

How did cowboys and cattle drives improve life in Indian Territory?

What was the range cattle industry? After their removal to Indian Territory, the Five Civilized Tribes raised livestock. This greatly enhanced their economic recovery from losses during the removals. Then the Civil War virtually wiped out their herds — and their prosperity. Before the war, herds of 10,000 cattle were common on Seminole ranches, and a few were as large as 20,000 head. But by 1869, there were only 4,000 head of cattle in the whole Seminole Nation. The Indian ranchers didn't have the funds necessary to rebuild their herds.

In Texas, however, the range cattle industry was booming. Large herds were raised on Texas grass, then driven north to markets in Missouri and Kansas. The first major cattle drive rumbled up the East Shawnee Trail in 1866, across eastern Indian Territory. The cattle industry once again offered a living to local people. They placed taxes on the cattle and sold goods and services for both cattle and drovers.

People living near markets rented their pastures for a few days' grazing to fatten herds right before selling. At the same time, cowboys enjoyed clean rooms, hot baths, liquor (despite the Territory's "dry" laws), meals, and other products. Market towns and stopping places along the East Shawnee Trail thrived.

What was the Chisholm Trail? Soon Joseph G. McCoy, a cattle buyer from Illinois, convinced officials of the Kansas Pacific Railroad that a stockyard at Abilene, Kansas, would be profitable. They *subsidized* the building of McCoy's stock pens, and the first cattle drive up the Chisholm Trail took place in 1867.

This trail became the most famous of all the cattle trails in Indian Territory. It was named after Jesse Chisholm, a mixed-blood Cherokee trader and frontier scout. It entered the Territory on the south at Red River Crossing and ran roughly along the 98th Parallel until it crossed into Kansas at Caldwell.

Using the Chisholm Trail solved the problems of passing through forests and mountains on the East Shawnee Trail. It also eliminated the problem of Missouri sheriffs who were anxious to shoot diseased



cattle — or any cattle they “thought” might be carrying the Texas fever. Bribes sometimes helped to change their minds. By 1869, the East Shawnee Trail was almost a memory for drovers.

How did Longhorns affect the cattle drive industry? The Longhorn, a tough, rangy beast famous for the length of its horns, was the principal *bovine* driven up the trails to market. The Longhorn could endure a southwestern blizzard (a “sou’wester”) or a hot Texas summer

with equal ease. It required little shelter and managed quite well on the sparse grass of the Texas prairie. However, some Longhorns did indeed have Texas fever, and they spread it to local herds along the trails and near the market towns. As was the case in Missouri, local cattle became infected with the disease, and local cattlemen became inflamed with anger. Soon, quarantines and toll fees made a new trail necessary, although the Chisholm Trail remained in use until 1885.

What was the Western Trail?

The Western Trail, or Dodge City Trail, entered Indian Territory at Doan’s Crossing on the Red River. It crossed into Kansas northeast of Laverne, Oklahoma. The trail was blazed by Texas cattleman John Lytle in 1874 but didn’t become

popular until the western tribes were subdued in approximately 1876.

Why was Purcell important to the cattle industry? Other cattle trails cut through the Territory, but by 1885, all the surrounding states had passed *quarantine* laws against Texas cattle. The trails in those states became quiet. In 1887, the Atchison, Topeka and Santa Fe Railroad built a line into Purcell, Indian Territory. That Canadian River town became the *railhead*. Although never as busy as Abilene, Ellsworth, or Dodge City, the territorial community hosted countless drovers. Cattle were driven north to Beef Creek, the site of present-day Maysville. They were fattened in the miles of pens that lined the creek



SOME CATTLE TRAILS AND THEIR VARIATIONS

from which they were watered. Then they were driven the twelve miles farther north to Purcell, where they were sold and shipped to their destinations.

What was the Sandbar Saloon? After the creation of Oklahoma Territory and the Land Rush, Lexington sprang up on the other side of the Canadian River and created competition for the drovers' money. Purcell was technically "dry." That is, liquor could not be legally sold there. Lexington, Oklahoma Territory, on the other hand, had no such problem. Many thirsty drovers collected their pay and rode across the river to spend it in a "wet" town.

