

OKLAHOMA CITY, FROM PUBLIC LAND
TO PRIVATE PROPERTY*By Berlin E. Chapman*

PART I: SURVEYING THE TOWNSITE

Introduction

Three score and ten years ago Oklahoma City was public land, and the subsequent rise of a city of 500,000 population was a growth scarcely paralleled in history.¹ One strolling along Grand Avenue can see in the jogs of the streets the scars of its origin, and hundreds of people now living have known intimately some of the '89ers who helped convert public land there to private property. It is the purpose of this study to relate that transition. With the passing of pioneers, more reliance than ever must be placed upon archival records containing what they wrote and witnessed in this interesting period of provisional government and the acquisition of town lots.

When the last Indian reservation was established in Indian Territory in 1881, there remained in the heart of the territory a tract of nearly 3,000 square miles known as the Oklahoma country or Oklahoma district. This tract of unassigned lands extended from present Stillwater to Norman. In the south central part of the tract, on the banks of the North Canadian, was to grow the metropolis of Oklahoma. David L. Payne and his land-hungry boomers were removed from the vicinity in 1880.

The origin of Oklahoma City is entwined with railroad history. Continuous settlement began with the building of a railroad; the first houses were constructed of track ties and sheltered "track men," and the site was called Oklahoma Station. The importance of the railroad in replacing cattle trails, and as an artery of travel and commerce necessitates an understanding of its history.

¹ In preparation of this series of articles the author gratefully acknowledges assistance given in the Library of the Atchison, Topeka and Santa Fe Railway Company, in the Kansas Historical Society, and in the Oklahoma Historical Society. For the National Archives he desires to mention the guidance of John E. Madder in Justice Department files, the excellent organization of the Legislative Branch headed by Harold E. Hufford, and constant reliance on Maurice Moore whose proficiency in files of the General Land Office was proverbial among searchers. The Research Foundation of Oklahoma State University expedited the study.—Ed.

Economic factors were considered in selecting a route for the railroad. The dominant force was the Atchison, Topeka and Santa Fe Railroad Company, incorporated in Kansas. A line was built south to Wichita in 1872, to Arkansas City in 1879, and there the terminal remained until 1887.

The first survey by the company across present Oklahoma from north to south was a reconnaissance of three distinct routes: "A" from Coffeyville, Kansas, to Gainesville, Texas; "B" from Arkansas City to the Red River at Salt Creek, thirty miles west of Gainesville; "C" from Arkansas City to Gainesville. A report on these lines was made on May 20, 1884, by H. L. Marvin, locating engineer.² In summarizing the comparative value of the three routes for transportation Marvin said that the local carrying trade of line "A" when the country should have been developed, would be about equal to that of line "C". Either would be in excess of that of line "B" as the country on line "B" was much less productive than that adjacent to either of the other routes. The business of line "A" would be subject to competition from the road of the Missouri, Kansas and Texas Railway Company, thus giving to line "C" the better value of business. The cost on line "A" gave to that route an additional interest which merited consideration.

Marvin reported that the cost of construction on line "C" would be considerably less than either of the other routes and the gradients would be much easier. The most expensive route would be "B" on account of the heavy work through the central portion of the route and from the absence of timber for construction purposes. Route "A" would also be an expensive line, south of the North Fork River. Route "C" would only be expensive south of Caddo Creek. Except for short distances at four summits, route "C" was the shortest between Kansas and Texas. From the standpoint of distance

²The report is in Chicago, Library of the Atchison, Topeka and Santa Fe Railway Company, *Santa Fe Splinters*, vol. 22, pp. 109-127. It was made to Albert A. Robinson, General Manager and Chief Engineer, Topeka, Kansas.

The Santa Fe records fell into two groups, construction and operation. Valuable fragments of the construction records remain, but the operation records are virtually nil for the pioneer period in Oklahoma. *Santa Fe Splinters* is a series of manuscript volumes containing railroad documents compiled by Joseph Weidel. In a preface in 1940 he said: "The true and complete history of the Santa Fe will never be written because the records for the early years are now largely non-existent through loss, misplacement, dispersion or destruction." The "Santa Fe" was incorporated in Kansas on February 11, 1859, as the Atchison and Topeka Railroad Company. The name was changed on November 24, 1863, to Atchison, Topeka and Santa Fe Railroad Company; and on December 12, 1895, to the present name of the Atchison, Topeka and Santa Fe Railway Company.

and expense of construction, Marvin said the route from Arkansas City to Gainesville was much the best.

The Atchison, Topeka and Santa Fe Railroad Company owned the securities of the Southern Kansas Railway Company. On July 4, 1884, President Chester A. Arthur approved an act of Congress granting to the latter company the right to construct a railroad from Kansas through Oklahoma district to Texas.³ The company had an easement, not a fee, in the lands of the right of way. The company should build at least one hundred miles of road within three years after the passage of the act, or its grant would be forfeited as to that portion not built. Under penalty of forfeiture of all its rights and privileges, the company was forbidden to aid, advise, or assist in any effort looking toward the changing or extinguishing of "the present tenure of the Indians in their land."⁴ The officers, servants, and employees of the company necessary to the construction and management of the road should be allowed to reside, while so engaged upon the right of way.

On May 28, 1873, the Texas legislature passed an act to incorporate the Gulf, Colorado and Santa Fe Railway Company. The road was built north from Galveston by people of the city.⁴ The directors at a special meeting held on August 1, 1883, adopted a resolution stating that in their opinion it was advisable for the company to secure a right of way through Indian Territory, west of Denison, and "that the Executive Committee be authorized to secure the same." At a meeting of the board of directors on September 8, 1884, a resolution was adopted instructing the general manager to send an engineer to examine the country on the proposed line of road from Fort Worth through Indian Territory to Kansas, with directions to report on the most feasible route, the nature and topography of the country, prospects, if any, for a supply of coal in the line, and on all matters relating to the cost of the road, and capabilities of the country through which it would run.

On November 25 Michael I. Lynch, locating engineer for the company, made a report on the country from Fort Worth

³ 23 Statutes, 73.

⁴ The first capital stock was sold by popular subscription in the City of Galveston, and the first bonds were taken by the stockholders. For a review of the Gulf company, see Elinore M. McDonough, "Building the Santa Fe," *Spencers loc. cit.*, vol. 1, pp. 222-259. The words "Santa Fe" common to the names of the Atchison and Gulf companies were significant only to the extent of designating a geographical point they both expected to reach.

north to Red River, and beyond through the Indian Territory.⁵ He said of the region north of Gainesville:

Especially would a town established at the crossing of Red River furnish considerable freight, as there is a large amount of cotton raised in the Chickasaw Nation across the river, nearly all of which is now tributary to Gainesville, and is hauled over the Missouri Pac. road. You would intercept a considerable amount of this at the river, and get your share of the balance at Gainesville, and in addition would be most favorably located for the hauling of stock cattle from the breeding grounds of the south for distribution to the pastures of the "Pan Handle" and the Territory, besides such cattle as would be intended for direct shipment to Kansas. Of the amount of cotton raised in the Chickasaw Nation, Gainesville alone ships about 20,000 bales annually.

Lynch considered the matter of constructing a road from Gainesville to Okmulgee but recommended another route. In his judgment a line should be built north and south through the territory in continuation of the main line in Texas to a connection with the Atchison, Topeka and Santa Fe at the Kansas line, or to a junction with them at some point in the Indian Territory, should they decide to come farther south. Lynch said: "By extending in this manner, as recommended, you would have a direct through line from the Gulf to a connection with the Railway System of the southwest, and an air [straight] line and at a distance (Galveston to Hunnewell) of only 670 miles, the greatest advantages of which are too obvious to need comment from me." Lynch noted that the Oklahoma country west of the Indian Meridian was smoother and more of an open prairie than to the south and east, and so continued quite up to the Kansas line, and was in consequence much more favorable to railroad construction than the country to the south and east. He said:

The entire country (where not cultivated) during my examination (October and November) was covered with a rich growth of luxuriant grass, which would average 12 to 14 inches in height, and was still green and succulent enough to cut for hay. There are a great many cattle in the country but the effect of their grazing could not be noticed on the range, which is capable of supporting many millions more without injury. The cattle seen on the trip were in remarkably fine condition, fat, and sleek, and fit for the market as they stood without any hand feeding. A very small portion of these cattle are owned by individual members of the several tribes, the great majority being owned by large stockmen or stock companies from the States, who acquire the right to live in the country through marriage, which confers citizenship in a certain form with right to hold land, stock, etc. Many who hold citizenship as above become members of Stock Companies or hold stock on the range for other parties for a share of the profits.

