than in 1866, but it is also true that they were really worth more than what they were sold for. The Cherokees sold the "neutral lands" in Kansas for \$1.25 per acre the same year that the Creeks sold theirs for thirty cents and the Seminoles theirs for fifteen cents per acre; but the Cherokees sold their land for white settlement and the Creeks

and Seminoles theirs for "friendly Indians and freedmen." The quality of the lands did not warrant this difference in price.

The United States now proposes to pay an additional amount for the unoccupied lands of the Creek and Seminole purchase called the "Oklahoma lands" and to open them up to white settlement. There is no half-way ground in the negotiations which will soon be proposed by the commissioners. If the Creeks and Seminoles are unwilling to negotiate there will be no difficulty in agreeing upon the additional amount to be paid them. If they refuse to negotiate the commissioners will report such refusal to the President and he will lay the matter before Congress. As to the Cherokee Strip I believe an overwhelming majority of the Cherokee people are opposed to selling an acre of it. . . .

If the Creeks and Seminoles decide to accept more money for their ceded lands, one hundred thousand white settlers will occupy them in eighteen months from this time; Oklahoma will be filled to overflowing in less than two years; the tide will sweep over its borders into the lands adjoining, and a louder clamor than has yet been heard for the opening of the Indian Territory will fill the land. In my opinion, if the negotiations with the Creeks and Seminoles are successful, nothing can prevent the populating of the Indian Territory with white men in the near future. But what will be the consequence if they refuse to negotiate? There is danger of that, too. The popular branch of Congress has signified a desire to open these Oklahoma lands to white settlement by a vote of 240 to 7, while the Senate was practically unanimous in favor of the same thing.

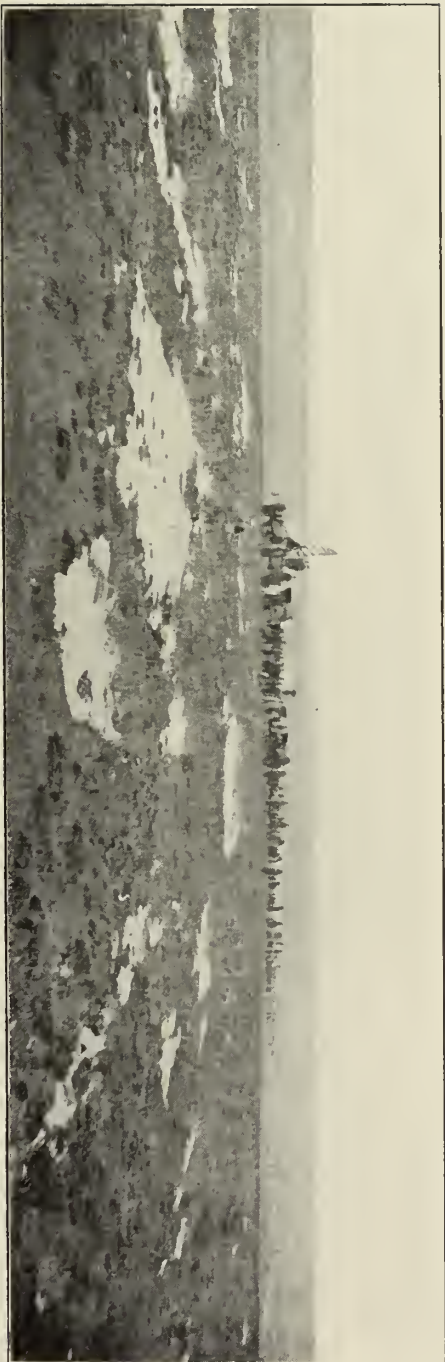
These lands will never pass into the possession or occupancy of the Creeks and Seminoles. There is only one possible way in which this could be done, and that possible way we all know will never be accomplished. That way would be for the Creeks and Seminoles to pay to the United States the money with interest which the United States paid them in 1866. The Creeks and Seminoles have not the money which they can use for that purpose, and the United States would not receive it if they had. Looking at the matter in a commonsense light, it seems that if the Creeks and Seminoles negotiate it will result in overrunning the whole territory in a few years with white settlers; and if they refuse to negotiate the irrepressible conflict between the boomers and cattlemen and army will go on, to end at last in the triumph of the boomers and the settlement of the lands without the Indians having any voice in their valuation.

If the Creeks and Seminoles refuse to negotiate they will in effect say—"We prefer that these Oklahoma lands shall remain in their present condition." That would all be very well if such a thing were possible; but I for one do not believe it is possible, and hence I think that their best interest requires them to get as much money as they can for them and prepare in common with the other nations for the radical changes which will inevitably result.

I am opposed to selling an acre of the Cherokee Strip, and believe its leasing was a violation of the constitutional rights of the Cherokees as well as a gross violation of the laws of the United States. It may not be possible to undo the leasing at this time, but we can prevent any similar leasing of the lands after the expiration of the present lease. . . .

APPENDIX XL—7. COMMENTS OF GENERALS MILES AND SHERIDAN ON THE INDIAN TERRITORY.

"The object in reserving the Indian Territory as a place where the scattered tribes of Indians from Texas, Missouri, Kansas, and other states and territories could be congregated and removed from before the advancing settlements was humane and judicious, and it has accomplished its mission. The Indian Territory is now a block in the pathway of civilization. It is preserved to perpetuate a mongrel race, far removed from the influence of a civilized people; a refuge for outlaws and indolent of whites, blacks and Mexicans. The vices introduced by these classes are rapidly destroying the Indians by disease. Without courts of justice or public institutions, without roads.



ARRIVAL OF INVASION OF PAYNE'S OKLAHOMA COLONY, NORTH OF SITE OF STATE CAPITOL, OKLAHOMA CITY, IN MARCH 1883

bridges or railways, it is simply a dark blot in the center of the map of the United States. It costs the Government hundreds of thousands of dollars to peaceably maintain from 60,000 to 80,000 Indians there, when the Territory is capable of supporting many millions of enlightened people.

"I am convinced that the time has arrived for a change and I therefore recommend that Congress authorize the President to appoint a commission of three experienced, competent, men empowered to treat with the different tribes: to consider all legal or just claims or titles; to grant to the Indian occupants of the Territory a sufficient quantity in severalty required for their wants and support, but not transferable for twenty years; that their title to the remainder be so far extinguished as it may be held in trust or sold by the Government, and a sufficient amount of the proceeds granted them to indemnify them for any interest they may possess in the land; that enough of said proceeds be provided to enable the Indians in the Territory to become self-sustaining. The land not required for Indian occupation to be thrown open for settlement under the same laws and rules as have been applied to the public domain."

With this progressive view of the situation, Lieutenant-General Philip H. Sheridan saw fit to take decided issue, as the following extract from his annual report to the Secretary of War bears witness:

"I cannot agree with General Miles in his recommendations regarding the Indian Territory, or in his confidence in the ability of the Indian to make himself self-supporting in so short a time. All our experience heretofore does not warrant such confidence, and such opinions should be regarded as individual rather than representative of the Army. The processes of civilization must necessarily be slow, and will no doubt be worked out in time if firmness and fair treatment is observed and a steady policy be pursued, but the ultimate result is still some distance in the future. When a tribe becomes refractory or has worked itself into a state of open revolt, its temporary transfer to the control of the military for purposes of discipline, as has recently been done with the Cheyennes and Arapahoes in the Indian Territory and the Apaches in Arizona, will be found of benefit, but the permanent control of the Indians is not desired by the Army at large." (Annual Report, Secretary of War, p. 63.)

APPENDIX XL—8.

THE SIMPLE RULES OF THE CLAIM BOARD.

Article 1 of the rules provided:

"We, the undersigned, agree to support and assist in carrying out the following regulations and requirements in regard to holding claims in the neutral strip of Indian Territory.

"Article 2. That any person of legal age shall be allowed to hold one claim, and one claim only of 160 acres of land until April 1, 1887, provided that he shall by that time have broken at least five acres, or put other improvements thereon equivalent thereto.

"Article 5. That all persons who have heretofore or who may hereafter come in person to take, select or purchase claims and go away with a bona fide intention of returning, shall be entitled to all the benefits of these rules and regulations.

"Article 6. That in case any person shall jump or trespass, or in any way damage a claim of any of the signers of these rules and regulations, or of anybody entitled to the benefits of these rules and regulations, said person or persons shall be politely solicited to get off such claim, stop trespassing and make good any damage done thereon; and, if after 24 hours, no attention shall be paid to such notice, measures sufficiently severe shall be resorted to, to compel said person or persons to comply with said notification."

APPENDIX XL—9.

EXTRACT FROM THE RESOLUTIONS FOR PROPOSED TERRITORIAL ORGANIZATION.

"Section 3. To enable us to consolidate our strength, and to know the wants of the whole territory, it is

suggested and hereby agreed upon that the entire population of Cimarron Territory turn out on February 22, 1887, and hold an election in their respective neighborhoods as near in conformity to law as possible, electing in each district three representatives who shall meet in Beaver City, on the fourth day of March, 1887, as a territorial council.

"To carry out the objects set forth in the preceding section, a president, vice-president, secretary and treasurer is hereby elected and authorized to act as a local council, constituting a board to be known as a claim board.

"Section 5. The claim board is authorized to proceed at once to have printed for squatter claimants' use, blank quit claim deeds, and for each parcel of land or town lot the president and secretary shall execute a deed to the original claimant when called upon to do so; but if any contest appears to exist, or doubt to the priority of right existing in the claimant, then the matter shall rest and no deed issue until all the parties interested shall have a chance for a hearing, and evidence filed in writing, if demanded, and the decision rendered by the board of three disinterested citizens selected in the usual way by parties interested. Any party feeling himself aggrieved may appeal to a new board of five arbitrators, selected as above, but must state such appeal within five days, and pay to the secretary the sum of \$5.

"Section 6. For each parcel of land or town lot deeded as above stated, the president and secretary shall each be entitled to the sum of 25 cents, but for each parcel of land or town lot deeded to non-residents, the sum of \$5 shall be paid."

APPENDIX XLI—1.

CROCKER'S ACCOUNT OF THE OKLAHOMA DELEGATION IN WASHINGTON.

As soon as the Oklahoma Bill passed the House of Representatives, we went immediately to work to have the bill brought up in the Senate but, after laboring for several weeks in vain, we found it so completely pigeon-holed in the Senate, that we began getting up a substitute bill in the closing days of that session. This was put on foot late in February, by General Weaver, Springer, Mansur, and others. But few days remained to accomplish this task. The bill, however, was finally drafted as a makeshift measure and approved by the committee and ordered printed. General Weaver came to me and said:

"Crocker, how long will it take you to get this bill printed?"

"Well," said I, "if I have not far to go to get the work done, in a printing office where there is force enough, I can have the bill printed and placed in your hands in one hour. How far is the printing office from here?"

"Why, it is almost a mile, away up Pennsylvania Avenue."

"Give me the bill and I will see how quick I can get it printed and return with it."

As I took the bill, the attorney for the Santa Fe Railroad handed me a dollar, saying, "You may need this. Now, Mr. Crocker, fetch that bill to us as quick as you can, for Chairman Springer wishes to introduce it before adjournment."

I shoved the bill into my pocket, ran out and caught the first street car up the Avenue and soon landed, a mile away at the printing office. Up the flight of stairs I ran, pulling the bill from my pocket as I ran, and I suppose, dropped the dollar bill in my haste. I called the foreman's attention to the importance of getting that bill set up and printed on short notice and in the quickest time possible. I suggested that he cut the bill into a dozen pieces, if he had that many typesetters, so the type could be set in ten or fifteen minutes, and thus make it possible for the amendment to the bill to be printed and introduced that evening, or otherwise, it would be too late. He did so, got the type together and ran off quite a number of copies of the bill in little or no time. I grabbed the pile and away I ran, to board the first car back to the Capitol, but when I thrust my hand into my

pocket, the dollar bill was not there. However, as luck would have it, I found a nickle and made the trip in time.

General Weaver and all the friends awaiting my return, were greatly surprised at the time I had made, but when I explained the method adopted, they all saw through a printer's expedient. The makeshift substitute measure was introduced and finally became a law, when signed by President Cleveland, on March 2, 1889. However, the bill was in such a condition after it passed the Senate that it had to be referred to a conference committee, and Congressman Bishop W. Perkins of Oswego, Kansas, happened to be on that committee and prevented its defeat. As I have said, it became a law and proved to be the entering wedge that finally opened the entire Indian Territory to white settlement. Captain Couch and Judge David A. Harvey, of Topeka, Kansas (afterward elected as the first delegate to Congress from Oklahoma), had left Washington during the last week of February, in advance of me.

APPENDIX XLI—2.

THE INDIAN DELEGATIONS AT WASHINGTON.

Representative Springer, who had formed the opinion that the members of the Indian delegation who were opposing the passage of his Oklahoma Bill were all loafers and parasites, who lived off of their fellow tribesmen, without any gainful exertion or industry on their own part, conceived a brilliant scheme to have them subpoenaed to appear before the House Committee on Territories, of which he was a member, as witnesses, with the intention of making each one say that he was indolent and unworthy of being a tribal representative. The Indian delegates appeared in a body before the committee. Mr. Springer selected Mr. Lucien B. Bell, better known as "Hooly" Bell (Hooly being the Cherokee word for bell) as the first victim of his inquisition, so addressing Mr. Bell, he said:

"Mr. Bell, tell the Committee what you do for a living—what is your trade, calling or occupation?"

There was a flash in the eye of Hooly, instantly followed by a guileless expression, as he replied:

"Various things. I practice law a little, farm some, run for office occasionally, now and then take a hand at poker and never miss a horse race if I can get to it. The rest of my time I spend in trying to fool God like you white folks do."

This reply is said to have taken the wind all out of the sails of Representative Springer, for the laughter that followed, not only from the Indians but by members of the Committee as well, had the effect of practically ending the hearing.

Hooly could quote poetry in two or three languages; Boudinot was one of the most artistic performers on the piano in Washington, while old Soggy could sing like a whole camp meeting. Isparchechar was described as "the noblest Indian of them all," to look at—a pure blood Muscogee, then past sixty years old.

One day this council of delegates from the five tribes invited some other Indians who happened to be at Washington, to attend their weekly session. The latter, mostly Sioux and Chippewas, came fantastically arrayed in blankets, feathers and paint. Soggy, who was very progressive (though he could only read and write in Cherokee, and spoke but very few words of English), was disgusted. Before any of his associates knew what was on his mind he took the floor and began to lecture the guests. Soggy weighed 300 pounds and could be funny or impressive as he pleased. On that particular occasion he didn't wait for the formal ceremonies incident to passing the pipe of peace but, stepping out in front of the blanketed visitors, he said: "No more buffalo—no deer." Then pausing and impressively pointing to the garb of those whom he addressed, he shook his head with a look of contempt and exclaimed: "Blankets, no good—feathers, no good—paint! ugh!" Then his manner changed to one of earnest advice and, going through a most elaborate and significant pantomime, he continued: "Injuns

must work—plow—raise corn—cattle—good clothes—get fat!"

With that he made a sweeping gesture which included his dignified fellow delegates and laughed till his ponderous frame quivered. The visiting Indians looked ashamed, serious and amused all at one and the same time while the other delegates gazed upon Soggy with amazement. It was his first oration in English.

APPENDIX XLI—3.

PROPOSED PURCHASE OF THE CHEROKEE OUTLET.

"Vinita, C. N., October 14, 1886.

"Dear Mr. Thompson:

"I expected to meet you on your return & very sorry, for I can't express myself as clear by letter & for this reason I want to have you give me a few minutes to read my favor carefully.

"I expected to visit Council with a gentleman, who, if he comes, comes to make the Cherokee Nation a bona fide offer of twelve or thirteen dollars for the entire land west of 96°. He is now making a more thorough inspection than my report. This offer was intended for last Council but it was intrusted to trifling parties & fell through. The bind money has all been subscribed, as the enclosed letter will explain and, if nothing new comes up and my report of the resources of the 'Outlet' is verified, this gentleman & probably one other will reach this place between now and Council time & I will bring them or send them to Tahlequah. They will make an offer of cash and ask probably an option long enough to have Congress of the U. S. ratify or sustain the Cherokee deed & in case Congress fails, to secure from the Supreme Court, for every detail of the Cherokee title has been examined and it has been found from the best legal opinion the title to the 'Outlet' is perfect within the Cherokees & in case the sale falls through you will see the great advantage of this offer to establish a future value on these lands, & if ever an intelligent Delegation is secured, to get a higher raised valuation on the lands already sold. But at the least, I want your coöperation, & let it be, like my own, to be unknown. The sale, even at \$12,000,000.00 at 5% interest, will give many times more value than the lease. I have been working on this scheme carefully since 1882, as also has my partner, Mr. Wallace. I fear opposition from Hoolie in this asked for option, for the reason that I wish to drop him for the failure last year & for you to quietly break his influence, if he has any. We may decide to ask the Nation for 7½% of the cash money paid outside of our own sale to other parties. If we decide on this I can imbure you & two or three other influential Cherokees handsomely for it, etc., outside of the great advantage derived from this offer, from the large amount of wealth paid into the treasury of this country. And, as I said to you, I had a very interesting subject to talk to you of; now you know it & not even my wife knows scarcely even a word, for all of my correspondence on this subject has been carefully withheld from every one, and 'tis possible this offer by this Syndicate may fall through, but I trust, as the enclosed letter will explain, to be there & have the option asked of this Council.

"Very truly your friend,

"(Signed) FRED W. STROUT.

"To Johnson Thompson,

"Tahlequah, C. N.

"P. S.—I wish you would drop me a line if you look favorable upon both these schemes and if you will help me."

[Enclosure.]

"Leadville, Colo.,

"214 W. 7th St.,

"Oct. 4th, 1886.

"Dear Strout:—

"Your letters received. A representative of the New York syndicate is on his way here and, on his arrival, I will accompany him to Vinita.

"Will telegraph you when I start. The money is all subscribed if we can secure the option.

Very truly,

"J. W. WALLACE,

"Per E. W. W."

The following is a copy of the offer of the New York syndicate:

"Tahlequah, Nov. 9, 1886.

"To the Hon. D. W. Bushyhead, Prin'l Chief of the Cherokee Nation:—

"We desire, on behalf of the syndicate which we represent, to bring to your attention, & through you to the attention of the Hon. Council now in session, the offer of our syndicate to purchase what is commonly known as the 'Perpetual Outlet West,' being the lands west of 96°. It seems only necessary to suggest that our offer is to buy the lands, whatever their acreage, at \$3.00 per acre, the amount generally being determined by the surveys already made. The entire scheme will, in event that your wisdom shall bring the matter to the attention of the Hon. Council, be fully presented to the committee to which it may be referred & fully embodied in the Bill which will be laid before them. In the meantime, should you desire more exact detail, we shall take pleasure in furnishing you with explicit information. We have the honor to be, Sir, your obedient servants on behalf of the Syndicate,

"JNO. BISSELL,
"J. W. WALLACE."

APPENDIX XLII—1.

THE OPENING.

"It was a great day to commence the building of an empire. The sky was as blue as in June. A tonic air, as exhilarating as wine, was fanning down from the north with just force enough to make exertion of man and beast effective and pleasant. Mighty possibilities, sightly lands, fertility equalling the fabled Nile, the garden of the gods, were fenced in by an anxious human wall on that immortal 22d of April, 1889. No region had been so thoroughly advertised, so favorably advertised. The frequent heroic efforts of the 'boomers' to possess, called the attention of all the earth to this modern Eden. The repeated removal of the 'boomers' by the military, at the behest of greed, awakened the world to the belief that a wondrous land was here. The very name Oklahoma was a poem, an inspiration, an invitation irresistible, impossible to ignore or refuse—Oklahoma! A slogan for conquering and conquest! Oh, yes, Oklahoma was advertised. The denizens of all civilization came; came from the hills, from the valleys, from the prairie and forest; came from the caves of the earth, from the isles of the sea and, seemingly, from the clouds of the air. They were here in all tongues, in all colors, in all garbs, with all kinds of profanity and every imaginable odor; were here at high noon. Well, I should guess old Time must have been knocked crazy on that twenty-second of April, '89, at high noon."

In all that legion of '89ers, there was not one Joshua who could have forced the sun to stand still, but every devil of them could force their watches ahead and they did it. Then, a moment of bated breath, a hush till hearts could be heard to beat, the final signal and a human flood deluged the wonder land.

And so we are here. The result is an open book, which pales into insignificance the most extravagant romance,—Dr. Delos Walker in the "Daily Oklahoman," of April 22, 1909.

APPENDIX XLII—2.

BUSINESS SUMMARY OF A NEW TOWN.

"A careful, conscientious count made by the 'Gazette' gives the following up to Wednesday, June 4th (1889). Changes are very rapid and we can only vouch that our figures do not overstate in any case.

"There are in Oklahoma about 280 different business establishments, made up as follows:

"There are twenty-four groceries, several of which do a wholesale business.

"There are eighteen drug stores, and among them are some very fine ones.

"There are fifteen stores handling dry goods and general merchandise.

"There are thirteen stores handling hardware and agricultural implements, some of them on a very large scale.

"There are seven firms doing a flour, feed and commission business, four of them wholesale and most of them dealing in quantities.

"There are nine hotels, exclusive of lodging and boarding houses. The latter are difficult to estimate, but number about twenty.

"There are five bakeries with large ovens and first class facilities.

"There are thirty-one restaurants ranging from the small to large and fairly good. Two ice cream parlors are not reckoned among them.

"There are twelve barber shops with twenty-nine chairs, and two of them with bath attachments.

"There are fifteen confectionery, fruit and vegetable places, not stands. Two of them have soda water fountains attached.

"There are eleven meat markets supplying everything in the meat, fish and game line.

"There are two pump and hose houses, and three well-boring and drilling establishments.

"There are seven blacksmith shops and one stone cutting and seven brick yards.

"There are twenty-seven lumber yards and one of these alone has had freight bills amounting to \$1,500 per day, for days at a time.

"There are four banks, with an aggregated capital of \$200,000, and deposits of over \$10,000.

"There are nine paint shops and thirty-four painters, some of them doing the finest and most elaborate sign work.

"There are three tin shops, all of them doing a roofing business also.

"There are two furniture stores and two undertakers. One news stand, one ten cent store, two wallpaper stores and one paint manufacturers' branch. There are also three dressmakers.

"There are twenty-seven surveyors and engineers.

"There are twenty-nine real estate firms with forty-six members.

"There are twenty-three law firms with forty-two members.

"There are three shoemakers, two lightning rod men, two ice men, six milkmen, two auctioneers, and some questionable resorts, but no saloons.

"There are twenty-five medical firms and forty-three doctors.

"There are two daily and three weekly newspapers and three job offices, with twenty-seven persons engaged in the business.

"There are some branches omitted, but not from intention.

"Remember the above showing is made on the forty-second day of the town's age. It represents the growth of thirty-six working days only. Just six weeks from bare prairie to a complete city. The country around it has made equal progress. It is fertile and rich and its future justifies the growth of Oklahoma.

"Since the above was first put in type, one drug store and three dry goods stores have been added.

"Main Street and Grand Avenue have been entirely graded and California partially. On Friday our reporter counted 123 carpenters at work. Contractors estimated the number at over two hundred.

"One billiard hall has been opened since the article was written.

"The receipts of the express office here average \$200 per day and four men are employed.

"The Santa Fe Railroad has three miles of tracks here and the tracks are always filled with cars for unloading.

"The Odd Fellows, Masons, G. A. R. and A. O. U. W. have applied for charters.

"We have another theatre now running and four organized church societies, and one private school.

"Photograph galleries, which were omitted from the previous article, are three in number.

"There are also two theatres, a Board of Trade, and a very large Fire Company."

APPENDIX XLII—3.

LOST HIS CLAIM BUT SAVED HIS HONOR.

The late Emil Bracht, of Oklahoma City, was the first witness in the county court who was asked point-blank as to his whereabouts at the hour of noon

on April 22, 1889. Mr. Bracht related the incident to the writer (J. B. T.) practically as follows:

"The court room was crowded. When the question was asked me, 'Where were you at high noon, Monday, April 22, 1889,' that court room became so still that the dropping of a pin in its most distant corner would have been distinctly audible. In reply I said: 'I was lying in a little clump of brush about one hundred yards east of the Santa Fe Railway on the NE $\frac{1}{4}$ of Section 22, Township 12 North, Range 3 West, 1. M.'"

"Then everybody who had been holding their breath—both 'sooners' and 'suspectors'—heaved a long, deep sigh and the tension was over. No more testimony was needed from me, and I was soon excused.

"As I passed out of the building after the court adjourned, another man, whom I knew to be a 'sooner' and who knew me to be a 'sooner,' approached me and, in an undertone exclaimed:

"You ——— fool, what did you do that for?"

"Well, if you must know, I will tell you. When that question was asked me, I just remembered that I was born and reared in Kentucky, and that no true Kentuckian ever could forswear his personal honor. So I have lost my claim, but saved my honor. And I would not trade my honor for the title to the best quarter section of land in Oklahoma Territory."

(Incidentally, it is of interest to know that the homestead on which Mr. Bracht had filed was the quarter section which adjoins the intersection of East 23d Street and Lincoln Boulevard, on the northeast—just across from the Oklahoma State Capitol.)

APPENDIX XLIII—1.

"SOONERS" DISPOSSESSED.

"Sooners" in land openings subsequent to the first, could not plead that they had been misled by the advice of General James B. Weaver, as was done in 1889. Especially was this true in the opening of the Cherokee Outlet lands, where the booth registrations had been designed to prevent "soonering." It was therefore plain that the "sooners" of 1893 were intentionally dishonest, in that they deliberately tried to take an unfair advantage.

One instance in which a group of "sooners" counted without their host was the occasion of much local interest in County "P" (Noble County). An elderly farmer (who owned a good farm in Washington County, Kansas, and who was, therefore, ineligible to file on a homestead in the outlet) came along with a party of six young men, including his four sons, a son-in-law and a brother of the latter. One of these young men had formerly been a cowboy on a ranch in the old Cherokee Strip Live Stock Association days, and he had volunteered to guide the party to a place where choice lands might be secured.

The party had driven through with farm wagons and work teams, also leading enough good saddle animals to mount every member. Each also was well armed and carried a good supply of ammunition. When the starting signal was given, they kept together in a body as they raced from the border toward the valley whither their guide was leading them. When they arrived at the valley's edge, it was only to find that there was a "sooner" on every quarter-section, with no sign of sweat on their horses. Without a moment's hesitation, the old farmer who headed the little band, with his followers beside him, promptly notified each in succession to vacate the premises. Needless to add, each "sooner" complied with the demand, for discretionary reasons.

The six young men filed on six fine quarter sections, located in a contiguous body, while the old patriarch returned to his Kansas farm content in the knowledge that at least six "boomers" had been bluffed in their unlawful attempt at land grabbing.

APPENDIX XLIII—2.

A MEMORIAL RELINQUISHMENT.

In the keen competition for place and foothold in such an event as one of the great Oklahoma land openings, there were naturally many manifestations of selfishness and sordidness; yet, even under such conditions, the light of charity, of generosity and of

fairness gleamed brightly in many places. Poverty was everywhere present, and misfortune was all too frequently its attendant. The presence and exemplification of such human virtues may be found in the story of two brothers, who may be here distinguished only by their given names—Frank and John.

The two brothers were from Kansas. Between the two there had always existed a peculiar bond of affection, though neither thought less of other brothers and sisters in the family. Frank had been the first born, while John was the next to the youngest and there was a difference of nearly ten years in their ages. One can readily imagine that Frank was a big brother to John in all that the term implies. Frank had reached the earlier stages of life's prime, while John had passed his majority only a year or two before.

Shortly before the day set for the opening of the "Strip" to settlement, the two arrived at Orlando, on the southern border thereof, where a married sister was living. John was not well—in fact, he had been sick abed for several days. On the opening day, however, he was up and took an active part in preparing for the race. Each of the two brothers was well mounted and, at the sound of the signal, their horses sprang forward, among the leaders of the line.

A brisk race of a few miles took them to a fine tract of good land, and being well in advance of most of the people in line, they made their selections. When the excitement incident to the race was over, however, John suddenly became very ill. Frank helped him to dismount and he laid down while the older brother rode the section lines and marked the two homestead claims which had been selected. Later, when a man was driving by, toward Orlando, in a buggy, he was asked to take the sick brother back to town with him, a request to which he gladly acceded, and Frank led John's horse as he rode into Orlando in the afternoon. John died two days later.

After John had been laid to rest, Frank lost interest in the new homestead claim. The memory of him who had been the little brother of other years, who had planned to be also neighbor and fellow-pioneer, only to be stricken at the threshold of manhood, would ever cast its gloom over the joy of owning and developing the homestead. About that time, a poor homeseeker, who had lost out in the race, came to see him. He wanted a claim but said he had no money to pay for a relinquishment, but that he would work until he could pay for it. Frank asked:

"Have you a family?"

To this the stranger made answer that he had a wife and several children, but no home to which he might take them. Frank did not hesitate a moment; he merely said:

"You may have my claim."

Later, another luckless homeseeker, who had also failed to secure a claim on which to establish a domicile for his family, was likewise given a relinquishment to John's claim.

Frank has lived in Oklahoma ever since coming to the opening of the Cherokee Outlet. He became prominent in public affairs during Territorial days, and he is still well known in public life of the State; his friends are legion.

APPENDIX XLIII—3.

HORSES THAT HELPED TO MAKE HISTORY.

In accounts of the successive land openings, men were always the figures of prime interest, yet the presence and participation of men depended so largely upon the performance of horses in the several land openings, that horses as well as men, should have place in those interesting phases of local history.

The Horse That Won A Claim And An Election.

In the race for homestead claims at the opening of the Cherokee Strip, there were fine race horses used by many of the more enterprising homeseekers. One of the finest of these was that which was ridden by Will T. Little, of Guthrie. Will Little was a born horseman—a horseman after the order of Alexander the Great or Washington, or Grant—and nothing delighted him more than the privilege of subduing and

training a horse that had proven to be utterly intractable in the hands of every one else. As the time for the opening of the Cherokee Strip drew near, he began to make inquiries for a speedy horse with which to make the race for a claim. In the course of this search there was soon brought to his notice a pedigreed race horse, which had won many races and lost none. The name of this horse was La Junta. But, sure-footed and swift though he was, La Junta was notorious for his vicious temper—he was reputed to have killed two men already and was only waiting to kill more men when opportunity was afforded. But for this, he could not have been bought for \$10,000. His owner was afraid of him and La Junta knew it, and took advantage of it.