Phil Nichols, a gambler and local hotel owner, petitioned the Territorial Legislature to name an exact boundary between the territories at that location. They named the "main channel of the Canadian River, wherever that might be." The enterprising Nichols built a boardwalk from the west bank of the river, the Purcell side, to a spot past the middle of the river. He built a saloon at the end of it. The Sandbar Saloon, on a sandbar in mid-stream, was the first of several of its kind. It was so profitable that Nichols rebuilt it five times after it was destroyed by floods. The last time it washed down the river, a customer drowned, and it was never rebuilt.

Where is Beef Creek? Meanwhile, the railroads moved farther and farther south and spread farther west. By 1893, the cattle market in Purcell had dwindled, but Beef Creek had become a good-sized settlement. The name of the town was changed to Maysville at statehood, in honor of an early-day merchant and farmer, but the name of the stream that runs through the town today is still Beef Creek.

What was the Cherokee Outlet? Although few herds belonging to Indians ever again reached the size of those before the Civil War, there were Indians who returned to the cattle industry. Comanche Chief Quannah Parker maintained a comfortable herd of about 500 head. Choctaw merchant Wilson Nathaniel Jones kept a herd of 5,000 head. Adopted Creek Frederick Severs owned approximately 8,000 head of cattle. Quite a few Indians owned a few head of cattle for their own private use, but much of the grassland went unused, and white ranchers began to lease tribal pastures.

The Cherokee Outlet, a strip of land about 60 miles wide, *extended* west from the 96th Meridian to the 100th Meridian. The Treaty of New Echota provided it to the Cherokees in 1835. It was to be a "perpetual outlet west" for the Cherokee Nation in the northeastern part of Indian

**All in a Day's Work
by Oklahoma artist
Charles Banks
Wilson shows
longhorn cattle
crossing a river
during a cattle
drive.**



Territory. According to the *Reconstruction* Treaty with the Cherokees and the Treaty of Washington of 1866, other tribes could settle on surplus Cherokee lands. After the Osages, Pawnees, and others were assigned land, the Cherokee tribe still held title to about six million acres of grasslands. This was about two-thirds of the original Cherokee Outlet.

What was the Cherokee Strip Livestock Association? By 1882, the Outlet was feeding a quarter-million head of cattle belonging to a

number of ranchers. Cherokee agents collected fees from each cattleman, and that year they totaled \$41,233.81. The cattlemen had organized for the purposes of settling disputes, rounding up the herds in the spring, and providing mutual protection against common risks. They decided to try to deal with the Cherokees for grazing rights to the entire Outlet.

Because they held their meetings in Caldwell, Kansas, the organization adopted the name Cherokee Strip Livestock Association. The Cherokee Strip was a strip of land two-and-a-half miles wide, lying on the north side of the 37th Parallel, from the Missouri border to the 100th Meridian. It was land inside Kansas that had been assigned to the Cherokees by mistake in the Treaty of New Echota. It was being held in trust according to the Treaty of Washington of 1866.

The Strip and the Outlet were two distinct pieces of property. In time, however, locals used “Cherokee Strip” for either or both.

The Cherokee Strip Livestock Association hired John F. Lyons, an attorney from Fort Smith who was married to a Cherokee woman. His job was to petition the Cherokee Council for lease rights. On May 19, 1883, the council agreed by a very small majority to lease the Outlet for five years. Its fee was \$100,000 annually, in semi-annual payments. It received the first payment, \$50,000 in silver dollars, in October.

The association was well-organized with more than a hundred members. Each member's grazing area was specifically defined, and each

member was responsible for his own fences, corrals, and line shacks (where cowboys stayed, out on the range). The association hired wolf hunters and took steps to prevent rustling. The members of the association also worked to improve the grade of cattle in their herds.

Some tribesmen were *disgruntled* about the lease agreement, charging that other members must have been bribed to have accepted a fee of less than two cents per acre for the grasslands. When the association renewed its lease in 1888, the annual fee was raised to \$200,000.

