

Order and Disorder:

The Opening of the Cherokee Outlet



By Alvin O. Turner

Historians have frequently depicted the settlement of the American west as the struggle to impose civilization on a lawless frontier. The settlement of Oklahoma—particularly events surrounding the five land runs—offers numerous challenges to this view. The activities of illegal claimants disrupted the plans of government agencies and frustrated the hopes of legitimate homeseekers in each land run. The sooner problem, however, was only the most conspicuous example of a pattern of lawlessness and disorder that surrounded these events. As seen in the opening

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of the Cherokee Outlet, this pattern was rooted deeply in the American frontier past.¹

The opening of the Cherokee Outlet on September 16, 1893, was the occasion for the fourth land run in the settlement of Oklahoma. Land runs had been used previously in the settlement of the Unassigned Lands on April 22, 1889, the Iowa, Sac and Fox, Shawnee, and Pottawatomie regions on September 22, 1891, and the Cheyenne and Arapaho country on April 19, 1892. Sooner activity, which consisted of individuals illegally occupying the lands prior to their actual opening, marred each of these openings. Contemporary accounts claimed that as many as one half of the successful claimants in 1889 were sooners.² Such claims probably were exaggerated but comparable charges attended the next two runs as well. Sooners were less prominent in the Cheyenne and Arapaho opening where the scarcity of good land reduced competition, but they still managed to acquire a significant amount of the better lands.

Both Congress and various secretaries of the Interior Department, who were in charge of public land distribution, made adjustments to procedures for each opening in response to the sooner problem and related chaos. Nevertheless, they maintained a commitment to the land run as the device for settlement. Their continued reliance on a method with so many inherent flaws was based upon the lack of acceptable alternatives, fundamental misunderstandings of conditions among land seekers, and the inadequacies of agencies responsible for enforcement. Government officials shared the values of legitimate homeseekers who demanded an equal chance to acquire available land and some protection of their interests against speculators. Both groups lamented the rampant soonerism in each land run, but even the homeseekers seemed to have a grudging respect for the sooners' accomplishments. Official and public ambivalence about the sooners was consistent with the competitive values of society at the time as well as the long-standing frontier respect for squatter sovereignty and sharp dealing.³

Widespread speculation in conjunction with the land openings presented another problem as many successful participants sold their claims within weeks of the run. Some of the sales were by discouraged homeseekers, but many people had acquired claims for the sole purpose of selling. Despite this practice, a race for possession of claims still seemed consistent with the homeseekers' goals. In contrast, competitive bidding clearly eliminated most of the landless from any possibility of obtaining a claim. And, a

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lottery offered an equal chance to casual speculators who might participate in a drawing but could be discouraged by the challenges of a land run.⁴

Federal reliance on a land run to open the Cherokee Outlet assured a repetition of problems with sooners and related conflicts. The decision implied acceptance of a certain level of chaos and fraud but largely ignored mounting evidence that there would be even greater problems in opening the Outlet. The secretary of the interior implemented procedural changes designed to eliminate sooners. However, these changes, together with the vast numbers of participants and other unique conditions that surrounded this particular opening, represented a prescription for disaster.

Pressure began to build in the region following the government's reduction of the Cherokees' western land holdings after the Civil War. These lands included three large areas in northern Oklahoma and southern Kansas that the tribe acquired in conjunction with its forced removal to Oklahoma. Besides the Outlet, which consisted of about 6 million acres directly west of their lands in eastern Oklahoma, the tribe's western land originally consisted of 800,000 acres in southeastern Kansas called the Neutral Lands plus an additional two and one-half mile strip—the area properly known as the Cherokee Strip—along the southern border of Kansas.

By provisions of the 1866 Treaty of Washington, the U.S. government took the Neutral Lands and the Cherokee Strip to sell with the income held in trust for the Cherokee Nation. At the same time, the government declared the eastern third of the Outlet as surplus and began the process of moving a number of smaller tribes into that area.⁵ These actions opened the way for a series of efforts by railroad interests, cattlemen, and homeseekers to use the land for their own purposes. These groups were frequently at odds with each other but their collective impact focused national attention on the Outlet and destroyed any hope of continued Cherokee control of the area.

The Southern Kansas Railway Company began building a line south from Arkansas City to Ardmore in 1885. Other companies completed two additional lines across western segments of the Outlet in the next four years. Railroad interests promoted increased use of the land by cattlemen and also worked to open the area to farmers. For example, the Frisco Railway purchased 5,000 shares in David L. Payne's budding Oklahoma Colony. After three aborted "invasions" to obtain land in the Unassigned Lands in



Throughout the 1880s officials charged with law and order in the vast empty areas of Indian Territory faced frequent incursions by boomers such as these under arrest in 1882 (All photos courtesy Oklahoma Historical Society unless noted).

central Indian Territory, Payne began to focus on the Outlet. In 1884, he led his boomers in establishing a number of settlements in this region that was becoming known as the Cherokee Strip. By June of that year, more than 1,500 settlers had gathered at Rock Falls and other locations and began building homes and plowing fields.⁶

Payne had earlier conferred with the commissioner of the General Land Office and claimed that he had been told that it would not be trespassing to occupy the lands. The 1835 treaty of New Echota granted these lands to the Cherokeees for a “perpetual outlet west and a free and unmolested use of all the country.”⁷ Payne’s argument was based upon the reasoning that the land had been set aside as an outlet for Cherokee access to hunting ranges and that these rights did not preclude white settlement. The Cherokeees protested vigorously and the army removed the boomers in early August. The majority of the settlers departed with the official word that the government would not permit them to settle in the strip. Payne and others threatened resistance.⁸