Will Little went to see the horse and looked him over with a discriminating judgment that noted every line in perfection of equine form—the fierce eyes were a matter of after consideration. The owner frankly told Little the reason for his willingness to dispose of the animal. He named a price of \$150.00 but refused to ride the horse to show his gaits and paces, or even put a saddle on him. Little paid the purchase price down on the spot and led the animal home. There he roped La Junta, threw him, tied him, and battled with him for an hour—until man and horse were both well worn out with the struggle. Then he took off the ropes and allowed La Junta to get to his feet, leaving neither bridle nor halter on his head, and told the horse to follow him, and La Junta followed Will Little up and down the street, with his vicious temper subdued—conquered! La Junta had never been harnessed, yet Little harnessed him, hitched him to a buggy and drove him down to the stable whence he had been led, a veritable equine demon, less than two hours before. The former owner could scarcely believe his eyes, yet, there was La Junta harnessed and hitched to the buggy, a mute witness to the triumphant will of a man who passionately loved a good horse. After that first battle, the new owner had no more trouble with La Junta.

With Will Little in the saddle, La Junta was in the race for a homestead claim, that bright autumn day—September 16, 1893—and La Junta carried his appreciative owner to a choice quarter section in the valley near Bear Creek, a few miles from Perry, which was henceforth, the Little homestead. A year later, Little was nominated for representative to the Legislature from Noble County. Up and down the length and breadth of the county Will Little rode La Junta in his campaign of personal visitation, until nearly every man, woman, and child in Noble County knew both horse and rider. No wonder that the latter used to proudly declare: "La Junta elected me to the Legislature."

Subsequently, Will Little was persuaded to sell La Junta for a goodly price, that he might return to the racing stable and the speed ring. But, La Junta never won another race, for, such was his former bad name that grooms were afraid of him and jockeys would not ride him.

Winning A Claim With A Mustang.

The late W. R. Gillespie, of Blackwell, was a cattleman in the Texas Panhandle country during the middle and later 'eighties. In those days, bands of mustangs, or wild horses, were still numerous in that region. In the forepart of 1888, he noticed a mustang band of fair size that was apparently composed of animals of above the average in size, which was led by a very handsome stallion. Although he had never been a wild horse hunter, he decided to undertake the capture of this particular band. This he did, though it required several weeks to achieve success, by the "walking down" process.

Most of the mares and colts were soon broken to the halter and sold, but the splendid head of the band, handsome as an Arab or a Barb, and fleet as any racer, was reserved by Gillespie for his own, though many offers were made for the animal. Wearied and broken by the ceaseless efforts to escape, his proud spirit was as yet unwilling to yield to the masterful will of any other animate being, even though such was the man who had deprived him of his wild liberty—aye, surely the man who had done that was his

enemy and was to be treated as such. So, it was with great caution that Gillespie began his effort to bring this wild steed of the prairies into harmony with his will and purpose, for it was his aim to tame and train the animal without breaking his admirable spirit. To this task Gillespie brought a large measure of kindness and firmness, blended with infinite patience. Two years went by before master and horse came into perfect accord, but the end justified the long continued effort.

When that meridian hour of the memorable 16th of September, 1893 arrived, it found the splendid courser of the plains—standing on the Kansas line, with thousands of other steeds—docile and obedient to the will of the captor astride his back, and together they made the race from the border line to a fine quarter-section near the site of Blackwell which, thenceforth was to be the home of both man and horse.

A Horse With A History.

In the autumn of 1887, shortly after the new line of the Santa Fe Railway was put into operation from Arkansas City, Kansas, to Fort Worth, Texas, a circus passed southward, making a one-day stand at Purcell. In reloading, after the evening performance, a small Arab trick-stallion accidentally stepped between two big planks and, in his endeavor to extricate himself, he fell over and broke his leg. One of the circus employees was about to shoot the animal to put it out of its misery, when a resident of the town begged for its life. The broken leg was splinted and soon knit together, and the horse recovered.

On April 22, 1889, a young man made a race from Silver City, on the old Abilene Cattle Trail, just south of the Canadian River, who rode a small broncho mare in a race up that highway, for a claim in the valley of the North Canadian near the site of Yukon. The speed of his mount was necessarily limited by that of a small colt, only about two weeks old, that galloped along behind. That small colt was a foal of the Arab trick-stallion which had met with the distressing accident that ended his circus career at Purcell, a year and a half before.

When this colt was fifteen months old, he grazed too near a barbed wire fence during a thunder storm and was so badly shocked that for nearly an hour he was supposed to be dead. When he was barely two and a half years old, he was hitched to a light two-wheeled road cart in which an ambitious young man made the race from the Indian Meridian for a lot on the townsite of Tecumseh, at the opening of the Potawatomie country, on September 22, 1891. Hamlin W. Sawyer, a well-known pioneer newspaper man, of Oklahoma, saw the colt that day and, a few weeks later, he made a trade for the animal, which he named "Arab Charley."

On April 16, 1892, when the Cheyenne and Arapahoe country was opened to settlement, Sawyer drove Arab Charley, hitched to a light spring wagon, as he raced for town-lots at Cloud Chief, the proposed county seat of County "H" (Washita County). But Cloud Chief did not prove attractive, so Sawyer engaged in the daily newspaper business at El Reno. His fourteen-year-old son used to deliver papers, riding Arab Charley on his route. Without his father's knowledge, he used to go down to the local fair grounds, where several race horses were in training, and race against them.

One day, late in August, 1893, Sawyer met the Rock Island agent and asked that transportation be secured for his wife and son and himself to Chicago and return, so that they might visit the World's Fair. In due time the transportation arrived and Sawyer was notified of the fact. That evening, he instructed his son to go to the Rock Island station and secure the transportation, after having delivered his papers. The lad obeyed his father's instructions, receiving and receipting for the round-trip passes. However, instead of going directly home, he rode down to the fair grounds, where he raced Arab Charley a couple of heats. In doing that, he lost the railway transportation from his coat pocket and did not notice the fact until he reached home and his father asked for it.

The envelope containing the lost passes was picked

up by a man who did not know H. W. Sawyer, the newspaper publisher, but who did know H. B. Sawyer, the banker. He took it to the latter, who looked puzzled at first, and then suddenly realizing its significance, his face beamed with an unwonted genial smile, as he accepted the "return" of the lost passes, and thanked the finder graciously. The following Monday morning, Mr. and Mrs. H. B. Sawyer started to Chicago on Mr. and Mrs. H. W. Sawyer's transportation. Otherwise, Hamlin W. Sawyer would have been in Chicago visiting the great exposition on the day that the lands of the Cherokee Outlet were opened to homestead settlement, and the story of Arab Charley would never have been written.

Sawyer had not considered making the race into the Cherokee Outlet because he had been a participant at all previous land openings, and never got anything worth while. Having lost out on the Chicago trip, at least for the time being, he was persuaded to make one more run. He drove Arab Charley up the old Chisholm Trail, taking a saddle in the spring wagon. In the race on the opening day, he secured a homestead claim with but one quarter section between it and the government townsite of Enid. Eventually, the lands of this homestead claim were platted into town lots, which made Sawyer financially independent.

Arab Charley lived until 1912 and belonged to Sawyer until the end. He was always a horse that was in every way worthy of his Arab, mustang and bronco forebears—intelligent, speedy and dependable.

A Horse That Deserved The Best.

Six or seven years after the opening of the Cherokee Outlet, an old farmer stopped for the night in a Kansas town, while driving through from Oklahoma to his former home in Nebraska. The liverystable keeper noted the care and kindness with which he brushed the old flea-bitten gray horse which had been pulling the buggy in which he was making the journey and also that, after supper, he had returned to the stable to see that the animal had had enough hay and grain and sufficient bedding. Such unusual consideration finally caused him to ask the owner why he was concerned as to the comfort of the old horse. In reply the old farmer asked: "Why shouldn't I take good care of him? Don't I owe one of the best farms near Alva, Oklahoma, to his speed and willingness?"

All of the horses that made races for homestead claims have crossed "the Great Divide" and most of their riders have traveled the same trail, but the stories of steeds and masters shall be retold to generations yet unborn. It is well that the day of mechanical transportation, on highways and through airplanes, did not dawn until a later period.

APPENDIX XLIII—4.

WICHITA MOUNTAIN FOREST AND GAME PRESERVE.

When it became definitely known that the surplus lands of the Comanche-Kiowa-Apache reservations were to be thrown open within a few months, certain public-spirited citizens of Oklahoma City sent a memorial to the Secretary of the Interior, requesting and urging that a reservation be made for a national park within the limits of the picturesque Wichita Mountain Range. Inasmuch as a national park could only be established by act of Congress, and as Congress had already adjourned and would not reconvene until after the lands in question had been thrown open to settlement, an arrangement was quickly effected between the Interior Department and the Department of Agriculture, whereby a tract of 58,000 acres of land, in the Wichita Mountains, including several of its highest and most ruggedly picturesque peaks, should be set aside as a forest reserve. Such a course was possible, as the President had a right to make such a reservation simply by issuing a proclamation defining its metes and bounds, and stating the purpose for which it was reserved. Practically and in effect, the same end was reached by a different and much more readily available means. The custody of the new reserve was taken over by an official of

the Department of Agriculture. Much of the land not actually covered by the granitic mountain formation, was suitable for pasture and was leased out to cattlemen for such purposes.

On the morning of October 26, 1903, there appeared in the Kansas City "Journal," under a Guthrie, Oklahoma, dateline, an anonymous interview with the writer hereof (J. B. T.) wherein the suggestion was made that the government should attempt and establish a buffalo herd on the Wichita Mountain forest preserve. The "Journal's" correspondent played the story up for nearly three-fourths of a column, crediting the suggestion to a "prominent local sportsman." Several days later it was reprinted in a Lawton paper. Now it so happened that there was living in Lawton a gentleman who was an active member of the League of American Sportsmen, and who was planning to attend the forthcoming annual meeting of that organization, at Chicago. He did so with a resolution already prepared, endorsing the idea of developing a big game preserve on the Wichita Mountain forest reserve. This resolution was adopted by unanimous vote of the organization, with the result that the Bronx Park Zoölogical Society came forward with an offer to furnish the foundation stock for the development of such a herd.

Several years were required to interest Congress in the proposed big game preserve. Finally such appropriation was secured and a tract of 8,000 acres were fenced with a high strong wire fence and, in the spring of 1907, fifteen head of buffalo were shipped from New York City. One of these was accidentally killed in transit and two died after arrival. The rest prospered and the herd has multiplied until it now numbers over two hundred head, despite the fact that many animals have been sold to parks and private individuals. A car-load of elks was shipped in from Wyoming subsequently, and these too, have multiplied until there is a large herd. The native deer have never been entirely exterminated and, with the protection afforded by the regulations enforced, these too have become very numerous. In still more recent years, success has finally crowned the efforts to restore the pronghorn antelope, of which a few are now doing well in the reserve.

The most recent addition has been a small herd of twenty-two head of the old-time longhorned spindle-shanked, slab-sided, half wild cattle of Texas, which were of Spanish-Mexican origin. This last brood was so nearly exterminated that it required a patient and extended search to locate and secure them, and it is not strange that they now attract more attention than the buffalo or other wild animals on the reservation.

Wild turkeys which had been exterminated, were reintroduced and have now become quite common.

APPENDIX XLIII—5.

THE FORT SILL RESERVATION.

When Fort Sill was established, in 1869, a reservation was selected, embracing something over 20,000 acres of land. In 1893, the Indians of the Chiracahua Apache band, who had been carried away as prisoners from Arizona, and had spent several years at Fort Marion (St. Augustine), Florida, and at Anniston, Alabama, were brought as prisoners to Fort Sill. Small cabins were built for them at various points on the military reservation and, Lieutenant H. L. Scott, 7th United States Cavalry, was placed in charge of them. They engaged in farming, gardening and stock raising. Despite their reputation for fierce and relentless hostility to the white man, they seemed to readily adapt themselves to the ways of peace, and lived in a quiet and orderly way.

Shortly before the opening of the Comanche-Kiowa reservation lands to homestead settlement, an arrangement was effected with the people of these tribes whereby the Fort Sill reservation would be enlarged sufficiently to furnish allotments for all the members of this Chiracahua band, though this fact was not generally known. Late in the summer of 1902, it was rumored that two commissioners, representing, respectively, the Interior Department and the War Department, were coming to Fort Sill shortly, to assign permanent allotments to the members of the captive band. At the same time, it was learned



FORT SILL, WHEN FIRST COMPLETED ABOUT 1871



MOUND BUILDERS MOUNDS, LE FLORE COUNTY, OKLAHOMA

that the Oklahoma Department of the Grand Army of the Republic had appointed a committee to visit Washington, where it was planned to call upon the Secretary of War and ask that he recommend to Congress the donation of the site, buildings and one square mile of land at Fort Sill, for a State soldiers' home.

Lieutenant H. L. Scott, already mentioned, was delegated and directed to select the additional lands for the enlargement of the reservation and survey the same. It is of interest to remark here that, in doing so, he made the outlines of the enlarged reservation in the form of a "figure seven," in honor of the famous 7th Cavalry with which he served so long and faithfully as a company officer. His name will be recognized as that of Major-General Hugh L. Scott, of the United States Army, retired, who was serving as chief of the General Staff throughout the first half of the Woodrow Wilson administration, and who was retired because of the age limit, shortly after the United States became involved in the World War, in 1917.

Of course, all this presaged the early abandonment of the only military post which seemed to have any chance to be permanently garrisoned in Oklahoma. At this juncture, a board of several officers of the Oklahoma National Guard was convened in Oklahoma City, under a special order of Colonel Roy Hoffman, the ranking officer of the National Guard, for the express purpose of considering this and other matters of military interest. As a result of their deliberations, a letter of protest was drafted by the writer hereof (J. B. T.) and subsequently signed in duplicate by the other officers of the board, who had been present at the conference. One copy of this letter, addressed to the Secretary of War, was sent directly to that officer, Secretary Elihu C. Root, while the other was sent to the personal secretary of the President of the United States. Sound military reasons were advanced as to why the post and reservation at Fort Sill should be held intact. This letter seemed to have made a successful appeal to the judgment and prompt action of President Theodore Roosevelt and his war secretary as, four or five weeks later, a press announcement from Washington conveyed the information that the War Department had rescinded its former decision to permit allotments to be made on the Fort Sill military reservation. A copy of this letter may be found in the annual report of the Adjutant General of Oklahoma, for the year 1902, and is reproduced hereinafter.

A year or two later, Lieutenant-General Nelson A. Miles paid a visit to Fort Sill and a year or two after that, Secretary of War William H. Taft visited the post and inspected the site. During the administration of President Taft, the buildings of the new post were erected. During the World War, the Fort Sill reservation was selected as the great military training camp, designated as Camp Doniphan. Fort Sill and its reservation is also the site of one of the citizens' military training camps, held annually, and also of the annual encampment of the Oklahoma National Guard.

The old post which was built in the early 'seventies has been used for the school of field artillery for the United States Army, since the erection of the new post. Fort Sill is accounted a brigade post, usually having two or more regiments of artillery in garrison. It is picturesquely situated near the eastern base of the Wichita mountains. The noted Medicine Bluffs—a series of three basaltic cliffs, form one of its most striking landscape features. Around these cluster several fascinatingly romantic Indian legends which pertain to the past. At the foot of these declivities and past the post, flow the limpid waters of Medicine Bluff Creek. There are many other places of scenic and sentimental interest upon the reservation.

A Memorial To The War Department.

The Hon. Elihu C. Root, Secretary of War,
Washington, D. C.

Sir:—The undersigned, composing a committee duly appointed to represent the officers of the Oklahoma National Guard would most respectfully beg leave to address you in regard to a matter of deepest interest and concern to them, namely, the preservation

and improvement of the military post and reservation known as Fort Sill, in Comanche County, Oklahoma.

We first desire to call to your attention the fact that this reservation embraces a tract of land approximately fifty thousand acres, and that it joins the Wichita Mountain Forest Reserve which has an approximate area of fifty-eight thousand acres; that the two reservations, with an aggregate area of nearly one hundred and ten thousand acres include lands of every class and character, from that of the smoothest upland prairie and alluvial creek bottom to the roughest and most rugged type of granitic mountain formation; that these reservations have a fair timber supply and a water supply unsurpassed in both quality and quantity, all of which are necessary elements in an ideal military training ground.

While it is true that, in the matter of accessibility by rail, this tract has been lacking the necessary facilities for rapid concentration of troops, yet, in this respect conditions are being greatly improved, two railroad lines now passing through the Fort Sill reservation, while others are now under construction to points adjoining.

The time will come, and that before many years, when the tract embraced in these two reservations will be the most available, for the encampment and maneuvering of a large body of troops, of any in the Central West, not alone because of its size, but also because of its natural resources and the varied character of its surface.

We have learned from press reports that the captive Apaches known as Geronimo's Band, are to receive allotments on the Fort Sill reservation. We have also learned from reliable sources that the Oklahoma Department of the Grand Army of the Republic is making, or is about to make, an effort to secure the donation of the site and post building of Fort Sill for a State soldiers' home.

Our purpose in thus addressing you is to urge upon you the wisdom and expediency of preserving intact the Fort Sill reservation. It is true that, as a strategic center, it is no longer a necessity, owing to the pacification of the Indians of the Plains, yet we trust that inasmuch as the surrounding States have each from one to three permanent military posts, Oklahoma may have at least one. Fort Gibson, Fort Arbuckle, and Fort Supply, and the names of several camps and cantonments of lesser note, are but memories of our little known frontier military history and, even now, Fort Reno is scarcely to be regarded in the light of a possibility as a permanent military post. Under these circumstances we believe that the Fort Sill post should not only be maintained but enlarged and improved.

If the members of the Grand Army of the Republic want to secure the donation of the site and buildings of Fort Reno for a Soldiers' Home we have no objection whatever, but we do believe that, if the "Dick Bill," now pending before Congress, is to become a law, and the National Guard of this and surrounding States is to become the efficient body that it should, no donations or transfers of any part of Fort Sill reservation should be made by the War Department.

We do not wish to crowd out Geronimo and his people, but, as this reservation is far removed from their original habitat, there is no more reason in sentiment than in necessity for assigning allotments to them in that particular locality. If the Government has public lands to dispose of at Fort Reno, or elsewhere, there is no reason why such allotments have to be made on the Fort Sill reservation.

Trusting that you may give this matter your careful consideration, and being confident that your action will be guided by what is best for the united service of the regular establishment and the militia, we are, Sir,

Very truly,
E. H. JAYNE,
Major 1st Infantry, Ok. N. G. Pres.
J. B. THOBURN,
Capt. 1st Battery Ok. N. G.
F. W. HUNTER,
First Lieut. and Adj. Ok. N. G.
Recorder.

—Annual Report of the Adjutant General of Oklahoma Territory, 1902, pp. 56-58.

APPENDIX XLIV—1.

SIDNEY CLARKE'S SPEECH.

"Mr. President: I protest against the passage of this bill, 'providing for the Location, Erection, Management and Control of a Territorial Penitentiary, a Territorial Asylum for the Insane, a Territorial Asylum for the Deaf, Dumb and Blind, and a Territorial Reform School for Boys and Girls, for the following reasons:

"1st. Because the location of these institutions at this time under the provisions of this bill is ill-advised and unnecessary.

"2d. Because under the pretense of making a direct appropriation of only \$130,000, a debt against the Territory and future State of Oklahoma, of several million dollars is really initiated, and avenues of corruption, speculation and innumerable frauds are opened to public officers not elected by, or responsible to, the people and taxpayers.

"3d. Because the past history of Territorial administrations in Oklahoma shows that Federal officers have frequently disregarded existing laws, lavishly expended the public moneys in violation thereof, and in many matters connected with the erection and control of our public institutions, proved unworthy of the trust committed to their charge.

"4th. Because under the Act of Congress, the money derived from Section 33 was intended to be applied, in the first instance, in the erection of the Capitol Building, which on the admission of the Territory as a State, becomes the first necessity, and that, therefore, the provisions of this bill are a practical nullification of the will of Congress.

"5th. Because the outstanding indebtedness of the Territory at the close of business, January 17, 1901, was \$413,448.44. That an additional indebtedness of \$80,494.37 would exceed the one per cent. limitation prescribed by the third Section of the Act of Congress of July 30, 1886. This excess of the legal limit of indebtedness has, in my judgment, been reached by debts already contracted by the Territory, and certain appropriations of revenues authorized by this bill would be null and void.

"6th. Because the bill was not read or considered in the Committee of the Whole in the Council as provided by parliamentary rules, and because members of the Council were denied the opportunity to consider it by sections, and propose amendment to the same; and because the previous question was moved, entertained by the Chairman of the Committee of the Whole and adopted by the supporters of the bill, in direct violation of Robert's Rules of Order, which are the rules of the Council.

"7th. Because it creates a host of appointive officeholders, to be selected by the Governor at a time when the Council will not be in session, and hence will have no voice in rejecting the nominations of incompetent or corrupt men.

"8th. Because of its illegal, loose and inconsistent provisions and the questionable parliamentary methods connected with its passage by the Council, it will eventually lead to protracted litigation in the courts.

"9th. Because of the use of such questionable methods in a matter of local legislation, such a defiance of the rights and interests of the people will greatly injure the fair name of Oklahoma abroad and result in restrictive measures by Congress in granting lands to the future State.

"10th. Because the location of a reform school for boys and girls in one building, as provided in this bill, would be a gross outrage against public and private morality, a reflection on the intelligence and character of the Legislative Assembly, and would result in the complete destruction of all reformatory influences among the boys and girls of such an institution.

"11th. Because the contracts authorized by the bill are not properly guarded, and the expenditure of the appropriation would be subject to the greed of contractors, directors, superintendents and agents.

"12th. Because in founding the penal and charitable institutions of what is destined to be a great State, the general interests of the great body of people would be paramount to petty local interests and legislative schemes to provide the same.

"Mr. President, the passage of this bill will inflict an unparalleled outrage upon the people of Oklahoma.

The pathway its promoters and supporters have marked out for themselves will be strewn with political wrecks and dead men's bones. The men who pay the taxes, the men who are careful of the financial reputation and character of our beloved Oklahoma; the men who live on the farms and are out of debt because of the generosity of the Government of the United States in enacting the Free Homes Bill the men who live in cabins and the dugouts, struggling in their manhood to support their wives and their families, with the hope of a brighter future, will hear and read of the great wrong you are about to perpetrate. They will condemn it in their homes and they will exercise their right of independent freemen in rebuking it in no uncertain terms.

"For the reasons I have stated, and for a multitude of other reasons not set forth in this protest, I vote 'no' on the passage of this bill."

APPENDIX XLV—1.

A STATEHOOD PETITION.

"To the Congress of the United States:

"The people of Oklahoma Territory, without distinction of party assembled in convention at Oklahoma City, on December 15, 1891, hereby submit to the Congress of the United States the following statement of facts relating to the condition of the Territory and the section of country occupied by the five civilized tribes, and in behalf of the passage of an enabling act provided for the admission of Oklahoma as a State:

"That area of the old Indian Territory comprises 68,991 square miles or 44,154,240 acres of land:

"That this area is exceeded by only fourteen States of the Union, and that, in fertility of soil and its capacity for agricultural and mineral production, is not excelled by any other section of the United States;

"That the Committee on Territories of the House of Representatives of the Fifty-first Congress reported that 'excluding the full-blood Indians there are in the Indian Territory and Oklahoma about 247,200 people, who are either white or mixed blood, but who in personal appearance and in their habits and customs and in their intelligence do not differ materially from the people who inhabit other parts of the United States;'

"That since said report was made the Indian title to more than 5,000,000 acres of land in Oklahoma Territory has been extinguished, and has been opened and is about to be opened to settlement, adding, with the increase of other sections, not less than 50,000 to our population, and increasing the sum total to about 300,000;

"That the opening to settlement of other lands in the near future will only be, in rapidity of settlement, a repetition of settlements already made, and that, before the expiration of the present Congress, there will be in Oklahoma and the Indian Territory a population of half a million people;

"That the population of Oklahoma Territory proper by the Federal census of 1890, before the opening of new lands, was 61,934, which exceeds the population of either of the states of Illinois, Ohio, Nevada, Oregon, and Wyoming at the time they were admitted as States, and that not a single Territory, with the exception of Washington and South Dakota, has had a population equal to Oklahoma, with the Five Tribes included, when admitted to the rights and privileges of statehood;

"That the rapid settlement and development of Oklahoma has been exceptional. Cities have been born in a day, and vast areas in the public domain have been as speedily occupied by an industrious and thriving population. A single year has witnessed more development in Oklahoma than has taken place in any other Territory in a whole decade;

"That, in the interest of good government, all of the old Indian Territory should be included in the future State of Oklahoma, and that by so doing there will be no conflict with treaty stipulations and no infringement upon the rights or property of the Indian tribes;

"That, following the uniform precedents established by Congress in the admission of States, we favor the protection of the Indians in all their legal and equitable rights under the treaties and agreements. We believe, in the language of President Harrison in his recent message that, 'The relation of the five civilized tribes now occupying the Indian Territory to the

United States is not best calculated to promote the highest advancement of these Indians. That there should be within our borders five independent states, having no relations except those growing out of treaties with the Government of the United States, no representation in the Nation's legislation, its people not citizens, is a startling anomaly.' And we further agree with the President that 'it seems to be inevitable that there shall be before long some organic changes in relation to these people.' We believe these changes should come through statehood, citizenship, equitable laws, home courts, prompt suppression of crime, and equal representation.

"That, while we are at all times loyal to the Federal Government, and fully recognize the constitutional power of Congress to enact laws for the government of the Territories, we seek self-government and home rule as a necessity for our full measure of prosperity, and as a part of the pride and glory of all patriotic citizens;

"That here as in the other Territories, the divided jurisdiction between Congress and the Territorial Legislature is an impediment to the investment of capital, to the permanency of manufacturing and business enterprises, and inefficient and unsatisfactory in the protection of life and property;

"That we have more than 1,000 miles of railway now in operation, other lines in progress of construction, and with the confidence that would be assured by the passage of an enabling act by Congress providing for the formation of a State government, many more lines would be projected.

"We therefore declare that, in view of the extent of territory we ask to be included within the geographical limits of the State of Oklahoma, the number of population, the variety and magnificence of our material resources, the business, educational, religious, and social conditions which exist here, and the aggressive and enterprising character of our people, the time has come for Congress to pass an enabling act as herein indicated, and that at an early day we should be permitted to throw off our Territorial pupillage and assume the dignity and responsibility of a sovereign State.

"J. P. LANE,

"President of the Convention.

"T. M. UPSHAW,

"Secretary of the Convention."

In addition to the foregoing memorial, the following resolution was also adopted:

"Resolved, That an executive committee, to be composed of one member from each county, be appointed by the chair, whose duty it shall be to prepare an enabling act providing for the admission of Oklahoma as a State, to include all of the Indian Territory within its geographical boundaries, to collect the necessary statistics and information in support of said act, and to present the same, together with the proceedings of this convention, to the Congress of the United States.

"Resolved, That our delegate in Congress be requested to introduce and support said organic act."

APPENDIX XLV—2.

ROLEY McINTOSH GIVES GOOD REASONS.

"Mr. Chairman and gentlemen of the committee: Having been permitted to speak, I am pleased to address you this morning. Several gentlemen have talked to the committee on the subject of the Indian question. Many of them seem to be lawyers, men of fine address. I do not fully know what they have said, still I know that they have been talking about the Indian people in the Indian Territory, and that being the case, I, being a full-blood Indian, want to say a few words. I am not a trained lawyer. I have no English education, and I wish you to hear me leniently and not to expect any hair-splitting arguments from me.

"I am a full-blood Indian. The Indians, as you know, are hunters. I am a hunter myself. I like the chase. The educated man hunts sometimes. He has fine arms. His guns and weapons are of fine material, and they do great execution. I myself, as an Indian, do not know anything but the bow and arrow. It is true I have gotten out of that, but in what I

have now to say, my arms will be my bow and arrow. In hunting the game that we shoot, we have to expend many arrows and many bullets when the game is large. But the game in this particular case seems to be very small game, and I do not think that I need to expend a great deal of ammunition upon it. I ask this question to commence with: How do the United States look upon, and what do the United States think about, these five civilized tribes of Indians down there? I believe that the United States have recognized that we are a Nation. The evidence of that, so far as I am concerned is the fact that you have made treaties with us; and you have seemed disposed, and from time to time, to comply with these treaties. I cannot give statistics, I cannot give dates, but you yourselves, gentlemen, will know when the United States first commenced making treaties and agreements with us as a Nation. What the gentlemen from Oklahoma have said here has been interpreted to me, and to tell the truth I really pity those gentlemen. As I have told you, I am an old Indian, and I only know one way; and when you make a contract with me, I expect you to stand by it. I know that you have agreed with me (that is, with the Creek Nation) that, in no time, shall that country be included within the bounds and limits of any State: and I am perfectly satisfied that you will live up to that.

"It has been told to me that one of the Oklahoma gentlemen here has said that a large number of white people have got in among the civilized tribes, and that those people are lawless, and that our country is a harbor for bad white people, and all that sort of thing; and I have been told that that has been urged here as a reason or argument why that country should be included in the State of Oklahoma. There are those in our country who are there in accordance with our laws, Cherokee laws, Creek laws, and other laws. Some are adopted, some are there under permit, and some are there as tenants; but the lawless and bad elements down there are people who are there not according to any law of ours. And why are they here? You have agreed in treaties with us that you would protect us against intruders; and they are there today because you do not carry out that treaty.

"Then, again, there is not any very great matter against us because of lawlessness down there, for the simple reason that there is no State, no country, no county, where there are not lawless people and where there is no crime. There is no such country. These lawless people are to be found in all countries and in all States. They are the people who cause the making of laws. If we had no lawlessness there would be no need of laws. They almost make States; they make governments, and if it were not for the fact that there were lawless people, there would be no government, there would be no law, and no officers, and no army, for the simple reason that there would be no need of any.

"The talks of these gentlemen from Oklahoma, as they have been interpreted to me, lead me to believe that that is what they are working for. There is some lawlessness down there, and the lawyers (for I believe that there are many lawyers out there) are having a dearth of business and are anxious to get at these people down there. They purpose to catch us in their scheme and to give us trouble; but we are not giving anybody else any trouble. That seems to me to be the case.

"Texas wants to take us down to Paris, and Kansas wants to take us to Wichita, and Arkansas wants to take us to Fort Smith, and now here is Oklahoma holding us on this side. That places us in a very awkward position, and shows, as I think, just about what the case is. But I feel safe. I think that justice and honesty will prevail and I am not much afraid.

"I have read this bill. That is, it has been interpreted to me. I understand that there is a provision in it which includes us in the State of Oklahoma, but goes on and provides that nothing in the bill shall be construed as to interfere with the tribal organizations of the Indians. You cannot pass this bill and not violate the treaty or not interfere with our tribal organizations. We have sold you this land. Your

people are there. If they want a State let them make a State and leave us alone.