⁵Lynch's report is dated Nov. 25, 1884, and is in *Splinters, loc. cit.*, vol. 7, pp. 181-190.

A new organization under an old name was effected when twenty companies in the vicinity of southern Kansas united to form the Southern Kansas Railway Company, by articles of consolidation dated April 16, 1885.⁶ Incorporation was under the laws of Kansas. An amendment was made to the charter to conform with the act of Congress of July 4, 1884.

On March 3, 1886, an agreement was reached by which the Atchison, Topeka and Santa Fe purchased the entire capital stock of the Gulf company, giving its stock at par for stock of the Gulf. The Gulf agreed to build a road from Fort Worth north into Indian Territory to meet the Atchison at Walnut Creek, now Purcell, and to complete it in one year, or in time for the cattle movement to pastures.

The Southern Kansas Railway Company built south from Arkansas City, and on November 29, the first regular train schedule became effective. It provided for an accommodation train each way from Arkansas City to present Ponca City. Stations were located about ten miles apart, the distance being determined by the productivity of the region. A station was at Deer Creek (now Guthrie), and another was on the banks of the North Canadian, both being established on an unoccupied expanse of prairie.⁷ Thousands of men were employed in building the two rail lines, which on April 26, 1887, were joined at Purcell.

⁶For a history of the Southern Kansas Railway Company, see the valuation of the Atchison, Topeka and Santa Fe Railway Company, *Interstate Commerce Commission Reports*, vol. 127, (1927), pp. 410-416. A copy of the executed contract of March 3, 1886, (no. 4899) is in the Library of the Atchison, Topeka, and Santa Fe Railway Company. The stockholders were notified of the agreement by circular dated May 15, 1886.

⁷Austin B. Griggs, valuation engineer for the Atchison, Topeka and Santa Fe Railway Company, was a student of the history of the railroad. He wrote:

"Col. J. W. F. Hughes of Topeka was appointed Roadmaster, December 1, 1886, and had charge of the track work from Ponca to Purcell. He says that he built the first houses at the present locations of Guthrie, Edmond, and Oklahoma City, no towns or improvements having been built prior to the construction of the railroad through these locations. The houses that he built were constructed of track ties and were used to house the track men.

"When the track work was nearing Purcell, it appeared that the Company was behind time to reach the connection at that point under the time limit placed by the Federal Government and to avoid the possibilities of delay, M. C. H. Curtis, Chief Clerk to Mr. Robinson, came down the line with a locomotive and bunk car, picked up all the Station Agents and the Roadmaster, cut the telegraph line and went on to the south end of the line near Purcell where they remained for a few days so that the U. S. Marshal could not find anyone upon whom to serve an injunction. A writ was issued at Muskogee but was not served before the connection was made at Purcell, 154 miles south of Arkansas City."

Frank J. Best, an employee of the Santa Fe, recalled that shortly after the completion of the railroad "the stock rush of Texas cattle began to roll to pastures in northern Indian Territory and southern Kansas."⁸ By June 12, the entire line across present Oklahoma was in operation. A July timetable in the archives of the Santa Fe shows that on the Arkansas City Extension an express train left Arkansas City at 9:40 a.m., reached Oklahoma at 1:36 p.m., and Purcell at 2:55 p.m. The northbound express left Purcell at 1 p.m., reached Oklahoma at 2:17 p.m., and Arkansas City at 6:45 p.m.

The July timetable lists the station as "Oklahoma," with Verbeek nine miles farther south. A post office was established at "Oklahoma Station" on December 30 with Samuel H. Radebaugh as postmaster.⁹ The name was shortened to "Oklahoma" on December 18, 1888. A clerk who wrote the regimental returns for the Fifth Cavalry in September, 1889, referred to "Oklahoma," and the next month he gave the location as "Oklahoma City." Santa Fe records show that the company changed the name to "Oklahoma City" on December 1, 1901, which name first appears on the *Official List* dated January 1, 1902. The post office was changed to "Oklahoma City" by order of the Postmaster General effective July 1, 1923. However, envelopes continued to be postmarked "Oklahoma" for several weeks, Colonel George H. Shirk having one dated September 14.

A. W. Durham (or Dunham) became Santa Fe agent at Oklahoma Station on February 20, 1888, and remained in the position about eleven years. He said: "When I took charge of the station it was the only agency between Arkansas City

⁸ A copy of the paper by Griggs is in the Oklahoma Historical Society. It was an address before the Guthrie Rotary Club, dated February 10, 1939. A contemporary photo of the first Santa Fe train to cross into present Oklahoma is in the *Santa Fe Magazine*, Vol. XXXIV, No. 1 (Jan., 1940), p. 13.

⁹ In the Santa Fe archives in Chicago are two articles by Best: "Early Day Account of the Santa Fe Railway in Oklahoma," and "The Santa Fe Railway as an Oklahoma Pioneer." Copies are in the Oklahoma Historical Society.

As new track was laid it was the practice for the construction department to accept shipments as an accommodation to the public. Regular tariffs were not published until the track officially was turned over to operation. June 12, 1887, was the official date when regularly scheduled passenger service over the line was begun.

¹⁰ Photographs of the first post office and of Radebaugh's certificate of appointment see in *The Chronicles of Oklahoma*, Vol. XXXVI, No. 1 (Spring, 1968), pp. 74-76; see also E. H. Kelly, "When Oklahoma City was Seymour and Verbeek," *ibid.*, Vol. XXVII, No. 4 (Winter, 1949-50), pp. 347-353; NA, Records of Appointments of Postmasters, vol. 101, Oklahoma, p. 161. The present site of Oklahoma City was called Verbeek at the time the railroad was constructed.

and Purcell, a distance of 154 miles, and it supplied a vast area of country, including the Sac and Fox, Kickapoo, Cheyenne, Arapahoe, Kiowa and Comanche agencies, as well as the Fort Reno military post.¹⁰ George Gibson operated a boarding shank near the station, and a stage ran regularly between the station and Fort Reno. Indian freight amounted to about a million pounds a month, some of it being hauled by freighters a hundred miles. In 1888 a thousand carloads of cattle were shipped from the station. Outgoing freight included a carload or two of buffalo horns, and a number of carloads of bones of cattle and buffalo gathered by enterprising nesters. Among the first travel groups to "scramble for tickets" were squatters going to Purcell. They went there for a few days just before cavalry detachments from Fort Reno were dispatched to round up and deport intruders.

The Southern Kansas Railway Company operated the road from Arkansas City to Purcell until May 1 when it leased its properties to the Santa Fe for operation.¹¹ An addenda to the "Stockholders' Report" of the Santa Fe on December 31 said of Oklahoma district: "There is every reason to believe that the earnings of the Atchison line will be largely increased by the settlement of this region, as the line passes North and South through its entire length, and is the only railroad by which the country is directly reached."¹² Congress by an act of March 2, 1889, provided for disposition of the lands of Oklahoma district to actual settlers under the homestead laws. Frank J. Best said:

This sudden and wholly unexpected coming event caught the Santa Fe unprepared to cope with this torrent of business While every effort was put forth, and very much done, yet much more was needed, so that much confusion resulted and they had to resort to "Priority" on shipments. Carloads piled up that trackage

¹⁰ A. W. Durham, "A Correction," *Santa Fe Employees' Magazine*, Vol. IV, No. 3 (Feb. 1910), p. 76; "Oklahoma City Before the Run of 1889," *The Chronicles of Oklahoma*, Vol. XXXVI, No. 1 (Spring, 1958), pp. 72-76; Act. Com. W. M. Stone to the register and receiver, Oklahoma City land office, June 8, 1891, NA, GLO, Townsites, vol. 6, pp. 63-76. In directories of Oklahoma City for 1889 and 1898 the name of the agent is A. W. Durham.

¹¹ The two roads were merged on February 15, 1899.

¹² *Splinters*, loc. cit., vol. 1, p. 87. Section 18 of the act of March 2, 1889, providing for the opening of Oklahoma district, is perhaps the best known "rider" in the legislative history of Oklahoma; 25 Statutes, 1005. On March 2 the section was included in an amendment introduced by the Senate Committee on Appropriations, which included Preston B. Plumb of Kansas. The amendment was amended in the Senate and in conference committee, and became law on the day of its introduction. The committee included Plumb and Representative Bishop W. Perkins of Kansas. The history of the "rider" is in the *Congressional Record*, March 2, 1889. In the National Archives a search among the files of the Senate Committee on Appropriations revealed no additional pertinent information.

could not accommodate, and all sidings as far north as Wichita and south to beyond Gainesville had carload shipments for Oklahoma points, principally Oklahoma and Guthrie.

