

THE SAPULPA AND BRISTOW
COUNTY SEAT CONTEST

By Pauline P. Jackson

Oklahoma and Indian territories progressed slowly toward statehood with the work of the Dawes Commission, in closing the governments of the Five Civilized Tribes. The Act of Congress of March 3, 1893, provided that the commission should negotiate with the Five Civilized Tribes to extinguish the tribal title to their lands. Its work was not completed until June 30, 1905. Meantime the Curtis Act of June 28, 1898, had provided for incorporation of towns whose governments were to be in the hands of both the Indians and the whites.¹

Citizens of Sapulpa were more fully conscious of the progress being made toward statehood after Sapulpa was made a court town of the Western Judicial District of Indian Territory.² O. M. Ireland, as the first deputy clerk of that court, went to Muskogee to get the court seal in September, 1902, and local boosters raised a fund of \$1,000 to be given to the builders of a suitable structure for a courthouse. J. O. Hereford and John Egan contracted to build a two-story brick building, starting work on it in October, 1902, and completing it in the early part of 1903. The lower floor became the court and offices, and the upper floor was furnished as an auditorium and named the Lucile Opera House in honor of Egan's daughter.³

The people of Indian Territory realized the importance of their towns being designated court towns even before statehood or before county lines were drawn by a constitutional convention. Years later, in retelling the story of the county seat fight in Creek County, the *Bristow Record* stated: "When the Indian country was divided up in recording districts, the first fight was made, and delegates were sent to Washington to lobby to get

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¹ Dale and Wardell, *op. cit.*, pp. 269-297.

² U. S. *Statutes at Large*, XXXII, Part II, p. 275 (1903); Roy Gittinger, *op. cit.*, p. 192.

³ "An Early History of Sapulpa," compiled by the students of the Sapulpa Junior College, 1937, *DAE Scrapbook*; "Landmark Building of Early Era Here Is Being Torn Down," clipping dated August 20, 1935, *Harmony Scrapbook*. The first federal judge was Sam F. Jennings; the second was Judge C. L. Leeds; and the Judge Louis Sulzbacker who was on the Sapulpa bench to statehood was the third.

Bristow made a court town, but Bristow lost out, and it was only able to get an occasional commissioner's court."⁴

The newly created courts of the Western Judicial District of Indian Territory helped to solve the problems of law enforcement and appeal in both civil and criminal cases. But still petitions for elections to vote bonds and the approval of land leases for surface or mineral rights had to be handled by the Department of the Interior in Washington.

E. A. Hitchcock, who was the Secretary of the Interior at this time (1900-1905), was often the target of editorial barbs in Indian Territory newspapers. And Charles R. Stewart of South McAlester, speaking at Indian Territory exercises in October, 1904, criticized the Secretary of the Interior and claimed that Hitchcock had been in Indian Territory only forty-eight hours in the four years he had held office. Stewart said this in making a plea for statehood, pointing out that the coming election would leave 700,000 Americans disfranchised and unable to voice their disapproval.⁵ Although many of the citizens of Indian Territory understood the need for statehood, they were divided in their opinions as to the question of single statehood, in which case Oklahoma and Indian Territories would be combined as one state; or double statehood, in which they would be admitted as two separate states.

W. C. Rogers, chief of the Cherokees, called a meeting of the Five Civilized Tribes and the Osages for October 24, 1904. As a result of the meeting, these tribes petitioned the National Government for necessary local government, to be effective when tribal governments would cease in March, 1906. They also sent a delegation to Washington to lobby for double statehood.⁶

On November 21, 1904, the Republican newspaper editors of the two territories met in Guthrie. They passed a resolution for a single statehood and urged the passage of the Hamilton Bill.⁷ When the Democratic editors met in Tulsa in December, 1904, it became known that they too were in favor of the Hamilton Bill.⁸

But the news from Congress was not encouraging. J. J. Jones, a Sapulpa lobbyist and secretary of the Commercial Club, wired the *Sapulpa Light*, "Statehood lost unless Flynn (Dennis

⁴ *Bristow Record*, June 29, 1912. An excellent chronological review of the county seat contest.

⁵ *Tulsa Daily Democrat*, October 3, 1904.

⁶ *Sapulpa Light*, October 21, 1904.

⁷ *Ibid.*, November 25, 1904.

⁸ *Tulsa Daily Democrat*, December 5, 1904. The Hamilton Bill was the one bill of many introduced which finally after many revisions and amendments became the Enabling Act for Oklahoma. Its author was Congressman Edward LaRue Hamilton of Michigan.

T. Flynn, Oklahoma Territory delegate to Congress) can save us."⁹ The news of the defeat of the Hamilton Statehood Bill came. Jones wired again praising all the territorial delegates for their efforts and blaming the federal territorial officeholders for their lack of support. Statehood seemed to be a dead issue to Jones, who felt that ignorance on the part of national representatives of the needs of the citizens of Oklahoma and Indian Territory led Congress to vote down the Hamilton Bill.¹⁰

In April a single-statehood mass meeting was scheduled to be held in Oklahoma City on July 12, 1905. One thousand delegates with several brass bands attended that meeting.¹¹ There were speeches galore. Honored guests included Congressman Edward LaRue Hamilton of Michigan, General John W. Noble of St. Louis, Senator Albert J. Beveridge of Indiana, and Congressman Victor Murdock and William A. Calderhead of Kansas.¹²

Robert L. Owen of Muskogee on July 5, 1905, announced a meeting for the double statehood group to be held August 21, 1905, in Muskogee. He commented that the single statehood movement had worked for six years and had gotten nowhere.¹³ In Sapulpa, a committee met to recommend and agree on delegates to the Muskogee convention. Actually the delegates to this convention were, in some cases, the same ones who attended the single statehood meeting of the previous month. The chairman stated that the issue was really statehood at any cost.¹⁴

The separate statehood convention met, appointed committees, and drew up a constitution for the proposed state of Sequoyah, Indians and whites, together, in a very short time produced an excellent plan of government. It was submitted to Congress after approval by the voters of Indian Territory, but was pigeonholed immediately. Congress and the President had made up their minds for a single state. But the activities of the

⁹ Sapulpa Light, February 10, 1905.