Why did Cherokees sell the Cherokee Outlet? On March 2, 1889, President Cleveland signed the bill approving the opening of Unassigned Lands to the public. An amendment to that bill created a *commission* to settle the disposal of unused tribal lands. Specifically, it offered Cherokees \$1.25 per acre for the Outlet. (The Cherokee Strip Livestock Association was offering \$3 per acre.) The commission claimed that grazing contracts between whites and Indians were illegal and that it could *confiscate* the land for public good. It also claimed that the cattlemen's association had used bribery and fraud to obtain their leases.

The Cherokees sold the Outlet to the government for \$8.5 million. Cattlemen were notified by the government in February, 1890, that they should have their cattle out of the Outlet by October 1 that same year.

How did building railroads change transportation in Indian Territory? While the cattle industry was growing in the West, railroads were vying for right-of-way agreements elsewhere. The *Reconstruction* Treaties provided for a north-south line and an east-west line through the Territory. One company, the Missouri, Kansas and Texas Railroad (MK&T), won the right to complete a line across the Territory from Kansas to Texas.

Surveyors for MK&T completed their work in 1870. The company began laying track at the Kansas line south of Caldwell in June of that year. It completed the line, nicknamed "the Katy," within 18 months. The end of the line was at Colbert's Ferry on the Texas border.

In November 1871, the Atlantic and Pacific Railway intersected the MK&T at Vinita, on its way west. It was ten years later, however, before the track was *extended* to Tulsa. The company was reorganized under the name of St. Louis and San Francisco Railroad, but it was called the "Frisco."

Many tribal leaders had opposed the railroad and tried to keep it from coming into the Territory. They feared the railroad companies would cause more friction between tribes. Also, it was a practice of the

government to grant large tracts of land to railroad companies. So the Indians feared the loss of more land. The railroads came, nevertheless, and after the first two contracts were fulfilled, several more were made.

Chief Jackson McCurtain was a Choctaw leader who favored the railroad building. He overcame a great deal of opposition to see that Congress certified the building of the St. Louis and San Francisco line from Fort Smith, across the Choctaw Nation, and into Paris, Texas.

The Santa Fe line eventually reached from Arkansas City to Pauls Valley. The Choctaw Coal and Railway Company ran from Wister Junction to McAlester, with several branches reaching local coal mines.

How did coal discoveries contribute to changes in the Territory? The town of McAlester is named for J.J. McAlester, who discovered coal in the area in 1870 and began operating mines there in 1872. He organized the Oklahoma Mining Company, leased the mine to a coal company, and split the royalties with the Choctaw Nation. Mines opened in Krebs, Lehigh, Alderson, Coalgate, Wilburton, Hartshorne and other areas. The railroads carried workers in and coal out.

Most miners were Europeans or blacks. By 1889, there were more than two thousand of them in Indian Territory. Miners usually had government permits allowing them to live and work in the Territory.

So did some other workers, such as railroad employees.

However, thousands of people were “squatting” in the Territory without permits. In 1886, Chickasaw agent Miles reported 36,500 whites in eastern Indian Territory. Only about eight hundred were intermarried with members of the tribes, and probably fewer than 40 percent held legal permits.

The growth of jobs in the Territory drew more interest from outsiders. They were especially interested in the Unassigned Lands. There were Indians, too, who favored land *allotment* and white settlement. Like Choctaw Chief Jackson McCurtain, many believed that individual land ownership and white settlement would bring economic opportunities for Indians. One of the Cherokee supporters was the son of Elias Boudinot, who had signed the Treaty of New Echota in 1835.

Who was Elias C. Boudinot? The younger Boudinot pushed to



Elias C. Boudinot
*Western History
Collection, Oklahoma
Historical Society*

change tribal customs of property ownership. He felt opening the Territory to white settlement would lead to progress and a better Indian economy. In 1878, Boudinot published a letter in the *Chicago Times*. He wrote that since the 1866 treaties provided for government purchase of unoccupied Indian lands, those lands were *public domain* and, therefore, were available to homesteaders. MK&T attorney T.C. Sears also published a similar letter.