Payne first threatened to cut the throat of any black soldier who touched him but ultimately limited his response to directing abusive language at the troopers as they escorted him from the site. The failure at Rock Falls represented the last major boomer incursion into the Outlet for eight years. Payne and his successors

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subsequently directed most of their energies to promoting the case for white occupation of the Unassigned Lands. However, boomer agitation in the nation's press and in the courts continued to draw large numbers of land seekers to the borders of the Outlet.⁹

The U.S. army removed dozens of small groups and hundreds of individuals from the Outlet during the next eight years. Often, these were woodcutters or haying outfits, but some were seeking to establish farms. The thankless task of removing such people was made even more difficult by growing federal disregard of Cherokee rights and by contradictory interpretations of the military role, jurisdictional questions, and manpower shortages. Although the military had performed a constabulary role on the American frontier since the beginning of the republic, problems often occurred when civilian law enforcement reached an area and began using soldiers in posses. In 1878 Congress passed a law forbidding army personnel from serving in posses. Subsequent interpretations of the law seemed to give the military the right to patrol areas such as the Cherokee Outlet, but questions remained about the limits of their authority. The army feared civilian lawsuits and congressional opposition, while individual soldiers resented service as adjuncts to civilian authority.¹⁰

Such problems prevented any effective control over most activities in the Cherokee Outlet where there were no civilian law officers. The army acted only upon the demand of authorities in Washington with enforcement responsibilities shared among units from three different forts. None of these were ever given the mission of patrolling regularly until the months preceding the run. Moreover, Payne's arrest in 1884 led to a court ruling that he had not been guilty of criminal trespass. And, growing numbers of boomers in southern Kansas together with increasing public sympathy for their cause virtually assured that there would be no future convictions. Consequently, the army usually did nothing more than escort violators out of the Outlet. Law enforcement difficulties increased with the government's decision to remove cattle ranching from the Outlet.¹¹

By 1880 a number of giant ranches had moved large herds into the Outlet. The Cherokees gained a regular source of income from these arrangements and intended to use the cattlemen as allies in their struggle to retain control of the region. In 1882, however, the secretary of the interior ordered the removal of all fences and other improvements made by the cattlemen. The military resisted

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enforcement of this order and the secretary rescinded it providing there were satisfactory arrangements among the cattlemen and the Cherokees. His decision temporarily led to enhanced revenues for the Cherokees but ultimately weakened their cause. The cattlemen never gained significant public support nor congressional sympathy for their needs. Cherokee debates about arrangements with the cattlemen disrupted tribal politics. At the same time the continuing presence of ranching operations seemed to lend credibility to those who disputed Cherokee claims.¹²

The Cherokees resolved their differences in 1889 and signed another agreement with the Cherokee Strip Live Stock Association—one that provided for a five-year lease with \$200,000 annual payments to the tribe. The arrangement was approved unofficially by the secretary of the interior but was nullified after Congress authorized negotiations to purchase the Outlet. That occurred in March when Congress established a three-man commission to negotiate purchase of the Outlet at a price of \$1.25 per acre.¹³

The Cherokees protested strongly as they had earlier been offered \$3.00 per acre by the cattlemen. The Cherokees had refused that offer because of their desire to hold the land for future use. Their refusal of the government's offer nevertheless created the foundation for an incredible series of charges and actions from Washington. In each of these instances, the government ignored the clear requirements of treaties, other legal and historical precedents, and every other standard of logic and fairness.¹⁴

Widespread opposition to the cattlemen's interests and pressure from boomers created a climate in which the Cherokees were discredited for profiting from their leases. Federal officials alleged that the Cherokees had been willing to sell prior to their dealings with the cattlemen. The government used this questionable assertion to charge the Cherokees with bad faith in their negotiations. The secretary of the interior then claimed that the tribe had never held a clear title to the Outlet and that the United States could take the lands if necessary. In February, 1890, President Benjamin Harrison issued a proclamation that forbade all grazing in the Outlet after October. This action eliminated tribal profits from leases and increased pressure on the Cherokees to sell. They finally agreed to sell the following year at a price based on a sliding scale of \$1.40 to \$2.50 per acre.¹⁵

The Cherokees were unable to prevent the loss of the Outlet but managed to obtain federal agreement to two provisions that

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delayed its opening to white settlement and added to growing tensions in the area. The first of these required the government to remove all intruders from Cherokee lands in eastern Oklahoma. Congress provided for compensation to these illegal occupants which necessitated evaluations of their improvements. These arrangements took more than a year to complete.¹⁶

The second provision permitted individual Cherokees to establish claims in the Outlet; at least 140 tribal members applied for this right. Some represented individual families who had settled in the area previously. Most, however, were linked to speculative efforts to gain control of townsites and other desirable locations such as projected railroad depot sites. For example, nineteen of twenty-one claims in "K" County were probably speculative. Cherokee chief Dennis Bushyhead and Robert Owen, U.S. Indian agent from 1885 to 1889 and later U.S. senator from Oklahoma, were among the more prominent speculators. The Department of the Interior thwarted the conspirators by redefining the townsites. In the meantime, however, charges of a "Strip Steal" added to growing tensions in rapidly swelling boomer camps.¹⁷