¹⁰ *Ibid.*, March 10, 1905.

¹¹ *Ibid.*, July 14, 1905. The previous Saturday (July 8, 1905) the delegates from Sapulpa were elected: J. J. Jones, H. M. Watchorn, Joe Bruner, J. M. Weeks, Ira C. Perkins, and J. M. McAllister. The alternate delegates were Mat Delonder, L. B. Jackson, E. B. Hughes, J. J. Marx, L. C. Sheriff, and A. B. Brady. Sapulpa was allowed six delegates; Tulsa, seven; Mounds, three; and Bristow, four. C. S. Walker, Tulsa, was chairman and A. J. Brinkley, Mounds, was secretary of the delegation.

¹² *Ibid.*, June 30, 1905. The honored guests were listed in an earlier dispatch (April 7, 1905).

¹³ *Ibid.*, April 7, 1905.

¹⁴ *Ibid.*, August 11, 1905. The committee was composed of P. L. Marx, chairman; J. M. Weeks, secretary; and members D. A. McDougal, & Dr. Taylor of Mounds, and F. R. Brennan of Bixby. They chose as delegates Harry Campbell, William A. Sapulpa and Joe Bruner of Sapulpa; P. R. Brennan of Bixby; Noah Gregory of Jenks; Joseph Davis of Mounds; and W. W. Holder of Kellyville.

Sequoyah Convention prepared its members to be the leaders of the coming constitutional convention and almost entirely the writers of the Oklahoma Constitution in the following year.¹⁵

Two very definite similarities between the Sequoyah Constitution and the Oklahoma Constitution were the official state seal and the county boundaries in Indian Territory.¹⁶ Charles N. Haskell and William A. Murray were on the county boundaries committee of the Sequoyah Convention, and Haskell was chairman of the county boundaries committee and Murray president of the Oklahoma Constitutional Convention. In the case of Sapulpa's county situation, under the Sequoyah Constitution, her county would have been called Euchee, with Tulsa in its northeast corner. Bristow would have been in Tulladega County. And Article XII, section 8, of the Sequoyah Constitution further provided that the county seat of each county would be decided on the basis of votes cast for this town at the election held for ratification of the constitution by the electors of each county.¹⁷

If the state of Sequoyah had become a reality, the county seat fight probably would have been between Tulsa and Sapulpa, with about the same arguments offered by each city as later developed between Sapulpa and Bristow. Tulsa would have been the larger city by population, but Sapulpa would have been the more centrally located of the two towns in Sequoyah's Euchee County.

On November 7, 1905, the citizens of Indian Territory held an election to determine whether they should adopt the Sequoyah Constitution. In Sapulpa, the voting place was Joseph Bruner's office. Bruner and J. J. Jones were the judges and B. L. Baldwin and E. L. Drake were the clerks. But few people voted and the *Light* published the discouraging headline: "Sequoyah Movement Lost." The vote was light everywhere, particularly in the rural areas where the country people seemed uncertain about where to vote. No votes were cast in Bristow, according to the *Light*. But the votes which were cast elsewhere showed a strong sentiment for the constitution. In fact, in the election to adopt the Oklahoma Constitution only half as many affirmative votes were cast in Indian Territory, which may indicate the disappointment of its citizens in the defeat of double statehood.¹⁸

The Sequoyah Constitution was ratified and a bill for ad-

¹⁵ Dale and Wardell, *op. cit.*, pp. 303-308.

¹⁶ Ames Maxwell, "The Sequoyah Convention," *Chronicles of Oklahoma*, XXVI (Autumn, 1950), pp. 229-340.

¹⁷ *Constitution of the State of Sequoyah* (Muskogee, I. T.: Phoenix Printing Company, 1905).

¹⁸ *Sapulpa Light*, November 10, 1905; Dale and Wardell, *op. cit.*, p. 306.

mission was introduced in both houses of Congress. No action was taken on admission of this "state," so that was the end of the State of Sequoyah.¹⁹

Single statehood seemed to be the only practical approach since Congress refused to give the Sequoyah Constitution a hearing. Early 1906 saw renewed activity to revise the Hamilton Bill. The Sapulpa Commercial Club sent wires to other commercial clubs, such as those in Chicago, Kansas City, and Cincinnati, urging them to support the Oklahoma statehood cause by wiring their congressmen to approve it.²⁰ The people of Sapulpa, who had hoped and worked for statehood, were happy when by a unanimous vote Congress on June 15, 1906, passed the Enabling Act, which was signed by the President on June 16.²¹ Also their goal for Sapulpa as a county seat was brought nearer when on June 21, 1906, the Indian Appropriations Act was passed in a revised form, causing Sapulpa to lose five townships but making court towns of both Tulsa and Sapulpa.²² This Act stated that the new recording districts added by it were in addition to the ones made recording districts by the Act of Congress, February 19, 1903.²³ It is interesting to note that all thirty towns named as court towns in the recording districts later became county seats with exception of one. Ryan in Jefferson County lost a county seat election to Waurika.²⁴

The Enabling Act provided for federal judges, senior in service, and certain other officials to frame the districts from which delegates would be elected to the constitutional convention. There were to be fifty-five such districts in each territory and two from the Osage Nation, totaling one hundred and twelve in all. Justice W. H. H. Clayton, Judge Joseph Gill, and Tans Bixby of Muskogee became the District Canvassing Committee for Indian Territory.²⁵

Sapulpa and Bristow were included in District Number Sixty-seven with twenty-three townships. The district did not include Mounds, Beggs or Bixby, as Sapulpa had hoped it would. However, Sapulpa did not agree with Bristow citizens who felt the lines should have been drawn to favor Bristow. Sapulpa citizens pointed out that the district's strength as apportioned

¹⁹ Gittinger, op. cit., p. 210.