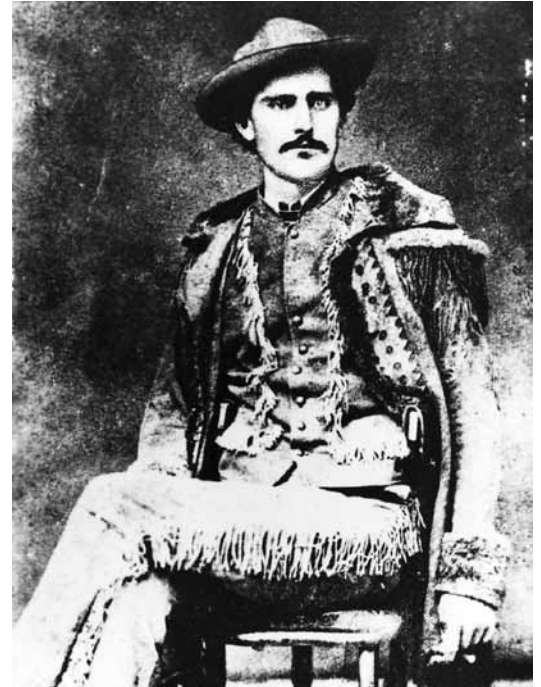
These letters drew great public interest. Colonies began to organize to settle the Unassigned Lands. Soldiers at the border tried to keep out the colonists and anyone else who wanted to enter the Territory illegally.

Who were the Boomers? A former captain in the Union frontier army, David L. Payne, was a doorkeeper for the House of Representatives. He lost his job in 1879. He soon went to Kansas, where he organized a “Colonization Association.” For \$2, a person could become a member. The group hoped to establish a colony in the Unassigned Lands. Payne claimed it would include 5,000 to 10,000 people.

Payne’s group became known as the Boomers. A boomer is a person who works up a “boom” or gets others excited when promoting a cause. On February 12, 1880, the President warned the members, through a public *proclamation*, not to enter Indian Territory. In response, Payne led his group to Camp Alice, in the Unassigned Lands, east of present-day Oklahoma City. Authorities arrested everyone and escorted them to the Kansas line. A similar excursion in July resulted in Payne’s arrest and transfer to Fort Smith for trial. Payne was fined for trespassing.

The ex-military captain returned to Kansas and in December of 1880 led his people along the northern border of the Territory. A unit of cavalymen under the command of Colonel J.J. Copinger followed the Boomers. The colonel informed the group that they would be “forcibly resisted” if they tried to cross the border into Indian Territory.

Along the way, the original 325 wagons were joined by others. Camped for a weekend, the group held religious services and invited the soldiers to attend. The preacher took his text from the Book of Exodus: “And the Lord commanded unto Moses, ‘Go forth, and possess the Promised Land.’ ”



**David L. Payne,
Leader of
the Boomer
movement.
Oklahoma Historical
Society**

A few days later, a messenger headed to Washington. He requested permission from the President for the Boomers to enter the Unassigned Lands and for Colonel Copinger's troops to escort them. Weeks passed without an answer. The people began to scatter, losing heart. Finally, Payne led a small group into the Territory without the permission. They were arrested. Again Payne went to Fort Smith for trial. He was found guilty and fined \$1,000. Immediately upon his release, he returned to Kansas to re-organize his colonists.

For four years Payne and his people moved in and out of Indian Territory, promoting public and official interest. During that time, Payne continued to sell memberships in the movement. He also began selling *tentative* titles (subject to change) for specific plots of land, and he accepted donations. Payne might have raised as much as \$100,000 and spent it all in his four-year *tenure* as head of the Boomer movement.

In November 1884, Payne died. William L. Couch, a man who had worked closely with Payne, succeeded him. In December, Couch moved the colonists into Indian Territory. They staked claims and laid out a town. When a small detachment of troops came to escort them out of the Territory, two hundred armed men met the military and refused to move.