On March 23, the day President Benjamin Harrison issued the proclamation for the opening of Oklahoma lands on April 22, the *Chicago Daily Tribune* carried a front-page article stating that at "Oklahoma City" the "woods seemed full of boomers." A reporter found that in the vicinity "the land is already every foot of it taken up as claims, and has been for years." He added: "Concealed in the bushes, in the woods, along the river banks, coming out only at night to go to the station to get the news, live at least 1,000 men."¹³ At the station or "city" was a depot, freight house, section house, hotel, post office, and other buildings. The Santa Fe had stockyards and side tracks. Just prior to the land opening the side tracks were greatly increased and the depot facilities were improved. In order to maintain the shipping point for Fort Reno, Harrison on April 20 set apart a quarter section known as the Military Reservation of Oklahoma Station.¹⁴

Companies were eager to secure rights to prospective townsites in Oklahoma district. On April 2, the Oklahoma Capital City Townsites and Improvement Company of Topeka, Kansas, made application to John Willock Noble, Secretary of the Interior, to locate and enter seventeen designated townsites in the district. F. P. Baker was president of the company and Le Grand Byington was secretary. The company proposed to enter the tracts as trustees for the prospective inhabitants under the provisions for townsite entries in

¹³ The *Kansas City Times* on April 20, 1889, reported that near Oklahoma City a deputy marshal with posse had "corralled in the woods and ravines a party of 300."

¹⁴ About a hundred pages concerning the reserve are in NA, GLO, Military Reservations, box 113. Included is a plat received by the Reservation Division of the Adjutant General's Office on April 16, 1889. It embraces the southwest quarter of section 34 at Oklahoma City. The date of the executive order of the President is incorrectly given as April 9, 1889, in *Ann Rept., Gen. Land Office, 1890*, p. 170.

In 1887 the Quartermaster's Department erected a house at Oklahoma Station for use in shipping military supplies and for other purposes. Redfield Proctor, Secretary of War, requested that a quarter section be reserved "until such time as the military authorities may find it advantageous in the interests of economy to ship supplies for Fort Reno from some nearer and more accessible point;" Proctor to Sec. Int., April 11, 1889, NA, War Dept., *Letters Sent*, vol. 26, pp. 391-392.

J. W. Noble made the recommendation for the reserve to President Harrison on April 19, 1889, in the same letter in which he recommended that the location of the government acre at Guthrie be changed. The full document at the request of the General Land Office appeared in the *St. Louis Globe-Democrat*, April 21, 1889. See also BLM (Bureau of Land Management), *Okl. Tract Book*, vol. 2, p. 144; *General Orders and Circulars, Ad. Gen. Office, 1889*, no. 60.

the act of March 2, 1889, and sections 2380-2388 of the *Revised Statutes*.¹³

The company said: "It is certain that many points on the lines of existing railroads and traffic will speedily become bustling 'centres of population' within the meaning of the laws of Congress, creating strife that threatens to verge on violence, if not crime. The claim of the homestead applicant is wholly incompatible with joint occupancy of a townsite, and any attempt to found towns thereon will result in confusion and disorder of most perplexing character." The company set forth that it was a quasi municipal body organized under the laws of Kansas, with ample facilities and with a special purpose to locate, plat, and develop towns on the public lands, for "the several uses and benefit of the inhabitants." The company offered to give bond in the sum of \$50,000, or such other sum as might be required, conditioned to faithfully perform the trust, according to law and the regulations of the General Land Office.

The Interior Department considered itself without authority to grant the application and was of the opinion that the sections cited did not apply to corporations of this character. Noble said that although the President might have the power to reserve lands for townsite purposes under Section 2380 of the *Revised Statutes*, such reservation could not be made for the benefit of a corporation of this character, but would be disposed of in the manner provided by law.

The following charter was filed for record in the office of the Secretary of State in Kansas on April 19, 1889:¹⁴

CHARTER OF THE SEMINOLE TOWN AND IMPROVEMENT COMPANY

The undersigned, citizens of the State of Kansas, do hereby voluntarily associate ourselves together for the purpose of forming a private corporation under the laws of the State of Kansas, and do hereby certify:

¹³ Baker and Byington to the President of the United States, April 9, 1889, NA, Int. Dept., Lands and R. R. Div., box 681. The box contains a list of the proposed townsites and related papers. See also Com. Strother M. Stockslager to Byington, April 13, 1889, NA, GLO, Misc. Letter Book, vol. 40, p. 283; Stockslager to Noble, April 15, 1889, *ibid.*, "A" Letter Book, vol. 14, pp. 63-66; Noble to Com. Gen. Land Office, April 19, 1889, NA, Int. Dept., Lands and R. R. Div., *Rec. Letters Sent*, vol. 79, pp. 100-101. A printed announcement of the directors and bylaws of the company is in NA, Int. Dept., Lands and R. R. Div., box 674.

Byington became an inhabitant of Oklahoma City, and there asserted claim to seventy-four lots; Act. Com. W. M. Stone to Edgar N. Sweet, March 30, 1891, NA, GLO Townsites, vol. 5, pp. 285-288; Byington v. Townsite Board no. 2, NA GLO, townsite box 125; 13 L. D. 263 (1891).

¹⁴ The charter is in the Kansas State Historical Society, *Corporations Copy Books*, office of Secretary of State, vol. 36, p. 172.

First.

That the name of this corporation shall be the Seminole Town and Improvement Company.

Second.

That the purposes for which this corporation is formed are the purchase, location and laying out of townsites and the sale and conveyance of the same in lots and subdivisions or otherwise, to construct and operate street railways, electric and gas light works, water works, water power irrigating canals, toll bridges, ice manufactories, the purchase and sale of negotiable securities in Kansas and elsewhere as the interest of the corporation may suggest.

Third.

That the place where its business is to be transacted is at Topeka, Kansas, and such other places as the directors may designate.

Fourth.

That the term for which this corporation is to exist is twenty years.

Fifth.

That the number of directors trustees of this corporation shall be five, and the names and residences of those who are appointed for the first year are:

| | |
|----------------|-------------------|
| J. W. Wilson | Topeka, Kansas |
| L. H. Crandell | Topeka, Kansas |
| J. A. Hudson | Lincoln, Illinois |
| Sidney Clark | Lawrence, Kansas |
| W. L. Couch | Douglas, Kansas |

Sixth

That the estimated value of the goods, chattels, lands, rights, and credits owned by the corporation isdollars.

That the amount of the capital stock of this corporation shall be Seventeen hundred thousand [sic] dollars, and shall be divided into 1760 shares of one hundred dollars each. IN TESTIMONY WHEREOF, We have hereunto subscribed our names, this..... day of April A. D. 1889.

SIGNED:

H. W. Linn, W. A. L. Thompson, Frank L. Webster, Sidney Clark, Geo. S. Chas.

The day before the land opening, the *St. Louis Globe-Democrat* said: "Oklahoma City is being rather overlooked, but its central location and extra railroad facilities of which it is assured will eventually bring it to the front."

Congress provided that townsites should be for the "inhabitants" thereof; and the act of March 2, 1889, specified that homesteads should be disposed of to "actual settlers." Those provisions were construed as giving occupants possessory rights which could grow into title, or could be sold in

the meantime. There was a dispute as to the meaning of the word "occupants." For Oklahoma City did it include only those who dwelt or lived upon lots they claimed? Did it include those who put improvements upon lots, or leased lots to tenants? If an occupant of a lot could sell his possessory right to it, why could not a group like the Seminole Town and Improvement Company occupy a townsite and sell possessory rights to the lots therein?¹⁷

THE FIRST WEEK

The original townsite of Oklahoma City comprised 240 acres between present Reno Avenue and Seventh Street, east of Walker Street. Angelo Cyrus Scott who arrived there Monday, April 22, said that a moment after 12 o'clock noon on that day the Seminole Town and Improvement Company "stepped upon the townsite at what is presently known as Main Street and began to stake off blocks, and then lots, according to a paper plat evidently previously made."¹⁸ Scott said that by the time the first legal settlers arrived more than an hour later the company had so outlined the street that it was distinctly recognizable. James Layman Brown on May 1 stated it more emphatically: "As early as 12:45 p.m. the town of Oklahoma City was surveyed and all valuable lots taken Perhaps the survey was made earlier, but that I cannot now prove. The lots were taken by persons sticking a stake on them bearing the name of the taker. These stakes were small and were soon trampled and broken down."¹⁹ According to Bunky, within twenty minutes after the opening "white tents dotted the country as far as the eye could see."²⁰

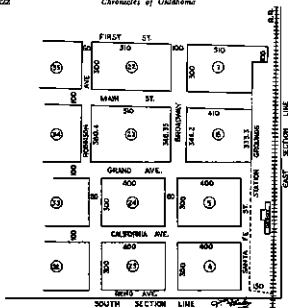
When the northbound train of twenty-three cars reached Oklahoma City near 1 p.m., the passengers learned that about

¹⁷ James Layman Brown thought that most of the certificates sold by the Seminole Town and Improvement Company brought about \$100 per lot. A form of certificate by which the company on April 27, 1889, sold and relinquished a lot to a purchaser is in L. B. Hill, *History of the State of Oklahoma*, vol. 1, p. 231.