²⁰ *Ibid.*, p. 307; *Sapulpa Light*, March 10, 1906.

²¹ Edward Everett Dale and Jesse Lee Rader, *Readings in Oklahoma History* (Evanston, Illinois: Row, Peterson and Co., 1930), pp. 707-722; *Sapulpa Light*, June 15, 1906.

²² *Sapulpa Light*, June 22, 1906; *U. S. Statutes at Large*, XXXIV, Part 1, p. 343 (1906).

²³ *U. S. Statutes at Large*, XXXII, Part I, pp. 842-843 (1903).

²⁴ *Lexington Leader*, July 10, 1908; *Oklahoma City Daily Oklahoman*, February 27, 1913.

²⁵ Dale and Wardell, op. cit., p. 309.

by these boundaries, including the great oil fields, would be a help in any county tax situation. Judge Clayton said the districting would not suit everybody, but time would prove its merits. He also commented that the small town lobbyists had caused the committee considerable difficulty because they wished their respective towns to be favored for the county seat. He further suggested that all factional jealousies be set aside in the election of delegates and that men who were above party and for the state alone be sent to the convention.²⁶

On August 21, 1906, Honorable Frank Frantz, Governor of Oklahoma Territory, and Honorable W. H. H. Clayton, Judge of the United States Court of Appeals for Indian Territory, issued a proclamation calling for an election of delegates by both parties to be held on November 6, 1906, and these delegates were then to assemble at Guthrie on November 20, 1906, for the Constitutional Convention.²⁷

The political parties began meeting to nominate their candidates. In Sapulpa the Democrats met under their temporary chairman, D. A. McDougal, to elect a permanent chairman and to prepare for the nominating convention. Bristow members on the committee brought about the election of J. A. Cheesman of Kellyville chairman, and caused Bristow to be named as the site of the district convention and of party headquarters.²⁸

Sapulpa Democrats then began a campaign for their choice for the Democratic nominee as delegate to the constitutional convention, T. L. Ingram, vice-president of the local Farmers' Union. Bristow Democrats began boosting their candidate, W. W. Banks.

September 26, 1906, was chosen by the Democratic Party chairman, for the township primaries to elect delegates to the nominating convention at Bristow on October 1, 1906. Each of these delegates was committed to a candidate to represent the Sixty-seventh District at the Guthrie constitutional convention.²⁹ On the primary election day in one township, judges and clerks claimed there were irregularities. It was reported that two or three Republicans were voting for delegates favorable to Ingram. A new primary was called in this township; whereupon, two delegates were elected favorable to Banks of Bristow.³⁰

²⁶ *Sapulpa Light*, August 24, 1906; August 31, 1906.

²⁷ William H. Murray, *Memoirs of Governor Murray and a True History of Oklahoma*, II (Boston: Meador Publishing Company, (1945), p. 157.

²⁸ *Sapulpa Democrat*, September 8, 1906.

²⁹ *Ibid.*

³⁰ *Ibid.*, October 4, 1906. This account of the primary election was retold at this later date as the beginning of the steam-roller tactics of the nominating convention.

The Democratic nominating convention convened in Bristow's Opera House. W. L. Cheatman called the meeting to order and asked for nominations for a chairman. The name of D. W. Tattershall was presented by the Bristow delegates, and D. A. McDougal was proposed by the Sapulpa delegates. A voice vote was taken and the chair ruled that Tattershall had been elected. A roll call vote was requested by the Sapulpa delegates, but the chair denied the request. Such "steam-roller" tactics became the pattern of the nominating convention.¹¹

Delegates were next asked to show their credentials and make their nominations accordingly. There were a number of contested delegates from both Bristow and Sapulpa. In every instance concerning a Sapulpa contested delegate, the chair ruled such a contested delegate could not vote. On the other hand the votes of Bristow's contested delegates were counted. By noon the Convention was in an uproar and a recess was voted.

When the session was resumed L. B. Jackson gave the report of the minority delegates.¹² The report was voted down by a voice vote, according to the chairman. Again the appeal of the Sapulpa group for a roll call vote was denied. Even after a speech asking for fair procedures by Clarence Davis, an attorney of Bristow, the Sapulpa members of the Convention could not get the floor.¹³

At this point Sapulpa citizens presented a resolution of protest and then bolted the convention.¹⁴ On October 11, 1906, the Labor Convention selected Ingram as its candidate. The Democrats of Sapulpa who had bolted the Bristow meeting gave their support to Ingram.¹⁵

At the Sapulpa courthouse, the Republicans elected W. P. Root chairman, and Clyde Robinson secretary. Then J. J. Mars nominated J. H. N. Cobb, and he was duly selected as the Republican nominee. Soon every Republican coal lapel was sporting a corn cop badge to advertise his candidacy.¹⁶ Cobb's speech of acceptance as nominee was severely criticized by the Demo-

¹¹ Bristow Record, June 26, 1912. "Steam-roller" tactics was the term applied to the methods used by the chair, by the reporter who reviewed the county seat contest in 1912.

¹² See Necrology, Lewis Beal Jackson, by Robert L. Williams, *The Chronicles of Oklahoma*, Vol. XXIV, No. 2 (Summer, 1946), pp. 340-41.

¹³ Sapulpa Democrat, October 4, 1906. Clarence Davis was burned in effigy near the depot for his support of the Sapulpa delegation.

¹⁴ *Ibid.*; Sapulpa Light, October 5, 1906.

¹⁵ Sapulpa Democrat, October 13, 1906. The Democrats of Sapulpa called themselves the "fair-deal" Democrats in opposition to the Bristow Democrats and their candidate Banks who they tagged "Banker Jones' man."