"You see that I am a full-blood Indian. I told you that I was. Our language is different. You cannot understand me and I cannot understand you. I am a different kind of a person from you. But how came we in that way? The Power that is above us intended that we should be thus and that is why it is so. I think that you, gentlemen, know who were first on this continent. If you look up history you will find that the Indian was here first. A white man by the name of Columbus came here and found the Indians here. If you came here and found a happy race of people, and if they had done nothing special to cause you to extinguish them, and if they are still struggling for existence, a great nation like you can not afford to crush out such people. Why should you?

"When the Great Power above us created you and created us, it created us different from each other. Our customs were different and all our habits were different. He made us in that way. And having done that I cannot see that it is right for one to extinguish the other. I do not think it is right and I do not think that He ever intended it.

"We have representatives here from the five civilized tribes, or from most of them. They have no fears that the great Government of the United States would override the treaties which it has entered into with them, by passing such a bill as this. I have no fears of that sort, nor have the members of the other delegations.

"This matter has been up before the committee for several days. It has been shot at, and wounded, and bruised in all shapes, until now it is pretty well understood; and I do not think of taking up much more of the time of the committee, but I want to say one thing. The gentlemen from Oklahoma seem to be anxious to form a State government. Indeed I think it is simply a scheme to get up offices for some of these people down there. Let them go on and do that for themselves; but let them leave us out. We have a free system of government, and have had it for years, and we must insist upon not being included in the proposed State of Oklahoma.

"Bear with me a little longer. There was a good deal said about a class of people in the Indian country who could not be reached by law. I want to speak on that point a moment. We have your deputy marshals all over our country—United States deputy marshals. We see them every day. And in all the little towns of the Creek Nation we have officers appointed by the Interior Department, who are known as Indian police, and who are also conservators of law and order. There are so many of those United States deputy marshals, and Indian policemen there, under appointment from the Government of the United States, that they hardly have criminals enough to catch. Sometimes these deputy marshals have trouble among themselves. One will say, 'I had a writ for that fellow and you have gone and caught him.' There is no disposition down there to violate the law or to kill off the people as the gentleman (Mr. Speed) said there was. My own observation is that we have down there quite as much law and order as you have in the average State of this Union. Of course we have our share of lawlessness, as you have in your own States, but I know of no place where there is a disposition on the part of the authorities or of the people there to be lawless, and to kill off deputy marshals and people who are engaged in the suppression of crime. That is a large extent of country, and one cannot go over it and know everything that is going on in it, and for that reason the gentlemen from Oklahoma and elsewhere who have charged us with much lawlessness are mistaken. They have not seen it. They have been perhaps in some little locality where there was much lawlessness, and they have seen that and have projected it upon the public as an indication of the general state of affairs there. But that is not the case."

APPENDIX XLV—3.

SENATOR PLATT'S REMARKS ON STATEHOOD.

"These Indians came from east of the Mississippi; they came to fertile lands. They had in addition to

these lands a vast tract west of them, which is now the Territory of Oklahoma by reason of the fact that they have sold their land. They commenced their government as an Indian community, pure and simple; they formed their constitution as Indians; they organized their courts as Indians; they passed their first body of laws as Indians, isolated, far away from white settlements, and away beyond the line where it was supposed that white civilization and white enterprise would go within a century, and there was to be worked out the problem whether the Indian by himself was capable of self-government and of advancement in civilization and progress until he should become thoroughly dissociated from his former Indian customs and barbarism. In other words, the United States guaranteed to these Indians that they should have the opportunity to try that experiment, believing that they were capable of doing it.

"The whole guaranty turned upon the idea of giving the Indian a chance by himself to maintain a republican government without the interference of white people, without the baleful influence of white people exerted over him, far removed from any possibility of the greed of the white people. These Indians, like other Indians, felt that the white people were crowding them in their old homes: were taking away from them not only their lands, but their cherished customs and privileges. Therefore they stipulated with the United States that they should be permitted to govern themselves without the interference or aid of white people.

"Mr. President, they have themselves entirely changed the conditions under which these treaties were made; they have entirely destroyed the reason for these treaties and the spirit in which they were made. The Indian no longer governs himself in the Indian Territory. When I say that, it needs a little explanation.

"By the laws which have been passed among these civilized tribes any white man who marries an Indian woman having sufficient Indian blood to be entitled to be a citizen of the Nation becomes to all intents and purposes an Indian for all the purposes of government; the white person intermarrying becomes an Indian. So from small beginnings, where perhaps no particular disadvantage arose from this adoption of white people who intermarried, the matter has gone on until now the white Indians are in control, and the real Indian has little or nothing to say in those governments. Instead of being Indian Republics, they are white oligarchies. Other laws which they have passed have enabled these white Indians to acquire all the most valuable lands.

"There is no such landlordism and tenancy existing anywhere in the world that I know of as in this Indian Territory. The laws which have been passed enable any Indian to occupy any unoccupied land. So these white people, these white Indians, have practically occupied all the land of the Territory.

"Some instances might be interesting, Mr. President. Along the line of the Chicago & Rock Island Railroad, running through the western part of the Choctaw country, there are probably 50,000 white people. They have settled there within the last three years. In all that country tributary to the railroad I suppose there are not 300 Indians. A single instance will show how the white people have absorbed the lands of the Indian Territory to the exclusion of the Indians. At a town named Duncan there was a Scotchman by the name of Duncan who had a trading post. There was also a white woman there who had been the wife of an Indian, but whose husband had died. The white woman, by marrying the Indian, became an Indian citizen. Then, when she became a widow, Mr. Duncan, the Scotchman, married her. By that means he became an Indian.

"Mr. Pepper: Both white?

"Mr. Platt: Both white; not one drop of Indian blood in the veins of either. These two persons, husband and wife, Mr. and Mrs. Duncan, have 17,000 acres of land under cultivation and grazing by their right of occupancy as Indians. They have also a town of 1,500 inhabitants, the right to occupy which is conveyed by Mr. Duncan, and the yearly rents for occupation amount, I suppose, to from five to seven thousand dollars. As in that nation an equal division

of the lands would give to the Chickasaw Indians 647 acres of land each, it will be observed that such a large holding by two persons absolutely deprives more than twenty-five other Indians of any opportunity whatever to occupy any land in that Nation.

"I want to say here in regard to Mr. Duncan that I believe him to be one of the best of the white Indians in the Indian Territory. The observations which I have made with reference to the cupidity, the greed, and the vicious practices of these white Indians do not apply to him—at any rate not to any such extent as they do to others.

"Mr. President, what has become of the Indian in the meanwhile? The full-blood Indian, when he entered that Territory had little idea of agriculture. He desired the mountains where game was abundant, and where the natural scenery coincided with his imagination. So the Indians settled in the mountains and in the hill country. While these white men, calling themselves Indians and running the Indian government as Indian citizens, are thus amassing wealth in almost fabulous amounts, the real Indian is away in the hills. He has perhaps two or three acres of arable land which he occupies. He raises, in a very rude way, some corn on those two or three acres. He pounds it in a stone mortar and mixes it with ashes, and that, with what he can get by hunting and perhaps by the raising of a few pigs and chickens, constitutes not only his entire wealth, but his only opportunity for subsistence. The possibility of his obtaining agricultural land and learning to cultivate it no longer exists, and it cannot exist while these white Indians maintain their immense holdings. The civilization, which it has been fondly hoped the Indian would attain to in consequence of the allotment of land to him, has become absolutely impossible. The land, which he ought to have, is held by these feudal lords under the sanction of the Indian governments, which they have obtained and maintained.

"Under the condition which I have been describing—and no man dare paint it in its true colors for fear he will not be believed—the real Indian is not only arrested in the progress of civilization, but he is actually deteriorating and returning to barbarism. Yet we are told that we must keep faith with the Indians and that we must not meddle with these Indian republics!

"As I said, Mr. President, the spirit of that guarantee and the reason for it and the value of it have gone long ago by the acts of the Indians themselves. So far as the Indians are concerned, the laws are made in their legislatures by the influence of white men exerted as I have described; the laws are administered in the Indian courts by the influence of the white men and by the methods which I have described; but the republican government, the courts, the machinery for the administration of justice are as bare of life as a skeleton. The life, liberty, and property of the real Indians are without protection in those governments. The very spirit of the government has been destroyed; the object of the government has been perverted.

"But, Mr. President, there are two parties to a treaty, and when one party breaks it there certainly can be no obligation on the other party to maintain it. Every vital clause of these treaties has been broken or overridden by the Indians themselves. They received the lands by patents to their tribe. In some of the patents it was expressed and in other cases it was expressed in the treaty that the land was to be held for the equal benefit of each member of the tribe. I do not give the exact language, but that is the substance of it. Yet the Indians themselves have put those lands in the hands of a few white people and have practically excluded the large body of the Indians from participation in them. Nevertheless it is said that the treaty must be kept; that faith must be kept with the Indians; that the treaty binds the Government of the United States, and that the Indian government must not be interfered with. Why? In order that the white Indians may still hold on to their spoils!

"The United States, I think, is not only no longer bound to keep the treaty, so far as this particular matter is concerned, but in my opinion it is bound to step in and execute the trust which was created by

the conveyance of the land to the tribe or Nation for the common benefit of all. A trust went with it—a trust that those governments should see to it that no man got the benefit of the land to the exclusion of the others. If the chief of one of the nations had seized all the land in the nation for himself it would be no more a violation of the treaty on the part of the Indians than what has taken place under the laws which they have passed. Yet I imagine that even the most sentimental philanthropists would scarcely hold that we should keep the treaty with the Indians if one man had seized all the land. The present situation comes pretty near to that condition. The commission reports that in one of the tribes, whose whole territory consists of but 3,040,000 acres, within the last few years laws have been enacted under which sixty-one citizens have appropriated to themselves and are now holding for pasturage and cultivation of 1,237,000 acres.

"What was the treaty? What did the Indians stipulate in the treaty? What duty was put upon them to observe? That the lands should be held for equal benefit of all? When sixty-one persons get practically half of the land in one of these nations and two-thirds on all the arable and grazing land, is there any longer reason why the United States should keep its guarantee to those people that they shall have the right of self-government? I think, too, that when the Indians have so far failed to maintain a proper government that the life, liberty, and property of the Indian is no longer safe under its laws or in the administration of its justice they have also violated the treaty.

"If it were not expressed, it was at least implied that the government should be for the benefit of all the people, and it was stipulated that no laws should be passed by the Indian governments which were contrary to the Constitution of the United States. The laws which they have passed may not be contrary to the letter of the Constitution of the United States, but they are in absolute defiance of the spirit of the Constitution; and even the laws for the protection of life, person, and property which have been passed are not executed and are not pretended to be executed, except where it suits these lords of the soil that they shall be executed.

"I think I have said all I desire to say to show the importance of this subject, and to show that the Government can no longer rest quiet and secure upon its original proposition that it leave the government of the Indians to the governments which they should erect. There is a higher faith to be kept with the Indians than the letter of the treaties which they have violated, and which, to keep further, will relegate the Indians to barbarism. If when we made those treaties we absolved ourselves from all obligations to the Indian to look after him, to care for him, to see that he enjoyed his rights, to see that he advanced along the road of civilization, then, possibly, the arguments may be still held up to see that we have nothing to do except to keep faith with the Indian, so far as the letter of the treaty is concerned, and let him go to destruction. But I apprehend that we have a higher duty than that toward the Indians. I apprehend that it is the duty of the United States to take care of them still; to see that they are not despoiled of their lands by those white people whom they have admitted to Indian citizenship; to see that life, liberty, and property are still protected in those nations, and that the Indians shall still have the opportunity and be encouraged to make progress rather than that they shall go steadily back to that barbarism from which we have attempted to raise them."

APPENDIX XLV—4.

"SINGLE STATEHOOD RESOLUTIONS OF THE OKLAHOMA CITY COMMERCIAL CLUB.

"To the Oklahoma City Commercial Club:

"Your committee on State and National legislation beg leave to submit the following resolution:

"Be it resolved, That we regard the question of statehood as of overwhelming importance to the people of Oklahoma and Indian Territory: not only to those now living, but all the unborn generations. Whether statehood shall come this year or the next, we regard as of infinitesimal importance when compared with the question whether we shall have one

or two States. We favor the creation of only one State out of both Territories for the following reasons:

"First. When combined as one State its area as compared with the other Western States would be small. The areas in square miles of the States and Territories west of the Mississippi are as follows:

"Oklahoma, 39,000; Indian Territory, 31,400; the aggregate area, 70,400.

Minnesota	83,365
Arkansas	53,850
Missouri	69,415
Iowa	56,025
North Dakota, about	75,000
South Dakota, about	75,000
Nebraska	77,510
Kansas	82,080
Texas	265,780
New Mexico	122,580
Arizona	113,020
Colorado	103,925
Utah	84,970
Idaho	84,800
Montana	146,080
Washington	69,181
Oregon	96,030
California	161,562

"It will thus be seen that of the eighteen States named, fourteen have a larger area than that of the two Territories combined: Missouri and Washington about the same, and Arkansas and Iowa a few square miles less, so that the two Territories combined have an area of 25,171 square miles less than the average of the Western States. Oklahoma alone has an area of 56,571 square miles less than the average. If combined, the two Territories will only make a fair-sized State. If divided, they will both be pigmies.

"Second. To impose upon this small area the burden of supporting two separate and distinct State governments would render taxation oppressive. As one State the cost of maintaining the State government and institutions would be very little more than the cost of maintaining each of the separate State governments.

"Third. In our judgment it is the desire of not less than 90 per cent. of the taxpayers that we should have single statehood.

"Fourth. The geographical situation is such as to make nature herself an eloquent spokesman in favor of single statehood. This entire area was originally embraced within the boundaries of the Indian Territory. Upon the map she now has the appearance of sitting in the lap of the Indian Territory. The two are wedged together; they have the same railroad systems; they have a homogeneous population. The mere geography of the country argues for single statehood.

"Fifth. The resources of the two Territories cry aloud for union. Oklahoma is almost wholly agricultural. The great wealth of the Indian Territory is in her mines and forests. With the product of the farm, the forest, and the mine allied in common cause of building up one State, immediate success and immense achievements are sure to follow.

"Sixth. It has always been the contemplation of Congress that this entire area should be one State. Section I of the Organic Act, being the act of May 2, 1890, after describing by crooked and devious lines the boundaries of Oklahoma, contains the following provisions:

"Any other lands within the Indian Territory not embraced within these boundaries shall hereafter become a part of the Territory of Oklahoma whenever the Indian Nation or tribe owning said lands shall signify to the President of the United States, in legal manner, its assent that such lands shall so become a part of said Territory of Oklahoma, and the President of the United States shall thereupon make proclamation to that effect."

"Seventh. We favor single statehood because we believe that with the natural resources of the two Territories combined we can erect a commonwealth which will be a pride to the Union, a source of gratification and of prosperity to ourselves, and a rich heritage to our posterity.

"Be it further resolved, That it is our desire that Congress, in legislating upon this subject, should be fair toward the people of the Indian Territory. We think they are entitled to a voice in the location of all public institutions, in the formation and adoption of our organic law, and in the initial steps leading up to the Union.

"We do most earnestly, persistently, and respectfully petition Congress to heed the wisdom of the people of the two Territories on this question; to legislate not for the present but for the vast and unlimited future; to ignore party lines.

"We do most strenuously protest against being made the toys of politicians or the tool of any political party. We say it is not a question of politics, but a question of business, of taxation, of the future. We are absolutely indifferent to the possible political complexion of the single State, but regardless of political considerations, we wish that legislation which will best subserve the cause of the people of these two Territories.

"Be it further resolved, That the secretary of this club have 500 copies of these resolutions printed, and from that number he shall furnish a copy to each member of the Senate and of the House of Representatives.

"Respectfully submitted,

"C. B. AMES, Chairman;

"R. E. CAMPBELL,

"and FRANK WELLS,

"Committee on State and National Legislation."

"I want to facilitate the consideration of this bill as much as possible, and as I have already spoken in the general debate I have very little to add, except that I want to call the attention of members of the House to the map before us, so as to show the relation of these two Territories, one to the other, and thus get a clearer idea of what is involved in my proposition.

"You will find the Indian Territory indicated in red on the east. It is only a little less in area than Oklahoma. It has a few thousand population less, according to the census of 1900, and according to the census it has a denser population than Oklahoma. The Indian Territory has twelve people to the square mile, while Oklahoma has only ten. They are of the same character of people and have a common history. They ought to be in the same State for the good of both.

"I submit to the House and to the country that it is unjust to the people of the Indian Territory to provide for the admission of all the rest of our Territories between the two oceans and leave this one in this uncertain and undesirable attitude. These people deserve a better fate.

"If we are to pass the bill to admit three Territories, then we should cover all of them by taking in the Indian Territory.

"I do not undertake to speak for the politics of either of these Territories. There has been no election to indicate what the politics of the Indian Territory are, but if we take the record as to Oklahoma it is Republican. I make no objection on that account, for whether they be Democratic or Republican, it is their right and their privilege to have admission, and then at their own pleasure select their affiliations.

"I appeal to Republicans and Democrats alike to consider the condition of these people. They are equally as worthy as the people of Oklahoma. I am willing for Oklahoma to take her own Governor, her secretary, and the Dawes Commission and hold this election, and hold the convention in the capital of Oklahoma, giving her any advantage that she can get out of that, but I want the Indian Territory attached now or never. Any other course would be unjust to her. With 800,000 inhabitants the two will have four Representatives on this floor, and they will be worthy of her neighbors, Missouri, Kansas, Texas, and Arkansas.

"But, my friends, if you leave them as separate States you will find them both lacking in many things necessary to make a great State. Lacking in the money necessary to educate their children, and if they are to become a great people and prosper they must do that. I believe if you will make this State you will make these people glad and do a patriotic duty to all the people of the Union."

APPENDIX XLV—5.

RESOLUTION OF THE OKLAHOMA CITY CONVENTION.

"Oklahoma City, Oklahoma, January 6, 1903.

"Senator Albert J. Beveridge,

"United States Senate, Washington, D. C.:

"At a non-partisan Inter-Territorial Statehood Convention held in this city today, participated in by 2,000 delegates, representing practically every incorporated town and many hamlets in the Indian Territory and 20 of the 26 counties of Oklahoma, the following resolutions were unanimously adopted:

"We the people of Oklahoma and the Indian Territory, assembled in delegate convention for the purpose of giving organized expression to our desire for statehood, again declare to the Congress that we favor the creation of one State out of the area now embraced within both these territories, and we most emphatically indorse the simple statehood provisions of the Senate Bill known as the Nelson Bill. This Bill is in conformity to the views we expressed in our Single Statehood Convention held in Muskogee in November, 1901, and the convention held at Claremore in December, 1902. All those conventions, as well as this one, were and are representative of the business interests of both Territories, and were and are the organized expression of the desire of the people of both Territories for immediate single statehood upon terms of justice and equality to the people of both Territories. We indorse the platforms adopted by those earlier conventions, and we now quote with our approval the following extract from the resolutions adopted by the Claremore convention:

"We, the people of Oklahoma and the Indian Territory, in convention assembled, confident that organic union is our manifest destiny, again proclaim to the Congress that we favor the creation of a single State out of the area now embraced within both these Territories, and we offer the following reasons in support of our position:

"First, Oklahoma's area is 39,000 square miles; that of the Indian Territory only 31,000 square miles. The average area of the states and territories west of the Mississippi is more than 100,000 square miles, while that of Texas, our next-door neighbor, is 265,000. Our combined area will make less than 70 per cent. of the size of the average Western State, while taken separately, we will be the two Rhode Islands of the West.

"Second. The resources of the two Territories complement each other. Oklahoma is almost wholly agricultural, while the Indian Territory is richly endowed with mineral wealth, and the combination will make a State unsurpassed in variety and abundance of natural resources.

"Third. Single statehood insures larger taxable values and consequently lower taxation.

"Fourth. Single statehood eliminates a crooked, wandering, and fantastic boundary line which now divides the two Territories.

"Fifth. Single statehood confirms and cements a social fellowship already established by Inter-Territorial organizations of the Methodist Episcopal Church South, the Methodist Episcopal Church, the Episcopal Church, the Presbyterian Church, the Catholic Church, the Federation of Women's Clubs, and the Masonic and other fraternities.

"Sixth. Single statehood confirms and cements a business fellowship already established by Inter-Territorial organizations of the cotton-seed oil manufacturers, the lumber dealers, the ice manufacturers, the grain dealers, the flour manufacturers, and other business organizations.

"Seventh. Single statehood, finally, insures a state which will quickly take high rank in this Union, and which we can bequeath to our posterity with pride and satisfaction.

"We are opposed to the passage of either the Omnibus or the Moon Bill, because their enactment into law means either double statehood or single statehood long deferred, and accomplished, if at all, by the attachment process. We oppose the attachment process because it is not necessary for the Territories, being ready for immediate statehood; because it is unfair to the Indian territory to deprive its people of all par-

ticipation in the Constitutional Convention and the framing of the laws and from a voice in the location of our public institutions. We oppose the attachment process for the further reason that its effect will tend to create a sectional line of cleavage in the State which might not be obliterated for generations.

"We think we are entitled to immediate statehood—
"First. Because it is a right guaranteed us by the treaty with France at the time of the Louisiana Purchase.

"Second. Because it is a right that Congress ought not to deny to a million free and intelligent citizens.

"Third. Because both Territories are ready for statehood.

"Fourth. Because Congress has the legal right to grant statehood not only to Oklahoma but also to the Indian Territory. (Thomas v. Gay, 168 U. S. 264.)

"Fifth. Because both Territories have the necessary population, each having about 500,000, 90 per cent. of whom are American citizens.

"Sixth. Because both territories have the soil, resources, and climate to sustain this population and insure large and steady increase.

"Seventh. Because both have sufficient taxable property to support a state government without excessive taxation.

"Eighth. Because the work of the Dawes Commission has been so nearly completed as to no longer interfere with immediate statehood. That commission has concluded treaties with all of the Indian tribes, providing for the allotment in severalty of their lands, and authorizing the sale of all except the homestead. These allotments will probably be completed by the time a state government can be organized. The lands of the Creek and Seminole Nations have all been allotted.

"In the Cherokee, Choctaw and Chickasaw nations the lands have all been surveyed and classified, and the work of allotment is now simply clerical and should be completed within twelve months. The mineral and asphalt lands of the Choctaw and Chickasaw nations are to be sold by the Secretary of the Interior, and as soon as sold will of course be taxable. It, therefore, is beyond controversy that the work of the Dawes Commission no longer interferes with statehood, and there is abundance of taxable property.

"Ninth. Congress can reserve such power over Indian affairs as it desires, and statehood will in no way interfere with the free action of the Interior Department in carrying out all the treaties between the Government and the several tribes. In this opinion we are supported by a recent holding of Judge Hosea Townsend, of the southern district of the Indian Territory.

"We urge upon the attention of Congress the fact that it is not a question as to whether these two Territories shall be united, but whether they shall be divided. Thousands upon thousands of our citizens have moved into both Territories, relying upon past legislation and the future wisdom of Congress as insuring no division of those two Territories upon the arrival of ultimate statehood.

"Section 1 of the act of May 2, 1890, 26 Statutes at Large, 81, known as the Organic Act, creating Oklahoma Territory, contains the following provision:

"Any other lands within the Indian Territory not embraced within these boundaries, shall hereafter become a part of the Territory of Oklahoma whenever the Indian nation or tribe owning such lands shall signify to the President of the United States in legal manner, its assent that such lands shall so become a part of said Territory of Oklahoma, and the President shall thereupon make proclamation to that effect."

"Oklahoma as it exists today is the aggregate of various purchases from the several Indian tribes which have been opened to settlement at intervals, running from the 22d day of April, 1839, to the 1st day of August, 1901, and in view of the legislation quoted and the history of the organization of Oklahoma, it has been our well grounded belief that the Congress would never divide the people of these two Territories or undertake to create two States within their borders. We now feel that the passage of the Nelson Bill is but a fulfillment of the original promise arising out of the history of Oklahoma and the Indian Territory, and that it is but a simple act of justice to the 1,000,000 citizens now living within our borders.

"The creation of two States out of our Territory and

the passage of the Omnibus Bill with the subsequent attachment to Oklahoma of the Indian Territory are two calamities viewed with equal abhorrence by the fairminded non-partisan business interests of both Territories. To pass the Omnibus Bill, thus giving to one-half of our common territory the right to frame the organic law and organize the State government and locate all public institutions, and then to attach the other half of our common territory with equal population, equal taxable wealth, and equal resources, is an act of such gross and palpable injustice to that half of the people so to be attached that we can not believe the statesmanship of the United States will ever consent to its perpetration.

"We declare to the Congress that this question of statehood is one affecting our future destiny as a part of the great American Union, and we appeal to the members of that body and to the President of the United States to consider the case upon its merits, and disengage it from all entangling alliances, so that justice may be administered to a million people whose future wealth and standing as an American Commonwealth is of infinitely more importance than temporary party advantage or any unwise sectional gain resulting from an increased number of United States Senators.

"Finally, we affirm as our deliberate and final declaration, that so far as the interests of Oklahoma and the Indian Territory are affected by the Omnibus Bill, we are unalterably opposed to its provisions, and we prefer absolutely no statehood legislation to the passage of that Bill.

"By act of Congress passed more than two years ago all the Indians in the Indian Territory are made citizens of the United States, and thus their competency for the burdens and duties of statehood, in common with the other inhabitants of that Territory, has been settled.

"We express our entire confidence in the good faith of Senators Beveridge, Nelson, and others in their efforts to secure statehood for the two Territories, on terms of absolute equality, at the earliest possible moment, and denounce as a subterfuge the charge that their efforts in urging single statehood is to prevent all statehood legislation in the present Congress.

JESSE J. DUNN,

Secretary,
GIDEON MORGAN,
Chairman."

APPENDIX XLV—6.

ATTACKING THE DOUBLE STATEHOOD LINE AT HOME

Among the members of the delegation who started to Washington, immediately after the adjournment of the convention at Oklahoma City, was Mr. Charles B. Ames, a prominent attorney of Oklahoma City. During the course of his sojourn in Washington, Mr. Ames (who was himself a Democrat and a native of Mississippi) personally interviewed every Senator from the Southern States in an endeavor to win some of them to the support of the single statehood plan for the Indian and Oklahoma Territories. Without exception he found them unalterably determined to support Senator Quay in his effort to force the passage of the Omnibus Statehood Bill. Almost without exception the reason assigned was that, with two States instead of one, the South would be more nearly on a parity with the North in the United States Senate; against this sectional political advantage all argument on behalf of the people of the two territories (who would thus ultimately be burdened with the support of two state governments instead of one) seemed futile. Yet Mr. Ames felt that conditions were such as to make it necessary to break such an alignment. Therefore, unwilling to give it up, he sent the following telegram:

"J. B. Thoturn, Secretary,

"Chamber of Commerce,

"Oklahoma City, Oklahoma.

"Have partisan telegrams concentrated on Senator Tillman; the more partisan the better.

(Signed) C. B. AMES."

This telegram was delivered about noon the next day, which was Sunday. The secretary of the Okla-

homa City Chamber of Commerce was not a partisan, so the situation obviously indicated that there should be called to his assistance some one who was. Fortunately, he found that William L. Alexander, of Hobart, who had been Secretary of the Territorial Committee was in the city. The latter was soon located and came in answer to an appeal for help. Suitable telegraphic messages were sent to other members of the Territorial Democratic Committee after which, as the result of collaboration between the secretary and Mr. Alexander, the following telegram was sent to the Senator from South Carolina:

"Hon. Benjamin R. Tillman,

"U. S. Senate, Washington, D. C.

"Sir: For God's sake vote against the Omnibus Statehood Bill. Its intent is piecemeal absorption of the Indian Territory, after systematic negro colonization.

"(Signed) W. L. ALEXANDER, Secretary,
"Territorial Democratic Committee."

On Friday following, during the course of the continued debate on the Omnibus Statehood Bill, Senator Tillman, who had evidently been doing some serious thinking over the matter, made the following remarks on the floor of the Senate:

"Mr. President, in view of the fact that claims are being put forth here and assertions made as to the status and intentions of Senators, based on a vote that was had a couple of days ago, I think it is proper that I should make known, as one of the Senators who voted to continue the consideration of the Bill, what my attitude is in regard to it.

"I want to vote for the bill, but I do not want to vote for it in the form in which it now is; and I wish to explain briefly, if the Senator from Indiana will indulge me, just how I feel about it. "(Mr. Beveridge: 'I will.')

"The question has been asked here as to why there was such a necessity for urgency, why the Bill was being pressed and why everything else was shoved aside to give this bill the right of way. I am one of those old fogies who believe that a platform adopted by a political party in national convocation should mean what it says and say what it means.

"Both parties as represented in this Chamber in their national platforms have announced themselves in favor of statehood for these Territories. Therefore, if there was any faith to be put in their claims or the statement of policies upon which they went to the country, or if those platforms were made to get into office and then to be disavowed or trampled under foot. I for one, as a Democrat, protest that the Democratic party cannot afford to occupy that attitude, and the Republicans are entitled to all the credit and honor, if they choose to assume it, that may come from such an attitude.

"The situation, as I understand it, is simply this: There are in the Territory formerly called the Indian Territory—Oklahoma and Indian Territory as they now are—something like eight or nine hundred thousand or a million white people who went into these Territories from the States to settle up and to create a new Commonwealth. These people are our brethren. They are our fellow-citizens. They have some rights which both the Republican party and the Democratic party ought to respect. Their condition now is deplorable.

"I happened to go down into that region the year before last, and I know something from personal observation of the situation. The people in Oklahoma are much better situated than the people in the Indian Territory—I mean the white people—for the reason that in Oklahoma there is some provision for free schools and for the machinery of government such as States enjoy, whereas in the Indian Territory everything is tied up and hampered by the condition of the ownership of land by the Indians. The four or five hundred thousand white people there are, you might say, a sort of Ishmaelites. They are on the Indian lands and can not get title. They are all clamorous for statehood in some form. The people in Oklahoma want statehood and the people in the Indian Territory certainly want statehood, either separately from Oklahoma or conjointly with it. If they cannot obtain statehood then they want Territorial government the same as any other Territory.

"There is a provision here in the Statehood Bill as it has been reported, as it passed the House of Representatives, and which, as it is claimed, has a majority of this Senate behind it, that to my mind is simply damnable in its cruelty and injustice. I will read it. After providing for the calling of a Constitutional Convention for the framing of the organic law, the apportionment of delegates, and all that kind of thing necessary for the birth of a new State, this Omnibus Bill goes on, at the bottom of page 4, line 21, with a proviso to this effect:

"Provided, that the Constitutional Convention provided herein—

"Speaking of Oklahoma—

"Shall, by ordinance irrevocable, express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma after the title to said lands in said Indian Territory is extinguished in the tribes now claiming the same, and the same assigned in severalty and subject to taxation."