¹⁸ A. C. Scott, *The Story of Oklahoma City*, p. 13. It was rumored that the Atchison, Topeka and Santa Fe Railroad Company worked in cooperation with the Seminole Town and Improvement Company; James F. Harrison to Sec. Int., April 29, 1889, box 681. *Ibid.*; *Kansas City Times*, April 24, 1889. W. W. Scott, Charles and Angelo were brothers. See also A. C. Scott, "J. J. Burke—Pioneer Newspaper Man," *Chronicles of Oklahoma*, Vol. X, No. 2 (June, 1932), pp. 290-292.

¹⁹ Brown to Sec. Int., May 1, 1889, box 681 *loc. cit.*; tel. from Inspector John Alfred Pickler to Noble, May 12, 1889, NA, Int. Dept., Land and R. R. Div., box 680. On May 12 Pickler reported that the "Seminole survey" of Edmond was made before the hour of the land opening.

²⁰ Bunky (Irving Gelfa), *The First Eight Months of Oklahoma City*, p. 8.



Map of the southeast corner of Section 33 in Oklahoma City showing the adjusted surveys. Block numbers are circled. Other figures designate feet. The south section line is the center of Reno Avenue. Coming south the Santa Fe railroad intersected the northeast corner of the quarter section, but continued in a slightly southwest direction. The north boundary of the section is just south of Fourth Street. This street runs slightly in a northwest direction.

West of Broadway, except for Block 23, lots are numbered, beginning in the southeast corner of the block. Lots in Block 23 are numbered, beginning in the northeast corner of the block. North of Block 23 on Broadway the blocks are 300 feet wide. The distance from Main Street to Grand Avenue is 52.13 feet farther on Walker Street than on Broadway.

700 persons had been at work on the townsite. A reporter wrote: "The late comers were simply struck with amazement. They did not repeat the wild rush at Guthrie as they were too much astonished to run. They mechanically walked over to the townsite, took what the Government officials had kindly left, not wanting, and went on out two miles staking town lots."²¹ That evening Dr. Virgil Andrew Wood wrote from Oklahoma City: "It seems that but few law abiding men have

²¹ *St. Louis Globe-Democrat*, April 25, 1889. Two locomotive engines drew the train on which were 2,500 persons; Cy Warman, *The Story of the Railroad*, ch. 19.

secured claims. Moonshiners popped up from almost every strip of timber and almost every ravine.¹²²

From Oklahoma City the only direct connection with the outside world was a single telegraph line strung along the railroad from Arkansas City to P'ureell. The railroad company used the wire to its full capacity, largely for train messages. At Oklahoma City on April 22, General Wesley Merritt had a line of couriers to Fort Reno to keep in communication with military authorities. This was because of "much confusion on line of railroad." Passengers and freight made a heavy demand on the railroad, and "a stock rush was on moving Texas cattle to pasture." Avery Turner was superintendent of the Southern Division of the Santa Fe which included the Arkansas City Extension. He often remarked that the land opening "made a very hard summer's work for him."¹²³

Frank McMaster who arrived at Oklahoma City on the night of April 22 said that a "half-dozen townsite companies" were present at the opening. One of them was the Oklahoma Town Company or "Oklahoma Colony," an unincorporated body of individuals recruited from towns in Kansas. Because it was formed at Colony it was called the "Colony Crowd." Dr. Delos Walker of Greely, Kansas, or Reverend James Murray of Baldwin, Kansas, was president of the company. Among the leaders were James H. McCartney, John Holzappel, and C. P. Walker, brother of Dr. Walker. A. C. Scott thought it probable that the first legal settlers at Oklahoma City were members of this company. They approached from the south about 1:10 p.m., and on finding the Seminole Town and Improvement Company in possession of the most desirable site, proceeded to settle upon the Military Reservation of Oklahoma Station, a quarter section east of the railroad and north of present Reno Avenue. More than 200 members of the company came to Oklahoma City.¹²⁴

¹²² Wood to Editor, *Visitor*, April 22, 1889, *The Chronicles of Oklahoma*, Vol. XXIV, No. 3 (Autumn, 1956), pp. 305-306.

Persons who entered Oklahoma district during the prohibitory period or after March 2, 1889, and before the hour of noon of April 22, were called "moonshiners," presumably because they came in by the light of the moon. According to a contemporary observer, the word "sooner" was not applied to them for five or six months after the opening.—Dan W. Peery, "The First Two Years," *Ibid.*, Vol. VII, No. 3 (Sept., 1929), p. 284.

¹²³ R. E. Logan, "Avery Turner Celebrates his Fiftieth Year of Continuous Service," *Santa Fe Magazine*, Vol. XIX (Aug., 1925), pp. 15-20.

¹²⁴ Marjorie Tuttle Rock, *Illustrated History of Oklahoma*, p. 72. Dr. Delos Walker came to Oklahoma City "because of the novelty and excitement" of the land opening. A sketch of the life of Walker and his photograph are in Hill, *loc. cit.*, vol. 2, pp. 8-9.

While the Oklahoma Town Company was thus futilely spending the afternoon of April 22, their rivals, the Seminole Town and Improvement Company, was carrying out with high efficiency a well-planned operation. Louis O. Dick, their agent, was at the Guthrie land office where the following notation was dimly inscribed with pencil in a tract book: "Townsite application, April 22 89 at 3:15 P.M."²⁵ Before John I. Dille, register, Dick made the following affidavit: "I, Louis O. Dick of Guthrie applying to enter a townsite do solemnly swear, that neither I nor any of its occupants thereof did enter upon and occupy any portion of the lands described and declared open to entry in the President's proclamation dated March 23, 1889, prior to 12 o'clock, noon, of April 22, 1889." The application was as follows:

I, Louis O. Dick, Trustee, as set forth in the affidavit and certificate hereto attached, do hereby apply to enter the following described tracts of land, which have been settled upon and occupied as a townsite, to wit: The SE $\frac{1}{4}$ and the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 33, T. 12N., Range 3W., also the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 4, T. 11N., R. 3W., all in the Guthrie Land District, Oklahoma, Indian Territory, in trust for the several use and benefit of the occupants thereof, according to their respective interests, as and for a townsite, as provided in Sections 2387 and 2388, Revised Statutes of the United States; a duly authenticated plat of which said townsite will be presented, to be attached to this application, as soon as the same can be prepared, and at which time my authority to make this application will also be presented. Louis O. Dick.

The following minutes were made at a meeting of "the occupants of the townsite of Oklahoma City":

Be it remembered that at a meeting of the occupants of the lands above described, held after twelve o'clock noon, of the 22nd day of April, 1889, the following proceedings were had:

The occupants of said tracts being duly summoned and assembled together, the meeting was called to order by the Hon. D. T. Little of Illinois who stated the objects of the meeting. On motion, Hon. Sidney Clarke of Kansas was elected chairman, and Louis H. Wolfe, secretary. It was then moved, and unanimously adopted that Louis O. Dick be elected and declared the trustee of the occupants of said lands, to file an application in the Land Office at Guthrie, to enter the same for the purposes of a townsite, for the benefit of the occupants thereof, according to their respective interests. On motion, unanimously adopted, it was ordered that the plat of said townsite,

²⁵NA GLO, *Okl. Tract Book*, vol. 35, p. 143. Dick's affidavit, and the application and plat of the Seminole Town and Improvement Company are in NA, GLO, townsite box 140. A photostatic copy of the documents are in the Oklahoma Historical Society.