¹⁶ *Ibid.*; Sapulpa Light, October 12, 1906.

crats, who said his election would mean a return to the same carpet-bagging crew, Hitchcock and all.¹⁶

Tams Bixby, chairman of the District Canvassing Board, placed notices in all Territory papers saying that all certificates of nomination must be in his hands by October 16, 1906, and duplicates of these certificates were to be sent to the vice-chairman, Robert L. Owen. The vice-chairman called for contributions to the Democratic campaign funds.¹⁷

Election day brought the three-cornered fight of the Sixty-seventh District to the polls. Although the Democrats polled a strong vote when their votes for both Banks and Ingram were totaled, Cobb won by eighty-seven votes because of the split in the Party. Republicans rejoiced because they felt a Sapulpa man would support the home cause of a county seat for Sapulpa.¹⁸

Over the state, however, the Democrats won easily, and Vernon Whiting, secretary of the Republican central committee, conceded a Democrat victory. The Democrats would write the new State's constitution.¹⁹

The Constitutional Convention convened at Guthrie ten days later on November 20, 1906. Citizens of Indian Territory were happy because her leaders held all offices in the convention except those of chaplain and secretary. William A. Murray was elected president, and Charles N. Haskell, floor leader of the Labor party, was the vice-president. William A. Durant was the sergeant-of-arms. The other two officers were John Young of Lawton, secretary, and the Reverend Frank Naylor of Pawnee, chaplain.²⁰

Progress of the Convention created wide interest and was reported fully by the newspapers. H. M. Watchorn and Dr. H. O. Lyford went to Guthrie later in November to lobby for Sapulpa's interests. They said that there were a lot of good Democrats "down there."²¹ But the most clever political move at the convention was made by a Republican, J. H. N. Cobb, delegate from the Sixty-seventh District, who served well the interests of his home city, Sapulpa. He, it was, who took the step necessary to make Sapulpa the temporary county seat.

Here is how he did it: The time when the convention must recess for Christmas was approaching. Haskell and Murray had worked three days and nights to "cut" counties before the recess.

¹⁶ Sapulpa Democrat, October 11, 1906.

¹⁷ *Ibid.*

¹⁸ Sapulpa Democrat, November 8, 1906.

¹⁹ Sapulpa Democrat, November 8, 1906.

²⁰ Dale and Wardell, *op. cit.*, p. 311.

²¹ Sapulpa Democrat, November 28, 1906.

Murray realized it would speed the work of the Constitutional Convention to get the delegates' vote on the entire map before they had to face their constituents. This move would put a stop to most of the bickering over county lines and county seats. If it were not settled, many delegates would face mass meetings which would demand a vote to defeat the map as prepared.

Murray put the vice-president in the chair while he moved about the convention floor. "I would look into the Delegate's eyes as he voted," Murray later related.⁴² But regardless of their president's watchful eye, only one lone Republican voted for the map. It was J. H. N. Cobb. Cobb's vote of "aye" made the necessary majority for passing the resolution to accept the map before the recess. Murray said Cobb was well aware the map showed Bristow as the County Seat, but his town, Sapulpa, from the time of his deciding vote, was designated the county seat.⁴³

On reconvening in January, 1907, however, the Convention found it had not settled the county seat questions entirely. In the case of Moman (Creek) County, the convention discovered the county seat had been incorrectly referred to the county boundary committee for settlement. Now, it was ruled, the committee of the whole was to settle the matter on the convention floor. Therefore, J. H. N. Cobb presented the reasons for Sapulpa's being the logical choice as the county seat.⁴⁴ Sapulpa won the county seat by the convention votes of 49 for Sapulpa to 29 for Bristow.⁴⁵ It was said that the labor group in the convention voted for Sapulpa. Only a petition for an election to determine the county seat, and this after ratification of the constitution, could change its location.⁴⁶

After several recesses, the convention concluded its work on July 16, 1907. Governor Frantz of Oklahoma Territory called an election for September 17, 1907. The people of both territories were to vote on the ratification of the Constitution and for county and state officials. In addition, on a separate ballot, the people were asked to settle the controversial question of prohibition.

⁴² Murray, *Memoirs*, II, pp. 24-26.

⁴³ *Ibid.* Murray does not explain how Sapulpa was made the temporary county seat instead of Bristow. Evidently, his membership on the county boundaries committee gave him power to make such changes (Sapulpa Light, December 28, 1906; Bristow Record, June 28, 1912). This summary of the seven-year court battle over the county seat pointed out, too, the importance of Cobb's vote which brought favor to Sapulpa in the constitutional convention.

⁴⁴ Sapulpa Light, January 25, 1907.

⁴⁵ *Ibid.* Thirty-four of the delegates did not vote, evidently.

⁴⁶ *Ibid.* When the county boundary committee referred Moman (Creek) County back to the committee of the whole for a vote to determine the county seat they also gave their suggestions for changing of county seats after ratification of the Constitution. See Chapter IV, p. 115.

The framers of the Constitution had not included the prohibition clause in the document because they feared its inclusion would defeat the whole constitution at the polls.⁴⁷

Governor Frank Frantz was chosen by the Republican party to head its ticket. In his behalf they contended that the people must choose Republican leaders if they expected President Roosevelt to sign the measure admitting the state to the union.⁴⁸ The Democrats chose the chairman of the County Boundaries Committee, Charles N. Haskell, as their candidate for governor. Haskell announced his slogan: "Let the People Rule." He was referring to letting the people of each county choose by vote the location of the county seat.⁴⁹

The Constitutional Convention had made the rules for this first county and state election. It had voted to appoint temporary county commissioners, clerks, and secretaries to act as election and canvassing boards in each county.⁵⁰ Accordingly, the appointed officials of Creek County met in Bristow, August 16, 1907, to carve out the precincts and townships. John F. Egan and Henry H. Bogle were the commissioners, with John H. Humphreys as the county clerk. They divided the county into nine townships. (Sapulpa was Township No. 5 and Bristow was No. 9).⁵¹

Creek County prepared for the election. The newspaper backed the candidates, usually, whose politics was the same as that of the editors. In Sapulpa, however, the Republican *Light* commended L. B. Jackson for his decision to be a candidate for county attorney and said, "It's too bad he isn't a Republican."⁵² Jackson's announcement for office had been made in April, 1907, before the Constitutional Convention closed. Many candidates filed their intentions to run that early, because of the short time available to carry out the election provisions by September 17.