By the end of 1892 over 2,000 families were gathered in southern Kansas awaiting an opening. Still more swelled the population of central Oklahoma. Early the next year, national and regional newspapers were projecting 200,000 participants in the coming run. Numbers were often exaggerated by those who sought an immediate opening, but they also are the measure of a crisis in American agriculture in the 1890s. A series of droughts and sharply declining prices for agricultural products led to exponential growth in the number of farm foreclosures in the Plains states. Agrarian distress reached even greater heights with the panic of 1893 and nationwide depression that followed. These events forced countless farmers from their lands. They then joined a group that represented one of the continuities of American history—the landless in pursuit of opportunity on the frontier.¹⁸

Those who clustered in the boomer camps on the borders of the Outlet lived among conditions that led to a general breakdown of authority. Many of the prospective settlers had depleted their resources reaching Kansas or central Oklahoma. Unable to find work, they lived in tents or makeshift dwellings, frequently on the verge of starvation. Their plight was reflected in increased problems for local relief efforts, in rising crime, and in near hysterical agitation for an immediate opening.¹⁹

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The boomers were desperate people who seized upon the exaggerated claims of promoters. In fact, the eastern half of the Outlet held some of the best farming land in the nation. More importantly, it was the last large portion of the public domain still unsettled. Thus, for boomers the Cherokee Outlet became a promised land where their troubles would end, where they would find sunshine 300 days a year, and where there was enough of the best farming land in the country to offer homesteads for all. They even believed that the rain would follow their plows, thereby eliminating the conditions that had produced years of drought on the plains. By February, 1893, their agitation reached such a feverish pitch that some began calling for an invasion of the Outlet. Frequent and erroneous reports in regional newspapers that the Outlet would soon be opened added to boomer frustrations. In March, a few attempted to move into the region; most were soon removed by soldiers but there were frequent reports of sooners in the Outlet in subsequent months.²⁰

In the meantime, the government negotiated final arrangements with the Cherokees and planned for an eventual opening. There is no evidence that federal officials responsible for these preparations realized the consequences of the delays. This may have been due to relatively fewer problems in the Cheyenne and Arapaho opening than they had anticipated. Yet, all other observers including army and federal law enforcement officials predicted an imminent disaster. Moreover, the military's inability to rid the Outlet of cattlemen should have been adequate warning that conditions there had created a dangerous situation.²¹

In the three years following President Harrison's 1890 proclamation, the army was never able to remove all of the cattle from the Outlet. Military patrols would occasionally drive cattlemen from the Outlet only to have them return when the soldiers departed. There were also reported instances of cooperation between soldiers and ranchers. In most cases though, manpower shortages, the absence of regular patrols, and the lack of punishment for violators were the real problems. The situation worsened in the months preceding the opening. Besides their continuing problems with cattlemen, the army faced renewed boomer incursions and frequent raids by individuals stealing wire and other materials from the cattlemen.²²

In September, 1892, General Nelson Miles reported on his difficulties enforcing an order to remove all cattle from the area. He

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recommended stationing troops on the borders of the Outlet to control the cattlemen and drive out other invaders as soon as they appeared. His recommendation was not implemented until the next spring. Even then only one cavalry unit was employed consistently until late July. In the meantime, Secretary of the Interior Hoke Smith concentrated on developing new procedures that he believed would prevent soonerism.²³

Smith's changes offered some correctives to problems that had occurred in earlier runs. Most created administrative confusion and were often unenforceable. His most important change, the registration of potential claimants, added to the misery of the homeseekers, further destabilizing conditions for the land run. It also is highly unlikely that all of the changes combined reduced sooner activity by any significant degree or that any combination of measures could have. The use of a land run in the situation that developed near the Cherokee Outlet assured general chaos.

Many of the corrective measures that Smith introduced had been suggested by U.S. Marshal E. D. Nix. He called for regular patrols by the military in conjunction with the use of 1,000 special deputy U.S. marshals. The deputies successfully augmented the authority of army patrols and enhanced enforcement measures where they were employed. However, they were used largely in southern areas of the Outlet, particularly at townsites and railroad crossings.²⁴

This left the army facing the same questions about its authority it had encountered throughout the preceding decade. Further-



Understaffing, dry hot weather, and grossly inefficient procedures contributed to mass disorder at the registration booths.

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more, the largest concentrations of potential claimants and the greatest frequency of sooner activity occurred near the northern borders. Those who recognized this problem were reluctant to challenge the arrangement because of time pressures and widespread distrust of special deputies. Many of those employed in 1889 had used their positions to acquire claims. Nix maintained that he selected his deputies from a reliable group who had no interest in acquiring a claim, but many individuals remained suspicious of his appointments.²⁵

Nix also suggested photographing or detaining sooners who were captured by army patrols or deputies. These measures could have strengthened Smith's order barring any person who had been in the Outlet from establishing a claim. Containment or photographing sooners would also have reduced the number of occurrences where law enforcement officials found themselves escorting the same individuals out of the Outlet on two or more occasions.²⁶

The secretary's prohibition on prior entry also raised questions that caused considerable consternation among those awaiting the run. The order seemed to make no exceptions for time or circumstances of such entries. Many feared that it would bar those individuals who had crossed the Outlet at some time in the past or who had worked there in ranching, surveying, or other legitimate activities. There was even the possibility that it might affect soldiers who had patrolled the Outlet. Such questions formed the basis for numerous legal disputes following the run. Its immediate impact merely added further grounds for distress among potential claimants. In contrast, the secretary's most important provision created an administrative nightmare and widespread suffering.