"What does that proviso mean? It means that Oklahoma is to be created into a State with all the rights of statehood conditioned upon her accepting hereafter, in whole or in part, other lands now in the Indian Territory, and the population thereof. In other words, the provision of this bill puts it in the power of the politicians in this Chamber to take the arid or semi-arid, the dry end of the former Indian Territory, great as are its resources and great as its capacity for maintaining a dense population, and create a State out of it; and ignore the claims and rights of the white men in the other end of the former Indian Territory or the present Indian Territory. That is the wet end, the rainy end, with land which is as rich in natural fertility as any land on this continent, and in some respects richer, not in fertility, but blessed in its climate, because I have seen land in both Oklahoma and the Indian Territory, and very large acres of it, without fertilizers, will produce a bale of cotton to the acre, twenty bushels of wheat, forty bushels of oats, forty bushels of corn, and from two to three tons of alfalfa hay. Such a condition and climatic advantages do not exist anywhere else in this country of ours or in any part of the known world that I know of.

"It is proposed, however, to create a State out of the poor and arid end, speaking relatively; then to ignore the rights of white people in the other end, parcel them out by piecemeal, and allow them to be 'benevolently assimilated' as the political exigencies and opportunities may come around for a party to gain advantage at the expense of those citizens.

"Consider for a moment this scheme of political brigandage and infamy. Are the white men of the Indian Territory of a different breed; are they inferior, that they should have no rights respected by this Congress? I do not consider that any man here will contend for any such doctrine as that. Yet here is your game: here is your programme: Instead of admitting the white people of the whole Indian Territory together, or creating States, one of the Indian Territory and one of Oklahoma, or leaving the Indian Territory out entirely and creating a State of Oklahoma and let her go her way, you provide for something that has never been provided for before in our history, that this rich Territory, with its tax-paying power, shall be added to a State after it has been created and in such parcels as may be convenient.

"You would allow the arid end, Oklahoma, to locate the State capital, to locate all of the public institutions, the penitentiary, the State colleges, to get all of the benefits, and then you graciously admit hereafter these people in the other end to come in as wards in chancery, or as subjects to pay taxes. To support such a scheme is an outrage. Therefore, I never will vote for the Statehood Bill as it is now presented to us, and when people claim my vote, I want them to understand that it belongs to me, and I stand here as a representative of a State which believes in equality and justice and decent treatment of white people at least."

APPENDIX XLVI.—1.

A LETTER TO THE PRESIDENT

"Executive Office, Little Rock, Dec. 22. To the President. Dear Sir: The developments incident to the re-

cent train robbery and murder at Olyphant in this State renders it proper, it seems to me that I call your attention to the dangerous relation which the Indian Territory west of us occupies to the States of the Union, and especially to the adjacent States of Arkansas, Kansas, Texas and Oklahoma Territory.

"Upon the person of one of the captured robbers was found a map of the route they had taken from the Indian Territory, 175 miles, to the scene of the robbery, and also a map of the country around Chattanooga, Tenn., showing that another robbery was contemplated at or near that city.

"It also appeared that the captured leaders are noted characters in this business and inveigled some very respectable citizens along the border into this robbery.

"I have good reason to suspect that a very large percentage of the bank and train robberies which take place west of the Alleghanies and east of the Rocky Mountains are organized or originate in this Indian Territory.

"Let me also add that the refuge which this sparsely settled rendezvous of outlaws affords to criminals is a constant temptation to crime in all the country around.

"During the past twelve months there have issued from the State of Arkansas, Texas, Kansas and Oklahoma Territory, 61 requisitions upon the Indian Territory authorities for fugitives, while we have reason to believe that as many more are hiding among their comrades in crime in this asylum of criminals.

"These criminals who find a refuge in this Territory are rapidly converting the Indian country into a school for crime. They are demoralizing the Indians and are especially stirring up the young Indians to deeds of blood and theft. Young Star, for example, although less than 20 years of age and of fine capacities, has been charged with almost every crime in the catalogue and is now sentenced to death for murder. The records of the Federal courts of Paris and Ft. Smith reveal a startling story in this direction, yet they do not tell one-tenth of the whole story.

"Prior to the late Civil War I resided in Ft. Smith, on the border of this Territory. The merchants of this place did \$500,000 worth of business in that country every year. Their clerks would make periodical collections, traveling openly and known to have large sums of money with them, yet nobody was ever molested—travel was safer than in the States.

"Now, according to an estimate of one of the newspapers published a year or two since in Muskogee, the number of murders reached the appalling figure of 200 in one year that were not cognizable in the Federal courts. The Federal jail at Ft. Smith is at all seasons nearly full of prisoners from this Territory and the Federal court holds sessions continuing nearly every month in the year.

"The state of semi-chaos and the farces of government which exist in this Territory, rendering it a constant menace to the peace and order of all the States of the Mississippi Valley, suggests the very serious question whether the time has not arrived for the Federal Government to assert its right of eminent domain over this part of the national domain, and to change its political relations with the United States.

"I can think of no valid reasons upon which to base the opinion that an Indian's rights, either of person or property, are any more sacred than those of the white man which, it is conceded, must give way to the public good.

"In this case not only the public good but public safety, as well as the highest interests of the Indian himself, demands the suggested change."

Very respectfully,

W. M. FISHBACK,
Governor of Arkansas.

The Reply To Governor Fishback.

That Governor Fishback, of Arkansas, should suddenly take it upon himself to masquerade in a new rôle in a very old play should not be surprising to our people, had the act been assumed by any one else except Fishback.

The Governor has no doubt forgotten the very existence of his native city and its subsequent growth and prosperity is traceable directly and indirectly to the people living in the Territory, that the wily Gov-

ernor tries so hard to place in an infamously false attitude.

Governor Fishback also makes it convenient to allow his memory to play him false, when he forgets that his own State, within the past ten years, has had ninety percent. more bank, train and other robberies than the whole Indian Territory, and in nearly every case of robbery in Arkansas the perpetrators have been proven to be Arkansans.

Probably the fickleness of the Governor's memory has caused him to forget the four Arkansaw boys who tried to rob the Little Rock and Fort Smith railroad train at Mulberry Station, killed the conductor and wounded one of their own members. These four men were afterwards hanged at Ozark and never were in the Indian Territory.

In his new rôle, in the old, old play, the Governor is compelled to stand on the corner of the street of his native city, and point with his long bony finger toward the homes of his life-long friends and shout:

"Hot bed of crime! School of crime! etc." The same old song we have heard for years.

Wonder if the boy who killed the three women and then killed himself, right under the Governor's nose (which strangely points towards Washington City) was from the Indian Territory?

Among other noted criminals, which the Governor enumerates as having come from the Indian Territory, is Henry Starr. If the Governor had wanted to deal fairly with his Indian friends, he could have ascertained that Henry Starr learned all his deviltry from Milo Creekmore, who was raised if not born in Fort Smith, Arkansas. Governor Fishback gives the truth a black eye when he says that the United States jail at Fort Smith, is always full of criminals from the Indian Territory, because everybody except perhaps the Governor knows that the jurisdiction of Judge Parker's Federal Court extends over a large part of the State of Arkansas, and that at least half the prisoners in the Federal jail at Fort Smith, are from Governor Fishback's own State.

The learned Governor asserts that "61 requisitions have been made on the authorities in the Territory for criminals." Be it said to the honor of our authorities that they have always honored every requisition made to them for criminals, and that every State has reciprocated this courtesy to our authorities when a requisition was made to them for a criminal—except Arkansas, whose executives have refused to return criminals when a requisition was made—and in consequence persons who have committed the gravest crimes in our country have gone into Arkansas, and defied the authorities of the Territory.

Governor Fishback knows this to be a fact—and he further knows that while he is trying to poison the ear of President Cleveland against Indian Territory and its citizens—that statistics show that there has been more crime committed in Arkansas in the past twelve months by native-born Arkansans than in the whole Indian Territory for the past five years.

Treat us fair Governor, and the Indians will still give the merchants of your native city their trade and friendship—never turn your back on an old friend. When you seek to place us in a false light, you are only pushing back the money that flows into Fort Smith, from the Indian Territory.

Let a young man admonish you in all kindness Governor, never again lend your infant arm to the enemies of the Cherokees when trying to cut down the shaft that floats the proud banner of our country.

Good-bye Governor, may a kind Providence watch over and direct you, and at least give you some statistics on criminals of the Indian Territory before your next spell of letter-writing.

—"Cherokee Advocate" (Tahlequah, I. T.), January 3, 1894.

Claims In The Territory.

The following letter from Judge I. C. Parker, of the Federal Court at Fort Smith, was received recently by the Chief of the Cherokees, it being an answer to a letter of inquiry in regard to the per cent. of crime committed in the territory by Indians and whites, and clearly contradicts the recent charges advanced by Governor Fishback, of Arkansas, in his famous letter to President Cleveland.

"Ft. Smith, Ark., Feb. 20, 1894. My dear sir: * * * for the 16 years I have been holding court my judg-

ment is that the number of Indians who have been charged with high crimes compared with the citizens of the United States is about ten per cent. For minor offences, such as introducing liquor into the Indian country, the number of Indians charged with crime of this character, when compared with citizens of the United States would probably amount to 15 or 20 per cent. There has never been any trouble growing out of the amount of crime committed by the Indians. * * * The vast majority of persons who commit those crimes are persons who have refuge into that country from some other State or territory of the Union.

"The trouble all the time has arisen from the failure of the Government to carry out its obligations to the Indians, which would require it to send that class of intruders out of the Indian country. If that had been done from the beginning the amount of crime in the Indian country would not have been great as it has been in any Western State. The influence of this class of refugee criminals in that country is most pernicious upon the Indians. They are not there, however, by any fault of the Indians. They are there because the Government has permitted them to be and remain there, and an opportunity for crime, and for making criminals by their example that has been afforded them. It will not do to say the laws are not enforced in the Indian country. They are more vigorously enforced there by the courts of the United States, and by the respective Indian courts than they are in any western State.

"I am as ever, most truly yours,

"I. C. PARKER."

—"Indian Citizen" (Atoka, I. T.), March 15, 1894.

APPENDIX XLVI—2.

THE DAWES COMMISSION.

AN ADDRESS EMBODYING ADVICE AND WARNING

To the Citizens of the Five Civilized Tribes:

Believe us when we tell you the present anomalous condition existing in the five tribes cannot last.

The expenses of the judiciary have become burdensome, and the United States ought not to be asked longer to endure them. And yet, crime is too prevalent, and the large unsettled districts afford a harbor and refuge for criminals, making it nearly impossible to arrest them. The policy now in existence of leasing large tracts of land for grazing purposes and thus preventing settlement, necessarily leads to a continuation of these evils.

Twenty thousand children, both white and Indian, are growing to maturity without the opportunities of obtaining a common school education. Where government is the exponent of the people's will, it cannot be good and wise unless the people are educated and are intelligent. Not only are these children without educational advantages, but they are without moral and religious instruction. This is the road to barbarism, and the United States cannot allow its people to travel this path without making all possible efforts to prevent it.

The earlier settlers and the enterprising and avaricious, under the laws and usages of tribal government, are enjoying a monopoly of nearly all the best lands, and have fenced tracts of land containing ten times their share, while the diffident and retiring full-blood Indians have been crowded back into the stony, wooded hills and worthless lands, and are compelled to eke out an existence on a few acres, and are so widely separated and so far removed from progressive influences as to make schools impossible, and are making little or no progress in civilization. This is neither just nor humane, and is a matter of grave concern to every friend of the Indian, and all who desire to see him prosperous, happy and on the way to a higher civilization.

Every day of delay but adds to the difficulties of division. Numerous towns ranging in population from 100 to 5,000 have grown up without being platted, and in which large and valuable buildings have been erected, while the title to the ground on which they stand belongs to a tribe and is held in common. To adjust the equities growing out of this situation is already well-nigh impossible, involving great labor, and is continually growing greater.

Coal mines, leased and opened, on which large sums

of money are being expended, are continually adding to the difficulties of allotment.

Many complaints are made by members of the various tribes that a few influential men are obtaining leases from the councils for extensive tracts of the best land at a nominal rental, and subletting these leases to white men for grazing purposes, for large sums of money, those occupying the land being bought or driven out.

That trials in Indian courts are a farce and justice a by-word.

That the public moneys are absorbed, and when filtered through their hands, little of it reaches the poor and powerless, and in many cases none.

To what extent these complaints are well-founded we have no means of knowing, though they are represented to be true by many members of the various tribes, and attested by non-citizens of the highest character. But we make no charges.

HENRY L. DAWES,
MEREDITH H. KIDD,
ARCHIBALD S. MCKENNON,
Commissioners.

—"Indian Chieftain," Vinita, February 15, 1894.

APPENDIX XLVI—3.

EDITORIAL ON CONDITION OF THE FULL-BLOODS.

There is one wrong being done the full-bloods that the Chieftain would like to see regulated. There is one misrepresentation of the full-blood's real condition that will one day, sooner or later, be fully explained and laid bare. In short, the day of reckoning and of restitution will come, and the false position of those who pretend to espouse his cause by appealing to his prejudices will be nailed.

The wrong, and the misrepresentation, and the fraud is this, that the Cherokees—or the other Nations as to that matter—are moving along all right; that they have a model local government, and that the condition of the Indian is a desirable one, or that the full-blood is getting a good living out of the present system, and is contented and happy. Nothing could be further from the truth.

Now for the facts: The full-blood is a poor, deluded, listless and hopeless creature, shut out from the world and its civilization by the very environments that give happiness and prosperity to others. He neither hears nor understands any English of consequence. He lives in the most out-of-the-way places he can find. He owns a very little stock and has no farm. (Speaking in general, though there are exceptions.) He is as poor as he can ever get in this world. The only thing he is well stocked with is prejudice to the white man and his ways. He is told by his mixed-blood brothers that he is as well off as he is, and he probably believes it.

If the Dawes commission would study the condition and wants of the real Indian they must go and view him in his native haunts among the hills, where poverty and ignorance and disease stalk forth at noonday. There are no poorer people on earth than the full-blood Indians as a class, and the people who claim that "we are all right" know it. The people who occupy the land and are operating large farms and grazing vast herds at the expense of these poor, deluded creatures and insist that the full-blood is "all right" ought to be ashamed of themselves.

We need a change of government (if for no other purpose) for the defense and protection of the full-blood.

At Vinita and Muskogee and other trade centers in this territory is no place to study the Indian and his needs. The full-bloods do not live in town, but seek the most remote retreats possible. There are a few well-to-do full-bloods, but with rare exceptions they are politicians and have gotten their means from the public crib. There is not one full-blood in a hundred who has the remotest idea that he is paying a cent of tax, when the truth is he is paying more tax in proportion to his income than a citizen of any State in the Union is paying or ever has paid. The interest on the invested funds belongs to all alike, hence the poor and the rich pay the same amount, which is almost ten dollars per annum for every Cherokee by blood in the tribe.

The United States government owes these people

better treatment. They should not be left the willing prey of those who pretend to be running their government for them. The general government should see that they get a just and equal division of land and money and be protected by an inalienable title to their homes.

—"Indian Chieftain" (Vinita, I. T.), February 8, 1894.

The "Vinita Chieftain" has a long editorial in the last week's issue about the full-bloods. The polished editor appoints himself guardian of the Indian, and proceeds to call his wards, "poor, deluded, listless, and hopeless creatures," and adds, "If the Dawes commission would study the real Indian they must go and view him in his native haunts among the hills, where poverty, ignorance and disease stalk forth at noonday." Any person who would seek to place the full-bloods in a false light before the world, is either ignorant of the facts or knowingly does so. If Vinita is not the place to study the full-blood Indian, how can their kind-hearted guardian (who lives in that city) give other people advice on their conditions? We may be wrong, but we will venture to say, that it is hardly possible that the editor of the Chieftain, or his assistant, has ever had an hour's conversation with a full-blood Indian in their lives, much less been welcome visitors to his home. But this may be caused from the fact that the editor of the Chieftain would disdain to go where "poverty and disease stalks forth at noonday," and where he could not feed on oatmeal and gruel. Guardians and protectors should be made of sterner stuff than this. This land was sold to the Indian and a patent issued to them by President Van Buren. The treaty says, "This land shall be the Indians' as long as grass grows and water runs." This guarantee was made a long time ago, yes, before the Chieftain's Moses ever thought of immigrating to this country, and appointing himself the Indian's protector. If this country is ever allotted, and the people who bring it about, does not get the lion's share of the spoils, how quick you will hear them crying out, "Lord have mercy on the poor Indian, he has been robbed of his home and the sacred treaties have been trampled in the mud." We have the utmost respect for Senator Dawes, and if he finds the sentiment of our people against allotment and statehood, he and his commission will so report to Congress. There are no homeless people in this Nation, and no father or mother are forced to hear their little ones crying for the want of clothing and shelter. If allotment comes to our people, then indeed misery will take the place of happiness, and "poverty will stalk forth at noonday."

—"The Cherokee Advocate" (Tahlequah, I. T.), February 14, 1894.

APPENDIX XLVI—4.

A CHOCTAW'S PERTINENT QUERY OF THE DAWES COMMISSION.

Captain Archibald S. McKennon, of Arkansas, and Mr. Meredith H. Kidd, of Indiana, represented the Dawes Commission upon the occasion of its first appearance before the Choctaw Council in 1895. A joint session of the Senate and House was held, during which Mr. Kidd first addressed the audience, declaring that if the Choctaws would treat with the Commission they could write the terms of the agreement themselves.

Then Captain McKennon made an impassioned appeal. He portrayed in glowing terms how many benefits the Choctaws would receive under a new agreement with the Government, which would result in an immediate settlement of their "vast and valuable estate." All the Indian people would then have money enough to live in luxury; they would have fine homes, Brussels carpets, pianos, and other expensive furnishings. More than that, all the Choctaw children would receive the benefits of education just as the children in the States. Captain McKennon closed his address by stating that he would be glad to answer any question from the members of the Council.

Everyone sat in stony silence. In a little while, Senator J. J. Watkins, of Bokhoma County (Choctaw Nation), arose with quiet dignity. Calling upon William McKirney to act as interpreter, he stated that he would like to ask a question. After expressing his appreciation of what the honorable gentlemen of the Dawes Commission had to say, he particularly men-

tioned his great interest in Captain McKennon's remarks, in which he stated that all the Choctaw children would be educated as the children who live in the States.

"My heart swells with pride," he exclaimed, "for the future generations of the Choctaws, when I think of them as educated men and women."

"However, I should like to ask a question. I have several farms down in Bokhoma County, which are worked by white people as tenants. I always try to live up to the teachings of the Bible, and I believe in resting on the Sabbath day, but it keeps me busy all day on Sundays, going around to my farms, telling those white people, 'This is Sunday. The Bible tells us how we should conduct ourselves on Sunday.'"

"Now, what I want to know is, where do those white people come from?"

Senator Watkins resumed his seat and silence reigned again. As no reply seemed to be coming from either of the two gentlemen in the seats of honor, someone in the audience suddenly remarked, though in apologetic tones, "Maybe those people came from Arkansas."

Even Captain McKennon, though it was evident that he was much embarrassed, had to smile as a hearty laugh arose from the members of the Council.

APPENDIX XLVI—5.

BRIEF REVIEW OF SOME OF THE COMMISSIONS IN THE POLITICAL CAMPAIGNS IN THE CHOCTAW NATION FOR 1895 AND 1896.

During the summer of 1895 an exciting campaign took place in the Choctaw Nation. In the first allotment convention held in the Choctaw Nation at Hartshorne, on July 10th, Doctor E. N. Wright, of Atoka, had been the leader in advocating a conference with the Dawes Commission. At the election held on August 7th, Doctor Wright was elected representative from Atoka County, to the General Council, though the sentiment against treating with the Dawes Commission and the allotment in severalty was exceedingly hostile, especially among citizens in certain other communities. Although the sentiment in favor of meeting the Dawes Commission had gained headway during the previous campaign, it was three weeks after the beginning of the ensuing session of the Choctaw Council, in October, before Doctor Wright could induce Principal Chief Jefferson Gardiner and members of the Council to invite the Commission to visit the Choctaw capital at Tushkahoma.

Immediately after the visit of the members of the Commission, however, the Choctaw Senate, with only one dissenting vote, passed a bill making it unlawful for any citizen of the Choctaw Nation to make any attempt in favor of allotment of Choctaw land in severalty or "to betray said land and Choctaw country into the hands of a foreign power." The first offense in violation of this act was punishable by a jail sentence of not less than twelve months, and a fine of not less than \$1,000.00, nor more than \$10,000.00; the second offense was punishable by death. The bill failed of passage in the House. However, after the conference between the General Council and the authorized representatives of the Chickasaw Nation, a resolution was passed expressing disapproval of the propositions submitted by the Dawes Commission, which was signed by Principal Chief Jefferson Gardiner and Jacob B. Jackson, the National secretary.

The following summer, the question of treating with the Dawes Commission became a decided issue of the campaign, during which the "Tushkahoma Party" was formed, Doctor Wright being one of its leading organizers, the author of its platform, and its campaign manager in the ensuing campaign. The new party's nominee for principal chief, Green McCurtain, was elected by a large majority.

While a short review, such as the above, cannot portray the general excitement and the antagonisms that were aroused by the leaders in each of the Five Civilized Tribes, in advocating such a course for their people, the following editorial, which appeared in the "Indian Chieftain" (Vinita, I. T.), for November 2, 1893, pointed out, in a measure, the prejudice that had to be overcome before even a conference with the Dawes Commission could be sanctioned:

"There are members of council and also of the

senate who, if left to their own sentiments, would vote and work for allotment of the land of this Nation, but they stand in mortal dread of the opposition. They fear the majority that would be against them, for there is no doubt but a majority of the Cherokees oppose the measure. But all great movements in the history of the world have been inaugurated by the minority. The Declaration of Independence had very few supporters at first, and those who had the moral courage to sign it took their lives in their hands. After awhile, after it had been discussed, it began to have a majority, and now it stands almost alone side of the Sermon on the Mount. The member of either house of the Cherokee Legislature who first introduces a bill providing for allotment of lands will, in after years, be regarded as a benefactor and his name will go down into history as one who knows what was best for his people and was not afraid to act."

APPENDIX XLVI—6.

CAUSES AND RESULTS OF THE ACT OF MAY 6, 1896.

In reviewing the question of citizenship in the Chickasaw Nation (which also involved the Choctaw Nation, since the two nations held their lands in common), Governor Douglas H. Johnston, of the Chickasaws, in his annual message to their National Legislature, dated September 4, 1900, reviewed the causes for the passage of the Act of May 6, 1896:

"The Government assumed citizenship jurisdiction upon the recommendation of the Dawes Commission. The Dawes Commission made only one recommendation in one report, and it was upon this that Congress acted. This recommendation appears upon pages 73, 74, and 75, of the report of the Dawes Commission for 1895. It appears under the heading 'Cherokee citizenship.' To Cherokee citizenship the commission referred, and to Cherokee citizenship their recommendations applied primarily. The condition of Cherokee citizenship, as is generally known, was at that time chaotic. Their rolls were manipulated so as to defeat the enforcement of the criminal laws of the United States. Under the 'Cherokee Strip' treaty of 1893 the Government obligated itself to remove 'intruders,' or citizenship claimants. For personal and political reasons the names of many persons who had always been recognized were by the Cherokee authorities stricken from the regular roll and placed upon the intruder roll, and thus marked for transportation beyond the limits of the Cherokee Nation. The time fixed for the removal of 'intruders' (January 1, 1896) was fast approaching. Consternation was abroad in the Cherokee Nation. Unless some means of relief were provided, not only a wholesale injustice would be done, but violence would result. This consternation extended (and naturally so) to the Dawes Commission. They advised intervention by the United States. Thus their recommendation of 1895 was made, and the act of June 10, 1896, was the result."

Governor Johnston further discussed the results of this law as follows:

"This law, as soon as passed and published, was seized upon by unscrupulous lawyers and claim agents and sent out to the world. It was raised and held aloft as a beacon. Hordes of white adventurers who had never lived in the Indian Territory or claimed Indian citizenship responded by rushing in from the borders of the surrounding States. . . . These 'court claimants' do not look like Indians. They do not act like Indians. They have none of the attributes of the Indian. They are white adventurers from the surrounding States, and any intelligent and impartial jury would so declare them. When the law of 1896 was passed they speculated as to the possibilities of acquiring allotments of land. They heeded the beacon."

In his annual message to the General Council of the Choctaw Nation, dated October 3, 1900, Principal Chief Green McCurtain likewise commented on the situation with reference to the "court citizens," as follows:

"Other applicants had for years resided in the Choctaw and Chickasaw nations, renting or leasing lands as noncitizen farmers, who, seeing the scramble, concluded to try their fortunes in what seemed to be a huge game of chance, with the odds against the Indians, thus swelling the army of applicants. All

were incited and urged on by the attorneys and claim agents, as a rule of the baser sort, who scrupled at nothing in misrepresenting conditions and laws, and convincing claimants of their power to secure allotments. . . .

"In these proceedings, applicants seeking Choctaw citizenship sued only the Choctaw Nation, and only the principal chief of the Choctaw Nation was served or made a party to the suit. Under alleged judgment so taken these 'court claimants' to Choctaw citizenship now seek allotment belonging jointly to the Choctaw and Chickasaw. In like manner applicants for Chickasaw citizenship took judgment and are claiming. No such thing as the enforcement of judgments so taken against joint property would be thought of anywhere else on the face of the earth, as in law such judgments are void as to both parties and can not in any degree affect their judgment."

—Report of the Commission to the Five Civilized Tribes for 1901, pp. 210-14.

APPENDIX XLVI—7.

RESOLUTIONS ADOPTED BY THE FIVE CIVILIZED TRIBES IN CONVENTION AT SOUTH McALESTER.

NOVEMBER 12, 1896.

Resolved, That it is the sense of this convention that the time has arrived when the repeated demands of the United States makes it imperative on the Five Civilized Nations to treat with the United States Commission.

It is of the highest importance that the Five Nations act in perfect harmony and on a definite common line of policy which is hereby solemnly pledged by each to the other. The following line of policy is regarded as essential to securing the best interests of the Five Nations under the pending conditions—and it is adopted:

POLICY.

We recognize that the proposals of the United States for disintegrating the land of our people by allotment and town-site division, mean ultimate state government, and that in dealing with the United States we must fully and clearly recognize this policy of the general government and conduct our negotiations on this basis so as to secure all of the amounts due our Nations and people with an agreement of method conserving our material and political rights, as a condition precedent to disintegration of lands and tribal governments.

If impelled to dissolve our tribal governments we wish to construct an abler government which shall protect the lives, the happiness and the property of our people and secured by the proposed negotiations.

1. We will insist first on a full payment of all claims due to each of the Nations, arising out of treaty stipulations or other relations, to be agreed on by the Commission of each Nation and the United States Commission and paid as soon as practicable and before any impairment of tribal government.

2. When division of land shall be made, all the land shall be divided among the citizens of the Nations, share and share alike, except as modified by Indian law and treaty, and the patent shall remain inviolate retaining sovereignty in the Nation, until a state government containing constitutional protection as hereinafter set forth shall have gone into effect.

3. Impelled by the earnest and repeated insistence of the United States demanding of our people the relinquishment of our tribal governments, we feel obliged to insist on a personal compensation to each of our citizens of not less than \$500.00 apiece, to be paid before our governments are destroyed, the amount to be determined by each Nation. This demand is based on the following reasons:

a. Our people must relinquish a government to which they are deeply attached. They must give up social customs, habits and observances which, observed for very many years, have become essential to their happiness.

b. They must assume new and strange duties and habits to which they are totally unaccustomed and which will prove irksome and expensive in the extreme to our individual citizens, especially to our thousands of non-English speaking people.

c. Each individual will have to build new outside fences on north and south, east and west lines, according to the lines newly surveyed by the United

States. This will cost hundreds of dollars to each quarter section, about which would be two miles of fence, at least, in every instance. This will cost money.

d. Our citizens will have to move houses, fences, corrals, etc., and change orchards, water supplies, cultivated fields, etc., and other established improvements to conform to these new lines of survey. This will require money.

e. Our citizens will lose free pasturage for cattle and every family cow that now has open range and will require the building of small pastures for such cattle and providing of necessary forage for such stock. This needs money.

f. Our people who have forgotten their winter's meat and annual food from swine running on the open mast, will be compelled to bring them home and build special close pens and provide food for them. Our people will have to pay the bill.

g. Our people will be driven to abandon all their previously constructed roads and must of necessity build new roads for travel on north and south, east and west lines, build bridges, etc., which will impose a new, unavoidable and unexpected expense on our people.

h. Our people will under the new conditions be required to bear the immediate, close personal contact with numerous impecunious persons, impoverished in other states, who will endeavor to better their condition in the Indian country and who will subject our people to the same line of small, exasperating and aggressive trespasses that drove the Indians allotted in Kansas, as the Shawnees, Delawares, Pottawatomies and others out of that state for refuge in Indian Territory.

We are not unaware that the total involved would be large yet we are fully advised that the huge development under the new condition in opening to its full productive power our Indian domain will be of great advantage to the United States, and that the United States will be fully repaid out of the revenue that will flow therefrom.

4. We realize the great benefits our people have derived from our educational institutions, and also that many of our people will by the new conditions be reduced to destitution and being anxiously desirous of providing for the children of such citizens, we wish to set aside land out of our domain to be a permanent investment for the benefit of certain educational institutions sufficient for the education of these children. We shall further insist that the institutions we have erected for educating our people shall be sustained by the United States under their Carlisle system.

5. We will maintain our tribal governments as long as possible.

6. Before relinquishing tribal government and before the disintegration of land shall be made, we shall insist that all the conditions heretofore set up shall have been carried out.

7. We will never consent to a territorial government or to a union with Oklahoma territory.

8. When a change of government takes place we will ask that the proposed agreements provide admission as a State of the Union with constitutional provisions irrepealable, protecting the property rights and political privileges of our people, the constitution to be made by our own people, with absolute prohibition of the liquor traffic.

We represent sixty-five thousand of sober, industrious, self-supporting and God-fearing people; owners of the entire soil of Indian Territory by solemn treaty and patented titles; people who came to a wilderness, driven by force, and made it a cultivated land; people who have erected schools, churches and courts of justice and governments under which they have found safety and happiness. We rely on the justice of our cause and the guidance of Divine Providence and we appeal to the moral sentiment of a great and magnanimous nation, in whose hands is our ultimate destiny and in whose honorable national life and history we have earned a decent and honorable place.

(Amended by Gov. Jno. F. Brown that it is the sense of this meeting and in our judgment we should be allowed twenty-five years before being required to assume state government.)

The above resolution was unanimously adopted without a negative voice.

CHOCTAW DELEGATION.