The questionable county seat elections had to await the ratification of the Constitution, so the controversy over its merits and demerits was of primary interest at this time. Many important speeches were made. William H. Murray, "Cockel Burt Bill," came to Sapulpa on September 10, 1907, to speak in behalf of the plan of government he had engineered.⁵³ Clarence Davis, Bristow lawyer, spoke in favor of the Constitution and Haskell's

⁴⁷ Dale and Wardell, *op. cit.*, pp. 311-312.

⁴⁸ *Sapulpa Democrat*, September 9, 1907.

⁴⁹ *Ibid.*, September 14, 1907.

⁵⁰ *Sapulpa Light*, April 26, 1907. The election provisions (380 pages) were longer than the Constitution.

⁵¹ *Sapulpa Democrat*, August 23, 1907.

⁵² *Sapulpa Light*, April 13, 1907.

⁵³ *Sapulpa Democrat*, September 10, 1907.

candidacy for governor. In the interest of the latter, Davis said he thought both Sapulpa and Bristow would have to agree to the fairness of Haskell's proposal to return the right to select the county seats to the people at elections.⁵⁴

National figures added interest and excitement to the election. William Jennings Bryan spoke for the Constitution, while William Howard Taft was sent by President Roosevelt to speak against its adoption. The president said "it [the Oklahoma Constitution] would not look good in print."⁵⁵ On September 5, 1907, a great crowd of Sapulpa citizens and nearby residents awaited the train⁵⁶ carrying Bryan and his party, including Kate Barnard, who was running on the Democratic ticket for Commissioner of Charities.⁵⁷ Bryan spoke to a cheering crowd from a platform on Main Street. He told the people of Sapulpa, the constitution included "all the good features of others [state constitutions]." He maintained it was not too long, as Taft had charged, and had the needed provisions against "predatory wealth." Bryan said the Constitution upheld Lincoln's definition of "a government of the people, by the people, and for the people," and conversely did not have the idea of Taft and the Republicans of "a government of the corporations, by the corporations and for the corporations."⁵⁸

Election of state officials and ratification of the Constitution occurred as scheduled on September 17, 1907, although legal means were used to try to stop it.⁵⁹ Haskell won the governor's office, carrying all but thirteen counties. The Democrats secured most of the county and state offices.⁶⁰ The Constitution was

⁵⁴ *Ibid.*, September 14, 1907.

⁵⁵ Dale and Wardell, *op. cit.*, p. 312; Sapulpa Democrat, August 28, 1907. Quotes given from St. Louis Republican of Taft's criticism of the constitution. Sapulpa Democrat, September 5, 1907.

⁵⁶ Sapulpa Democrat, August 28, 1907. This was the first of daily announcements (the Democrat was a daily paper from May 15, 1907, to October 3, 1907) to advertise the Democratic candidates and their platform for adoption of the constitution.

⁵⁷ Women did not vote, of course, but Miss Barnard ran for this office since it involved caring for the state's needy, prisoners, orphans and widows.

⁵⁸ Sapulpa Democrat, September 6, 1907.

⁵⁹ *Ibid.*, September 10, 1907. An Attorney, A. H. Noah of Woods County submitted a petition to object to the dividing of Woods County.

⁶⁰ *Ibid.*, September 18, 1907; Oklahoma, *Oklahoma Red Book*, II (Oklahoma City, 1912), pp. 472-473. All the county offices did go to Democrats except two, who were L. O. Shannon, commissioner; and O. C. Copeedge, corner. The Democrats elected were Josiah G. Davis, Judge; Abner Bruce, clerk; Lefe Spear, registrar of deeds; L. B. Jackson, attorney; F. T. Fry, superintendent of public instruction; Henry Clay King, sheriff; W. W. Banks, treasurer; J. L. Brady, surveyor; E. H. DonCarlos, weigher; and the two other commissioners, M. A. Childress and W. O. Baker.

adopted by a vote of 180,333 to 73,059, and the prohibition clause was adopted by a smaller majority, 130,361 to 112,258. Before the end of the month, President Roosevelt announced he would accept the Constitution. He set the date November 16, 1907, for proclaiming Oklahoma a State.⁶¹

Oklahoma's statehood was celebrated with an elaborate, well attended ceremony, which was held to inaugurate the state officials at Guthrie.⁶² In North Heights, a residential addition to Sapulpa, Col. R. Dingamun displayed a large, lighted 46th star on his water tower.⁶³

Creek County then girded itself for the county seat contest. Bristow, by petition, asked for an election for determining the county seat and it was called for August 12, 1908.⁶⁴ Sapulpa organized its campaign under the direction of the secretary of the Commercial Club, J. A. Boyd,⁶⁵ and L. B. Jackson, county attorney, became Sapulpa's leading spokesman. Bristow's Commercial Club began raising funds under the direction of C. B. Rockwood, campaign manager.⁶⁶

The slogan of Bristow was "Vote for the Center," underlining the Bristow argument that her location, which saved as much as two days travel for citizens living at far points in the county, was the only logical one. Bristow speakers also contended that the owners of Sapulpa's buildings used for county offices (Hereford Building and an office in the Berryhill Building for the county attorney) were charging excessive rents. Personal accusations against the county attorney's neglect in prosecuting liquor stores also became a cudgel in the fight.⁶⁷

The prosecution of liquor-sellers was an open question in Oklahoma. The vote to carry the prohibition clause had been a close one: 130,361 voted for and 112,258 voted against.⁶⁸ Like many Oklahomans, Creek County residents had come from different parts of the United States and their ideas about acceptable living habits varied. Almost equally sized groups believed oppositely on this question. The Prohibitionists, who were backed strongly by some churches, were determined to make the prohibition clause work in Oklahoma. On the other hand, there was an equally vocal group of citizens who felt it

⁶¹ Dale and Wardell, *op. cit.*, p. 312.