Smith decided that registration of potential claimants would eliminate soonerism. This order led to the establishment of nine registration booths at sites adjacent to the Outlet where everyone who sought a claim had to obtain a certificate. Successful claimants would then show their certificates upon filing. This procedure had no significant effect upon sooners and led to new forms of fraud. Nothing in the arrangements prevented an individual from obtaining a certificate and then hiding out in the Outlet. Counterfeiting and the sale of certificates were common; other individuals obtained blocks of certificates through theft, false registrations, or other fraudulent devices. Understaffing of booths and other administrative blunders created more serious complications.²⁷

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Four booths were established on the southern borders of the Outlet in Oklahoma Territory—north of Orlando, north of Hennessey, south of Goodwin, and at Stillwater. Additional booths were placed at five sites in Kansas—Kiowa, Cameron, Caldwell, Hunnewell, and Arkansas City. They did not begin operation until Monday, September 11, and then were open only ten hours daily through Friday, the day before the run. From four to seven clerks were appointed to each booth. The assignment of clerks must have been based on some reasoning, but it was certainly not consistent with the distribution of boomer populations. Orlando and Hennessey each had seven clerks; Arkansas City—the busiest location and the center of the boomer camps—had five, as did Kiowa and Goodwin. The remaining sites were given four clerks.²⁸

Collectively these procedures meant that forty-five clerks had to work a combined total of 2,250 hours to process all registrations. The clerks were expected to establish the identity of registrants, obtain sworn affidavits that they were not sooners or otherwise disqualified from filing, and issue the certificates. Approximately 115,000 individuals eventually received certificates. The actual number processed at each site is unknown. However, military officials later provided estimates of participants in the runs at different locations and these figures offer some basis for projections—Arkansas City, 30,000; Caldwell and Orlando, 15,000 each; Kiowa, Hunnewell, Stillwater and Hennessey, 10,000 each; and Goodwin and Cameron, 5,000 each.²⁹

Most of the booths were situated on the open prairie with neither shelter nor immediate access to water or other necessities. At Arkansas City, the line was estimated to be one mile long with people four abreast; registrants faced similar challenges at other locations. There were no arrangements to permit individuals to retain their places from one day to the next, so many slept, often as long as three days, at their hard-won positions. Those with families were able to obtain some relief from relatives who might bring water or food or take their place in line. The fortunate few with cash were able to obtain water or other help from entrepreneurs who also developed flourishing businesses claiming and then selling places in line for as much as \$10.00 each. Others were unable even to pay prevailing rates of five cents or more per pint, or \$1.00 per bucket, of water.³⁰

Dry weather combined with the vast crowds to fill the air with choking dust. Conditions worsened as smoke from nearby prairie

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fires settled on the lines. The fires had been set by various groups including soldiers who used flames and smoke to drive sooners out of their hiding places. Sooners, wire cutters, and individuals who sought to make claim markers easier to spot were also responsible for many fires preceding and during the run. Still more were attributed to the trains passing through the area. The inevitable result of such difficulties was seen in fights, sickness, and death.³¹

At least ten people—probably more—died from heat stroke and similar problems. Arkansas City newspapers reported fifty cases of sun stroke on a single day; six of the victims died before the night ended. Comparable problems occurred at Orlando and Caldwell. The addition of a tenth booth at Guthrie on September 14 and the hiring of additional clerks at the busiest locations offered only partial alleviation of the suffering. Many people never managed to register; crowds estimated at 20,000 still stood in the lines at Arkansas City on the day before the run. Meanwhile, life in the tent cities and nearby towns added to the prospective settler's misery.³²

Order in the boomer camps deteriorated dramatically as the date for the run approached. Hordes of criminals descended upon, or arose within, the tent cities and nearby towns. Drunkenness, fighting, poisoning and hamstringing horses, and similar crimes increased markedly. Officials also faced general shortages of water and had to prepare for the rumored possibility of raids by outlaw gangs. But still more administrative chaos, disorder, suffering, and deaths faced the homeseekers.³³

Federal officials delayed final regulations and decisions concerning two pressing questions until the week of the run. The first of these concerned access points. The president's proclamation opening the lands provided for establishing a 100-foot zone around and immediately within the Outlet for those intending to make the run. The question then arose about entries from the eastern border where Indian agents and tribal spokesmen feared damage to Indian lands. The secretary of the interior issued orders prohibiting entry from such points but these were never published. Local land office agents and military authorities issued contradictory instructions. This led to widespread confusion particularly at the borders of the Chilocco Indian School reservation where a large number of intended settlers were permitted to occupy a 100-foot zone despite the secretary's prohibition.³⁴

Delays in issuing regulations regarding the use of trains by homeseekers also created numerous difficulties. The rules were

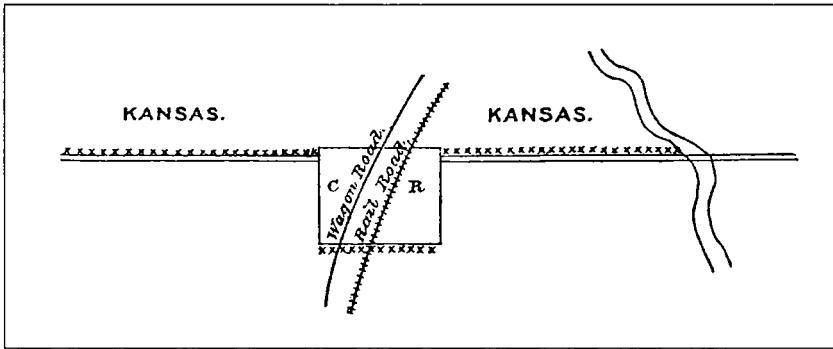
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not published in regional papers until September 13. Contained in nine separate articles, requirements called for loading the trains no more than thirty minutes prior to departure and stipulated that only certificate holders should be permitted to ride. Santa Fe Railroad officials protested that they would be unable to load the vast numbers in the time permitted. They also noted practical limits on their ability to check certificates and otherwise control the crowds. The assignment of deputy U.S. marshals and army personnel to the trains helped somewhat with crowd control, but the limited time allowed for boarding the trains assured the likelihood of problems.³⁵