On January 16, 1891, John H. Burford and John C. Delaney, register and receiver of the Oklahoma City land office, said: "There is no evidence showing who Lewis O. Dick is or was, where he resides, or then resided, or for whom or in what capacity he was acting." The statement is in *Townsite Trustees v. George E. Thorston and Edward A. DeTee*, townsite box 140, *loc. cit.*

as prepared by the Seminole Town and Improvement Company, a corporation existing under the laws of the State of Kansas, which said plat was there exhibited, be, and the same was approved and adopted as the plat of said township: That the name of said town be Oklahoma City, and that said Seminole Town and Improvement Company be, and at the time were duly authorized to cause said lands to be surveyed and laid out in accordance therewith, and that said trustee be authorized and directed to attach an authentic copy of said plat to this application to enter said land, as soon as the same could be done.

A "true copy of said minutes" was written in longhand on foolscap paper and "of and for the occupants" was signed by the following persons: Sidney Clarke, president; Louis H. Wolfe, secretary; Jas. E. Frost, Chas. Chamberlin, E. G. Hudson, L. H. Crandell, W. B. Scarle, R. C. Bailey, D. T. Littler, Bluford Wilson, James B. Weaver, S. D. Macdonald, Jr., J. S. Zinn, D. A. Harvey. Clarke and Weaver had served in Congress.

When the Oklahoma Town Company learned that they were on the military reservation they went west of the railroad, and an election was held on April 22. In the National Archives is the "Poll-Book" listing 304 electors.²⁶

The judges at the election were John Holzapfel, Henry A. Miller, and C. C. Kincaid. City officers were elected, the number of votes being as follows: James Murray, mayor, 304; C. P. Walker, clerk, 302; Robert Kincaid, treasurer, 304; M. H. Woods, attorney, 303; John Holzapfel, police judge, 300; J. F. Harrison, engineer, 304. The following councilmen were elected and each received 304 votes: H. A. Miller, Samuel Crum, F. Harpster, J. P. Donsboe, A. L. Woodford. On April 23 Murray subscribed to the following oath before John M. Galloway, United State Commissioner, District of Kansas for the Indian Territory: "I do hereby solemnly swear that I will support the constitution of the United States and perform the duties of Mayor of the City of Oklahoma to the best of my ability. So help me God." J. L. Brown considered it a misfortune for the Oklahoma Town Company that Murray was "a very meek, reasonable and just man, and in no sense a boomer." He said that the Seminole Town and Improvement Company took no part whatever in the election.

The Oklahoma Town Company allied itself with the citizens' movement which asserted a special interest in the region between present Reno Avenue and Grand Avenue, east of Walker Street. In 1890 Marion Tuttle Rock wrote of the situation on April 22, 1889:

²⁶ The "Poll Book" is in NA, GLO, townsite box 140. Note the names of Macdonald, and Zinn in the minutes, and in the poll book. See Appendix A for the names of the 304 electors.

The plateau upon which Oklahoma City is now built, for fully half a mile square, was covered with people. All were selecting lots, regardless of streets or lines; and although confusion reigned supreme, good-humor prevailed, and beyond loud talking there were neither brawls nor strikes. At nightfall on that eventful day, Oklahoma City had a population of fully six thousand people. . . . During the evening meetings were held with a view of devising means whereby the conflicting surveys could be satisfactorily adjusted.

On the forenoon of April 23 an unsuccessful effort was made to get "the two town companies to adjust their surveys." The citizens' movement then called a mass meeting to be held at 3 p.m. just west of the present Huckins Hotel. A. C. Scott was elected chairman. A citizens' committee of fourteen men was chosen and empowered to survey the townsite and divide it into streets, alleys, blocks, and lots. Members of the committee came from not less than nine states. They were M. V. Barney, John A. Blackburn, W. H. Ebey, D. J. Moore, D. E. Murphy, Charles W. Price, William Raney, Angelo C. Scott, C. T. Scott, W. P. Shaw, Oscar H. Violet, J. B. Wheeler, M. H. Woods, B. N. Woodson. Listed in the poll book were Blackburn, A. C. Scott, C. T. Scott, Wheeler, Woods, and Woodson.

C. T. Scott thus summed up the situation confronting the people: "There were tents all over the streets and everywhere, and they knew it had to be adjusted." He also said:²⁷

The reason the committee of fourteen was appointed was this: There was a company up surveying off the north side of the city, and giving lots for \$10, and a great many people could not get their rights. I think this election was generally acquiesced in, nearly every person in the city at that time was present, and they finally come to the conclusion to elect a committee for the purpose of surveying the city, and that the survey had been commenced by the Seniole Town Company. Some of these people thought that they were not getting their rights. The committee was elected for the purpose of surveying the city into lots and blocks, and adjusting people on their lots.

Secretary Hoke Smith said the committee was "the outgrowth of the emergency of the hour." The mass meeting lasted three hours, and the citizens' committee began its labors that night. No rules were provided to govern their deliberations. They proceeded to organize by electing Blackburn as

²⁷ Testimony of C. T. Scott in the case of Herbert S. Butler and W. C. Arnold v. C. B. Bickford, Nov. 15, 1890, NA, GLO, townsite box 125. Scott said of the election of the committee of fourteen: "The mass meeting convened out here on the prairie. I was elected as one. A man was proposed. All the people were strangers together. The person proposed had to stand up in a wagon and sometimes he was elected and sometimes was rejected. As a rule he was elected. A resolution was passed that not more than one man should be elected from one state. I was elected from Texas, and I think there was another man from Texas. Otherwise each man represented about a state."

chairman. A vice chairman and secretary were chosen, and minutes kept. A townsite of 320 acres was designated. Price said it was the duty of the committee to employ "a corps of engineers and lay off lots and adjust lots to different claimants."²⁹ The committee divided its work and divided itself into subcommittees, five acting all the time as the awarding committee. A rule was adopted that where there was a conflict between the parties, contestants being present and presenting their claims, the awarding committee would then and there pass upon and award the lot to the party claimant appearing from the testimony to be entitled to it as prior staker. Violet said that by a resolution, the committee of fourteen decided "to take as the initial point of the survey the southeast corner of the quarter section, and run a line westward on the township line."

On Wednesday morning, April 24, the citizens' movement with its committee of fourteen began to survey lots, one and a half days behind the well-planned schedule of the Seminole Town and Improvement Company. This survey was by many considered arbitrary, and "drew together such a vast concourse of people that the military was called out to hold the crowd back so that the committee could proceed with its work." The section line, used by the surveyors as a base line, is now the center of Reno Avenue. The work was known as the citizens' survey and proceeded north from the base line. Thus in Oklahoma City proper was laid out the first avenue or street running due east and west.

Trailing far behind Louis O. Dick, James Murray sent by mail an application to the Guthrie land office. It was presented for filing on April 24 at 9 a.m. The statement in the application was Murray's swan song for mayor. It said:³⁰

I, James Murray of Oklahoma having been duly elected as Mayor of the Town of Oklahoma City in Oklahoma, Indian Territory, do hereby apply to purchase for the several use and benefit of the inhabitants of the town of Oklahoma aforesaid, the E¹/₄, section 38, Township 12, Range 3 West containing three hundred and twenty

²⁹ See the testimony of Price and Violet given December 12, 1890, in the Frank McFaster case, NA, GLO, townsite box 126.

³⁰ Murray's application filed on April 24, 1889, is in NA, GLO, townsite box 140. Appended to the application is the following statement: "I, C. P. Walker, the duly elected Clerk of the town of Oklahoma City do hereby certify that James Murray who makes the above application to file the above application for the use and in behalf of the citizens of Oklahoma City was duly elected and installed as the Mayor (or the presiding officer) of said town and is qualified to act as such." In relation Murray's work was more durable, for he organized the M. E. Church in Oklahoma City. See also, "First Church Services in Oklahoma City After April 22, 1889," *The Chronicles of Oklahoma*, Vol. XXXIV, No. 1 (Spring, 1966), p. 118.

acres according to plat on file in the land office, for which I have agreed with the Register to give at the rate of one $2\frac{1}{2}$ /100 dollars per acre.

Station grounds of the Santa Fe were rectangular, extending from just south of First Street almost to the southeast corner of section 33. The rectangle extended 150 feet west of the railroad. The southwestern angle was corrected by the citizens' survey south of Grand Avenue by establishing Santa Fe Street, two blocks long. The west side of the street was drawn at a right angle to the east and west section line. Hence, Santa Fe Street is about sixty feet wide at the south end and about ten feet wider at the north end.

The chief work of the citizens' survey was the establishment of California Avenue 100 feet wide, with five blocks on each side of it. The blocks are 300 feet wide and 400 feet long, and uniformly contain 32 lots to the block. They conform exactly to the pattern of the Dick plat for the area between Robinson Avenue and Hudson Avenue, north of Main Street.²⁸ North and south avenues made by the citizens' survey were 80 feet wide. There remained along the west side a strip about 70 feet wide which was named Walker Street, a highway not provided for on the Dick plat. This was a mistake in the Seminole survey because it reached beyond the half section line and caused Walker Street to be located too far west. The citizens' survey wanted east and west avenues south of Main Street to be 100 feet wide, and not 80 feet as designated on the Dick plat.