⁶² *Ibid.*, pp. 315-318.

⁶³ *Sapulpa Democrat*, November 21, 1907.

⁶⁴ *Bristow Record*, June 28, 1912.

⁶⁵ *Ibid.*; *Sapulpa Light*, July 17, 1908.

⁶⁶ *Bristow Record*, June 28, 1912. George McMillan was called the "father" of the contest.

⁶⁷ *Bristow Territorial Enterprise*, July 17, 1908; *Bristow Record*, July 17, 1908.

⁶⁸ Dale and Wardell, *op. cit.*, p. 312.

was impossible to legislate a man's thirst. In addition, oil boom towns like those that existed around and in Sapulpa presented a practical problem. Should the county attorney and sheriff conduct endless raids and fill the court dockets with liquor cases which usually had to be dismissed for lack of evidence? Or should the county attorney help to keep the county in order and prevent serious lawlessness? The first Creek County attorney, L. B. Jackson, held to the latter view, a position which caused many to abuse him, and gave Bristow boosters arguments in their campaign and later court battles.

Sapulpa citizens also used arguments which pointed to the greater size of their city and its diversified businesses, and said that Bristow was just a farming town. Sapulpa countered the "center" slogan with the contention that most of the county's population resided in the east part nearest Sapulpa.⁶⁹

Mass meetings were called with the expressed purpose of registering voters, both white and colored.⁷⁰ Speeches were made to show what Sapulpa would lose if it lost the county seat.⁷¹ On July 25, the *Sapulpa Light* announced that this was the last day to register.⁷² Rallies for Sapulpa's cause were held at Newby and Kiefer as the campaign reached "fever heat."⁷³ Members of the Bristow Commercial Club made two trips to Sapulpa in the last few days of July to request that they be allowed to see the registration books, a plea that was denied. The Sapulpans refused on the advice of the county attorney.⁷⁴

⁶⁹ *Sapulpa Democrat*, September 10, 1907; *Hoffhine's Directory of Sapulpa, Indian Territory, 1907-1908* (Springfield, Missouri: Hoffhine Directory Company, 1907); *Sapulpa Light*, July 16, 1908; *Kiefer Searchlight*, July 24, 1908; August 7, 1908; *Bristow Record*, June 28, 1912. The official population of Sapulpa was 6,435, but the local papers objected, saying this figure did not include the new additions to the town. Hoffhine's computed the population to be 8,155 by multiplying the number of houses in the directory by three and one-half ($2,359 \times 3\frac{1}{2}$). Bristow's official population was 1,124; Mansford, 199; Mounds, 975; and Creek County, 18,565. The *Searchlight* changed hands just before July 1908, and the *Record* in its summary article of 1912 says the owner was L. B. Jackson. These issues of the *Searchlight* devote much space to prove Sapulpa's contention that the city is nearer the center of the county's population. They also itemize the number of court cases filed from each county town, showing that Sapulpa had about five-sixths of the county's court business.

⁷⁰ *Sapulpa Light*, July 16, 1908.

⁷¹ *Ibid.*, July 23, 1908.

⁷² *Ibid.*, July 28, 1908.

⁷³ *Ibid.*, August 7, 1908; August 8, 1908; August 11, 1908. The last issue carried a story refuting the charge that a man was killed at Kiefer during the booster's rally on the authority of Sheriff H. C. King.

⁷⁴ *Bristow Record*, July 31, 1908; *Sapulpa Light*, July 28, 1908; The *Light* claimed that L. M. Nichols, editor and owner of the *Bristow Record* wanted to throw out the 4th ward as irregularly registered on the pretext that the inspector was not registered by the authorized

Strangely enough, election day itself was a quiet affair. In *Bristow Territorial Enterprise* of August 12 was published a tabulation of votes by townships which showed Sapulpa the winner by an even 500 votes.⁷⁵ The *Bristow Record* on August 14, 1908, admitted the election belonged to Sapulpa by 500 votes, but claimed it was a double-cross for Bristow. Bristow lost, the *Record* said, because of gross irregularities at Sapulpa and Kiefer. The discrepancy between the number of votes cast in the state election one year before and the number of votes cast on August 12 in Kiefer, pointed toward "mighty shady" circumstances, since Kiefer had lost several hundred population in that year owing to the oil slump.

Meantime, Sapulpa held a victory jubilee on the evening of the day of the *Record's* protest, August 14, 1908, to celebrate its victory in the county seat fight. The Commercial Club band, which had been of great help in the campaign, performed, and a committee of three⁷⁶ handled all the details. Fourteen men were introduced as men who had aided Sapulpa's cause. Mayor Joe Denton introduced L. B. Jackson, who gave the main address of the evening,⁷⁷ and Judge Josiah Davis subsequently gave Jackson credit for doing more than any other man in the county seat campaign.⁷⁸

On September 9, 1908, the city of Bristow filed a petition of contest in the State Supreme Court, attesting "that Bristow was the legally elected town in the recent Creek county seat election, and that Sapulpa was not the legally elected town." Bristow sought to have the certification of election which had been issued by Governor Haskell set aside on the face of the returns of the August 12 election. Bristow lawyers, detectives, and evidence experts had been hard at work for nearly thirty days, and now Sapulpa had thirty days to file an answer.⁷⁹

The *Bristow Territorial Enterprise* on September 18, 1908, published the entire claim against the City of Sapulpa. The plaintiffs said that the election was according to law except in precincts 1, 2, 3, 4 and 5 in the city of Sapulpa, 6 in the township of Sapulpa, and 8 and 9 in Mounds Township. The total

registrar. The *Light* claimed that Nichols knew the man he favored for registrar had declined to serve, but Nichols would not admit it.

⁷⁵ *Bristow Territorial Enterprise*, August 12, 1908.

⁷⁶ *Sapulpa Light*, August 13, 1908. The appointed committee were B. B. Burnett, James Boyd, and W. F. Collins. Sapulpa's victory was by 544 votes.