The addition of eight troops of cavalry and four of infantry during late July and August buttressed law enforcement efforts, but most of the troops arrived too late to provide real stability amid the growing disorder. At least half of the units did not arrive until the end of August. The eight cavalry units were assigned within four districts from east to west across the Outlet. The first district included Troop C at Chilocco, Troop E at Bluff Creek, and Troop B at South Wharton. The second district contained Troop F north of Pond Creek and Troop A south of Enid; the latter area also included Hennessey. Troop G was stationed at Alva and joined with Troop K at Waynoka in patrolling the third district. Troop D was situated on Clear Creek and responsible for the western most area of the Outlet. Companies E, B, C, and G of the Thirteenth Infantry were stationed respectively at land offices at Alva, Woodward, Enid, and Perry.³⁶

Increased army patrols finally managed to remove most of the cattle from the Outlet but were less successful in controlling wire cutters and sooners. Further, military numbers were inadequate to control the areas with the largest concentrations of people and the actions of some troopers created new grounds for strife. For example, the forty men in Troop C under the command of Second Lieutenant F.M. Caldwell were responsible for patrolling a seventy-mile line noted for intense sooner activity. These inherent problems were compounded by Caldwell's difficulties controlling his troopers and by military and crowd access to saloons at nearby Arkansas City.³⁷

Soldiers and deputies alike were accused of soliciting and taking bribes, brutality, drunkenness, and other crimes. Most of the charges—except those against Troop C—seem to have stemmed from misunderstandings amid general chaos. For ex-



Corporal George Morris of Troop C, Third Cavalry, provided this map showing the unfair advantage of the people making the run from the south side of the Chilocco Reservation (CR). (Taken from House Executive Document 27).

ample, numerous individuals alleged that the soldiers took bribes to permit people to pass to the front of lines at registration booths. Some such instances probably occurred in conjunction with legitimate activities such as the delivery of messages or supplies to clerks. The hiring of additional clerks—frequently from among those in the lines—likely created the appearance of favoritism or fraud. Similarly, some charges reflected the activities of individuals who claimed to be officials but were not. One group sold counterfeit passes purportedly signed by a deputy. Another man, wearing the uniform of an officer in the Arkansas militia, sold passes and took payment for other favors despite having no authority to do so.³⁸

Citizen groups later praised most of the army units for their conduct, but all observers condemned the actions of personnel from Troop C. Soldiers from that unit had numerous conflicts with civilians and local law enforcement officials. One trooper killed a man's horse; another threatened a group of townspeople and then a city marshal in Arkansas City. On another occasion, Lieutenant Caldwell had to strike one of his troopers to restrain him. Caldwell later acknowledged problems controlling his men, claiming that the proliferation of bad characters who gathered in his area and the availability of nearby saloons created most of his difficulties.³⁹

Troop C was also at the center of one of most unfortunate incidents during the land run, the killing of John R. Hill. The background for that tragedy began with delays in defining a point of departure near the Chilocco reservation. Amid confusion about permission for a run from the eastern border of the reservation,

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Caldwell decided to permit participants to start from a point on the southern border which protruded three miles into the Outlet. He then allowed a group to cross a portion of the Outlet to reach that starting point on the morning of the run. This action was a technical violation of orders that prohibited any prior entry into the Outlet. Nearby groups erupted in protest.⁴⁰

Hill was among a group located at the northwest corner of the reservation who complained that the people with Caldwell had gained an advantage because they were three miles into the Outlet and the same noon starting time applied to all. The protestors started to bolt a number of times but were held back by threats from ten troopers under the immediate charge of sergeants Samuel Ihling and William Willard. At about ten minutes prior to noon, the line broke with Hill near the lead. The soldiers opened fire and a shot from Sergeant Willard killed Hill instantly.⁴¹

One observer later claimed that someone had marked Hill's blood with a stake to establish a claim for his widow. In fact, the stampede continued without pause, triggering a break at the southern border as soon as the riders were seen from that point. Willard subsequently testified that he had intended to fire over the group. He was tried for murder at Newkirk the next year, but he was not convicted.⁴²

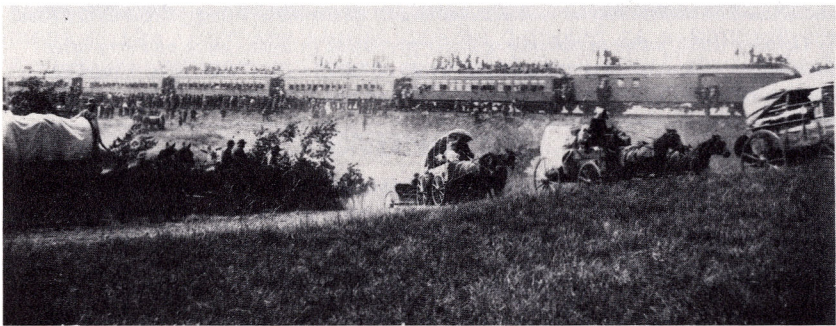
Hill's death was the only instance in which law enforcement officials killed a participant in the run. Witnesses from two different locations later reported they had seen soldiers killed when lines broke, but this is not confirmed in military documents. However, all sources agree that the lines stampeded at most points in the first and second districts. Subsequent events were equally chaotic and undoubtedly produced further deaths. Both law enforcement authorities and participants agreed that there were a number of murders on the prairies as individuals fought for claims. The threat of violence affected virtually every claimant. Many reported they managed to hold their claims—or lost them—at the point of a Winchester. Others avoided violence only to face legal challenges later with four or more individuals asserting the right to a single quarter-section or town lot.⁴³