Six hundred reinforcements and two cannon were sent from Fort Reno to encounter the *militant* campers at Stillwater Creek. The colonists were given the choice of moving within 48 hours or being fired upon. They refused to move. But instead of firing, the military commander placed his troops across the road between the camp and the Kansas border. They allowed no supplies through. By late January, the food supply of the Boomers was gone. Threatened with starvation, they loaded their wagons and allowed the troops to escort them to Kansas.

The most effective argument the Boomers used to *demand* the opening of the Unassigned Lands was *discrimination*. Some cattlemen who leased or otherwise used Indian grazing lands allowed their cattle to stray into the Unassigned Lands. Some had made permanent fences and ranching headquarters. The military did not disturb the cattlemen, who, by law, were thieves. The Boomers claimed that the government discriminated against them by allowing the cattlemen to remain and not allowing the farmers to enter and settle.

What was the Indian Appropriations Act? Thirty-two days after the removal of Couch's *militant* followers from Camp Stillwater, on March 3, 1885, Congress passed the Indian Appropriations Act. The

act authorized negotiations for the cession, or giving up, of unoccupied lands belonging to the Creek, Seminole, and Cherokee tribes. The act was passed one day before the end of President Chester A. Arthur's term of office, so he did not have time to act upon it. His successor, Grover Cleveland, preferred not to sign the act. Because the act had been passed by Congress, the Boomers ceased their colonizing efforts and concentrated on lobbying efforts in Washington, D.C.

For four years a lot of talk circulated on Capitol Hill. Couch lobbied for opening the lands, as did representatives of several railroad and mining companies. The cattlemen and some full-blood factions of the Five Civilized Tribes lobbied against opening the lands. Congress considered several bills but did not pass any allowing whites to settle in the area.

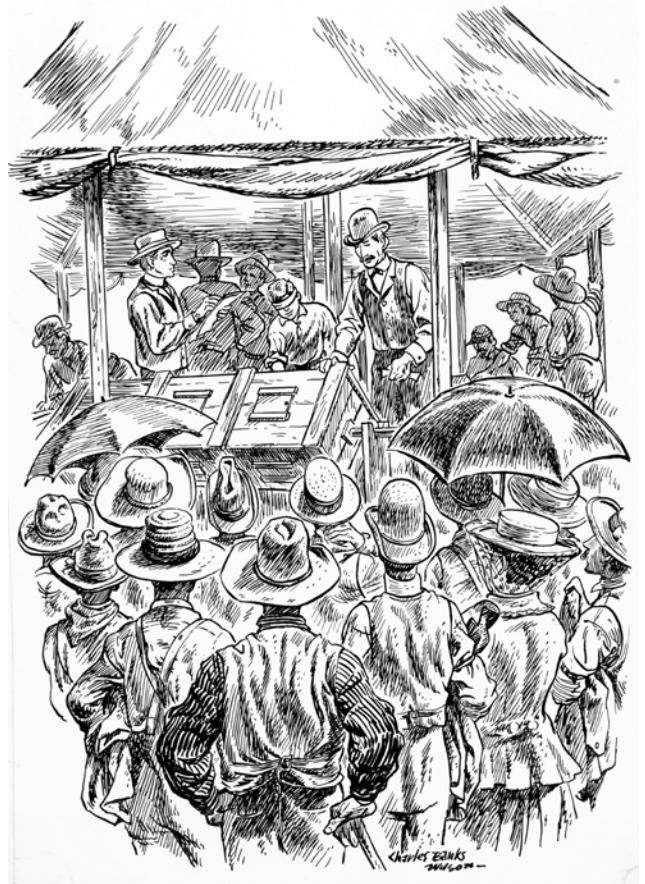
The tide turned in January 1889, when Creek leader Pleasant Porter took a group of Creeks to Washington. They offered to sell the tribe's unoccupied lands. In a matter of weeks all the Unassigned Lands had been sold to the United States for cash. All affected tribes received money in cash and the promise of more, with interest, later.

How were the Unassigned Lands opened?

By this time, President Cleveland was finishing his term. On March 2, 1889, he reluctantly signed a bill authorizing the opening of the Unassigned Lands to white settlement. On March 23, Cleveland's successor, Benjamin Harrison, announced the opening. The lands would open for settlement on April 22 by means of a race starting at noon. This event became known as "Harrison's Hoss (horse) Race."