1. Green McCurtain, Principal Chief, Sans Bois, I. T.,
Ex-officio Chairman.
2. J. S. Standley, Atoka, I. T.
3. N. B. Ainsworth, McAlester, I. T.
4. Amos Henry, Red Oak, I. T.
5. A. S. Williams, Alikchi, I. T.
6. Wesley Anderson, Tuskahoma, I. T.
7. D. C. Garland, Janis, I. T.
8. E. N. Wright, Atoka, I. T.
9. Ben Hampton, Caddo, I. T.

CREEK DELEGATION.

1. Roley McIntosh, Eufaula, I. T.
2. G. W. Grayson, Eufaula, I. T.
3. P. Porter, Muskogee, I. T.
4. D. M. Hodge, Tulsa, I. T.
5. G. A. Alexander, Wetumka, I. T.
6. W. A. Sapulpa, Sapulpa, I. T.
7. Joseph Mingo, Wagoner, I. T.
8. Concharte Micco, McDermott, I. T.
9. Roland Brown, Okmulgee, I. T.
10. J. H. Lynch, Secretary, Okmulgee, I. T.
11. Robt. W. Stewart, Interpreter, Holdenville, I. T.

CHEROKEE DELEGATION.

1. S. H. Mayes, Principal Chief Cher. Na., Tahlequah,
I. T.
2. D. W. Bushyhead, Chairman Cher. Com., Tahle-
quah, I. T.
3. C. V. Rogers, Oolagah, I. T.
4. Te Kinney Waters, Braggs, I. T.
5. Robert B. Ross, Tahlequah, I. T.
- 6.
7. Wm. Eubanks, Interpreter, Tahlequah, I. T.

SEMINOLE DELEGATION.

1. John F. Brown, Principal Chief Semi. Na., Sasak-
wa, I. T.
2. Nuth Cap. Harjo, Wewoka, I. T.
3. Wm. Cully, Sasakwa, I. T.
4. Nokas Fixico, Wewoka, I. T.
5. Thomas McGeisey, Maud, O. T.

CHICKASAWS.

1. M. V. Cheadle, Tishomingo, I. T.
 2. R. McLish, Ardmore, I. T.
- Exhibit "G" accompanying Report of Commission to the Five Civilized Tribes, 1894, 1895 and 1896.

APPENDIX XLVI—8.**MINORITY STATEMENT OF DR. E. N. WRIGHT.**

Atoka, I. T., Dec. 22, 1896.

To the Honorable Dawes Commission.

Sirs: In accordance with my statement made to your honorable body at the signing of the negotiations made between your Commission, on the part of the United States, and the Choctaw Commission, on the part of the Choctaw Nation, at Muskogee, December 18, 1896, I hereby submit my reasons for not signing said agreement.

Under the law creating our Commission to negotiate with your Commission everything of value including our government was placed in our hands to make the best terms possible, that our people might be protected in their property rights. This I understand was also the design of the government you represent. I must be candid in saying that the desire of neither of the governments was carried out in these negotiations, and I hereby submit my reasons for this conclusion.

1st. In the allotment of lands, the reserving of the mineral interests, and the placing of them in trust in the government of the United States for an unlimited time, the revenues on the same to be used for the education of Indian children, is impracticable. For our mineral interests, especially coal, cover fully one-third of our country. And taking into consideration the possible demands for coal which would be supplied from this Territory, I believe I can state without contradiction that a thousand years hence will still find coal fields unworked, when in fifty or a hundred years hence it will be as difficult to find an Indian here, as it is to find wild buffalo on the Western plains. I am certain the United States Government would not care to assume a trust of such magnitude, and with the possible chance of continuing

for such a long period. Hence it would not be long before the money arising from such developments will be controlled by the State or Territory, which we will sooner or later merge into, to be used, not for the benefit of the Indian children alone, but for all races alike, which would not be just.

2d. In the allotment of our lands, you reserve the right to use a sufficient amount of the lands so allotted, for the development of all minerals, paying only a small amount to the individual for the use or destruction of his or her lands. This will not be approved by the Choctaw people, for the following reasons:

While in our last campaign placing the question of allotment before the people, they were led to accept it on the promise that when they received their land in allotment, and received a patent in fee simple to it, they would then be protected, and permitted to enjoy their rights in their lands. This your Commission promised when you addressed the Choctaw people on this subject. But through these propositions you are placing every citizen who may have anything of value in the lands allotted to him, in a position to be molested at any time a company or corporation may desire to develop said minerals, gas or oil, and at small remuneration to said Choctaw citizen, even though he may have said lands in a high state of cultivation, thereby making all developments on his part insecure. Thus you will defeat what I consider the most important question to our people, viz., a just allotment of lands.

3. The provisions as to town-sites, I think, are too indefinite and place too much power in the hands of the commission and leave revenues to be derived by the Choctaw people from the sale of such town-sites too uncertain and speculative. And I am certain you will array against our national interests all people who have, through our laws, built substantial homes and improvements. The citizens of the towns in the Territory, have been an important factor in asking Congress for protection, and have succeeded in their efforts. Their opposition to this provision will be another means to stay the important question of allotment.

4th. The coal companies, who through the laws of Congress and our own laws have been induced to invest millions of dollars to develop said coal; and on whom we have been, and are now principally dependent for revenues to carry on our government and schools, are, through the policy outlined in this agreement, which is very radical, and makes their investment insecure, compelled to seek relief at the hands of Congress; which is another condition that will tend to defeat the agreement, and with it the question of allotment.

5th. We were instructed under our law to settle all claims as to lands and moneys, that exist between our government and the United States from treaty stipulations, believing that when our tribal government becomes extinct we will be unable to get such settlements. The principal claim being what is known as the Leased District (comprising the Kiowa and Comanche country, the Wichita reservation) and Greer County, which has lately been decided by the United States Supreme Court, as not belonging to Texas, but to the Choctaws. This, your Commission declined to treat on, but finally agreed that we might submit all our claims to the Senate of the United States as a board of arbitrators. Thus you are forcing our people into the hands of attorneys who will appear before the Senate in behalf of our claims, and who several years ago, in 1889 I think, secured legislation in our Council that would allow them 25 per cent. of all moneys arising from the sale of these lands, comprising something over five million acres of land; which, at a dollar and a quarter an acre, will, after deducting the Chickasaws' one-fourth interest, give them over a million dollars, or about sixty dollars per capita if divided among our people. One of the principal objects of our negotiating was to save this great expense, and we were led to believe by your honorable body, that this could be done. It is but right to save this expense, and strictly from a business standpoint, we should have a complete settlement of all claims, which I am sure your government desires.

6th. In these agreements, you permit us to continue our government for a period of eight years; still you force us to place the greater portion of our revenues in the hands of your government for school purposes, thereby depriving our government of the necessary

funds to run it, unless we establish a tax system, which will be a hardship on our people in face of the great expense every citizen will be compelled to bear on account of the contemplated changes in locating his lands.

7th. My last reason is the great haste in which the negotiations, which look to the settlement of an estate of such magnitude, was consummated. To settle an estate equitably which involves the rights of fifteen thousand souls, which estate covers over six millions acres of land, in less than a month, is the height of folly. Our Commission was placed in a very embarrassing position by the threats made by you that if we did not come to terms before the holidays, you would go back to Washington and make an adverse report which would probably be followed by radical legislation on the part of Congress. But I did not think, nor do I yet believe, Congress or the President of the United States, desire that we should treat so important a question in such a haphazard way. Being one of the parties most prominent in asking our people to authorize negotiations with your commission, I could not, taking into consideration my reasons above stated, conscientiously affix my name to said agreement, nor can I ask the Choctaw people to ratify the same. I am confident, however, that negotiations can be made that will be satisfactory to both Governments, but more time must be given to accomplish it, and I will surely advocate such a course.

Very respectfully,
E. N. WRIGHT, Commissioner.

APPENDIX XLVI—9.

AN APPEAL OF THE CHEROKEES, CREEKS, SEMINOLES, CHOCTAWS, AND CHICKASAWS.

To the Senate of the United States:

We represent 70,000 faithful, law-abiding, liberty-loving people who have, perhaps, too blindly trusted in their treaties as sacred and incapable of being violated.

The act of June 10, 1896, declared for the first time that it was the duty of the United States to establish a government in our country. It was the first declaration of a definite policy.

Upon this declaration by Congress each of our five nations immediately authorized negotiations on the lines indicated by Congress, as soon as their legislatures met, as by law provided, beginning in August and ending in November, 1896. Could you have acted sooner?

The Dawes Commission was absolutely engrossed with the settlement of very many thousands of citizenship cases up to December 14, and left for Washington December 19, promising to return immediately after their Christmas holiday.

Our commissions were authorized, ready, and willing to treat, and of this the United States Commission was fully advised (see Senate Ex. Docs. 94, 111, 112, etc.); but these important matters could not possibly be closed up in six days.

It is now proposed (on the erroneous theory that we are not sincere in our purpose to treat) to put drastic legislation on an appropriation act (Indian, page 57), destroying our judiciary, paralyzing our executive departments, emasculating our legislative bodies, partitioning and administering our great estates without our consent, without proper safeguards, and regardless of vested rights, as a measure of coercing agreements we are ready to make without coercion.

We earnestly appeal to your high sense of justice and to your magnanimity against this extreme measure.

First, Because it is unnecessary. The record proves this (Senate Ex. Docs. 94, 111, 112), but, in addition, we here register our solemn declaration that our people are ready and earnestly intend treating on the lines heretofore indicated by Congress, that they have not had sufficient opportunity of negotiating after resolving upon this course last fall.

Second. This measure is unjust, because it puts our people under extreme duress and ruinous conditions, as a manifest and declared preliminary to a proposed negotiation.

We feel that "consent" under such conditions is no consent at all, but the submission of the weak to the impatient violence of the strong, that will give our

people a false idea of the great Republic and its citizenship.

It is beneath the dignity of the United States to strike our people to the earth while inviting negotiation. We cannot believe that the advocates of this measure would feel justified in pressing it if they should examine the correspondence submitted and realize the sincerity of our purpose to negotiate.

We earnestly trust that this solemn declaration, made on behalf of the sincerity of our people, will suffice to induce the Congress not to press at this time such an extreme and unnecessary measure.

S. H. MAYES,	J. B. JACKSON,
Principal Chief	G. W. DUKES,
Cherokee Nation.	E. N. WRIGHT,
G. W. BENGE,	D. M. HAILEY,
W. W. HASTINGS,	Choctaws.
Cherokee Delegates.	R. M. HARRIS,
JOHN F. BROWN,	Governor
Chief	Chickasaw Nation.
Seminole Nation.	WM. L. BYRD,
P. PORTER,	ISAAC O. LEWIS,
G. W. GRAYSON,	WM. M. GUY,
G. A. ALEXANDER,	RICHARD McLISH,
WM. A. SAPULPA,	Chickasaw Delegates.
Creek Delegates.	

—Congressional Record, 54th Congress, 2d Session, Vol. XXIX, pp. 1917-18.

APPENDIX XLVI—10.

Extract from

THE COMMISSION OF THE FIVE CIVILIZED TRIBES MET THE COMMISSION APPOINTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION, MONDAY, DECEMBER 14TH, 1896, IN THE PARLORS OF HOTEL ADAMS, MUSKOGEE, I. T.

All members of the Dawes Commission present.

At this point the interpreter stated the Chief wanted to know if the Commission was going to make their final report in reference to their finding with the three tribes only, and leave the other two out; that he understands the Seminoles and Chickasaws will not be here.

General Armstrong, continuing, replied: "These two tribes have failed to appoint Commissioners to negotiate with us.

"If this matter had been under consideration but for a short time, and it would be suggested that we give these people another chance to negotiate, why, then it would be hasty action not to give you plenty of time. You have been aware of this question for two years, and to my certain knowledge you have had these special propositions ever since last summer. So far as drawing up the papers is concerned, it requires very little time to do that. If we fail to negotiate, Congress will take charge of this matter and likely pass some legislation on the subject before the 4th of March, next. There is every prospect of an extra session of Congress, but I think they will settle something before the 4th of March. Congress says they are waiting for us—awaiting our action—awaiting our report. It has come to this, and we cannot delay it any longer. The Secretary of the Interior called on the Freedmen Commission recently for a report. The chairman of that Commission asked for further time, but was promptly advised by wire that no more time could be given.

"We have been here three years. We have tried to get a treaty, and if we cannot get one, we want to distinctly say so in our report, and that we are satisfied that these people will not voluntarily do anything, and will therefore recommend that Congress act in this matter as they see fit."

The Chief (through interpreter) stated that he thought all talks, propositions, etc., should be reduced to writing that his people might know what was being done in these conferences. He said he remembered in his young days, back in Alabama, that the United States government had granted these lands to the Creeks in severalty "as long as the grass grows; as long as the waters run," and this Commission did not want to take any hasty action in regard to a change in their present tribal government, land tenure, etc. He said the United States government had promised that

the lands would never be taken away from them, and that they would live here retaining their nationality and government.

Senator Dawes (to interpreter): You say to him that this Commission will enter into no agreement with your nation without first submitting in writing, and after every one of you perfectly understand it; that it will not be submitted to Congress until you ratify it, and not until Congress ratifies it will it be binding on you or the United States—so there can be no mistake as to its meaning and intent.

The Chief (through interpreter) replied that he understood the United States government had commissioned the Dawes' Commission to come here and enter into negotiations with his government; that his people wanted to deliberate in this matter; that they wanted everything distinctly understood, and everything reduced to writing, so there would be no mistake about what will be done.

Judge Montgomery: They seem to have an idea that we are going to wait for the Chickasaws to appoint a Commission. We propose to act independently, and do not intend to wait for any other Nation to make a treaty. We propose to ask Congress to ratify the treaty we make.

General Porter, on behalf of the Creek Commission, made the following statement:

"I shall only make this remark. We have heard your arguments. We understand precisely your position in this matter, and we will take it under consideration and answer you as soon as possible, if tomorrow morning. We do not wish to delay you any longer than is necessary and whether we agree to your propositions or not, we wish to say to you we shall entertain the highest regard for you, and our answers will be made with reference to what we believe to be our interests and what we understand to be our interests ourselves. We will notify you as soon as we are prepared to make an answer, and will ask another conference. I make the suggestion that this joint conference now close.

Senator Dawes: The conference is adjourned until tomorrow morning at nine o'clock at this place.
—Correspondence between the Commission to the Five Civilized Tribes, and the representatives of the Creek Nation, 1896, Exhibit G pp. 151-52.

APPENDIX XLVI—11.

PROTEST TO THE CHEROKEE AGREEMENT,

January 31, 1899.

Whereas, a certain agreement entered into on January 14, 1890, by and between what is known as the Dawes commission and a like commission appointed by the authority of the Cherokee National Council, known as the Cherokee Commission, was, on January 31, 1899, submitted to the people of the Cherokee Nation to be voted upon; and,

Whereas, said agreement was obnoxious in many of its provisions and was strenuously opposed by a large class of Cherokee citizens, in that it deprived them of certain legal vested rights; and,

Whereas, the Cherokee people having always reposed confidence and trust in the United States Government in its guaranty to protect them in their personal and property rights: Therefore,

We, the undersigned citizens of the Cherokee Nation, take this means of entering our solemn protest against the ratification, in its present form, of said agreement by the Congress of the United States, for the reasons hereinafter set forth, namely:

1. We oppose the individualization of the title to lands, and would consent only to the apportionment of the same, allowing the title to remain, as at present, in the Cherokee Nation.

2. We protest to the allotment of a part of our lands to white adopted citizens, for the reason that they have never paid into our treasury any sum of money or other considerations to become the owners of any share in a common estate, as have the Delawares and Shawnees adopted into our tribe.

3. We oppose the surveying and sale of town lots as provided for in said agreement.

4. We are opposed to section 65 of said agreement, which provides for reference to a board of arbitrators of Congress the claim of the Cherokee Nation, as ren-

dered by an accounting of the experts, James A. Slade and Joseph T. Bender.

5. We also protest against the provisions of section 81 of said agreement, which provides for the payment to one John C. Hemphill and one William T. Hutchings for an alleged claim for money amounting to more than \$8,000. If these parties have a contract with the Cherokee Nation of this nature, the Cherokee National Council is the proper place to make application for its payment.

6. We are opposed to section 44, for the reason that it does not revoke, in specific language, the claim of the Missouri, Kansas and Texas Railway to every alternate section of land for a distance of 10 miles on each side of said road through the land of the Cherokee Nation, as per an act of Congress granting said claim in case the Cherokee title was extinguished.

7. The Cherokee national debt should not be paid out of the principal of our invested funds, but out of such increment as might be made to accrue thereon, leaving the principal to the credit of the Cherokee people.

8. The agreement fails to make an equal division of the Cherokee domain in that it ignores the coal and other minerals in the country. Said coal and other minerals should be reserved to the Cherokee people, as in the Choctaw and Chickasaw agreement.

9. In the process of allotment many of our citizens will have to give up portions of their improvements, and the treaty fails to provide any indemnity in the premises. We cannot believe that Congress will allow such damage to fall upon our people without adequate remuneration.

10. It will not be best to allow the executive and legislative department of the Cherokee Nation to appropriate and apply the moneys of the Cherokee people without the approval of the President of the United States, since it was on account of failure of the Cherokee government to safely administer his financial affairs that induced the United States to assume control thereof.

11. In the matter of disbursing public funds, it is known that many persons were fraudulently placed on the pay roll of Cherokee freedmen, while many others were placed on the Cherokee pay roll who were not citizens of the Cherokee Nation. All such persons were then allowed to vote on the ratification of the agreement, and that, too, while the Dawes Commission, under authority of the Curtis law, stands clothed with the authority and charged with the duty to investigate the Cherokee rolls and to omit therefrom all such names as have been placed thereon by fraud or "without authority of law." Before passing on the ratification of the agreement, Congress should investigate the vote cast in the ratification aforesaid by Congress.

12. We protest against the short time allowed between the signing of said treaty and the day set for its ratification by the vote of the Cherokee people, the treaty not having been published in the Cherokee language more than three days prior to the day of voting thereon. And, furthermore, the chief's proclamation calling the election was never published in the Cherokee language.

13. We protest against said ratification as aforesaid for the reason that it was done unlawfully. According to Section VI, article 10, of the constitution of the Cherokee Nation, no change can be made in said constitution except by vote of all the Cherokee citizens at a general election, after the change contemplated had been published and promulgated at least six months previous to such general election.

14. We protest against said ratification because the agreements between the two aforementioned commissions allots to each citizen of the Cherokee Nation a specific number of acres of land, to-wit, 120 acres, when it is totally impossible to ascertain the exact number of acres of land to be assigned to each citizen until accurate rolls of said citizens have been made out as provided by law, and no such roll has ever been lawfully made.

WALTER A. DUNCAN,
(And 33 Other Citizens of the Cherokee Nation.)
—Congressional Record, Vol. XXXII, p. 2264.
February 24, 1899.

(As an expression of the opposition to the foregoing, the following editorial, under the caption of "A calam-

ity," appeared in the Indian Chieftain, of Vinita [February 23, 1899] immediately after the United States Senate refused to ratify the first Cherokee agreement.)

"The defeat of the Dawes-Cherokee agreement in the sub-committee of the Senate and House yesterday casts a gloom over the Cherokee Nation that will be hard to dispel. The great importance of the treaty to the Cherokees could scarcely have been realized by the congressional committee which decided yesterday to let it die in the committee rather than report it favorably. This treaty was reached after years of toilsome negotiation between the Dawes Commission and the Cherokees, and it afforded a final and satisfactory settlement of a vexed question and one that has been of great concern to the government. The Cherokees at the present juncture, feel that they have been the victims of political maneuvering, and that the government of the United States has suffered a few political shysters to dictate its policy in a matter that affects the personal property rights of more than thirty thousand Indian citizens. The work of the Dawes Commission has been set aside, and its representations to the Indians declared of no effect."

Tams Bixby.

Tams Bixby was born at Staunton, Virginia, December 12, 1855. When he was a year old, his parents, who were in humble circumstances, moved to Minnesota, ultimately settling at Red Wing, a year or two later. His early education was received in a parish school, supplemented by a year in the public schools, when he was twelve. He then entered the bakery and confectionery shop of his father, where he mastered the details of the business so that he took over its management when his father died, seven years later. From that he took leave to engage in the hotel business. In 1884, he became interested in the printing and publishing business, as editor and manager, successively, of several local papers at Red Wing. In this way, he became interested in politics, serving first as chairman of the County Republican Committee and then as secretary of the State committee. His first public office was that of secretary of the State Railway and Warehouse Commission. In 1889 he was selected as private secretary of Governor William R. Merriam, a position in which he was retained during the successive administrations of Governors Knute Nelson and David M. Clough. In 1897, the newly inaugurated McKinley administration had him slated for appointment as register of the U. S. Treasury, which he was ready to accept when he was suddenly offered the appointment as member of the Dawes Commission, which he accepted. He came to Muskogee, a "carpet bagger" appointee, as were all of the other members of that commission, yet he never was a "carpet bagger" in spirit, since he immediately made the interests of the people of the Indian Territory—both red and white—his interests. Senator Dawes, who was growing feeble with his advancing years, seldom came to the Indian Territory and never stayed long, so, as vice-chairman and acting chairman of the Commission, Tams Bixby was clothed with great power and responsibility. The performance of his duties was met unostentatiously but faithfully. It is doing no one else any injustice to state that, during most of the last decade preceding the transition from the territorial régime to statehood, he filled the largest place in the life and activities of the Indian Territory, yet he did it quietly and modestly as well as efficiently. In 1905, when the Commission to the Five Civilized Tribes expired by limitation, Mr. Bixby was appointed as the sole commissioner to wind up its affairs. He had always retained an interest in the publishing company at Red Wing and, in Muskogee, he became interested in the Phoenix Publishing Company. When his official tenure was ended, he returned to Minnesota for a time, serving two years as manager of the St. Paul "Pioneer Press," after which he came back to Muskogee in the further development of which he was very active. He was one of the projectors and the chief promoter of the Muskogee Free State Fair. His interest in life and its activities continued unabated to the end. He died at Kansas City, while en route home from California, January 17, 1922. Aside from his work in and for his home town

of Muskogee, he is worthy of remembrance as a man who left his mark on Oklahoma in a very beneficial way.

APPENDIX XLVI—12.

DIFFICULTIES ENCOUNTERED IN COMPLETING THE ROLLS OF THE CREEK NATION.

The Dawes Commission encountered many difficulties in completing the rolls of the Creek Nation. One of the chief causes of the "Snake Indian Uprising," so called, early in 1901, in the Creek Nation, was due to the opposition on the part of the full-blood Creeks to enrollment by the Dawes Commission. This excitement had practically subsided by May, 1901, but it was still necessary for the Commission to resort to United States court proceedings in order that a number of leaders might be enrolled.

Another one of the difficulties encountered was identification of the Creeks, as their names appeared on the old tribal rolls, for entry on the new roll. The Commission in its report for 1900, (pp. 19-20) gave the following as an illustration of this difficulty:

"... Many of the full-blood Indians have been known by five or six different names, such as Creek or Euchee names, English names, Musk names (a name given them by the tribal band to which they belong), and possibly a name given them while attending school, while many also have been known by their given names. An actual case illustrates the difficulty of identification: One John Buck appears before the Commission for enrollment. A careful search is thereupon made on the rolls for his name, resulting in its not being found. After diligent search for different other names by which he has been known, his name is finally found on the rolls as 'Co e cath tahny Yah lah pon co conthlany.'"

A third difficulty arose in enrolling the Creek freedmen, with regard to whom the Commission reported as follows, in 1899: (p. 13.)

"... Particularly difficult is the enrollment of Creek freedmen, whose rights thereto are dependent upon their names or that of their ancestors appearing upon the roll made by J. W. Dunn (United States Indian agent) prior to March 14, 1867, or upon admission to citizenship by proper authority since that time. The colored population of the Creek Nation is large, and it is safe to say that not a dozen freedmen in the entire nation at the time of the passage of the Curtis Act knew or remembered that there was ever a roll made by J. W. Dunn; yet so rapidly does the colored race transmit information of this character from one to another that nearly every man, woman and child in the nation now recognizes the importance of being on the 'Dunn roll' or being a descendant of some one who was; and so persistent are they in their efforts to establish a status thereunder that the strictest and most vigilant care must be exercised in the identification of applicants.

"The chief difficulty in this regard lies in the fact that the 'Dunn roll,' so called, was prepared immediately after the abolishment of slavery, at which time surnames among slaves was practically unknown. When anything more than a given name was necessary, the names of former masters were assumed, and it was by this method, largely, that Major Dunn enrolled the Creek freedmen in 1867. Since that time, however, a very large percentage of the freedmen have changed their names. After a period of forty years it is not an easy matter to identify those whose names appear on the roll in question. In view of the fact that each freedman who is found entitled to enrollment will receive nearly two hundred acres of land, and that most families will thus receive several hundred acres, it is not surprising that considerable effort should be made by these people to get on the rolls. Many of those now claiming have been recognized by the tribe as citizens and have been enrolled one or more times on tribal rolls, without having been admitted by act of council or otherwise legally acquiring that enrollment. That a monetary consideration has been the medium by which both freedmen and others have in some instances gained admission to the tribal rolls can not be questioned and, as the law authorizes the commission to eliminate such names from the tribal membership, progress is necessarily slow."

APPENDIX XLVII—1.

MURRAY'S LETTER TO PRESIDENT ROOSEVELT.

"The Enabling Act, as you are aware, contains a number of restrictions and limitations upon the sovereignty of the citizenship of the proposed State than ever before required of a people in the history of the admission of States. Indeed, it contains all the restrictions and limitations ever enjoined by Congress before in the formation of State Governments under the Federal Constitution, and more. In addition to the necessary and proper limitations that the Constitution shall not be repugnant to the Constitution of the United States, other restrictions are enjoined, to-wit: Limitations upon the power to tax certain property; the fixing of the State Capital at a certain point for a given period of years; the forming of Congress of five Congressional Districts—limitations never before required of any State. It is not our purpose to complain of the restrictions and limitations. We have accepted them in good faith. Notwithstanding their acceptance, the daily Republican press is filled with numerous criticisms to the effect that the legislative apportionment is an 'outrageous gerrymander,' and that other unnamed provisions of the Constitution are repugnant to your idea of statecraft and that their elimination is the price of Statehood. While we do not yield the point that a State, in the exercise of its policies, or in the adoption of its economic policies, is either expected or required to frame a Constitution to suit either the Executive branch of the United States, yet, in view of the business interests of this State and, in view of your authority granting us Statehood, and believing in the integrity of your promise to this people upon your trip through these territories, and that you would not purposely further delay the blessings of self-government to one and a half million people, I, as President of the Constitutional Convention, respectfully request and solicit from you an expression upon the Constitution, a copy of which is now on file with the Honorable Attorney General, and thus give us an opportunity to eliminate and provisions which will be necessary to secure executive approval. In view of the fact that the convention will be reconvened on the 10th day of July, as evidenced by a call, a copy of which I herewith send you, your expression of disapproval at this time would enable the convention to eliminate the objectionable provisions, if any, and would thus subserve to the interests of every citizen in this State, irrespective of party, creed or color. I assure you that our citizens are committed to Statehood as of first importance, and that party success or party advantage sinks into insignificance with all classes in comparison with the one thing, Statehood now, and without further delay. It is with you, Mr. President, to state the causes of further delay and give us this opportunity to remove them.

"Since from your Executive approval or disapproval there is no appeal, we submit there can be no impropriety in your now stating your opinion of any provision in the Constitution. Since your failure would cause you to do so later, why not state them now, and thus save us from further expense and our business interests from irreparable injury?

"It being human to err, we are prone to mistakes and shall be glad to accept your superior counsel and advice in the spirit in which I am sure that you would give it; for I am sure that it would be given in the spirit of friendly criticism and wholesome advice, rather than such criticisms as have come through an interested corporate and partisan press, as we have in this State, who condemn us without pointing out the objections, and who persistently lead our citizens to believe that the promise from you that you will withhold Executive proclamation, without giving us the benefit of the knowledge, which they claim to possess, of the provisions objectionable to you.

"You will observe from the call which I herewith send you, that the undersigned has appointed a committee to take and receive testimony and receive suggestions of any kind from all parties who attack the integrity and fairness of the legislative apportionment. The charge 'gerrymander' is easily made, but never in framing the legislative districts (which in a measure was a guess, because of the rapid growth and

increase in population of the different sections of our territory), did the minority of the convention make a request of me.

"I assure you that the overwhelming majority of the Republicans of this State desire Statehood, although the machinery of the party is in the control of those interested, it seems, more in maintaining their appointive positions than in serving the people (or even their own party), are seeking, through court proceedings, the press and otherwise, to create delay and increase the uncertainties to the detriment of the business interests of the State and to the injury of all classes of our citizens."

APPENDIX XLVII—2.

ELECTION PROCLAMATION.

To the Public, Greeting:

Whereas, pursuant to an Act of Congress entitled: 'An Act to enable the people of Oklahoma and of the Indian Territory to form a Constitution and State Government and to be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a Constitution and State Government and to be admitted into the Union on an equal footing with the original States,' approved June 16, 1906, and herein after referred to as the 'Enabling Act,' Delegates were duly elected; and,

Whereas, Said Delegates so elected did, on the second Tuesday after said election, meet at the city of Guthrie, the seat of government of said Oklahoma Territory, and organize as a Convention; and,

Whereas, After such organization said Delegates in Convention assembled, did declare that they adopted the Constitution of the United States on behalf of the people of the proposed State of Oklahoma; and,

Whereas, Said Constitutional Convention, did by ordinance irrevocable, accept the terms and conditions of said Enabling Act; and,

Whereas, Said Convention did thereupon form a Constitution and State Government for said proposed State of Oklahoma; and,

Whereas, In pursuance of a resolution of said Convention, the said Constitution of said proposed State of Oklahoma engrossed and enrolled upon parchment, signed by the officers of said Convention and certain members thereof, and attested by the Secretary of the Territory of Oklahoma under the Great Seal of said Territory of Oklahoma, was on the 22d day of July, A. D. 1907, filed in the office of said Secretary and is now on file in said office; and,

Whereas, Said Convention did, after said Constitution and State Government for said proposed State of Oklahoma had been so formed as aforesaid, provide by ordinance, as amended on the 15th day of July, A. D. 1907, entitled:

"An ordinance providing for an election at which the proposed Constitution for the proposed State of Oklahoma shall be submitted to the people thereof for ratification or rejection, and submitting separately to the people the proposed State of Oklahoma the proposed Prohibition article, making, substantially, the term of the Enabling Act uniformly applicable to the entire State for ratification or rejection, and for the election of certain State, District, County and Township Officers provided for by said proposed Constitution, and for the election of members of the Legislature of said proposed State of Oklahoma, and five Representatives to Congress, "for submitting said proposed Constitution to the people of said proposed State and for its ratification or rejection at an election to be held at a time fixed in said amendment ordinance, to-wit, on the 17th day of September, A. D. 1907, at which election the qualified voters for said proposed Constitution, and for or against any provisions separately submitted; and,

Whereas, By said amended ordinance it is provided, that at said election a separate provision adopted by said Convention, that is to say, a proposition as to whether or not the manufacture, sale, barter, giving away or otherwise furnishing intoxicating liquors shall be permitted in said proposed State for a period of twenty-one years from the date of its admission into the Union, and hereafter until the people of the State otherwise provide by amendment of said Con-

stitution and proper State legislation, the said proposition being, "shall the provisions for Statewide Prohibition be Adopted?" and,

Whereas, it is provided by said amended ordinance, that, at the time and place of said election for the ratification or rejection of said proposed Constitution, there shall be held an election for officers for a full State Government, including all of the elective State, District, County and Township Officers, provided for by the provisions of said Constitution, members of the Legislature and five Representatives to Congress; and,

Whereas, Said amended ordinance, certified by the President and Secretary of said Convention, was on the 22d day of July, A. D., 1907, filed in the office of the Secretary of said Territory of Oklahoma, and is now on file in said office; and,

Whereas, Section twenty-one (21) of said amended ordinance makes it the duty of the Governor of the Territory of Oklahoma to issue proclamation giving the public notice of the time and place of holding said election.