⁷⁷ *Ibid.*, August 14, 1908. Speeches were given by L. B. Jackson, H. M. Welchorn, Henry McGraw, J. J. Mars, J. H. Smith, L. J. Hurt, George L. Mann, W. F. Collins, E. S. Pfeiffer, J. H. N. Cobb, S. H. Lattimore, J. F. Egan, Ben Thompson, and Bob Fire.

⁷⁸ *Ibid.*, August 15, 1908.

⁷⁹ *Bristow Record*, September 11, 1908; June 28, 1912.

vote was 4,221. Sapulpa received 2,372 votes and Bristow received 1,859 votes. But the claim was now made that the legal vote was Sapulpa, 567, and Bristow, 1,682. In support of this claim, the Bristow supporters pointed to the irregularities in voting and the methods and times for registration before election day.

In the case of precincts number 8 and 9 in Kiefer of Mounds Township, the charge was made of "persons being intimidated," threatened with violence, and forced to cast their vote for Sapulpa. Irregular voting was alleged, too, because women dressed in men's clothing were allowed to vote. The serious charge was made of influencing the vote for Sapulpa by passing out free drinks of liquor and beer both the day before and on the day of the election. Also, it was claimed that a man who was a Bristow sympathizer was killed in a "joint."

In September, close on the heels of the filing of the petition to contest the county seat election, an ouster suit was brought by the State Attorney, Fred S. Caldwell, against the County Attorney and the County Sheriff of Creek County. The suit alleged these officers were lax in their duties during the county seat campaign at Kiefer where liquor "joints" were allowed to run wide open. This was the beginning of a long series of attacks brought to court by the State enforcement officer and by a grand jury, and in a libel and counter libel suit. All of these, either suits to oust officers or indictments brought by the grand jury, or libel suits, were finally dismissed by the courts.⁴⁰

Sapulpa filed an answer to Bristow's petition and the first hearing was held in Guthrie on October 15, 1908. Sapulpa's attorneys said they would present evidence to prove that "Sapulpa had won honestly and only an honorable fight was waged and a fair election was held."⁴¹ After the arguments were heard by the Supreme Court, the lawyers for Bristow concluded that their complaint would not stand and asked for ten days to file a new complaint. Bristow filed an amended petition on October 30, 1908.⁴²

⁴⁰ *Ibid.*, September 25, 1908; Sapulpa Light, September 18, 1908; November 5, 1908; May 5, 1909; July 21, 1909; August 18, 1909; August 20, 1909; August 21, 1909; August 26, 1909; August 28, 1909; October 22, 1909; October 30, 1909; October 30, 1909; March 4, 1910.

⁴¹ Sapulpa Light, October 14, 1908.

⁴² Case No. 385, filed January 8, 1912, in the Supreme Court of the state of Oklahoma, the incorporated town of Bristow, in the county of Creek and the state of Oklahoma, a municipal corporation, plaintiff, versus the City of Sapulpa, a city of the first class, a municipal corporation in the county of Creek and the state of Oklahoma, defendant (found in the files of the clerk of the Supreme Court of Oklahoma). The report of the referee contains a detailed, chronological history of the county seat contest.

During the year of 1909, while evidence was being taken in both towns, the amended petition was answered and an amendment to the amended petition was filed and an answer given.⁸¹ In this year, too, the Supreme Court of Oklahoma appointed C. H. Parker of Enid as the special referee in the case. Many witnesses were called on behalf of each town, but much of the testimony of fifty or more witnesses whose substance as not covered by the pleading was stricken.⁸² The 2,000 typewritten pages of testimony were turned over to an attorney to brief and present arguments before the referee.⁸³

Early in 1910, the *Sapulpa Light* quoted the *Enid Morning News*: "Both towns charge the other with permitting immoral conditions and thus the county seat should go to the other."⁸⁴

In February, after a hearing with Referee Parker, the *Sapulpa* lawyers said the judge would need two to three weeks to examine the lengthy transcript.⁸⁵ Another year passed. A letter, dated January 6, 1911, from Parker said he hoped to file the report with the Supreme Court within the month.⁸⁶ By March, citizens of Sapulpa were urging Attorney McDougal to petition Governor Lee Cruce in an effort to get Parker to render a decision.⁸⁷ But McDougal thought it wiser to write directly to Referee Parker again. Judge Parker replied that his report should be ready by April 1, 1911.⁸⁸

The *Bristow Record* on April 11, 1911, felt that Bristow still had a good chance. It was reported that Sapulpa people were alarmed by the rapid growth of Bristow and they feared an election would favor Bristow by 250 votes.

The Oklahoma Bar Association had a meeting in Guthrie in June, 1911, and Judge McDougal saw Parker there. Parker said the report would be filed before July 1, 1911.⁸⁹

Again the preas of Bristow registered hope, because Parker did not file the report by July first. It was suggested that it would take a year after the report was filed by the referee to obtain the final decision, after which the lawyers would have sixty days to file an answer. Then would follow the long prepara-

⁸¹ *Ibid.*, February 21, 1910.

⁸² *Sapulpa Light*, March 15, 1909; March 17, 1909; March 22, 1909.

⁸³ *Ibid.*, February 21, 1910.

⁸⁴ *Ibid.*, January 21, 1910.

⁸⁵ *Ibid.*, February 21, 1910.

⁸⁶ *Bristow Record*, January 6, 1911.

⁸⁷ *Ibid.*, March 3, 1911. A dispatch from the *Oklahoma City Daily Oklahoman*.

⁸⁸ *Ibid.*, March 10, 1911.