Even when officials managed to hold their lines until noon, countless individuals were injured in the frantic races which followed the starting guns. Wild mobs at Orlando and other sites fought to claim seats on the trains. Many were hurt in these struggles or in their efforts to jump from the trains as they neared

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townsites. Yet the majority of participants did not secure a claim. The demand was far greater than the available land. Moreover, sooners still managed to secure some of the best locations.⁴⁴

The exact number of sooners cannot be established, but it is likely they gained as much as one-third of the best lands in the Outlet. Sooners were particularly prominent throughout the first district and at townsites, especially at Perry. That townsite, eight miles from the borders of the Outlet, had all available lots claimed within minutes of the starting gun. As the *Oklahoma Times Journal* headlined, "The Reputable and Legal Settler wasn't in it." The reporter went on to write, "It was a great day for Oklahoma. Altogether not more than 20 deaths have occurred, about 50 accidents, a few hundred horses killed . . . everybody dirty and dis-

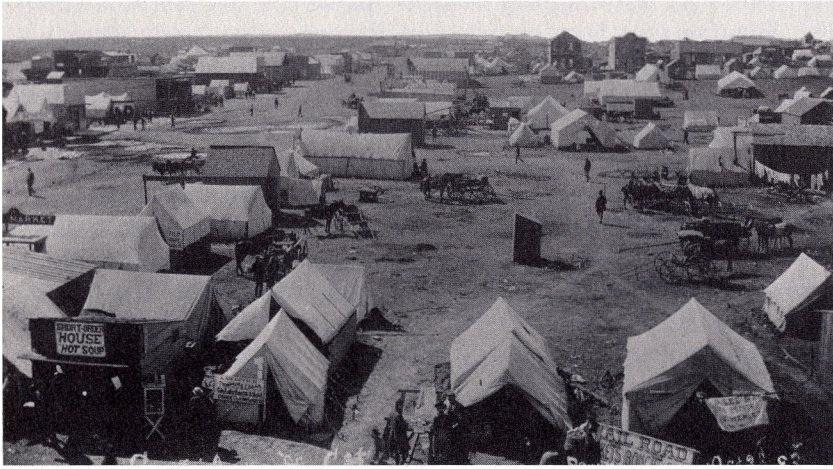


In a scene enacted on all borders of the Outlet on September 16, landseekers in all manner of conveyance raced for homesteads.

gusted and sooners triumphant." That assessment is echoed in the reports of virtually every first-hand observer of the day's events.⁴⁵

Law and order finally came to the Outlet in the following weeks, but the chaotic process of settlement continued to affect the region's development. The prevalence of disputed claims meant that many individuals could not afford to risk significant investments in their lands even when they possessed the necessary funds. In addition, many settlers finally had to face the economic consequences of the mode of settlement. Town lots that men had fought for were abandoned by the end of the year. Many farmers discovered that their cherished lands were unsuitable for cultivation or that the revenue from their crops was not enough to meet their needs. Within a year, one newspaper reporter asserted that the Outlet was almost as desolate as it had been after the prairie

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By October, 1893, some semblance of order prevailed in towns such as Perry after the rougher elements departed and the forces of “civilization” took over (Courtesy Western History Collections, University of Oklahoma Library).

was burned by the military and boomers. He claimed that Perry had shrunk from 15,000 shortly after the run to no more than 300 families.⁴⁶

There were, of course, success stories just as there had been instances of neighborly actions, generosity, even gallantry during the run. But even those who managed to secure good land soon learned a bitter lesson anew. Opportunities were limited for farmers and the towns that depended on their business in the changing American economy. Agricultural overproduction and the shift to industrialization had redefined the ingredients for success in the United States.

The nation’s institutions and people, however, responded slowly to the new reality. Landless farmers and an assortment of interests continued to agitate for the opening of additional lands in Oklahoma. On May 23, 1895, the lands of the Kickapoo tribe were opened to white settlers. The Kickapoos had so little surplus that claims were limited to eighty acres. The inherent absurdities in that situation were compounded by the government’s decision to use a land run once again, with predictable consequences. This time the proliferation of sooner problems finally convinced officials that some other method would have to be used in the future. The

last large segments of land in western Oklahoma were distributed by lottery or auction.⁴⁷

None of these experiences convinced the American people or their government that their institutions and practices fell far short of the ideals they espoused, particularly when Indian lands were at stake. Thus, the final dissolution of the domain of the Five Civilized Tribes in Indian Territory proceeded without interruption. Their land was allotted and the last vestiges of tribal sovereignty abolished by 1906. Ironically, "the forces of incorporation" justified the final dispossession of the Indians because of purported tribal inability to maintain control in their jurisdictions.⁴⁸

Undoubtedly, civilizing influences and other legitimate, even noble purposes motivated white settlement of Oklahoma. The methods used to meet those goals and the attendant violence and disorder point to other forces that also were at work. The settlement of the Cherokee Outlet can be depicted as a triumph for American civilization. These events also mirrored the nation's flaws.