Now, therefore, I, Frank Frantz, Governor of the Territory of Oklahoma, by authority of said amended ordinance, do hereby make proclamation giving notice that the elections hereinbefore mentioned and provided for will be held in each and all election and voting precincts in each and every County and District in and throughout the said proposed State of Oklahoma, on Tuesday, the 17th day of September, A. D., 1907, at and between the hours of said day fixed by law, at which elections the qualified electors for said proposed Constitution, and for or against the separate provision separately submitted as aforesaid, and for any and all of the elective officers for a full State Government, State District, County and Township, and members of the Legislature and Representatives to Congress hereinbefore mentioned.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the Territory of Oklahoma to be affixed thereto, at the City of Guthrie, County of Logan, Territory of Oklahoma, this 24th day of July, A. D., 1907.

FRANK FRANTZ,

(SEAL) Governor of the Territory of Oklahoma.
Attest:

CHARLES H. FILSON,
Secretary of Oklahoma Territory.

APPENDIX XLVII—3.

PRESIDENT ROOSEVELT'S PROCLAMATION.

"By the President of the United States of America—
A Proclamation:

"Whereas, the Congress of the United States did by an act approved on the 16th day of June, one thousand nine hundred and six, provide that the inhabitants of the Territory of Oklahoma and of the Indian Territory might, under and upon the conditions prescribed in said act, adopt a constitution and become the State of Oklahoma, and

"Whereas, by the said act provision was duly made for the election of a constitutional convention to form a constitution and State government for the said proposed State; and

"Whereas, it appears from the information laid before me that such convention was duly elected and such constitution and State government were thereby duly formed, and

"Whereas, by the said act the said convention was further authorized and empowered to provide by ordinance for submitting the said constitution to the people of the said State for ratification or rejection, and likewise for the ratification or rejection of any provisions thereof to be by the said convention separately submitted, and

"Whereas it has been certified to me, as required by the said act, by the governor of the Territory of Oklahoma and by the judge senior in service in the United States Court of Appeals in the Indian Territory that a majority of the legal votes cast at an election duly provided for by ordinance, as required by said act, have been cast for the adoption of said constitution, and

"Whereas, a copy of the said constitution has been certified to me, as required by said act, together with the articles, propositions and ordinances pertaining

thereto, including a separate proposition for State-wide prohibition which has been certified to me as having been adopted by a majority of the electors at the election aforesaid, and

"Whereas, it appears from the information laid before me that the convention aforesaid after its organization and before the formation of the said constitution duly declared on behalf of the people of the said proposed State that they adopted the Constitution of the United States, and

"Whereas, it appears, that the said Constitution and Government of the proposed State of Oklahoma are Republican in form and that the said Constitution makes no distinction in civil or political rights on account of race or color, and is not repugnant to the Constitution of the United States or to the principles of the Declaration of Independence, and that it contains all of the six provisions expressly required by Section 3 of the said act to be therein contained; and

"Whereas, it further appears from the information laid before me that the convention above mentioned did by ordinance irrevocable accept the terms and conditions of the said act, as required by Section 22 thereof, and that all the provisions of the said act approved on the 16th day of June, one thousand nine hundred and six, have been duly complied with.

"Now, therefore, I, Theodore Roosevelt, President of the United States of America, do, in accordance with the provisions of the said act of Congress of June 16, 1906, declare and announce that the result of the said election, wherein the constitution formed as aforesaid was submitted to the people of the proposed State of Oklahoma for ratification or rejection, was that the said Constitution was ratified together with a provision for State-wide prohibition, separately submitted at the said election; and the State of Oklahoma is to be deemed admitted by Congress into the Union under and by virtue of the said act on an equal footing with the original States.

"In testimony whereof I have hereunto set my hand and caused the Seal of the United States to be affixed. Done at the city of Washington this 16th day of November in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United States of America the one hundred and thirty-second.

"THEODORE ROOSEVELT.

By the President:

ELIHU ROOT, Secretary of State."

APPENDIX XLVIII—1.

JACK LOVE.

John E. ("Jack") Love was born in San Augustine, Texas, June 6, 1857. His boyhood and youth were cast in reconstruction days, when Texas' schools were few in number and far from being as efficient as they became in a later and happier era. Consequently, the young "Jack" Love (for he was never known by any other name), did not receive many educational advantages other than in a primary and intermediate way, though he had one or two years as a student at the Sam Houston Normal, at Huntsville, Texas. However, he was a great reader and was largely self-educated. But, he was not born for a scholastic career; instead, he loved life in the open. He developed into a magnificent specimen of physical manhood, standing about six feet four inches in height and weighing around two hundred and seventy-five pounds, with no surplus flesh, and handsome enough to have served as a model for a Greek sculptor. With this splendid physique, he was also blessed with a mentality and a personality that many more pretentious men might well have envied.

After having taught school for a term or two and seeing extended service as a cow puncher and spending virtually all of his youth on the ranches and ranges of the Great Plains in Western Texas, he came to Oklahoma at the first land opening, in 1889, locating at Oklahoma City, where he immediately became a man of prominence. In 1891, he was elected a member of the municipal council; two years later, when the Cherokee Outlet was opened to settlement, Governor William C. Renfrow selected Jack Love for appointment to the office of sheriff of Woodward County, at its organization. Woodward County was

a tract of land nearly sixty miles square in those days, with a sparse and somewhat intractable population, so the position of county sheriff was far from being a sinecure. However, the presence of Jack Love in such a position, with his unvarying kindness, his firmness and his unquestionable courage, had a very quieting effect and, more than any other single personal influence, helped to tame Northwestern Oklahoma.

Jack Love was affectionately called "Colonel" by his friends, though due to ineligibility of age, he never saw military service. He was always found in the front ranks doing his part of patriotic work that has to be carried on at home, incident to warfare. In his last illness he asked that the flag might be placed on the lawn near the window, so that he might enjoy its beauty to the last.

He made his home at Woodward continuously from his settlement there, in 1893, until he took up his duties as a member of the Corporation Commission, in 1907. The affection existing between him and Temple Houston, the noted pioneer attorney of Woodward, who like himself, was a native Texan, and son of General Sam Houston, might have been likened to that of David and Jonathan.

After the Oklahoma Constitution had been completed and submitted to the people for consideration, Jack Love announced himself a candidate for a member of the Corporation Commission, which he considered at that formative period, to be the highest within the power of the people to give, and though often importuned to make the race for Governor, he always said he would prefer being Corporation Commissioner. This was especially true at that time, since it had long been said that the railroads "could put over" anything they wanted in Oklahoma. The boast had the effect of a challenge to him and, in his candidacy, he made no secret that, if he were elected to membership on the Corporation Commission, he intended to "make the railroads toe the mark." His election, therefore, was far from pleasing to the corporation officials, and especially since at the time of the organization of the Commission, he was selected its first chairman, a position he held until his death. It was said that his election to the Commission, "was a pill that always left a bad taste in the mouths of the corporations."

A little story was related about E. H. Ripley, president of the Santa Fe Railroad, and other corporation representatives, who visited Guthrie shortly after the state government inauguration to give the new Corporation Commission "the once over." The quarters occupied at that time were far from being as spacious as those which were assigned in after years for its use in the new capitol, at Oklahoma City, consequently there were but few chairs in the room, and those all occupied, when Mr. Ripley and associates came in. One of the clerks of the Commission, with a smile on his face, rushed over to him and said: "Just a minute, Mr. Ripley, and I will get you a chair."

"Hold on there, now; hold on; let 'em stand; they kept us standing for twenty years," Chairman Love drawled, in his southern accent. Ripley and the others stood.

Chairman Love would have no private conferences. Whenever a representative of the railroad companies or other corporations came to "see" the Commission, the conference was held all right, but all doors were open, and the windows too, if the weather permitted. "There is no private business that the people of the state have not some interest in," was Chairman Love's oft-expressed view. Secret conferences were unknown in his department during his incumbency.

Jack Love was a man of great dignity, as well as rugged honesty. This he could lay aside when in the presence of friends, and he was reputed to have had an endless store of anecdotes and stories—humorous, thrilling and enlightening. He was a man of boundless generosity, with a "heart as big as that of an ox," and delighted in displaying his hospitable spirit. He was never married. He died June 1, 1918, at Mineral Wells, Texas, whither he had gone in quest of health. He was buried in Oklahoma City, where his body lay in state in the Capitol building, the funeral services taking place in the House of Representatives and attended by a concourse of friends, which so worthily attested the passing of one of Oklahoma's greatest pioneers. The monument that marks his last

resting place was a token of his old friend, the late Jake L. Hamon.

APPENDIX XLVIII—2.

PATRICK SARSFIELD NAGLE.

Patrick Sarsfield Nagle, lawyer and politician, was born at Newport, Decatur County, Indiana, November 23, 1858, son of George and Mary (Burke) Nagle. His father, a native of Castletown Roche, County Cork, came from Ireland about 1836; he was a farmer though most of the Nagles in his line, were lawyers. The mother of the subject was descended from a brother of Edmund Burke. The Nagles removed to Pottawatomie County, Kansas, in 1876. He received his preliminary education at St. Mary's (Kansas) Academy, subsequently becoming a student at St. Mary's College. At the academy he and his brother played baseball under the preceptorship of Charles Cominsky, destined to become one of the great professional ballplayers of his day, and afterward celebrated as the owner of the Chicago "White Sox." Five days before he attained his majority he was elected register of deeds for Pottawatomie County, as a Democrat, although the county was strongly Republican. He served for two terms.

He "made the run" to Oklahoma when the Territory was opened, in 1889, locating at Kingfisher. Meanwhile he had studied law and was admitted to the Kansas bar, in 1884, and in that year began the practice of his profession in Pottawatomie County. At Kingfisher he became the partner of Matthew J. Kane, with whom his subsequent career was destined to be interwoven. President Cleveland found it difficult to get the right man to act as United States marshal of the Territory. Two men had tried it and had given it up and, finally, Hoke Smith, Secretary of the Interior, suggested Nagle, who was not a candidate, and he was appointed. He made Kane his deputy, serving during 1896-97. His political career was checkered and stormy. In 1896 he voted for the Democratic gold standard candidates. Meanwhile, however, his law practice increased to such an extent that his reputation became more than State-wide and he figured on one side or the other in almost every case of prominence at and around Kingfisher. Kane drew him back into politics, he acting as Kane's campaign manager for member of the Constitutional Convention and aiding in Kane's election as one of the first justices of the State Supreme Court.

In 1908 Nagle was candidate for the Democratic nomination of the United States Senate, but, by this time, he had espoused Socialism to such an extent that he was easily defeated by Gore. After the election he renounced his connection with the Democratic party and became a Socialist leader. At the same time he divorced himself finally and completely from the Catholic Church. He threw himself into the work of Socialist propaganda, paying especial attention to the wrongs, as he conceived them, of the tenant farmer. By pamphlet, by newspaper articles and in public speeches he produced a prodigious amount of propaganda, having found in the tenant farmer a cause to which he could freely give all his abundant powers. In 1914 he was the Socialist nominee for the United States Senate, and in 1918 he was defeated for the nomination for Governor. The leaders of the dominant party held him largely responsible for what they considered the dangerous increase in the Socialist vote, which reached 70,000 in 1916. Then came the European war and the disintegration of the Socialist party.

Nagle had never been a good party dogmatist, and had now become convinced that radicals could, for the present, accomplish more by throwing their strength first to one and then another of the old parties. He brought about the election of a Republican to Congress, in 1919, and then to the United States Senate, in 1920. He was drawn into the gubernatorial campaign in 1922 as J. C. Walton's manager. The entire strategy both of the primary and final campaigns was largely Nagle's, and it is common knowledge in Oklahoma that he wrote most of the deposed Governor's speeches and messages.

He was a member of the various bar associations and of the Friends of Irish Freedom. At his death the "Daily Oklahoman," Oklahoma City, which had always opposed everything Nagle stood for, said: "Pat Nagle, a lone wolf, a man who played the political game single-handed, who tracked alone. His, a

powerful mind, an insight into the psychology of the mass of people that was uncanny. His, a spirit of honor that never betrayed a friend, coupled with a word that with his hand on it was equivalent to a bond, but above all things else a man of mystery. He gave no confidences, yet his voice was authority. The deepest man in Oklahoma and the outstanding figure in politics, is the estimate which both friends and enemies make."

Patrick Nagle found his thrill in defending the unfortunate; in fighting oppressive and reactionary institutions and customs. He was known far and wide for his intellectual and moral honesty, for his tolerance and his broad-mindedness. He never attempted to trick another lawyer out of a judgment on a pure technicality. He was interested in life, in art, in literary studies. He seemed to belong to Greenwich Village rather than to the frontier. Yet on that frontier he was a rare spirit, intellectually head and shoulders above his associates at political round tables. There was no one in Oklahoma who could match his insight into political economy or vie with him in forecasting and providing against an enemy move. He never let the offensive be taken from him in a campaign. His plans were complete far in advance of the events with which they were concerned, and if unfortunate things occurred he was resourceful enough to adapt himself to the situation and ambush his opponent at the most unexpected moment.

Nagle was an Oklahoma Warwick. He fought fire with fire. His were the tactics of the diplomat and his foes so respected him. He was never built for teamwork or for harness. He yielded only to his ideals and bent his life toward their attainments.

He was married September 10, 1894, to Angie, daughter of Alexander McCartney, a farmer of Kingfisher, Oklahoma. She survives him with two sons, Paul Revere, a drilling contractor, and Patrick S. Nagle, Jr. He died at Oklahoma City, January 12, 1924. In all of his later political activities he had the confidence and inspiring encouragement of his wife, whose mind and courage were in harmony with his own. From 1923 to 1927, Mrs. Nagle served as a member of the State Board of Affairs, in which position she not only gave close attention to the details of the State's business, but also lived up to the family reputation for unswerving honesty.

APPENDIX XLVIII—3. THE COST OF DROUTH.

The aggregate losses from drouth on the five major field crops, namely, corn, wheat, oats, Kafir corn (grain only—not forage), and lint cotton, in Oklahoma, during the eight trying years just enumerated, approximated twice the loss sustained by the valley of the Mississippi River during the great floods of 1927. What the loss would have been had the aggregate included those sustained on forage and hay crops, field, garden truck, orchard and vineyard crops, and the enormous losses sustained by the live stock industry would have swelled this astounding aggregate to a vastly larger figure. These were losses sustained by farmers, ranchmen and others who seek their gains directly from the soil. What the secondary losses of the commercial, banking or transportation interests were is beyond conjecture. Yet, as the years ordinarily run, Oklahoma generally has enough rainfall to mature crops throughout the greater part of the state, if the surplus storm-water were properly conserved during the seasons of greatest precipitation.

Although Oklahoma's aggregate losses on all forms of crops, property, and business during the period just mentioned was easily three and perhaps four times as great as that sustained by the Mississippi valley lands during the great flood of 1927, and though thousands of farm homes and homesteads had to be abandoned temporarily, if not permanently, the country at large was never asked to take up a subscription in behalf of unfortunate and, in many cases almost starving, people. Neither were the good offices of the Red Cross ever invoked to alleviate their distress or misery. Indeed, the independent, self-reliant, and courageous resourcefulness of the people of Western Oklahoma, like those of the other portions of the Great Plains region, was, and is, such that they face such disasters uncomplainingly, to start anew, to rebuild their shattered fortunes. Many of these peo-

ple had to abandon their homes, for the time being, and seek employment elsewhere, but a large part of these eventually returned with hopeful hearts to once more face the problem of trying to conquer the capricious extremes of the sometimes hostile climate.

In this connection it may be remarked, that Oklahoma has several times experienced drouth losses in a single season which aggregated two or three times as much as the losses sustained in this fall of 1923, without arousing any particular public attention, or causing any action at the hands of the State Legislature. If the surplus storm-waters of the Great Plains region could be stored in the days of abundant rainfall, against the coming of a period of drouth, the benefit would be twofold—not only reducing, if not preventing flood losses but also, through the medium of evaporation, and greatly reduced drouth loss as the result of a consequent increase in atmospheric humidity. Any practical and satisfactory solution of the problem of floods in the river valleys of central and eastern Oklahoma will necessarily include a reciprocal consideration of the problems of drouth, water conservation, evaporation and increased atmospheric humidity or moisture in Eastern Oklahoma and adjacent portions of neighboring States. This can be done by constructing a few large reservoirs to be filled from over-flow rivers, carrying large amounts of silt, sand, and mud. The ultimate solution will be found in the construction of multiplied thousands of small artificial ponds and medium-sized reservoirs, which will keep most of the flood-waters from ever reaching the river.

APPENDIX XLIX—1. GENERAL ROY HOFFMAN.

Roy Hoffman was born on a homestead claim in Neosho County, Kansas, June 13, 1869, and his early life was spent on farm and ranch. He was educated in the public schools and at the Kansas Normal School, at Fort Scott. His parents having located at the Sac and Fox Indian Agency, early in 1889, he settled at Guthrie shortly afterward. He was admitted to the bar in 1891. At the beginning of 1893, he established the "Guthrie Daily Leader," of which he remained the editor and publisher for a year and a half. In the meantime, he had been appointed as private secretary to Governor William C. Renfrow. He also served as an assistant United States District Attorney. During the Spanish-American War, he enlisted for service in the Oklahoma Battalion of the 1st Territorial Volunteer Infantry and was commissioned as captain of Company K. Although this regiment saw no active service outside of the training camps, Captain Hoffman, had a brief tour of detached service in Cuba.

After the Oklahoma troops had been discharged from the volunteer service, in 1899, when the 1st Infantry, Oklahoma National Guard, was reorganized, Captain Hoffman was commissioned as lieutenant-colonel and, after the death of the colonel of the regiment, in 1900, he was promoted to fill the vacancy. As such, he remained the ranking officer of the Oklahoma National Guard, for seventeen years, being generally in command when its forces were called out for training encampment or other service. He commanded the regiment during its eight months of service on the Mexican Border, in 1916-17.

After his discharge from the volunteer military service in 1889, he settled at Chandler, where he engaged in the practice of law, and also took an active part in civic and political affairs.

When the 1st Infantry, Oklahoma National Guard was ordered back to Fort Sill, late in March, 1917, less than a month after it had been released from the Federal service and a week before the declaration of war against Germany, Colonel Hoffman was said to be the senior National Guard infantry colonel in the whole United States. He was in command at Fort Sill for a time. He was promoted to the grade of brigadier-general in the National Army, his commission bearing the date of August 5, 1917. He was assigned to the command of the 93d Division (Colored), the completion of the organization of which was made under his direction. He saw service in the Toul sector and the Battle of Castigny. He also participated in the defense of the Picardy sector and in the reduction of the St. Mihiel salient, his division being attached to the French Army. General Hoffman was cited by General Henry d'Oissel, commanding the 8th

French Army Corps, for meritorious service in the defense of the Champagne Sector. He was awarded the decoration of commander of the Legion of Honor, and holds also those of several other orders.

Since his discharge from the active military service, on February 5, 1919 General Hoffman has been connected with the Reserve Army, as a brigadier-general and is now the commander of the 95th Reserve Division. He has served three terms as president of the National Reserve Officers' Association. He was one of the organizers of the American Legion, and has been active in the promotion of its interests. He served as State department commander of the Legion in Oklahoma and has had a prominent part in other veterans' organizations, both of the Spanish-American and World wars.

Politically, General Hoffman has been active as a Democrat and has held several official positions in the county, State and Federal official services. General Hoffman has long been recognized as one of the most gifted public speakers in Oklahoma. A brief, impromptu address, delivered on the spur of a momentary inspiration, on the occasion of the dedication of the Captain Carter C. Hanner Memorial Hall by the American Legion, at Stillwater, hereunto appended, serves to illustrate his ability and power as an orator.

Tribute To Captain Carter C. Hanner.

Mingled feelings of pride and sorrow are tugging at my heartstrings, as I stand here. Pride of participation in this historic ceremony; pride in the patriotism, energy, and splendid new home of this progressive Post; pride in the military display of your magnificent educational institution—in the swing, discipline and step of these fine, up-standing cadets—pride in the very Spirit of our Country, always so quick and manifest in Stillwater; sorrow from the poignant memories awakened of my dear, departed friend. I knew Carter C. Hanner well. He was my comrade. How vividly the old days come back now. With Gilstrap, Key and Berry, in camp and in the field and on the march, I learned to intimately know and love him.

How often among the duties of the day, or in the watches of the night, we have discussed military problems; or, released from routing, our minds have grouped together into the dim, rapt mysteries of life! And, clinging together, we have felt out in the dark for the touch of a guiding hand and talked of death and the hereafter.

Captain Hanner is no more. He gave his life, in its spring time and its joy, that his country might live, secure in its blessings of peace and prosperity. Radiant with love and life he went to his death that bloody day in the Meuse-Argonne, as bonny, brave and blithe a lad as ever gave his life for Liberty. This Post and this community does well to honor him. As citizen and soldier he did honor you. His spirit flames immortal in the hearts of his countrymen, and his bright and shining Soul goes marching on.

(Turn to his picture, hanging over the front of the Legion Home)

Carter Hanner, loyal and chivalric comrade, I salute you! Dead on the field of honor—with courage above and beyond the call of duty. Your ashes mingle with the dust of this Republic, but to me you are a living presence still. There is, there was, there can be, no gentler spirit, no braver soldier, no better comrade, father, husband, citizen, friend—no kinder, sweeter, nobler, manlier man.

APPENDIX XLIX—2.

THE OKLAHOMA-TEXAS CONSOLIDATION.

When the 1st Regiment of Infantry, Oklahoma National Guard, ceased to exist by reason of its consolidation with the 7th Texas Infantry, October 15, 1917, it had been in the Federal service fifteen of the preceding sixteen months. During the whole of that time, both officers and men had been living under field conditions, under the authority, inspection, observation and training of officers of the Regular Army as military superiors. The training which the officers had received at least equalled in amount and character that which was offered to candidates for commissions in the National Army at the officers' training camps. Most of the officers of the Oklahoma Regiment had seen from three to fifteen years in its service and a

goodly number of them had been promoted from the ranks.

Oklahoma had accepted the National Defense Act in good faith. Some minor units had been filled out by the organization of a few new companies, with experienced service men as officers, but there was no disposition on the part of Oklahoma to organize any new National Guard regiments, with officers for the same to be selected chiefly through political influence, largely because they had elected to break into the Federal service after the manner of the old volunteer system rather than submit themselves to the hard work of a training camp course. When Oklahoma first was consolidated with the Texas 7th, the latter had been organized but a few weeks, consequently most of the Oklahoma officers outranked those of the Texas contingent. As each company of the consolidated regiment was to have four lieutenants, it absorbed all of the subaltern officers, but there were twice as many captains, majors and lieutenant-colonels as were needed.

The promotion of Colonel Hoffman to the grade of brigadier-general, left but one colonel—Alfred W. Bloor, who was a capable and experienced officer and who had seen service in the volunteer army during the war with Spain—so it was but natural and proper that he was retained as commander of the consolidated regiment, with Lieutenant-Colonel Elta H. Jayne, also an accomplished officer of long service and experience, as second in command. Beyond that, however, long service and experience did not count, since two of the other three Oklahoma field officers—Major Ellis Stephenson and Major William Green—were detached for assignment to duty elsewhere, Major Stephenson as commander of the 131st Machine Gun Battalion and Major Green to the Field Artillery. So, despite longer service, seniority and extended field training, Oklahoma was only allowed two out of the five field officers. Moreover, the discrimination thus started was continued throughout the subsequent service of the regiment.

Some months later, Major John T. Alley, was transferred from the 142d Regiment to the command of the divisional military police, and Captain Harry B. Gilstrap was promoted to fill the vacancy thus created—the last promotion of importance among the Oklahoma officers of the regiment, until just before the cessation of hostilities. That political influence could be used in other ways, as well as in securing regimental commissions, was evidenced by the fact that, shortly after reaching the port of embarkation, two majors of the 142d (who were not from Oklahoma) sought and secured higher commissions with staff assignments, which precluded the necessity of their personal participation in combat action. Immediately after the regiment had debarked in France, Lieutenant-Colonel Jayne was relieved from duty with the 142d Infantry and assigned to detached service elsewhere, so that, for a time, there were but two field officers with the regiment. Then a captain (who was not from Oklahoma) coveted the rank and station of the only major on active duty with the regiment and he, too, was detached and assigned to duty with the military police.

Thus far, political methods seemed to have been fairly successful in military affairs. Unfortunately for the continued success of such a system, however, the War Department and the General Staff of the Army not only had officers whose promotion was regarded as fitting and desirable, but also were possessed of a power that not even a political pull from a great state could overcome. Consequently, vacancies in the field were filled by transfers and assignments for other units. But the petty undermining of line officers was continued so that, of all of the Oklahoma company commanders and field officers who were assigned to duty with regiment after its consolidation and reorganization, only one—Captain Charles Johnson, of Pawnee, who was promoted to major only a week before the Armistice—survived the hazard of battle casualty and the vicissitudes of politico-military intrigue to return with the regiment.

It is gratifying to know that, as the Oklahoma National Guard is now organized, a repetition of the unpleasant incidents of the merge and submergence of the old Oklahoma 1st Regiment, in 1917 and 1918, could not happen again, were a similar occasion to present itself.

APPENDIX XLIX—3.

A SUBMARINE ATTACK.

"Without warning the submarine appeared in the center of the fleet, which was guarded at the time by a flotilla of destroyers, the 'Charleston' having turned back to the United States a short time previous. The appearance of the undersea craft was the signal for every available piece of naval artillery to open fire. It was stated that more ammunition was used by the naval gun crews in this voyage than by all the other ships of the navy during the war up to that time. The guns, however, had not been able to get into action before the submarine had launched a torpedo which barely missed the stern of the 'Maul,' the transport bearing the 1st Battalion of the 142d Infantry, probably the closest call experienced by any of the troops.

"Hardly had the periscope of the enemy craft been sighted than one of the destroyers was bearing down upon it, and although the submarine submerged before the destroyer reached the spot, it was not in time to escape. A depth bomb which made the sides of the transports in the vicinity groan from the shock of the explosion, ended the career of the German boat. As soon as the bomb had exploded the destroyer wheeled in her course and sped back to the spot to drop a second depth charge. In answer to this second explosion the surface of the sea in that vicinity was covered with oil and debris from the destroyer's prey.

"This engagement was watched with the same keen zest known to the football field. Every available vantage spot aboard the transports was crowded with troops who cheered and cheered again as the gun crews fired their pieces and the destroyers darted here and there to drop their bombs. When the oil and debris appeared on the surface of the water the cheering was that attending a touchdown. It is thought that the convoy was attacked by the same submarine which sank the 'San Juan' off Fire Island the morning of July 29, although there was no way of verifying this. In the engagements with the U-boats no damage was inflicted to the transports and the entire convoy arrived safely in Brest Harbor, the morning of August 12, being the last of the Division to reach France.

"In spite of the excitement that prevailed in the battle with the submarines the infantrymen aboard the 'Maul' learned to display strategy that was worthy of the best. For many days it had been difficult to get enough to eat, due to the overcrowded condition of the boat. The ship's galley was not capable of feeding so many men. When the greater part of the personnel rushed on deck, the hungry doughboys found their way below and obtained a supply of provisions from the unguarded galley that left the larder practically exhausted. Another incident that later caused general amusement was brought about when all transports put on full steam to get away from the vicinity of the submarine as soon as possible. The convoy was a slow one, taking fourteen days to cross, and the troops blamed the speed on the rear-most ship, an Italian steamer, which common rumor declared to be the slow boat and the one which the rest of the ships had to wait for. When the submarines appeared, this ship developed speed that astonished those who were watching. She sped through the balance of the convoy and was lost to sight within a short time. Later it developed that the Italian boat was laden with explosives to such an extent that had she been hit by a torpedo it would have been disastrous to any other ships in her vicinity."

APPENDIX XLIX—4.

MAJOR HARRY B. GILSTRAP'S LETTER TO MRS. WILLIS L. PEARCE.

The following letter was received by the widow of Captain Willis L. Pearce, of the 142d Regiment (old Oklahoma First National Guard), in reply to a letter of inquiry which she had written to Major Harry B. Gilstrap, formerly of the same regiment, concerning the death of her husband. The letter was printed in the press shortly after its receipt. Captain Pearce's home was at Healdton, while Major Gilstrap's home was at Chandler:

"Your letter of November 16 and a letter from Captain Pearce's sister, Julia, dated November 21, both reached me today by the same mail. It grieves me to have to confirm the news of the death of your husband. I would have written you before but in some way had an impression that you were not in Ardmore, and so I did not know how to reach you. I was not with the 142d when it went into action, having been transferred a month before to the military police.

"I was on the battlefield where my old regiment suffered so many casualties, on the 11th, the day on which the Brigade was relieved, and it was then that I first heard of the death of Captain Pearce. I could not remain longer at the time and did not then see his body, though I did see the body of Lieutenant Harrison and First Sergeant Audry of the company. At the first opportunity I returned (our Division had in the meantime pursued the Boche some 30 kilometers to the River Aisne). This was on Sunday, October 13, and a burial party from the 142d was at work. Several of the officers from our regiment were then being buried, and I saw the body of Captain Pearce and that of Captain Hanner, of Stillwater; Lieutenant Matheny, of Chandler; Lieutenant Lowry, of Kingsfisher, and Lieutenant Harrison, of Wewoka, had already been buried. One of the officers of the 142d, Lieutenant Clark Owsley, who was in charge of the party. I was told that a Y. M. C. A. man had taken the valuables and keepsakes from Captain Pearce's body soon after he fell. I did not get any definite information as to the circumstances of his death, because I left the division a few days later and have not since then seen anyone from whom I could get the information.