Some of the committee of fourteen aided the surveyors. Violet said: "My duty was to mark and number the stakes and most of the time I was following the surveyors putting the numbers on the stakes. They sometimes were a block and sometimes a block and a half ahead of me." The awarding committee settled numerous contests summarily on the spot. They did not administer an oath, or give any printed or written notice of their action, but recorded their decisions in a book. Violet said that about the time the awarding committee was in action it was "uniformly" the case that every fellow was on his lot looking after it. In some cases the committee seems to have been two weeks behind the surveyors.

John A. Blackburn said he came to Oklahoma City on April 20 or "before it was made." In testifying of his services

²⁸This part of the Dick plat became permanent. The citizens' survey was in contrast to the Dick plat in regard to size of blocks and arrangement of lots along Broadway.

performed about April 25 as a member of the awarding committee he said:³¹

The way we proceeded in the award, there was a good many people following along with the committee as they proceeded to award lots. The committee found it necessary to make a pen and get inside, so as to keep together and keep the crowd away. Three pieces forming a triangle was fixed together, and that was carried by the crowd as they went along awarding lots. In coming to this lot the usual question was asked: "Who owns this lot?" And Mr. (D. E.) Murphy, a member of the committee, claimed that he owned the lot. The next question which was usually asked: "Is there anybody else claiming this lot?"

The awarding committee possessed no authority to determine the legal rights between different claimants, but they had power behind them, supported by public sentiment, to enforce their decisions. They issued certificates for virtually all the lots in the citizens' survey, extending from Reno Avenue to just north of Grand Avenue.³² Herbert S. Butler said that the certificates were recognized by the people as an almost absolute title at the time of issuance. Violet and C. T. Scott agreed that the certificates were generally recognized by the people. Violet said the certificates "were the result of the committee's examination into the facts at the time immediately after all this occurred. Were given only upon the examination of the committee and the subcommittees when they became satisfied that the claimant was the occupant of the lot."

On April 28 Dick mailed to the Guthrie land office "The Seminole Town and Improvement Company's plat of Oklahoma City, Indian Territory," and with it a copy of the minutes of

³¹Testimony of Blackburn on February 2, 1891, before the board of townsite trustees in the case of Betta v. Towley, NA, GLO, townsite box 129; 26 L. D. 425 (1859). This concerned lots on the northwest corner of California Avenue and Robinson Street, finally awarded to C. S. Towley; BLM, *Oklahoma City Tract Book*, p. 17. See also *Oklahoma City v. Towley*, District Court of Oklahoma County, no. 203.

Assistant Commissioner Edward A. Bowers found that in the judicial processes of provisional government of Oklahoma City some assertions were "more emphatic than elegant." Such was the case of Murphy's opponent, "Rattlesnake Jack" McKee of whom Blackburn said: "The question was asked if there was anybody else claiming that lot. Some man over in the crowd said: 'Yes sir, By god I staked it, and I got the witness for it.'" Blackburn said that sometimes 500 to 800 persons gathered around the committee when it awarded lots. Frank Harrah noted that there was "a good deal of talk going on, quite noisy." H. F. Betts said that a committee was appointed "to throw men off who got on lots that were awarded to others." Harrah added: "I have known parties to have their lumber burned, and get into trouble about going on a lot after it was awarded to another."

³²Testimony of O. H. Violet in case of Herbert S. Butler and W. C. Arnold v. C. B. Rickford, Nov. 15, 1890, NA, GLO, townsite box 125. A townsite certificate issued to H. S. Butler and signed by M. H. Woods, Secretary of the Citizens' Committee, is in *The Chronicles of Oklahoma*, Vol. XXXVI, No. 1 (Spring, 1968), p. 93.

the meeting on April 22 of "the occupants of the townsite of Oklahoma City."³³ The plat is 24 by 30 inches and is of substantial plat material). Perhaps no other document is as revealing as this plat in showing the influence of the company in laying out Oklahoma City. The survey was made by Charles Chamberlin who Dan W. Perry said was a "sooner" from Great Bend, Kansas. Chamberlin made the survey "at the instance of a private citizen, whose name he refused to disclose" at a hearing subsequently held by the register and receiver of the Guthrie land office. There is no evidence that Dick was a sooner, but he filed a plat made by a sooner.

Angelo C. Scott as chairman of the citizens' committee sent the following telegram to the Secretary of the Interior on April 26: "Please do not accept plat of Seminole Town Company or any other company for this townsite. Citizens' survey now in progress."³⁴ On the same day Strother M. Stockslager, Commissioner of the General Land Office, replied: "No right of townsite entry by private corporation can be recognized in any way under the law." The Seminole Town and Improvement Company claimed the right to issue lot certificates and to charge the lot holders for them.³⁵ Scott and other leading men in Oklahoma City opposed to the company knew that its actions were without legal basis. It was to get official confirmation of this fact that Scott sent the telegram.

On April 26 the citizens' survey reached Clarke Street, now Grand Avenue, where it met the survey of the Seminole Town and Improvement Company. If the citizens' survey were continued it would disturb the survey made by the company, including the location of Main Street and Broadway. In conference that evening the committee of fourteen decided to resume their survey the following morning. Angelo C. Scott wanted to harmonize the surveys for reasons of expediency but the other members of the committee voted unanimously against his recommendation and he resigned from the committee. On the morning of April 27 the citizens' survey was stopped by threat of force emanating from the Seminole Town and Improvement Company. Mrs. Rock wrote:

The people had already settled on this survey, and the committee soon discovered that any attempt to enforce a change in

³³ The plat was received at the Guthrie land office after 4 p.m. on April 27 and before 9 a.m. on April 29. It was filed on April 29 at 9 a.m. The land office called this an "amended plat and application" for the townsite.

³⁴ Tel. from Scott to Sec. Int., April 26, 1889, NA, GLO, 50933-1889; tel. from Stockslager to Scott, April 26, 1889, NA, GLO, *Telegrams*, vol. 17, p. 306.

³⁵ Perry, *op. cit.*

such settlements would only end in riot and bloodshed. The people stood firm. A subcommittee was appointed to aid the surveyors in their work, but the people would not yield. The surveyors would run their lines and set their stakes, only to have them immediately removed by the people. The danger line had been crossed, and the different town-site companies were forced to realize the fact that the will of the unorganized mass of the people, however, expressed, must be respected. The leaders paused. There was a look on the faces of those thousands of homeseekers that was portentous of evil. The excitement was at fever heat, and many a hand was seen to grasp the ever-ready weapon. Bloodshed seemed imminent.

A general meeting "of fully four thousand" was held at 2 p.m. at which Angelo C. Scott presided. It was agreed that five men should be chosen by the north side party and five men by the south side party to comprise the citizens' adjustment committee or conference committee. Chosen by the north side were James B. Weaver, William L. Couch, Angelo C. Scott, Moses Neal, and M. M. Beaty. The south side chose John T. Yoss, John Wallace, C. F. Walker, M. V. Barney, and C. T. Scott. Weaver was chosen as chairman. Wallace said: "I was on the Grand Avenue committee, and there was a Main Street committee. There was a Seminole survey and there was a citizens' survey and we got together to make a compromise between those two surveys."²⁶ James Geary, Oklahoma City banker, stated it thus: "There were two surveys, one from the north and the other from the south. They didn't join, and the citizens' committee undertook as I understood it to stop there and settle it as it stood."²⁷

The conference committee was concerned primarily with the five blocks between Main Street and Grand Avenue, east of Walker Street. On the Dick plat the streets south of Main are Clarke, Couch, Frost, Peck, Noel, and Sommers. On the plat Broadway and Main Street are 100 feet wide. Robinson, Harvey, and Hudson are 60 feet wide. All east and west streets except Main are 80 feet wide.²⁷

Oklahoma City proper was in the SE $\frac{1}{4}$ of section 33. Coming south the Santa Fe railroad intersected the northeast corner of the quarter section, and continued in a slightly southwestern direction. The east border of the Dick plat is

²⁶ See the testimony of Wallace and Geary given December 12, 1890, in the Frank McMaster case, NA, GLO, townsite box 126. Listed in the plat book were A. C. Scott, C. T. Scott, Walker, and Wallace. See also Joseph B. Thoburn and Muriel H. Wright, *Oklahoma, A History of the State and Its People*, vol. 2, pp. 543-551; 893-894.