ENDNOTES

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¹ This article is largely interpretive, focusing on problems of establishing law and order in the Cherokee Outlet. As such it touches on a large variety of complex subjects that would require a book-length effort to treat fully. Most of these topics have been covered in article format at various times in *The Chronicles of Oklahoma*. The author acknowledges extensive use of three series of articles from this journal for background research. These are Berlin B. Chapman, "How the Cherokees Acquired and Disposed of the Outlet," 15 (March, 1937): 3-49, (June, 1937): 205-225, (September, 1937): 291-321; and 16 (March, 1939): 36-51, (June, 1939): 135-162; and "Opening the Cherokee Outlet: An Archival Study," 40 (Summer, 1962): 159-181, (Autumn, 1962): 253-285; and Joe B. Milam, "The Opening of the Cherokee Outlet," 9 (September, 1931): 268-286, (December, 1931): 454-475; and 10 (March 1932): 115-137.

² Donald E. Green, "The Oklahoma Land Run of 1889: A Centennial Re-Interpretation," *The Chronicles of Oklahoma*, 48 (Summer, 1989): 116-149.

³ *Guthrie (Oklahoma) Daily Leader*, July 16, 1893; *New York Times*, August 14, August 21, 1893.

⁴ *New York Times*, August 14, August 21, 1893.

⁵ Charles J. Kappler, ed., *Indian Affairs Laws and Treaties*, II (Washington, D.C.: Government Printing Office, 1902): 140-144, 288-292, 439-449, 942-950; John W. Morris and Charles R. Goins, eds., *Historical Atlas of Oklahoma* (Norman: University of Oklahoma Press, 1976), Map 22.

⁶ Tim Zwink and Donovan Reichenberger, *Ranchlands to Railroads: An Illustrated Sketch of M County's Pre-territorial History* (Alva, Oklahoma: Alva Centennial Commission, 1986); H. Craig Miner, *The Corporation and the Indian: Tribal Sovereignty And Industrial Civilization In Indian Territory, 1865-1907* (Columbia:

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University of Missouri Press, 1976), 100–102; C.C. Rister, *Land Hunger* (New York: Arno Press, 1975), 156–169, and “Oklahoma, The Land of Promise,” *The Chronicles of Oklahoma*, 23 (Spring, 1945): 12–15.

⁷ Kappler, *Indian Affairs Laws and Treaties*, II: 140–144, 288–292, 439–449, 942–950.

⁸ Rister, “Oklahoma, The Land of Promise,” 12–15; Robert Windsor to Dennis Bushyhead, July 17, 1884, Cherokee, 1884 Files, Archives and Manuscripts Division, Oklahoma Historical Society, Oklahoma City, Oklahoma (hereafter cited as AMD OHS); *Indian-Pioneer History (IPH)*, Interview with Homer S. Chambers, 88: 224–225; Interview with W.H. McGinty, 35: 166; Interview with Eugene Couch, 21: 25–28, AMD OHS.

⁹ Couch interview, *IPH*, 25–28.

¹⁰ Larry D. Ball, “The United States Army As a Constabulary on the Northern Plains,” *Great Plains Quarterly* (Winter, 1993): 21–29; Donald A. McPheron, “Soldiers on the Frontier: A Tribute,” *The Chronicles of Oklahoma*, 38 (Spring, 1960): 107–108.

¹¹ McPheron, “Soldiers on the Frontier,” 107–108; Patterns of military enforcement are also reflected in monthly reports from army posts. See Records Group 617, Microfilm Roll 1244, Fort Supply Returns, and Roll 1999, Fort Reno Returns.

¹² E.E. Dale, “The Cherokee Strip Live Stock Association,” *The Chronicles of Oklahoma*, 5 (Spring, 1927): 64–75; Miner, *Corporation and the Indians*, 118–142.

¹³ Miner, *Corporation and the Indians*, 118–142.

¹⁴ *Ibid.*; Chapman, *How the Cherokees*, 305–316.

¹⁵ Chapman, *How the Cherokees*, 305–316; 52d Cong., 2d sess., H. Rept. 1631, 1–5; 51st Cong., 2d sess., H. Rept. 3768, February 11, 1892, 26; Roy Gittinger, *The Formation of the State of Oklahoma* (Norman: University of Oklahoma Press, 1939), 201.

¹⁶ 53d Cong., 2d sess., H. Ex. Doc. 26, 1–6; (Vinita, Indian Territory) *Indian Chieftain*, March 17, 1892; *New York Times*, July 6, 1893; Message of C.J. Harris, December 1, 1892, Cherokee Intruders File, AMD OHS.

¹⁷ Message of C.J. Harris; B.B. Chapman, “Cherokee Allotments in the Outlet,” *The Chronicles of Oklahoma*, 59 (Winter, 1981–1982): 401–421; *New York Times*, June 19, August 11, 1893; *Guthrie Daily Leader*, August 18, 1893; *Daily (Guthrie) Oklahoma State Capitol*, August 24, September 9, 1893; *Indian Chieftain*, March 17, 1892; Karen Dye, “Socio-Economic Development of Newkirk, Oklahoma,” (M.A. thesis, University of Oklahoma, 1992), 5–15.

¹⁸ Dye, “Socio-Economic Development,” 5–15; *New York Times*, November 27, 1892, February 12 and April 1, 1893.