"My impression is, however, that Captain Pearce was killed as were most of our officers and men, by machine gun fire, and that his death was immediate. The report that he 'died from wounds' is misleading, for that is the expression commonly used when a soldier is taken to a dressing station or a hospital and dies after leaving the field. To my personal knowledge, Captain Pearce was buried within a few yards of where he fell.

"The service of aid to our wounded during the engagement was splendid, and I am sure that if the captain had been merely wounded he would have been taken back to a dressing station and then to a hospital. I heard of but one officer who lived even a little while, and that was Captain Hanner, who they said, was taken to a dugout after he was wounded and, in a little while, before aid could be rendered he was dead. I shall certainly try to get more information for you, though it may be some time before I can do this. I thought the captain fell on the first day of the fight—October 8—but I may have been mistaken in this. The records of deaths and burials were being made up by the regimental chaplain, Lieutenant C. H. Barnes (Hennessey, Oklahoma), when I left the division. The chaplain himself had returned from a hospital after the battle and was being guided by the best information then available. Of course the fact of a death was verified fully before being sent out, but the date might be questioned, for the fight lasted three days. I know quite well the spot where these dear friends of mine, including your husband, were laid to rest. It was near the town of St. Etienne, a small town of the Champagne sector.

"It will not appear on the maps of small scale, but if you draw a line from Chalons to Mezieres, a point on this line directly east of Rheims will give you practically the location of St. Etienne. There are probably more than fifty brave Oklahomans buried on this little hill where they captured the last line of the German defenses. Eighteen from my old company (Company B) are buried there. I could not feel more completely at a loss for words, Mrs. Pearce, than I do in my wish to say some small word of comfort to you out of the great tragedy of this war.

"Before I left the regiment I was for two weeks in the same town with Captain Pearce as his battalion commander, and this intimate daily association helped me to know him better, which was to esteem him more highly. His conscientious performance of duty, his cheerful acceptance of hardship and his consideration of others endeared him to us all. When we were moved from the training area we were halted for ten days south of the Marne, west of Chalons. While here, I did not see the Captain. The 142d and 141st left the

night of October 4 by truck for the front, going to Somme Suippes. On Sunday, the 6th, they began to march, to their position, going through Souian and Somme Py. Sunday night the guide of the 142d got lost, so the Regiment did not reach its position until 8 o'clock on Monday morning. Tuesday morning at 5 a. m. they 'went over the top,' the second battalion, including F company, being the assault battalion. The orders, it seems, were somewhat vague, and the odds were frightfully against them, but they fought with such gallantry as would not be expected in troops new on the line and won the admiration of the marines, whom they were relieving, and of the French corps commander, who praised them in official orders. Most of our casualties occurred that first day. The total number of officers killed in the 142d was ten, but three times that many were wounded.

"The total casualties in the division as reported when I left, were 2,300 of whom 500 were killed.

"Your husband fell near the top of the hill which was held by Boche machine gun nests. He made the supreme sacrifice to the cause of world freedom. But first he led his men successfully against the last Boche stronghold on this line and

" . . . died with the glory of faith in his eyes and the glory of love in his heart."

"Yours is the greatest sacrifice, and my heart goes out to you in a feeling of deepest sympathy. I was in Paris on the night when the people were celebrating the signing of the Armistice. Somehow I could not enter into the feeling of gayety that abounded there for I could not get away from the thought of the price of victory. It has been brought very close to me, but infinitely more to you. Feel assured of this—that your gift to this cause was of the best. Your husband was not only a volunteer, but he had by years of work prepared himself to be of real value in the final test. The star in your service flag is fitly represented by the gold that typifies your husband's fidelity to home and country. Your gift was not in vain, and the State and Nation may well honor the memory of such brave soldiers as Captain Pearce.

"It was a great disappointment to me that I could not go into this fight with my old outfit, but it was undoubtedly what makes it possible for me to be writing you today. My boy did go with his company and, after behaving quite creditably, was gassed, from the effects of which he is still in the hospital, though not in a serious condition. I hope, when I get back, to see you and, in the meantime, if I can get additional details concerning the things you are eager to know, I shall write you."

APPENDIX XLIX—5.

GENERAL HUGH S. JOHNSON.

Hugh S. Johnson was born at Fort Scott, Kansas, August 5, 1882. His parents were among the early settlers of the Cherokee Outlet, locating at Alva, Oklahoma, in 1893. He was educated in the public schools at Alva, at the Northwestern State Normal School (of which he is a graduate) and in the U. S. Military Academy, whence he graduated in 1903. He was commissioned second lieutenant of the 1st Cavalry. For several years he was stationed at Berkeley, California, as military instructor in the University of California. While there, he received the degree of Bachelor of Arts, in 1915, and Doctor of Jurisprudence in 1916. He had previously served in the Philippines, from 1907 to 1909; an executive officer of Yosemite National Park, 1910-12. Subsequently he served as judge advocate under General Pershing, in the Punitive Expedition into Mexico, in 1916; assistant to the law officer of the Bureau of Insular Affairs, from October, 1916 to April, 1917; deputy provost marshal general, 1917. He reached the grade of first lieutenant in 1911, that of captain, July 1, 1916; major and judge advocate, August 5, 1917; lieutenant colonel and judge advocate, 1917; colonel in the National Army, January 15, 1918, and as brigadier general, April 15, 1918. He was commander of the 15th Brigade, 8th Division, Camp Fremont, California, October 1 to 18, 1918; commander of the 8th Division, October, 1918, to January 1, 1919, Camp Lee, Virginia. He resigned from the military service, February 25, 1919.

General Johnson originated the plan for the selective draft; after the same was approved by Judge Advocate General Enoch Crowder, the latter brought

the matter to the attention of Congress, where a bill was introduced for the purpose of making it effective. When the necessary legislation had been enacted, the General planned to have the necessary papers and blanks printed, he was surprised to find that Major Johnson had assumed the responsibility of having the type set, the forms made up and the presses already in operation, even before such a course had been authorized by an act of Congress. Such ability on the part of a subordinate officer to cut the "Gordian knot" and assume personal responsibility for prompt action in an emergency, without waiting to unroll bolts of official red tape, virtually had the effect of putting the force of America's man-power behind the Allied cause three months sooner than it would have been possible, otherwise.

When he reached the grade of colonel in the course of his rather rapid promotion, his assignment took him to the General Staff, where he served as chief of Purchase and Supply Bureau, and member of the War Industries Board. He also conceived the organization of Purchase, Storage, and Traffic Division of the General Staff, in effect from August, 1918, to the close of the war. Notwithstanding his remarkable and successful achievements in staff lines, however, he longed for a chance to do his part in combat action. With the 8th Division, of which he was the commander, he had already embarked for the over-seas' voyage when the news of the Armistice was received.

General Johnson received the Mexican Campaign and World War medals, and was awarded the Distinguished Service Medal "for work on the selective draft." In addition to his brilliant attainments in a military way, General Johnson has gained distinction because of his literary ability and productions. He is the author of "Williams of West Point," 1907; "Williams on Service," 1909; several military publications, and many stories and essays in magazines.

General Johnson resigned from the military service February 25, 1919, when he accepted the position of vice-president, general counsel, and assistant general manager of the Moline Plow Company. He also organized (in 1925) the Moline Implement Company, in which he holds a position on the Board of Directors. His home is at Moline, Illinois.

General Johnson's father was the late Hon. Samuel L. Johnson who was long prominent in the public life of Oklahoma. He was the first postmaster of Alva and was one of its most usefully constructive pioneers. Later, he settled at Okmulgee, where he served as one of the early mayors, in the first state election, in 1907, he was chosen as state senator from the Okmulgee district and was successively re-elected at the end of each term, until his death, more than a dozen years later.

APPENDIX L—1.

GENERAL CHARLES F. BARRETT.

Charles F. Barrett was born at Galion, Ohio, January 1, 1861. His parents were pioneer settlers in Kansas and he was reared on a farm and educated in the public school of that State, and at the Kansas Agricultural College, where he received his first military training. He also learned the printer's trade. He settled in Oklahoma in 1893, and was engaged in the newspaper business, editing the "Press Gazette" in Oklahoma City. He was admitted to the Oklahoma Bar in 1894, and began practice at Shawnee. He was commissioned a captain of the Oklahoma National Guard in 1898. At the outbreak of the war with Spain, having been denied a commission in the Volunteers, he resigned his National Guard commission and enlisted as a private, but was shortly made first sergeant of his company. Upon being discharged from the volunteer military service he returned to Shawnee where he again entered the National Guard as a second lieutenant. In 1901 he established the "Shawnee Herald," which he published until 1906. He was a clerk of the Constitutional Convention in 1906-7 and secretary of the Oklahoma State Board of Agriculture 1908-10. He was elected a member of the Oklahoma House of Representatives in 1910 and of the State Senate in 1912. He had been commissioned major December 12, 1907, assigned to the command of the 2d Battalion of the 1st Oklahoma Infantry; he was relieved from command of that battalion December 31, 1913 and assigned to the Judge Advocate General's Department. He was relieved from

the Judge Advocate General's Department and assigned to the command of the 1st Battalion of the 1st Infantry, June 19, 1916, and was inducted into the Federal service, July 4, following. He was discharged for physical disability, October 25, 1916. He reentered the Oklahoma National Guard service, May 13, 1918, being senior major and was assigned to duty as mustering officer of the Oklahoma National Guard; assigned to duty as judge advocate on the State staff, July 16, 1918; was assigned to command of the 1st Battalion, 2d Infantry, November 15, 1918 and transferred to the State Administrative Staff, January, 1919. On February 1, 1919, he was made acting adjutant general; he was promoted to colonel and acting adjutant general, April 14, 1919; promoted to adjutant general with rank of brigadier-general, July 7, 1919; appointed colonel of the 179th Infantry, Oklahoma National Guard, February 14, 1923, and retired by reason of age, January 1, 1925; re-appointed adjutant general with rank of brigadier-general, July 1, 1925, which position he still holds. In addition to his career in the public service, General Barrett has had a constructive though unostentatious part in the civic, political and professional affairs of Oklahoma—as a newspaper writer he wielded a facile, trenchant pen, always with the courage of his convictions and a reason for his faith in the cause which he espoused. A staunch advocate of single statehood, he visited Washington several times in active support of that movement; a man of keen perception, careful reflection and safe conclusion, his advice and counsel has been much sought and generally accepted in matters of public import.

APPENDIX L—2.

THE TULSA RACE RIOT.

It is difficult to account for such sudden outbreaks as the Tulsa race riot, Muskogee narrowly escaped a similar outbreak a few years before, when a white mob attempted to break into the county jail in order to wreak its vengeance upon the negro murderers of a peace officer, while a negro mob with high-powered rifles and automatic pistols lay in hiding near by, waiting to open fire on the white mob in case it undertook to make an actual physical attack upon the sheriff and his deputies. So too, less than four months after the riot at Tulsa, Oklahoma City narrowly escaped a similar race riot after a young negro boy had been spirited away from the unguarded county jail, and lynched in the outskirts of the city. The vengeance of the negro people was deliberately inflamed to a point where a single shot might easily have led to a duplication of what had happened at Tulsa. Only the cool nerve, courage, and resourcefulness of a very few public officials forestalled what might have been a very serious affair. The people of Oklahoma City as a whole, slept peacefully that night, wholly unaware of the imminent danger. The story did not even appear in the newspapers then nor afterwards.

Age-long racial antipathies are elemental and, when these are disturbed by any tragic or incendiary act, it seems to be easy for certain types of civilized man to revert to savagery. At such times abstract justice, patience and forbearance seem to disappear. The simultaneous occupancy of any region, in any part of the world, by two unlike and unassimilable races has always led to friction and trouble and violence throughout the past, and the student of human relationships can find but little to warrant hope for the elimination of such scenes of strife in the future. Seemingly neither violence nor a well-meaning but misguided sentimentalism can lead to a solution of this great problem.

This outbreak of mob spirit in Tulsa was the more remarkable for the reason that, only a few months before under the Initiative of Governor Robertson, there had been an honest and conscientious effort for the systematic organization of an inter-racial conciliation movement, the purpose of which was to prevent just such exhibitions of unreasoning hate and unbridled lawlessness. Failure of such a praiseworthy endeavor only serves to emphasize the importance and necessity of some wisely directed effort under public auspices to find some solution for the problem that will settle it for all time to come.

Nearly two-thirds of a century has passed since

the negro people of the United States were freed from the bonds of slavery. During that time, there have been comparatively few sporadic instances on the part of individual students and voluntary associations to study the facts and principles which underlie this great problem. But there has been no nation-wide effort yet initiated for the purpose of finding a rational solution for the same. In the meantime, the problem has become complicated far beyond what it was in the beginning. It remains today, the greatest problem that confronts American statesmanship.

APPENDIX L—3.

OKLAHOMA STATE FLAG.

(a.) The committee of the daughters of the American Revolution which was appointed to select a design for the new flag and submit the same to the Legislature, consisted of one member from each subordinate chapter of the society in the State, Mrs. O. J. Fleming, of the Enid Chapter, being chairman of the committee.

(b.) The story of the designing of the State flag is substantially as follows:

Among those who were especially invited to submit designs for the new emblem, for a consideration by the committee, was Mrs. George Fluke, Jr., a young woman who had been reared in Shawnee, but who had been a resident of Oklahoma City since her marriage. It was suggested that she visit the Historical Society and consult the writer (J. B. T.) in regard to a design. He began to describe one or two of the devices which had already been tentatively discussed with Mrs. Hickam, but she informed him that she would have to submit one worked on new and original lines, and that she had come to him for suggestions.

He led the way over to a framed silk flag which was hanging on the wall of the museum of the Historical Society. This flag had been carried as the regimental standard of a Choctaw regiment in the Confederate military service during the Civil War. It consisted of a blue field in the center of which was a white circle containing the tribal device or emblem of the Choctaw Nation, to-wit, a bow, two arrows and a tomahawk all crossing centers in red. Then he asked, "why not use a dark blue like this as the field in this design for a new flag?" He then remarked that, "when the white man formulates an emblematic design for a seal or coat-of-arms, he very frequently chooses a shield," the two conventional forms of which were briefly described, following by the further statement that, "since this is the red man's state, it would seem to be appropriate to use the red man's shield, which was quite generally, if not invariably, circular in outline." With this, he led the way to another part of the room where, also hanging on the museum wall, he pointed out an Osage Indian warrior's shield, fashioned from the thick, tough hide of an old buffalo bull and fringed with the pendant feathers of the war eagle. Then followed the suggestion that, crossed upon this shield there might be placed the peace implements of the two races, namely, the Indian calumet, or peace pipe, and the white man's olive branch.

Instantly grasping the significance of such a suggested design, Mrs. Fluke proceeded to make sketches of the shield and of the typical calumet pipe. A few days later when her finished design was submitted in competition with ten or a dozen others, hers was the unanimous choice of the members of the committee present. In due time it was submitted in the form of a joint resolution, to the State Legislature, by which it was almost unanimously adopted, and thus became the official emblem of Oklahoma.

APPENDIX LI—1.

A YOUNG LAWYER AS A SUCCESSFUL LOBBYIST.

One of the youngest, if not the youngest member of the bar to be admitted to practice before the newly created and organized United States Court of the Indian Territory, in April, 1889, was Walter A. Ledbetter, of Gainesville, Texas. Though still retaining an office at Gainesville, he opened one at Muskogee and spent most of his time there, during the ensuing six months. When the members of the Congressional Committee on Territories were at Muskogee, in September, 1889, he was present when Representative John Allen, of Mississippi, made his remark concerning the

holding of terms of court at Ardmore. Several days later, some of the members of the bar took the visiting Congressman out on a hunting excursion near Muskogee. A number of prairie chickens, wild turkeys and other game birds and animals including two timber wolves, fell before the unerring aim of some of the visiting statesmen. (The experiences of this hunt subsequently furnished the theme for a humorous speech on the floor of the House of Representatives, by "Private" John Allen.) While out on this hunting trip, young Ledbetter had a confidential talk with Representative Allen, in the course of which he confided to the latter the possibility of settling in the Indian Territory to practice law. He also recalled to Mr. Allen's mind what the latter had said about the wisdom of establishing terms of court, whereupon, the latter suggested and urged Ledbetter to pay a visit to Ardmore and talk the matter up among the people of that new town. This he did, several weeks later, without thought as to the effect of such action upon the subsequent course of his life and career.

Some weeks later, Ledbetter was surprised to receive a lengthy letter from a citizen of Ardmore, informing him that the people of that place had subscribed and paid in the sum of \$1,000 which had been placed to his credit in the local bank and that they wished him to proceed to Washington, at once, for the purpose of seeking to induce Congress to so amend the law by which the United States court of the Indian Territory had been created, in such way as to provide for the holding of terms of that court at Ardmore. This, Ledbetter did. Though a number of months elapsed before the bill introduced for such a purpose was passed and approved, young Ledbetter had the satisfaction of knowing that he had laid the foundation for the success of the proposition. The people of Ardmore manifested such keen appreciation for his service that he was induced to move his home from Gainesville and his law office from Muskogee to Ardmore, at which place he made his home for nearly twenty years. The success of his efforts at Washington, in behalf of Ardmore, had been such as to immediately give him a leading place, not only in the practice of his profession, but also in the civic affairs of that community.

Walter A. Ledbetter was born in Fayette County, Texas, March 9, 1863. He was educated in the public schools and the State Normal School. Beginning the study of law in his youth, he was admitted to the bar on the day that he attained his majority. He began practice at Gainesville immediately thereafter. He was engaged in the practice of his profession at Muskogee in 1889-90, and settled in Ardmore in the last mentioned year. Along with the practice of his profession, he always took an active interest in public affairs. He was among the earliest advocates of statehood; indeed, he was so enthusiastic on this proposition as to be the subject of a special memorial of the Chickasaw National Council, addressed to the Secretary of the Interior and praying that he be expelled from the Chickasaw country.

In recognition of his long service in this and other matters of public import, he was elected as a delegate to the Constitutional Convention in 1906. In the organization and deliberations of the convention which framed the organic law for the new state, Mr. Ledbetter took an active and influential part. He was commonly regarded as one of the leading members of the Constitutional Convention. Since 1909, he has resided in Oklahoma City, where he has continued in the active practice of the law and where he is justly regarded as one of the leading members of the bar of Oklahoma.

APPENDIX LIII-1.

WILL T. LITTLE.

William Thomas Little was born at Newark, Ohio, June 14, 1862. Four years later his parents migrated to Kansas, settling at Olathe, and, in 1873, they moved to Abilene, where William T. Little graduated from the high school in 1882. He then entered the University of Kansas. In 1885 he had an attack of the pioneering fever and settled in Western Kansas, at Leoti, Wichita County, where he helped to build the town, organize the county and pilot it through a county-seat war. Subsequently he attended the law school

of the Columbian College at Washington, District of Columbia, but left on account of ill health without graduating. He was admitted to the bar, but never practiced. He came to Guthrie on the opening day, April 22, 1889, where he published the Guthrie "Get-up," a small paper printed on a job press and the first to be actually printed in the Oklahoma country after it was opened to settlement. He secured a homestead claim in Noble County in the race at the opening of the Cherokee Strip. In 1894 he was elected as the representative of Noble County in the Territorial Legislative Assembly. He was custodian of the Historical Society from 1895 to 1899, when he resigned to enter the service of the Dawes Commission as a land appraiser in the dominions of the Five Civilized Tribes. In 1901 he was placed in charge of the appraisement of the school lands in the newly opened Comanche-Kiowa and Wichita-Caddo reservations. A few months later he was appointed postmaster at Perry, which position he held until he relinquished it on account of failing health shortly before his death, which occurred July 5, 1908. He will be remembered as the pioneer arboriculturist of Oklahoma, for he was an enthusiast as a tree planter, the public square and parks of his home town attesting not only his love of trees, but also his skill in inducing them to grow when others were skeptical of the success of the experiment.

APPENDIX LIII-2.

WILLIAM P. CAMPBELL.

William Parker Campbell was born at St. Joseph, Missouri, December 17, 1843. He was the second son of Elisha and Nancy (Dillon) Campbell. In the paternal line he was of Scottish extraction, though the family had long been resident in America. His great-grandfather, John Campbell, was a Virginian who rendered conspicuous service in the American army during the Revolutionary War. His mother's people were from the South. Her father was a pioneer Methodist circuit rider, in the South and in Illinois for more than thirty years and was a contemporary of Peter Cartwright.

During the youth of William P. Campbell, his parents moved back to Illinois and Indiana. Several years later they returned to Missouri, where they continued to live until the outbreak of the Civil War. They then moved again, settling at Nemaha, Nebraska. Living on the extreme frontier of that period, it was not strange that the wild life of the great plains should have beckoned to young Campbell. In company with a cousin of his own age, he entered the overland freighting service as a "bull-whacker" with a wagon train. He soon tired of the roughness and brutality of such a life, however, and he was glad to return to the more quiet pursuits of a journeyman printer, he having served an apprenticeship at that trade. At this time he was in the employment of Colonel R. W. Furnas, a publisher at Brownsville, Nebraska, who was afterward Governor of the State.

His father's family having returned to Illinois, he followed thither, where he embarked in the newspaper business on his own account, as publisher of the "Home Banner," at Augusta. Shortly after the close of the war, he moved to Iowa, where he was engaged in the newspaper business successively at Tama City, Vinton, Brooklyn and Newton for brief periods. In 1869 he moved to Kansas, settling in Washington County. For a time he was a pioneer homesteader and then a town-site projector. Soon, the old longing for the smell of printer's ink became too strong to be resisted, and he was back in the newspaper business, as editor and publisher of the "Waterville Telegraph." Thence, in 1877, he moved to Wanage, Kansas, where he established the "Tribune," which he published for many years. While living there he took an active part in politics and served two terms as register of deeds of Pottawatomie County. Incidentally, he had some experience as a railroad promoter, wrote several books and an occasional poem or play on the side. He served as a division chief of the Federal Census Bureau for a year during the compilation of the results of the eleventh census of the United States, living at Washington during that time.

Mr. Campbell came to Oklahoma in 1892 and, at the beginning of the following year, he assumed the duties of deputy register of deeds of Kingfisher

County, his brother, J. B. Campbell, then a resident of Hennessey, being register. While publishing a newspaper in Kansas, in 1875, he had been interested, if not partially instrumental in helping to institute the Kansas State Historical Society. A few months after beginning his work in the courthouse at Kingfisher, the Oklahoma Territorial Press Association convened in that town for its annual meeting. Of course, it was but natural for William P. Campbell to mingle in such a crowd. Indeed, there were several "formerly of Kansas" men in the newspaper fraternity in Oklahoma in those days. It was during one of the sessions of that meeting that Mr. Campbell obtained recognition to propose the organization of a historical society for Oklahoma. And so it was that the Oklahoma Press Association sponsored the institution of the Oklahoma Historical Society, May 27, 1893. Mr. Campbell was selected as the first secretary and custodian of the society.

When Mr. Campbell was so unexpectedly discharged from the service of the society in June, 1895, he left Oklahoma. During the ensuing nine years he was engaged in newspaper work at Topeka, Atchison, St. Joseph, Kansas City, and elsewhere. The collections of the Oklahoma Historical Society remained at the University, at Norman, for six years and a half and, in the latter part of 1901, were moved to Oklahoma City. Something over two years later, it became apparent that the work of the society was making no headway. The custodianship went begging for the reason that it did not pay enough to justify any one devoting all of his or her attention to its affairs. At this juncture, William P. Campbell was called back to Oklahoma to take up the work—a work to which his life was so wholeheartedly devoted throughout its remaining twenty years.

For more than a dozen years before his death, Mr. Campbell published a little quarterly periodical which he called "Historia." As a historical society publication, it was so utterly unlike any other, as to be in a class of its own. About the time of his death, "Historia" was replaced by a publication of more conventional form and makeup—the "Chronicles of Oklahoma." The files of "Historia" are treasured with other priceless items in the society's library.

Mr. Campbell's education was only such as could be obtained in the district schools and country printing offices of sixty-five to seventy-five years before, so it is scarcely necessary to state that he was not technically trained for the work which he was called upon to do, in blazing the trail for the beginnings of the Oklahoma Historical Society. But not all the technical training in the world could make a pioneer and William P. Campbell was a pioneer in the fullest sense of the word. True, some of the work which he did in that line was crude but crudeness is distinctive of pioneering. If Oklahoma had had to await a day of technical trained efficiency before inaugurating the effort to gather and save historical data, much of it which he gathered and saved might have been lost beyond recovery. That the gathered grain may not be entirely free from chaff is no discredit to the hand that made it safe and secure—others may winnow but he was the harvester.

Mr. Campbell was married, in 1867, to Miss Mollie E. Wayne, of Johnstown, Pennsylvania. Mrs. Campbell died in 1918. Six children were born to this union, four of whom lived to the years of maturity. Mr. Campbell's death occurred at the home of his son, Wayne Campbell, May 4, 1924.

The world was not always kind to William P. Campbell. His faith in his fellowmen had been shaken, not once, but many times. Yet he was not embittered in consequence of this. At times he was disposed to be somewhat cynical because of inconsistencies which are all too prevalent, yet he never became selfish in turn. On the contrary, he persistently refused to judge all of humanity by the deeds of its baser individual specimens. He was not merely a friend to his fellowmen in the mass, but he always insistently tried to find something good in the "down and outer" whom nearly everyone else held in contempt. It was impossible for him to turn a deaf ear to an appeal for help when it came from one in distress. Indeed, it has been truly said that he was better to everyone else than he was to himself. So he went to his reward, poor in purse but rich in the spirit of charity and helpfulness.

APPENDIX LV—1.

THE WEALTH OF THE OSAGE PEOPLE.

The Great and Little Osage tribes (which have been merged for many years) formed the largest group of the Southern Siouan division. Originally they lived chiefly in Central Missouri, whence they ranged into adjacent portions of Arkansas, Oklahoma and Kansas. During the course of the first twenty-five years following the purchase of Louisiana by the United States, they ceded all of their original holdings to the Government of the United States, the last cession including the remainder of their lands in Oklahoma, which they agreed to relinquish, in 1825. At the same time they accepted a new reservation in Southern Kansas, fifty miles wide and about two hundred and fifty miles long. About 1835 they were finally settled on this new reservation whence they ranged into neighboring portions of Kansas and Central and Western Oklahoma on their buffalo hunting excursions.

Two years after the negotiation of the new treaties with the Five Civilized Tribes, whereby provisions were made for the settlement of tribes, then in Kansas, on new reservations in the Indian Territory, an agreement was made at the Drum Creek Council, in 1868, under the terms of which the Osages were to sell their Kansas lands for twenty cents an acre, and have a new reservation purchased for them in the Indian Territory. At this juncture, two shrewd and resourceful attorneys, who were leading members of the Cherokee tribe, namely Clement N. Vann and William Penn Adair, paid the Osages a visit and informed some of their chiefs and head men, that "Washington was not paying the Osages enough" for their land. Needless to state, Vann and Adair were granted a hearing before the Osage tribal council. The long-headed, scheming abilities of Clement N. Vann would do credit to any modern politician, even including those in the national eye, while the plausible persuasiveness of William P. Adair gave him a winning way wherever he went. The result of the conference between these two attorneys and the Osage tribal council was the signing of a contract whereby Vann and Adair were to jointly receive twenty-five per cent of the difference between the sum promised to the Osage people for their Kansas lands in the Drum Creek agreement and the sum which they might receive in case these attorneys could defeat the approval of the agreement by either or both houses of Congress.

The fact that the means resorted to in inducing the Osage Indians to enter into this agreement, and the further fact that a railroad company was to profit from it to the exclusion of many settlers, who were already thronging into the Osage country, caused something of a political upheaval in Kansas. As the result of this, the attorney general of that State, and its lone member of the Lower House, Sidney Clarke, also joined in the fight against the approval of the Osage agreement and helped to bring about its defeat. (Incidentally, the railroad company and some of the interested politicians never forgave Congressman Clarke for his part in the matter and, as a result, he was retired to private life at the next election).

Having secured this contract, Vann and Adair immediately went to Washington, where, fortunately for their design, there had been a change in the National administration, the Andrew Johnson régime having been superseded by that of Ulysses S. Grant. At Washington, the two Cherokee lawyers interviewed not only senators and representatives but also many others who were known to be influential, including even President Grant, thus ably seconding the protest of Congressman Clarke. As a result of the activities of such combined forces, the approval of the Drum Creek agreement was defeated.

Paranthetically, it should be stated that Vann and Adair had made their contract with the Osage council without the knowledge, consent or approval of the Government officials having general supervision of Indian affairs. Though there had been a change in the office of Secretary of the Interior and in that of commissioner of Indian Affairs, these officials could not view with equanimity the officious part played in the Osage affairs by the two Cherokees, and finally allowed them \$50,000 in full satisfaction of the more than two million dollars which they would have otherwise claimed.

Out of the proceeds of this sale, the Osage tribe paid

for the big, new reservation, which extended westward from the 96th Meridian to the Arkansas River, in the lands of the Cherokee Outlet. A year or two after this acquisition, the Osages agreed that a small tract in the northwestern corner of this new reservation should be ceded to their kinsmen of the Kaw tribe. As a result of these transactions, there was placed to the credit of the Osage tribe in the United States Treasury, a balance of nearly nine million dollars, where it became known as the Tribal Trust Fund. Between this generous trust fund and their big reservation, the Osages actually became known as the richest community per capita, on the face of the earth, years before there was suspected the existence of oil and gas deposits beneath their rolling pasture lands.

When the Osage people agreed to have their reservation sub-divided and allotted in fee simple ownership to the individual members of the tribe, it was also agreed that all mineral royalties should still be held in common. Consequently, all oil and gas bonuses and royalties were paid to the government tribal superintendent in one lump sum, as received. These royalties amounted to such sums that portions of the same were reserved and placed in trust, for the people of the tribe, in the United States Treasury. At one time the royalties were so large that only twenty-five per cent thereof was paid out in quarterly installments to the people of the tribe. In consequence of this, the tribal trust fund has been increased to over one hundred million dollars. Such, in brief, is the story of how the Osage Indians, once one of the most poverty stricken tribes in the central part of the United States, saw their wealth increase until every member of the tribe was not only comfortably independent, but rich, even as the world now measures riches.

APPENDIX LVI—1.

OKLAHOMA CITY'S BANK RUN.