²⁷ On the Dick plat the blocks on the south side of Main Street correspond with those on the north side, except that on Broadway the east and west lots in blocks 6 and 23 are on the south side of the blocks; on the north side of Main Street east and west lots in blocks 7 and 22 are on the north side of the blocks.

parallel to the railroad and is 150 feet west of it. In actual survey use was made of a north and south line 60 feet from the railroad, north of the station grounds. This added four lots, each 25 feet wide, to the tier of blocks along the east border of the plat, north of the station grounds. Main Street was at a right angle to the railroad and runs slightly to the northwest; and streets to the north were laid out parallel to Main Street.

It has been explained that the citizens' survey took the southeast corner of the quarter section as the initial point. Reno Avenue, California Avenue, and Grand Avenue were laid out at right angles to the east section line, not to the railroad. These avenues run directly east and west. The citizens' survey overlapped that of the Seminole Town and Improvement Company, cutting off the north end of blocks on Clark Street. This overlap was about 37 feet at the station grounds and became greater as the line proceeded west.

The conference committee proceeded promptly to adjust the two surveys. Violet said that "upon the settlement the line of the Seminole was withdrawn to the alley between Grand [Avenue] and Main Street, and the citizens' survey was allowed to stand up to the alley, conforming in part with the Seminole's." A public square was designated in the center of each of the five blocks between Main Street and Grand Avenue.²⁸ A total of twenty wedge lots, running east and west, were placed in the five blocks. Angelo C. Scott said the lots were established "much as a mason throws fillers into a stone wall." The distance from Main Street to Grand Avenue is 52.13 feet farther on Walker Street than on Broadway. All the blocks in the quarter section and in the 80 acres comprising the region between Fourth Street and Seventh Street, kept permanently the numbers assigned to them on the Dick plat.

The most conspicuous landmarks commemorating the junction of the two surveys are jogs in the streets where they cross Grand Avenue, and the change in width of the streets at that place. Coming north, Walker Street runs abruptly into block 62 at the north side of Grand Avenue, the west border of the street south of the avenue being in line with the west side of block 62.

The east side of Broadway jogs about 50 feet to the west at the intersection of Grand Avenue. The cause of the jogs

²⁸The public square in each of the five blocks contained in the aggregate 2,700 square feet, and for this land a patent was issued to Oklahoma City on January 10, 1919: NA, GLO, Gothic no. 011935; act of May 2, 1890, 26 Statutes, 81; BLM, *Record of Patents*, no. 658259. In regard to the sale of the lands, see act of March 12, 1928, 45 Statutes, 427.

on the south side of the avenue was the establishment of Santa Fe Street, and the policy of the citizens' survey to make uniform blocks and avenues west of it. If Santa Fe Street had not been established the jog on Broadway scarcely would be noticed, but the other jogs on Grand Avenue would have been more pronounced; and there would have been no street in front of the railway depot. If the citizens' survey had not been made, the Seminole Town and Improvement Company certainly would have continued their survey as shown on the Dick plot. There would have been no occasion to make jogs on Grand Avenue, nor would the oddities have been made between that avenue and Main Street.³⁹ The Seminole Town and Improvement Company should have taken a section line as a base line, but since time was of the essence they probably thought it advantageous to operate from the railroad.

At a general mass meeting at dusk on Saturday, April 27, Weaver read the report of the conference committee. It was heartily approved and became an established fact in Oklahoma City.⁴⁰ However many persons found their claims were in the streets because they had selected lots entirely at random, or were adversely effected by the change of surveys.⁴¹ Violet observed that the conflict was "more marked" when a settler lost because of the change of surveys.

(To Continue With Part Two)
"PROVISIONAL GOVERNMENT"

APPENDIX A

List from the "Poll Book" (National Archives) giving the names of electors in the Oklahoma Town Company election, Oklahoma City, April 24, 1889:

J. Adams, Nertin L. Adams, W. S. Adkins, W. C. Alexander, F. E. Allen, J. P. Allison, L. J. Amos, F. R. Amos, G. R. Arnold, J. T. Babb, H. Baker, J. W. Ballock, J. W. Bates, W. B. Barker, A. A. Burnea, Andrew Barnett, J. J. Barr, John Barratt, J. H. Barry, J. L. Barry, J. W. Beard, M. N. Beatty, G. F. Banner, Jacob Binder, John A. Blackburn, W. L. Blanton, S. H. Branan, Louis Bredeon, D. P. Bricker, D. D. Britton, John Brogan, James Brown, M. Brown, J. C. Burrows, D. M. Butler, N. Butten, E. B. Camp, E. J. Campbell, J. Camp-

³⁹It is well said that "these 'scars of a bloodless conflict' remind us that the colonizers of Oklahoma City were aware of civic responsibilities and concerned for orderly conduct in public affairs"—Lucy L. Shirk, *Oklahoma City: Capital of Soonerland*, p. 44.

⁴⁰"Joy in Oklahoma City," *Kansas City Times*, April 29, 1889.

⁴¹The second article of this series will explain how the provisional government of Oklahoma City dealt with town lots, and how its power in that respect was virtually terminated by the famous "status quo" order issued by the Justice Department on January 31, 1890.

See *Appendix B* for description of the original Oklahoma City land tract and table showing its settlement process, recorded in the *Oklahoma Tract Books*.

bell, Thomas Cahale, J. N. Carr, S. J. Carroll, S. J. Carter, W. H. Carter, A. B. Chaffee, W. W. Chenault, E. E. Clark, H. C. Clatter, R. N. Coffee, George W. Cole, J. N. Coleman, W. B. Condon, S. Crum, S. Danbe, J. P. Davis, R. A. Davis, Thomas A. Dean, Charles T. Deavenport, I. G. Deane, H. F. Dewolf,

J. F. Donahoe, J. H. Donaldson, F. E. Downig, H. Driggs, W. M. Driggs, Charles Dufresne, J. D. Duncan, A. L. Dunn, S. Durrill, W. P. Easton, J. D. Edwards, Daniel Egan, L. Ellison, J. T. Farrell, Sam Fereon, J. W. Flora, H. A. Floyd, Oscar Fostat, A. B. Freeman, A. L. Fryck, Samuel Fryst, A. R. Froman, J. S. Galbraith, M. F. Gard, J. H. Garner, J. B. Garrison, J. B. Gaylord, W. A. F. Gebr, H. C. Gharst, George M. Gibbs, W. S. Gilbert, W. J. Gilbreth, G. W. Gipson, Wood Graham, W. H. Guy, C. B. Haley, William Hamlin, S. H. Hancock, Henry Nanka, T. H. Hardor, R. Hardy, D. F. Harness, H. S. Harp, Fred Harpater, Frank Harrah, J. A. Hartzell, J. N. Harvey, W. F. Haskett, Isaac Hass, J. F. Heckman, S. F. Helsler, J. C. Hendrix, A. Heran, W. L. Heep, H. F. Higby, George Hill, J. P. Hiner, Alex Hines, George Hines, W. S. Hodges, D. Hollingsworth, Burt Holmes, C. J. Holthofer.

John Holzapfel, J. M. Houscol, E. C. Housden, E. S. Hughee, W. L. Hulon, S. M. Huntley, N. Z. Hurd, E. Hutchison, F. C. Hyere, W. A. Iler, W. L. Ingram, P. Ismert, C. F. Johnson, John Johnson, H. C. Jolley, J. I. Jones, James Judge, D. D. Judy, I. H. Kasbeer, A. Ketchum, A. H. Kincaid, C. C. Kincaid, James B. Kincaid, Robert Kincaid, M. H. King, R. M. Knight, Jacob Knoie, William Kramer, W. D. Latimer, J. O. Leoper, J. S. Lenox, E. K. Leongley, J. D. Lewis, J. E. Lewis, Aaron S. Linn, M. Locher, H. S. Loffer, Dock Long, Henry Loop, A. S. Lorab, J. W. Love, J. Lucas, J. F. Lucas, S. D. Macdonald, J. R. Mansar, James Martin, J. A. Martin, W. R. Martin, G. W. Massey, A. F. Masterman, S. D. May.