¹⁹ *New York Times*, November 27, 1892, February 12 and 20, March 3, April 8 and 12, August 1 and 20, 1893; Interview with L.G. Muret, *IPH*, 107: 191–192.

²⁰ Muret interview; Chapman, “Opening the Cherokee Outlet,” 162–163.

²¹ Chapman, “Opening the Cherokee Outlet,” 162–163.

²² Interview with J.M. Ridenhouse, *IPH*, 92: 47–48; Interview with Peter T. Lieneman, *IPH*, 78: 282–285; 52d Cong., 1st sess., H. Rept. 2085, July 27, 1892.

²³ H. Rept. 2085; *Indian Chieftain*, September 15, 1892; *Guthrie Daily Leader*, July 16, 1893; *New York Times*, April 10, August 14 and August 21, 1893; Fort Reno and Fort Supply Returns, May–October, 1893.

²⁴ Fort Reno and Fort Supply Returns, May–October, 1893; Thomas R. Holland, *Oklahombres Revisited* (n.p.: Thomas R. Holland, 1992), 135.

²⁵ Holland, *Oklahombres*; *New York Times*, March 18, April 10, August 14, and 21, 1893; *Guthrie Daily Leader*, July 16, 1893.

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²⁶ *Guthrie Daily Leader*, July 16, 1893; *New York Times*, March 18, 1893; Interview with Henry Harmon, *IPH*, 62: 41–50.

²⁷ Gittinger, *The Formation of the State*, 201–202; Chapman, “Opening the Cherokee Outlet,” 253–257.

²⁸ Chapman, “Opening the Cherokee Outlet,” 253–257; *Hennessey* (Oklahoma) *Clipper*, September 8, 1893.

²⁹ *Hennessey Clipper*, September 8, 1893; 53d Cong., 1st sess., H. Ex. Doc. 27, October 19, 1893, 3–86.

³⁰ D. Earl Newsom, *The Cherokee Strip: Its History and Grand Opening* (Stillwater, Oklahoma: New Forums Press, 1992), 34–39; Interview with Mrs. C.B. Goetting, *IPH*, 105: 399–400; Interview with Angie Debo, *IPH*, 2: 488–489; Oliver LaFayette, “Notes,” *The Chronicles of Oklahoma*, 23 (Winter, 1945–1946): 404–405; Milam, “The Opening,” 465–470; Chapman, “Opening the Cherokee Outlet,” 255–259.

³¹ Chapman, “Opening the Cherokee Outlet,” 255–259; Debo interview; Interview with Dena Hammond, *IPH*, 27: 273–274; Interview with James S. Gilbert, *IPH*, 26: 7–8; *New York Times*, September 7, 1893, and August 17, 1894.

³² *New York Times*, September 7, 1893, and August 17, 1894; *Guthrie Daily Leader*, September 13, 1893.

³³ *Guthrie Daily Leader*, September 13, 1893; Milam, “The Opening,” 463–472; J.S. Wade, “Uncle Sam’s Horse Race,” *The Chronicles of Oklahoma*, 35 (Summer, 1957): 149.

³⁴ Chapman, “Opening of the Cherokee Outlet,” 259–263; H. Ex. Doc. 27, 5–39.

³⁵ H. Ex. Doc. 27, 35–39.

³⁶ Fort Reno and Fort Supply Returns; H. Ex. Doc. 27.

³⁷ H. Ex. Doc. 27.

³⁸ Misc. H. Rept., esp. 74; Chapman, “Opening of the Cherokee Outlet,” 255–259; Newsom, *The Cherokee Strip*, 31.

³⁹ H. Ex. Doc. 27, esp. 5–8, 13–19, 40–44.

⁴⁰ *Ibid.*, esp. 5–8, 13–19, 23–39.

⁴¹ *Ibid.*

⁴² H. Ex. Doc. 27, 23–39; Interview with A.M. Thomas, *IPH*, 68: 205–206; Interview with Mrs. S.M. Waggoner, *IPH*, 68: 416–417.

⁴³ Waggoner interview; Angie Debo, *Prairie City* (Tulsa, Oklahoma: Council Oak Books, 1985), 48–49; Clarence Cullimore, “Perry’s First Doctor,” *The Chronicles of Oklahoma*, 38 (Summer, 1960): 191–193; Wade, “Uncle Sam’s Horse Race,” 150–153; Holland, *Oklahombres Revisited*, 138–147; Interview with John R. Queen, *IPH*, 41: 61; Interview with John N. McAllister, *IPH*, 34: 370–371; Interview with Ed Murphy, *IPH*, 71: 490–491; Interview with W.J. Nicholson, *IPH*, 81: 92–93.

⁴⁴ Nicholson interview.

⁴⁵ *Ibid.*; (Oklahoma City) *Oklahoma Times Journal*, September 17, 1893.

⁴⁶ *Oklahoma Times Journal*, September 17, 1893; *New York Times*, August 17, 1894.

⁴⁷ A.M. Gibson, *The Kickapoos: Lords of the Middle Borders* (Norman: University of Oklahoma Press, 1963), 296, 310–313.

⁴⁸ The term “forces of incorporation” and a discussion of parallel issues and developments is found in Richard Maxwell Brown, “Western Violence: Structure, Values, Myth,” *The Western Historical Quarterly* (February, 1993): 5–20; *New York Times*, November 16, 1893, November 15, 1894, November 16, 1895; A.M. Gibson, *Oklahoma: A History of Five Centuries* (Norman: University of Oklahoma Press, 1965), 321–326.