At the beginning of the financial stringency, known as the panic of 1893, there was a noticeable tendency on the part of depositors to withdraw their money from the banks, in Oklahoma City as elsewhere. There were three banks in the town, namely, the First National, the Bank of Oklahoma City, and the Citizens Bank, the last two holding charters under the Territorial banking laws. All three banks were conservatively managed and, under any ordinary condition, would have been accorded a solvent standing by official bank examiners. The deposits of these three pioneer banking institutions would have aggregated much less than \$100,000.00 at the time. Despite conservative management and solvent conditions, however, the withdrawal of even a small part of the deposits was portentous and naturally occasioned some anxiety among the officers, directors and stockholders of the three banks.

The run started on the Bank of Oklahoma City. A gambler, who had taken offense at some action or attitude of the cashier, James H. Wheeler, became very vindictive and, in revenge for a fancied grievance, deliberately started and spread a report that the condition of the Bank of Oklahoma City was "shaky," urging everyone who would listen to him to withdraw deposits. Regardless of the utter irresponsibility of the source of this rumor and the motive behind it, the effect was soon evident, for the rumor became current in the community and was quickly followed by a regular "run" by the bank's panic-stricken depositors. Officers of the three banks met in conference and assurances were offered but the frightened depositors were not in a temper to listen to assurances, representation, reason or anything else just then—they wanted their money and that without delay. The Bank of Oklahoma City was not only in a solvent condition but actually had \$10,000.00 on deposit with a correspondent bank in Kansas City, which would have accepted its securities and rediscounted its notes, had time and opportunity been afforded. But it was "caught between bases," as it were, and had no chance to prepare for such an emergency. Consequently, it was forced to suspend. The citizens Bank likewise closed its doors, as its officers realized the futility of trying to weather the storm of an artificially created panic.

With the closing of the two territorial banks, a

run was started on the First National Bank. One of the leading citizens of Oklahoma City, then as always regarded as a capitalist, was Henry Overholser. Moreover, there was no man in the community whose advice concerning business and finance was more eagerly sought or more highly valued. As one of the bondsmen of Territorial Treasurer Samuel Murphy, he had already secured the deposit of \$5,000.00 in gold by the Territorial treasury for use in case of an emergency, by the First National Bank. In order to do this Mr. Overholser had to personally indemnify the Territory against possible loss. His son, Ed Overholser, a young man in his early twenties, had been the bookkeeper, assistant teller, messenger and general handy man at the Bank of Oklahoma City.

After the two banks had suspended, and the run had started on the First National, \$5,000.00 in gold had been set aside to protect the Territory. Then Ed Overholser remembered of having read a story of a bank run being stopped by a ruse in which iron washers from a hardware store had been used to fill coin sacks, that were ostentatiously carried into the bank under suspicion. Accordingly, the \$5,000.00 of Territorial gold was slipped out of the bank by the Overholsters, father and son, who took it to a hardware store, where three empty coin sacks of the same size and capacity were filled with iron washers. Henry Overholser carried the sack of \$5,000.00 in gold in one hand and a sack of washers in the other and, followed by his son who was carrying two sacks of washers, entered the bank, where they were stacked on the cashier's counter, the sack of gold being opened and its contents exposed in plain view of the depositors in front. These were greatly impressed and somewhat reassured. Unfortunately, however, in order to prevent overcrowding, an officer had been stationed at the front door and only a certain number of people were permitted to enter the bank at a time. Those who were in line outside and who, consequently, could not see the gold coin and the unopened sacks, were not in the least impressed but remained obstinately clamorous for admission, so the ruse failed.

The officers of the First National Bank had faced the storm with grim determination. In anticipation of such a crisis it had already wired the Kansas City correspondent bank to send \$50,000.00 in currency, by a messenger, and J. M. Curtis was already on the way with the money. President T. M. Richardson went out in the street in front of the bank and addressed the depositors who were standing in line, assuring them that every depositor would be paid in full and counselling them to be patient. Curtis arrived with the money, on schedule time. Without letting this fact become public, the \$50,000.00 was scattered out in modest sums among responsible citizens, who strolled unconcernedly into the bank at suitable intervals and deposited it while the panic-stricken depositors looked on in amazement. This ruse had the desired effect. The waiting line of anxious depositors gradually disintegrated and the run of the First National was over.

Among those to whom sums of money from the \$50,000.00 consignment from Kansas City were entrusted for deposit in the First National, was young Ed Overholser, late bookkeeper of the suspended Bank of Oklahoma City. A few moments later, realizing the incongruity of such a deposit by an employee of a bank that had just suspended, he slipped up to the Government Land Office and turned the money over to Major D. D. Leach, the district receiver of public moneys, who promptly went to the First National Bank and deposited the \$4,000.00 of supposedly Government funds. So hastily and so trustfully was all this done that records of part of the transactions were lacking. Several weeks later, the cashier of the First National confided to young Overholser the fact that the bank was \$4,000.00 short in its accounts, and that it was utterly at a loss to find an explanation for the deficit. The latter suggested that Major Leach's account be examined. There, a personal credit of \$4,000.00 was found, made on the eventful day that the bank run was ended. A call on Major Leach disclosed the fact that the incident had almost been forgotten. His check squared the bank's balance.

Henry Overholser was named receiver for the suspended Bank of Oklahoma City. After going over its papers, he went to Judge Frank Dale, by whom he had been appointed, and made a proposition to personally assume liability for all deposits remaining

unpaid, if he were allowed to settle its affairs in his own way. Briefly, he proposed to pay the small depositors, who needed their money, at once and in full, while to the heavier depositors, who did not need the money immediately, he would issue certificates of deposit, pending the collection of outstanding loans and other resources of the suspended bank. Judge Dale was loath to consider such a proposition. He reminded Overholser that it was a very risky undertaking and that though he was to settle the affairs of a Territorial bank, his appointment as receiver was from the Federal district judge. But Overholser insisted and, finally, Judge Dale reluctantly consented. Thus authorized, Overholser proceeded to pay off the claims of the small depositors, immediately, in full. He then issued certificates of deposit to the depositors who had larger accounts. Taking the businessmen into his confidence, he then explained the situation with the result that most of them promptly agreed to accept negotiable certificates of deposit at par, in lieu of cash on merchandise sold. At the same time every effort was made to realize on the bank's assets, notes and other securities. The result was that, within six months, every depositor of the suspended bank had been paid in full, with six per cent. interest on the certificates of deposit which represented deferred payments. The bank was then turned back to the stockholders for reorganization.

Incidentally, it is worthy of remark that Henry Overholser's "certificate of deposit" expedient, which was used so successfully in 1893, was the forerunner of the "scrip" to which almost universal resort was made by the banks of the whole country, during the panic of 1907.

APPENDIX LVI—2.

AGITATION FOR TERRITORIAL GOVERNMENT

When the novelty of the first few weeks of pioneering had worn off, the people began to realize that many of the discomforts and inconveniences which they were experiencing were likely to continue until the establishment of a territorial or state government. This realization resulted in an agitation for some concerted action for the organization of a territorial government without waiting for Congressional sanction of such a course. In the latter part of May, a call was issued for a convention to meet at Guthrie, on July 17, for the purpose of planning the organization of a territorial government. Sentiment was largely divided along local lines, Guthrie and the contiguous section strongly supporting the movement, while Oklahoma City, Kingfisher and several other leading towns, in the main, were strongly opposed to it. In order to counteract the effect of such a movement, another convention was called to meet at the town of Frisco,¹⁵ in Canadian County. Resolutions of protest against the proposed organization of the Territory, without the authority conferred by an act of Congress were adopted by the convention at Frisco. The Guthrie convention met at the appointed time and, after three days of wrangling, adjourned to meet on August 20, ninety-six delegates having been present.

When the territorial convention reconvened, four weeks after the first meeting, there were a hundred delegates present. A majority of the delegates were known to favor the proposed organization of a territorial government, but a large minority insisted that the convention should frame a memorial to Congress, setting forth the needs of the Territory, and then adjourn. One committee was appointed to frame an organic act, another was chosen to draw up a memorial to Congress, and a third committee was selected to divide the Territory into counties. The work of these committees was approved by vote of the convention, though there was a determined fight made against the adoption of the proposed organic act. In the end, the delegates who opposed the scheme succeeded in influencing the committee in charge of defining the limits of voting precincts, apportioning the delegates and

calling the election, not to take any action. Consequently, when the convention adjourned, its only important work was the memorial addressed to Congress, which was adopted and signed by the delegates.¹⁶ This memorial, which was a dignified statement of the needs and conditions of the Territory, had the effect of "pouring oil on the troubled waters," as it were, and laying the spirit of local jealousy and rivalry, for the time being at least. The memorial to Congress was as follows:

"To the Senate and the House of Representatives of the United States in Congress Assembled:

"We, the people living in that part of the Indian Territory opened to settlement under the act of Congress approved March 2d, 1889, in convention assembled at the city of Guthrie, in said Territory, respectfully show that:

"The land so opened comprised less than two million acres and was settled on the first day it was opened for settlement, to wit, April 22d, 1889; that immediately upon that day there sprang into existence in said land agricultural communities, villages, towns, and cities—one of those towns containing not less than 8,000 people and another not less than 3,000, and the total population of the land being not less than 30,000. The population since that time has increased and now numbers not less than 50,000 people. Every quarter section of land fit for agricultural purposes, has been settled upon and the towns have been steadily growing. Since April 22d, 1889, the settlers have constructed nearly enough houses for residences and buildings for the business which belong to towns of their size.

"The towns now located and growing in said land number twenty-seven.

"The population of this land is chiefly and to an unusual degree composed of law-abiding people, who have come here to make permanent homes for themselves and build up a desirable community life.

"Owing to the press of other business upon Congress at the time the bill for the opening of this land was passed, there was no provision for territorial government made by Congress, or for any other government, nor for any law, save as the country might be governed by the United States Courts, including the then recently established court at Muskogee, under the laws enforceable by them, it being doubtless intended by Congress that fuller legislation and more complete laws should be provided at its next meeting.

"As now settled, this Territory has all the social and business conditions which would be in an equal area of territory in one of the old settled States, and has need of as complete protection to its social and commercial conditions. At present, however, there is no provision in this Territory by which the property of a decedent may be taken charge of, his debts paid, and the funds remaining distributed to the persons properly entitled thereto; nor is there any rule of descent determining to whom the property should be distributed.

"There is no provision for the solemnizing of marriage, nor for the care or adoption of orphan children, nor the protection of wards, nor the administration of their estates.

"There is no provision for the making or authentication of wills nor the probating thereof.

"There is no provision for the care of the unfortunate or afflicted, the destitute, the aged, blind, sick, or the insane.

"There is no provision for burial grounds, nor is there any place where the dead may be lawfully interred.

There is no provision for the construction of maintenance of public roads or bridges; nor for the establishment or maintenance of public schools; nor for the apprehending of animals running at large or breaking into the fields of the settlers; nor for assignments by insolvents, or the application of their property to the payment of their debts; nor for the incorporation or regulation of banks or savings banks, or a rate of interest upon money.

"There is no provision for conveyance of lands, or mortgages of lands or goods, nor for the recording of conveyances or mortgages.

16. It is a significant fact that, though this memorial was signed by 100 men who were then numbered among the leading citizens of the new territory, not to exceed ten of them could be recognized as leading citizens of Oklahoma ten years later. A few had died during the course of the decade, of course, but the great majority of the rest had proven to be transient sojourners, who stayed for a time and then drifted on, no one knows where, thus illustrating forcibly the lack of permanency on the part of many of the first settlers, and especially of the class that might be denominated as political adventurers.

15. The town of Frisco was situated in the valley of the North Canadian River, about two miles northwest of the present town of Yukon, in Canadian County. It was abandoned after the building of the Choctaw Railroad led to the founding of the last mentioned town, practically all of its buildings being moved to the new town on the railroad.

"There is no provision for trusts or powers, nor for the enforcement thereof; nor punishment for breach of trusts.

"There is no provision for corporations for purposes of trade or business, nor for municipal corporations.

"There is no provision for labor, material or mechanics' liens.

"There is no provision for taxation for any purpose.

"There is no provision for the protection of the public health, nor for the prevention or suppression of contagious diseases.

"In criminal matters the laws at present in force in the Territory relate only to crimes against the United States and the primitive forms of violence, such as murder and stock stealing.

"There is no provision of law as to child stealing, attempted rape, poisoning, abortion, libel or blackmail, reckless burning of woods or prairies, burglarious entry of houses, trespass, embezzlement, rioting, carrying deadly weapons, disturbing public meetings, seduction, public indecency, profanity, gambling, lotteries, drunkenness, bribery, destroying legal process, official negligence or malfeasance, creating or maintaining a public nuisance, selling unwholesome, diseased, or adulterated provisions or drink, introducing diseased or infected stock into the Territory, swindling, false weights or measures, obtaining money or property under false pretenses, making or using counterfeit labels; nor for many other offices.

"By the exceptional and intelligent employment of United States troops and United States marshals, and by the force of an exceptionally cool and intelligent and honest public opinion, there has been a degree of public order so far preserved in this country that is extremely creditable to the authorities and to the people. But it cannot be hoped that such unusual conditions shall permanently continue, and those provisions for the preservation of good order and the protection of person and property and the regulation of conduct which obtain in other established communities should be established here.

"By the provisions of the act of March 2d, 1889, the only modes by which the title to town-sites could be conveyed to the actual occupants of the town-sites, were under sections 2387 and 2388 of the Revised Statutes, by the corporate authorities of incorporated towns, or by the judge of any county court in case the town is not incorporated. At present there is no law under which towns can be incorporated or have corporate authorities; nor can there be a judge of a county court, and therefore there is no mode by which town-sites can be legally entered, or any title to town lots obtained by the inhabitants of the towns.

"This is a serious detriment to the towns of this Territory, and prevents the building up of many substantial improvements and enterprises in our towns, there being a natural indisposition on the part of the settlers to the expending of large sums of money on either residences, business houses, or business plants located upon lots to which they have no title as yet nor any provision of law which under existing conditions can assure them of a title hereafter.

"Until such legislation is had we cannot have fully effective city organization for the furtherance of the good and the repression of the evils constantly occurring in the city and town life.

"Until such legislation is had it will be almost impossible to have effective rules or laws as to public roads, or to prevent the fencing up of roads through the country—an evil which has been increasing since the time of our settlement, until now some of the principal roads are fenced and utterly abandoned, and whole neighborhoods are debarred from any convenient way to any town or railroad.

"While this large growth has taken place and this settlement has been made in the two millions of acres opened, it is well known that the Government is now negotiating for and expects soon to open in the Indian Territory lands surrounding Oklahoma, amounting to not less than twenty million acres additional. If this large tract is opened and settled with approximately like density and rapidity, there will be as soon as opened a population in the Territory of from three hundred thousand to five hundred thousand new settlers. These, in addition to the people now in the whole Indian Territory, will make a total population in the Territory of from five hundred to seven hundred thousand people.

"Part of these lands can now be opened for settlement without further negotiations if Congress so desires, and it seems probable that all of the twenty million acres will be open within two years. It is also probable that large bodies of these lands will be opened before this Congress adjourns,

and that they will be settled at once, or within a few days after they are opened. That those lands should be opened without a territorial government being provided for them would be to invite calamity, and the necessity of providing a government for them needs no discussion.

"The government given as herein prayed for would be a nucleus and an aid to put in operation the government needed in the lands that will be opened.

"It would facilitate their orderly settlement and influence the best class of immigrants to choose the land.

"We therefore most earnestly pray that the Congress will, as its first duty upon its assembling, pass an organic act instituting this Territory, and giving to these American citizens a full and sufficient territorial government.

"(Signed)

F. L. GREENE,

"President of Convention,

"M. A. DUFF,

"Secretary of Convention,
"And Ninety-eight others."

The Organic Act.

When the Fifty-first Congress convened at Washington, in December, 1889, the memorial of the Oklahoma convention was presented, and three different bills for the creation of a territorial government for Oklahoma were introduced—Senate Bill No. 895, by Senator Orville H. Platt, of Connecticut, and House Bills Nos. 6 and 7, respectively, by Representatives William M. Springer, of Illinois, and Charles S. Baker, of New York. After extended debate and with the addition of several amendments, the Senate passed Senator Platt's Oklahoma bill, February 13, 1890.¹⁷ Just one month later (March 13) the House debated the bill at length, amended it still further and then passed it.¹⁸ The Senate voted to nonconcur in the House amendments and a conference was arranged. The Senate finally voted to agree to the conference report, April 21.¹⁹ An error in the enrollment of the bill caused a request for its return by the President. The bill received the approval of President Harrison, May 2, 1890—over a year after the authorized settlement of the Territory.

In its main provisions, the organic act for the Territory of Oklahoma conformed very closely to the various acts of Congress under the terms of which all other territories of the United States had been organized. In brief, it defined the limits of the Territory of Oklahoma as including all of that part of the former Indian Territory except the tribal reservations, proper, of the Five Civilized Tribes and the reservations included in the Quapaw Agency; also the Public Land Strip (commonly called No Man's-Land) and also to include Greer County (which was in dispute between the United States and the State of Texas) only in case the title thereto should be adjudged to be vested in the United States.

The form of government prescribed for the new territory was republican in that it was to consist of three departments, namely (1) executive, (2) legislative and (3) judicial. The chief executive of the Territory was to be a governor, appointed by the President of the United States for the term of four years. The Legislative Assembly was to consist of two houses, designated respectively as the Council, consisting of thirteen members, and the House of Representatives, consisting of twenty-six members.

The judicial department was to be vested in a Supreme Court, district and probate courts and justices of the peace; the Supreme Court was to consist of a chief justice and two associate justices, each of the three justices to be assigned to duty as a district judge as well as serving as a member of the Appellate Supreme Court.

There were to be seven counties, to be designated by number, the names of the seven counties to be chosen by vote of the people. The county seats of the several counties designated by the Organic Act were, respectively: One, Guthrie; two, Oklahoma City; three, Norman; four, El Reno; five, Kingfisher; six, Stillwater; seven, Beaver. The Governor of the Territory

17. The text of the Organic Act may be found in the forepart of any of the editions of the Compiled Laws of Oklahoma.

18. Congressional Record, Fifty-first Congress, First Session, pp. 1271-79.

19. *Ibid.*, pp. 2213-20.

was authorized to apportion the members of the two houses of the Legislative Assembly among the several counties, to issue a call for an election and to appoint a date and place for the convening of the same. The Governor was also empowered to appoint such county and township officers as might be necessary.

A large part of the general statutes of the State of Nebraska were adopted for the use of the Territory of Oklahoma until such time as the same might be modified or amended by the Territorial Legislative Assembly. Guthrie was designated as the seat of the territorial government until such time as the Legislative Assembly and the Governor of the Territory might see fit to establish it elsewhere.

Sections numbered sixteen and thirty-six of each township were reserved for the endowment of the public schools of Oklahoma. The lands of the Public Land Strip (No-Man's-Land) were declared to be open to homestead entry and that tract was constituted a land district and the President of the United States was empowered to locate a land office therefor and also one other additional land office in the Territory.

Provision was made for the reservation of public roads on all section lines. The attorney-general of the United States was authorized and directed to file a suit in equity before the United States Supreme Court against the State of Texas, setting forth the claim of the United States to the ownership of the Greer County lands.

Appropriations were made for the purpose of carrying the objects of the act into force and effect, such as salaries and expenses of the territorial officers, the Legislative Assembly and courts; and the sum of \$50,000 was appropriated for the temporary support of the public schools.

The last fifteen sections of the Organic Act related to the United States Court in the Indian Territory. It was provided that the court should be divided into three divisions, the first division to include the reservations attached to the Quapaw Agency, the Cherokee Nation and the Creek Nation, the court to be held at Muskogee; the second division to include the Choctaw Nation, the court to be held at South McAlester;²⁰ and the third division to include the Chickasaw and Seminole nations, the court to be held at Ardmore. The appointment of not to exceed three United States Commissioners in each judicial division was also authorized. The functions of these commissioners were not unlike those of justices of the peace, their jurisdiction being similar; they were to be ex-officio notaries public and to have authority to perform the marriage ceremony.

With the passage and approval of the Organic Act, the history of the eastern and western parts of the State of Oklahoma becomes more or less separate and distinct, though always with much in common, and thus continues throughout the following period, which ended with the passage and approval of the Enabling Act, in 1906.

Organization of the Territorial Government

Immediately after the approval of the Organic Act, President Harrison selected and appointed the first officers of the new Territory. George W. Steele, of Indiana, was named as the Governor. Judge Robert Martin, of El Reno, was appointed as secretary of the Territory, while Horace Speed, of Guthrie, was chosen as United States District Attorney and Warren S. Lurty,²¹ of Virginia, was selected as United States Marshal. The members of the Supreme Court of the Territory were: Edward B. Green of Illinois, chief justice; Abraham J. Seay of Missouri, and John G. Clark of Wisconsin, associate justices. Inasmuch as but two out of these seven appointments were bestowed upon citizens of the new Territory, there was

much disappointment among the people of the Territory in general and, of course, very great dissatisfaction among its aspiring politicians, especially as the party platform on which President Harrison had been nominated had contained a strong declaration in favor of the selection of territorial officers of the several territories from the citizens thereof. It is worthy of comment, in this connection, that four out of the five who had been thus appointed from outside of Oklahoma, immediately left the Territory when their official connection with it was terminated.

Governor Steele²² arrived at Guthrie, May 23, 1890. He was greeted with an ovation and, the next day, a public reception was tendered to him and to the other newly appointed Territorial officials who had arrived. There was much in the way of duties to be performed by the new Governor. First among these was the organization of counties and the selection and appointment of county officers. It was also necessary to apportion the number of members of the two houses of the Territorial Legislative Assembly among the several counties and to make the necessary preliminary arrangements for the election of the same.

The regular decennial Federal census, which was taken in June, 1890, disclosed the fact that the population of Oklahoma Territory (exclusive of Indians living on reservations) was 60,417, of which 3,300 were negroes. Most of the negroes had settled in Kingfisher County. Just at that time, however, there was in operation an organized effort to colonize portions of the new Territory, especially in Logan County, the effort being inspired partly by partisan political zeal and partly by speculation in the interest of the promoters of the townsite for a projected negro town, which was to be located in that county some miles northeast of Guthrie and to be called Langston.

On July 8, 1890, Governor Steele issued a proclamation calling for the election of members of the Territorial Legislative Assembly, to be held four weeks from that day (August 5) and the Assembly was to be convened and organized two weeks later (August 19). Three political parties placed candidates in the field for this election—Republican, Democratic and Farmers' Alliance. In the election the Farmers' Alliance party secured four members of the House of Representatives and one member of the Council; the Democratic party elected eight representatives and five councilmen, while the Republican party succeeded in electing fourteen members of the House and six members of the Council. There was also one member of the Upper House who was classed as an Independent.

Three days after the election (August 8) Representative-elect Burke, of Edmond, died and, on the following day, Representative-elect Milton W. Reynolds (also of Edmond),²³ who had been elected at large from the whole Territory, died. The two vacancies thus created necessitated the calling of a new election and led to the postponement of the date for the convening of the Legislative Assembly until August 27, the

22. George Washington Steele was born in Fayette County, Indiana, December 13, 1839. Most of his early life was spent in Marion, Indiana, where he attended the public schools. He attended the Ohio Wesleyan University, at Delaware, Ohio, and, at the age of twenty, began the study of law in his father's office. He was admitted to the bar just at the beginning of the Civil War. He entered the voluntary military service as a private, in April, 1861, and served continuously until the end of the war, being mustered out of the army with the rank of lieutenant-colonel. In 1866, he received a commission in the regular army, in the service of which he remained for ten years. Returning to civil life, he engaged successively in farming, pork packing and banking. He represented his district in Congress from 1881 to 1889. In 1895, he reentered Congress, where he served three more terms. In recent years he has been Governor of the National Soldiers' Home, in Indiana.

23. Milton W. Reynolds was born in Chemung County, New York, May 23, 1833. Most of his earlier life was spent in Michigan, whither his parents moved when he was but three years old. He was educated at the University of Michigan. In 1857 he moved farther west, settling at Omaha, Nebraska. He farmed, edited a newspaper and took an active part in politics, serving two terms in the Nebraska Legislative Assembly. He frequently had occasion to do special correspondence for eastern newspapers

20. When the Choctaw Coal & Railway Company built its line to a junction with that of the Missouri, Kansas & Texas Railway, it crossed the latter two miles south of the original town of McAlester. The new town of South McAlester then grew up at the intersection and, in the course of time, it grew and expanded until the two towns were united under the name of McAlester.

21. Marshal Lurty resigned his office within a few weeks and was succeeded by William Grimes, of Kingfisher, whose appointment was made in August, 1890.

special election being scheduled for the 25th. Although the Republicans had a working majority in the House of Representatives and barely less than half of the membership of the Council, there was no apparent effort on the part of the party organization to avail itself of any partisan advantage in consequence. On the contrary the issues involved in the organization of both houses of the Legislative Assembly were wholly local and, consequently, party lines were seemingly forgotten, for time being, at least. As a result of this condition, and of the protracted "milling" and caucussing, two days were consumed in the organization of each house, so it was not until August 29 that the Legislative Assembly completed its organization and was ready for the transaction of business. As the legislators belonging to the Farmers' Alliance party seemed to hold the balance of power between the contending factions, it was not strange that both the speaker of the House (Arthur N. Daniels, of Canadian County) and the president of the Council (George W. Gardenhire, of Payne County) were chosen from the weakest of the three political parties.

The real question at issue, which had thus obscured and subordinated party differences, was that of the location of the Territorial capital and of the other public institutions and, in its essence, it was essentially one of rivalry between the two largest towns in the Territory, namely, Guthrie and Oklahoma City. Fortune seemed to have favored Guthrie from the beginning. It was named as the seat of one of the two Government land offices, which gave it a measure of prestige, if not one of positive advantage, right from the day of the opening of the Oklahoma country to settlement. Then, in the Organic Act, it had been named as the temporary seat of the Territorial government. Moreover, though both towns were on the same railway line, it was evident that, as between the two, Guthrie had the advantage of the moral and political influence and support of the railway company (Santa Fe), which was reputed to be a power in such matters. Indeed, it is not impossible that railway influence may have been potent, at Washington, in effecting the choice of Guthrie as the location of one of the two Government land offices and, later, also in the determination of the temporary seat of the Territorial government. Even nature seemed to have done more for Guthrie than for its rival, its location being more slightly and having better elevation as compared with its immediate environment and therefore affording better natural drainage. On the other hand, Oklahoma City had some advantages, in spite of the handicap which it felt on account of the advantages which had been shown to its rival. It was surrounded by one of

and it was on such a mission that he had occasion to visit the peace council at Fort Smith, Arkansas, in September, 1865, and also the peace councils with the wild tribes which were held on the Medicine Lodge River in the autumn of 1867. His interest in the Oklahoma country thus dated from a comparatively early period. In 1865 he moved from Nebraska to Kansas, settling at Lawrence and, six years later, at Parsons, at both of which places he was engaged in the newspaper business. He represented Labette County in the Kansas Legislature and also served one term as a regent of the University of Kansas. His interest in the Indian Territory was always active; as early as 1872, in a magazine article entitled "The Indian State," he outlined the future development of what is now the State of Oklahoma with remarkably prophetic vision. He was said to have written more on the Oklahoma question prior to its final opening to homestead settlement than any other writer, especially in his work as a member of the staff of the Kansas City Times, much of his writing appearing over the nom-de-plume of "Kicking Bird." (He assumed that pen name out of compliment to his friend, the Kiowa chieftain of that name, with whom he became acquainted during the council at Medicine Lodge). He came to Guthrie, April 22, 1889, where he aided in the publication of the Daily State Herald for a few weeks. In July following, he established the Edmond Sun and, a few weeks later, he selected a homestead near Edmond. He took an active part in the affairs of the new territory, was elected a representative August 5, 1890, and died a few days later. He was buried at Edmond, Oklahoma.

the most promising agricultural districts in the Territory and it was much nearer to the geographic center of the old Indian Territory (which many people believed would some day be made into a State by reuniting the two territories) than Guthrie was. At any rate, it was known that the people of Oklahoma City were not satisfied to have all of the favors shown to Guthrie and the people of the last mentioned town realized intuitively that, sooner or later, it would have to strive to hold the advantages which had already been bestowed upon it.

Realizing that the people of Oklahoma City would be almost certain to make an effort to have the Territorial capital located at that place, the people of Guthrie planned a combination for the control of the Legislative Assembly, for the purpose of preventing such action. In this combination, Logan and Kingfisher counties were to take the lead in a plan whereby it was to be provided that the capital was to remain at Guthrie, the penitentiary was to be located at Kingfisher and other Territorial institutions were to be scattered among other counties, but none was to be located in Oklahoma or Payne counties. While this combination did not have sufficient votes to enable it to win, it was hoped to persuade the Payne County delegation to go to its support, without offering a state institution in return. When this was attempted, the members of the Payne County delegation demanded that the Agricultural College should be located in that county. When this demand was refused, the delegation from Payne County went to the Oklahoma City people and a new combination was formed, thus giving Oklahoma City interests full control in the organization of both houses of the Legislative Assembly and placing men of the minority party in positions of commanding influence as presiding officers of each, respectively.

The message of Governor Steele was not an extended one. He briefly reviewed the conditions existing in the Territory and those with which its people were confronted. He emphasized the necessity for legislation for the organization of a public school system for the Territory. In this connection, he took occasion to "recommend that provision be made for four schools in each township, where practicable, . . . and that the settlers should provide their own school houses on sections 8, 11, 26 and 29, centrally located." (To this suggestion, many of the people took decided exceptions, for the reason that a schoolhouse, thus "centrally located," would be in the center of a section and, therefore, half a mile from the public roads.) The message also called attention to the fact that the chapters contained in the laws of Nebraska which had been specifically enumerated in the Organic Act as being adopted for the Territory of Oklahoma (until such time as the same should be changed or modified by the Territorial Legislative Assembly) did not include any highway law. The longest paragraph in the message was devoted to the subject of taxation. Recommendation was made that appropriations be provided for the erection of necessary public buildings other than a capitol. In the matter of the location of the seat of the Territorial government, it was suggested that no action be taken until other matters "of a great deal more importance are provided for." The enactment of a herd law and provision for adequate live stock quarantine regulations were urged. In the matter of controlling the liquor traffic, he recommended the adoption of the Nebraska liquor law (which provided for a measure of local option), adding a gratuitous expression of personal opinion to the effect that it would "give us better protection from the evils of intemperance than that enjoyed by states attempting a prohibition law." Other recommendations included the location and establishment of an agricultural experiment station; provision for an exhibit from the Territory at the Columbian Exposition at Chicago in 1893; the enactment of a law for the organization of the militia; provisions for an election law, for the reorganization of the county governments, for the necessary Territorial officers, for fixing the legal rate of interest and for regulating fees and salaries.²⁴

24. Journal of the First Session of the Legislative Assembly of Oklahoma Territory, pp. 15-20.

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