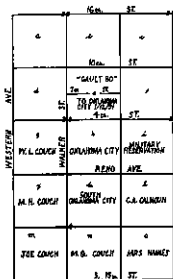
James McCartney, J. M. McCartney, J. S. McCallister, F. F. McCracken, John McGary, S. T. McGee, Sam McGowan, C. A. McGregor, F. H. McKuban, W. E. McMan, Richard Marrick, Charles W. Michler, H. A. Miller, J. W. W. Mitchell, M. A. Mitchell, Ed. W. Michler, D. J. Moore, William B. Morcan, J. W. Mower, G. J. Munn, Lipman Myer, G. H. Norman, Louis L. Northrup, James Norton, J. M. Nunneker, John Ogden, C. Olinger, J. Omler, P. F. O'Neal, J. O'Rourke, H. Overholser [Overholser], C. E. Parker, Colonel Parker, S. S. Patton, T. J. Peulick, C. H. Peters, Clay Peters, W. J. Pettee, A. Pettyjohn, E. B. Peugh, C. A. Peyton, B. M. Phillips, G. W. Pilkington, L. D. Pilkington, W. M. Pys, G. W. Quimby, E. S. Quimby, S. H. Radebaugh, Perry Radkay, David Reaser, O. P. Reed, D. E. Rogan, A. Roberg, William P. Rooney, J. A. Ryan, Ed. G. Sampson, J. C. Sanders.

A. C. Scott, C. T. Scott, Moras Scott, J. H. Scruggs, F. P. See, W. F. Sheek, E. J. Sheridan, A. J. Silverwood, George W. Singleton, S. J. Singleton, W. D. Singleton, George F. Sloan, W. D. Slater, F. E. Smith, Howard T. Smith, S. D. Smith, H. H. Stafford, J. H. Staffleton, A. W. Stalaker, T. J. Starr, W. F. Steadman, S. E. Steele, J. A. Stephenson, C. C. Stewart, John W. Stowley, R. S. Sullivan, Robert Sutherland, Richmond Swade, J. G. Tanner, Owen Thom, A. H. Thomas, V. D. Tinkelpaugh, George Todd, Joe Tracy, E. L. Truelova, J. Truesdell, J. P. Tufts, F. H. Umboltz, J. Vanbushkirk, A. H. Vandree, F. N. Wagner,

C. P. Walker, Delos Walker, Eugene Wallace, John Wallace, S. Wallace, W. J. Wallace, J. B. Wheeler, John White, E. M. Whitney, T. W. Whitaker, H. Wiedelnska, George Wiley, J. B. Williams,

L. S. Williams, H. F. Wilson, W. H. Wilson, William Willson, J. F. Winans, H. Wingott, H. R. Wintu, T. B. Winstingham, George W. Wood, A. L. Woodford, J. C. Woods, M. H. Woods, B. N. Woodson, Thomas M. Wright, A. O. Yeager, H. B. Yeager, J. F. Young, M. J. Young, John S. Zlan.

APPENDIX B



At Oklahoma City lands entered for townsite purposes embraced 460 acres, bordered on the north by Seventh Street. The tract was a half mile wide and extended along the east side of Walker Street for more than a mile. A dozen quarter sections bordered on the townsite and eleven of them were taken as homesteads. No original entrymen proved up.

Land entries of Quarter Sections at
Oklahoma City

The following table shows the settlement process at Oklahoma City as recorded in the *Oklahoma Tract Books* in the Bureau of Land Management. Abbreviations are: "F. C.," final certificate; "C. E.," cash entry; "H.," homestead contest division of the General Land Office; "G.," townsite division of the same office.

- SW $\frac{1}{4}$ of sec. 28. David W. Gibbs entered April 27, 1890; cancelled by relinquishment on June 13, 1890; entered the same day by John Reed who received F. C. 1193 on Feb. 14, 1895.
- SE $\frac{1}{4}$ sec. 28. Daniel J. O'Dell entered April 23, 1890; canceled by "H." on July 31, 1894; entered Aug. 14, 1894, by Elias W. Brown who received F. C. 2488 on Sept. 5, 1896.
- SW $\frac{1}{4}$ of sec. 27. Ewore White entered April 23, 1890; cancelled by relinquishment on Nov. 29, 1890; entered the same day by Samuel Murphy who received F. C. 3764 on June 16, 1897.

- d. NW $\frac{1}{4}$ of sec. 32. Asa Jones entered April 23, 1889; canceled by "H" on Feb. 9, 1895; John W. Brusba entered Feb. 13, 1895, and received F. C. 1391 on April 17, 1896.
- e. NE $\frac{1}{4}$ of sec. 32. The north half of the quarter section entered by Samuel Crocker on April 24, 1889; canceled by "H" on Dec. 12, 1895; north half of the quarter section entered Dec. 20, 1896, by Frank M. Gault who received F. C. 2067 on Feb. 3, 1896. The tract was the "Gault eighty" and was platted for city purposes in 1898. The south half of the quarter section was entered Jan. 13, 1891, as a townsite by trustees Edgar N. Sweet, David H. Hammons, and Frank S. Fay.⁴² The trustees on Jan. 21 approved a plat of this region which extended from just south of Fourth Street to Seventh Street. The plat was drawn by Charles Chamberlin, and was copied from the plat of the Seminole Town and Improvement Company, except for a slight adjustment along Walker Street, and the extension of lots across a 100-foot strip along the east side of the sooner plat.
- f. NW $\frac{1}{4}$ of sec. 34. William J. McClure entered April 30, 1889; canceled by relinquishment on Feb. 29, 1891; entered the same day by George W. Massey who made C. E. 615 on Aug. 6, 1892.
- g. SW $\frac{1}{4}$ of sec. 32. John C. Adams entered April 23, 1889; canceled by "G" on Feb. 21, 1895; entered on March 8, 1895, by Dr. Robert W. Higgins who received F. C. 2640, Aug. 25, 1896.
- h. SE $\frac{1}{4}$ of sec. 32. Entered as the townsite of Oklahoma City on Sept. 3, 1890, by townsite trustees Edgar N. Sweet, Levi E. Cole, and David H. Hammons.
- i. SW $\frac{1}{4}$ of sec. 34. Reserved for military purposes by executive order of April 20, 1889. Relinquished by War Department, and by executive order of Sept. 28, 1892, transferred to custody of Interior Department for disposal under act of July 6, 1891, or as might otherwise be provided by law. Granted to Oklahoma City for "public free schools" by act of Aug. 3, 1894.
- j. NW $\frac{1}{4}$ of sec. 4. Meshack H. Couch entered April 25, 1889; canceled by "G" on July 24, 1893; entered Aug. 10, 1893, by Edward Orne who received F. C. 2532 on March 6, 1897.
- k. NE $\frac{1}{4}$ of sec. 4. Entered as the townsite of South Oklahoma on Dec. 2, 1891, by townsite trustees Charles J. Jones, Angelo C. Scott, and Moses Neal.
- l. NW $\frac{1}{4}$ of sec. 3. Calvin A. Calhoun entered April 23, 1889 (148 acres); canceled by relinquishment as to lot no. 10 (16 acres on eastern border) on March 18, 1890; lot no. 10 was entered the same day by Oscar H. Violet who received F. C. 186 on Dec. 25, 1893. Calhoun's homestead entry was canceled by "H" on Dec. 12, 1893, and the remaining 132 acres were entered Dec. 25, 1895, by James M. McCornack who received F. C. 2940 on April 14, 1898.
- m. SW $\frac{1}{4}$ of sec. 4. Joseph Couch entered April 25, 1889 (147 acres); canceled by relinquishment as to the 81 acres north of the North Canadian on July 12, 1891; the 81 acres were entered the same day by James B. Wheeler who made C. E. 724 on Nov. 28, 1892. Couch's homestead entry was canceled by relinquishment on Feb. 16, 1892, and the remaining 86 acres were entered the same day by Thomas C. Ladd who made C. E. 785 on March 8, 1893.

⁴² In consideration of the sum of \$5,000 Gault relinquished to the town of Oklahoma his claim to this tract; Fuller & Gault et al., 21 L. D. 176 (1895). The "Supplemental Plat" of the tract is 22 x 32 inches, and is in NA, CLO townsite box 140.

- n. SE $\frac{1}{4}$ sec. 4. Mashack Q. Couch entered April 24, 1889; canceled by relinquishment on May 25, 1893; entered the same day by H. G. Kubinman who made C. E. 1744 on Sept. 20, 1897.
- o. SW $\frac{1}{4}$ of sec. 3. Rachel Anna Haines entered April 25, 1889 (144 acres); canceled by relinquishment as to 15 acres on the north side of the river on Oct. 1, 1890; the 19 acres were entered the same day by Hiram D. Miller who made C. E. 637 on Sept. 8, 1882. The Haines homestead entry was canceled by "HC" on November 14, 1894; on Dec. 24, 1894, the remaining 125 acres were entered by Belle Caldwell who made C. E. 1677 on Nov. 7, 1894.