No one could be in the area before April 22. Male citizens who were at least 21 years of age were eligible to enter the race. Women, aged 21 and above, who were single, widowed, or legally separated from their husbands could also enter. Each *entrant* would claim a quarter-section — 160 acres — of land. No one who already owned 160 acres of land or more could participate.

Even though the army assigned patrols to the borders, enforcing these rules was hard. It was nearly impossible to prevent people from slipping into the Oklahoma District, as the area was being called. The



Lottery, by Charles Banks Wilson, depicts the many land lotteries held in Oklahoma.

black soldiers, called Buffalo soldiers, who had escorted the Boomers back to Kansas so often, found their problems multiplied.

Who were the Sooners? Fourteen thousand Boomers, the group that David L. Payne had formed, held certificates to Oklahoma lands. They had been given their certificates when they became members of the group. Surprisingly few of them slipped into the Territory ahead of time. As thousands of other people gathered at the boundaries, however, countless new arrivals tried to enter early. Many of them succeeded.

People who crossed the boundaries early found choice plots of land,

staked their claims, and hid until time for the race. Some staked several claims and sold all but one to other hopefuls. They were called Sooners because they crossed the line “sooner” than they were supposed to.

How successful was the first Oklahoma Land Run? On April 22, 1889, military officers fired their guns at noon to start the race. From the north, fifteen trains entered the area, along with thousands of wagons, horses, buggies, carts, and other *conveyances*. All carried passengers rushing into the “Promised Land” to claim their own homes. On

the south border at Purcell, another train pulled into the area carrying home-seekers, and more vehicles dashed across the muddy South Canadian River and into the countryside.

Fights began as legal racers found Sooners already claiming land. William L. Couch, himself a Sooner, was shot and wounded by a *disgruntled* pioneer. He died on April 21, 1890, as a result of those wounds.

When the race ended, thousands of disappointed entrants left the area. Of the fourteen thousand Boomers, fewer than one thousand obtained claims. A large number spent more in their attempts to open the country than a 160-acre farm was worth.

Successful racers stood in lines which were literally miles long to file their claims. All claims were subject to the Federal Homestead Act, which meant that improvements had to be made on the land and the claimant had to occupy it within a given length of time. A few claims



The race is on in the movie Cimarron which is set during the time of the Oklahoma Land Run.

Turner Entertainment.

were lost or turned back because of failure to comply with those laws.

Authorities mapped out town sites. Claimants filed for them just as farmers filed for quarter-sections of land. In an afternoon, towns sprang up where there had been none the day before. Town sites were restricted to 320 acres, and this caused problems. For example, with twelve thousand people camped outside the location of Guthrie, and all of them wanting lots in that city, 320 acres was not nearly enough land. To get around the *restriction*, the government added extra town sites around the original one: East Guthrie, South Guthrie, West Guthrie, Capitol Hill, and Dyer's Guthrie. Authorities farther south, on the other hand, had only 150 settlers claiming land in Norman. There was no trouble providing lots for them.

Estimates vary as to the number of people who participated in "Harrison's Hoss Race." The most likely figure is around fifty thousand. Not including town lots, this was almost ten times the number of claims available.

Do You Know?

Oklahoma has more man-made lakes than any other state, with more than one million surface acres of water.

DISCUSSION QUESTIONS

1. How did the Civil War affect tribal success with livestock?
2. Why were cattle trails founded and why did they decline?
3. How did the *Reconstruction* treaties bring about the growth of railroads?
4. Why was the Cherokee Livestock Association formed?
5. How did the government obtain rights to Cherokee lands?
6. Identify:
 - a. Buffalo soldiers
 - b. David Payne
 - c. William Couch
 - d. Colonization Association
 - e. Unassigned Lands
7. Compare and contrast Boomers and Sooners.
8. How were Indian leaders divided on the issue of opening their unoccupied lands for settlement?
9. Who were the groups in favor of opening the lands? Who were the groups opposed? What were the special interests of each group?
10. Who was qualified to make a land claim? How would the homesteader hold the claim?