⁸⁹ *Ibid.*, June 23, 1911. A reprint of an article from the *Sapulpa Light*.

tion for the final argument which the Supreme Court would take under advisement. Bristow felt that delays worked to its advantage.¹²

The report was promised again by November 1, 1911. In Sapulpa, the county officers looked with some concern at the old courthouse (Herford Building), which was in bad condition. An engineer from Oklahoma City, on order of the judge, examined the building and declared it dangerous. As a result new offices were located in the Ross and Berryhill buildings.¹³

Referee Parker's long awaited report on the county seat contest was made in December, 1911. Parker threw out the votes cast for Sapulpa at Kiefer, but allowed the votes cast for Bristow, and he held the victor must have a majority. His decision pleased the Bristow attorneys because by these computations Sapulpa lacked 138 votes for a majority.¹⁴

The Supreme Court of Oklahoma reviewed the case in January, 1912, and found Sapulpa the winner. The Court threw out all the votes cast at Kiefer because the referee's report had shown that in the precincts there much beer and whisky were used to influence the vote and that operators of "joints" were threatened with rigid enforcement of prohibition if they did not vote for Sapulpa.¹⁵

On May 20, 1912, both sides used an hour for final arguments. The attorney for Bristow claimed the earlier decision of the referee would confirm Bristow's contention that votes cast at Kiefer for Bristow should be counted as votes cast. This reasoning would leave Sapulpa without a majority. Sapulpa's argument was based on the claim that Bristow had changed its line of reasoning on the basis of the referee's findings.¹⁶

Justice Jesse Dunn handed down the court's decision on June 25, 1912. He ordered the Governor to call a new election on the basis of the opinions and findings of the referee.¹⁷

On July 5, 1912, the *Bristow Record* published the complete text of the opinion of Justice Dunn. The referee's findings were

¹² *Ibid.*, July 7, 1911.

¹³ *Ibid.*, October 27, 1911. A reprint from the *Sapulpa Light*.

¹⁴ *Ibid.*, December 23, 1911.

¹⁵ *Ibid.*, January 12, 1912. A reprint from the *Oklahoma City Daily Oklahoman* which again follows the original tabulations, but this time the Supreme Court threw out all the Kiefer votes (549) plus six votes from some source, or perhaps there were six mistakes, in counting in the first place.

¹⁶ *Ibid.*, February 9, 1912; May 3, 1912; May 24, 1912. The first two stories postdate the final argument but were reported as briefs were filed by attorneys to show the nature of their new pleadings.

¹⁷ *Ibid.*, June 28, 1912.

quoted at length to substantiate the decision that "zealous" partisans and the supporters of the city of Sapulpa" corrupted the vote in the precincts at Kiefer. As to the charge that a man had been killed for favoring Bristow as the county seat, the evidence proved he was killed over a personal matter. And as to the charge of women voting in men's clothing, the referee found the evidence inconclusive.⁹⁸

Election day, November 21, 1912, was one of the quietest and driest ever known in the county. Sapulpa again won a majority. Votes cast for Sapulpa were 2,937 while Bristow received 2,692. A giant torchlight parade was held at 10:00 p.m. in Sapulpa when news of victory was heard. Over a thousand people lined the streets of the business district to watch and help celebrate the occasion.⁹⁹

Bristow then began a contest of the November election. The lawyers filed a suit in the Supreme Court in December, 1912, insisting there be a reconsideration of events associated with the election. The petition stated that at the presidential election of November 5, 1912, only 1,410 votes were cast in Sapulpa, but at the special election a few weeks later, 1,982 votes were cast. All but four of the votes were for Sapulpa. Thus, the attorneys reasoned, 518 votes were irregularly cast, giving Bristow the election.¹⁰⁰ In January, 1913, four Sapulpa attorneys asked the Court to set aside the Bristow petition. The motion was denied.¹⁰¹ On March 7, 1913, Bristow was asked by the court to furnish more specific charges within 90 days. Bristow attorneys countered with a motion to look at the ballots.¹⁰² In May, 1913, Judge Preston C. West of Muskogee, appointed temporary referee, gave Bristow fifteen days to file a petition after the inspection of the ballots. On June 13, both Bristow and Sapulpa lawyers examined the ballots and stubs.¹⁰³

The Supreme Court finally awarded the county seat to Sapulpa. The Sapulpa *Light's* headline on August 1, 1913, streamed the victory news across the front page. The Bristow *Record* printed not one word concerning the Court's decision. But later in the month a news article referred to the "former county seat fight."¹⁰⁴

Bristow tried to break away from Creek County and form

⁹⁸ The case of Ryan vs. Weirika and Tecumseh, et l. vs. Shawnee, county seat contest decisions, were introduced by Bristow and were used by Judge Dunn in deciding for a new election.

⁹⁹ Bristow *Record*, November 23, 1912.

¹⁰⁰ *Ibid.*, December 20, 1912.

¹⁰¹ *Ibid.*, December 24, 1912.

¹⁰² *Ibid.*, March 14, 1913.

¹⁰³ *Ibid.*, May 30, 1913; June 13, 1913.

¹⁰⁴ *Ibid.*, August 15, 1913.

a new county called Oil County, but the petition was denied by the Governor, Leo Cruce. The Bristow attorneys advised their townsmen that there was no way to take the matter to court for the Governor was a final authority.¹⁰⁵ Also, later, Bristow petitioned to be a part of Schaffer County which Cushing supporters tried to create, but the petition failed to get sufficient votes.¹⁰⁶

The County Commissioners of Creek County called an election for the voting of bonds for a new courthouse. The sum to be voted was \$145,000 at five and one-half per cent interest over a twenty-year period. The election was held in March, 1914, and carried by the strength of the vote in the precincts of Sapulpa, Tiger, and Mounds. But in Bristow, Euchee, Kellyville, Newby, Sunny Slope, Olive, and Shannon Townships, the vote was against the bonds.¹⁰⁷

The new courthouse was built and formally taken over by the County Commissioners in December 1915, the furnishings to be delivered in 30 to 60 days. Layton and Smith were the architects and the Manhattan Construction Company was the builder.¹⁰⁸

At long last, after seven years of election and court battles, the county seat of Creek County was settled once and for all. Sapulpa became the center of county business. Many years before the early settlers of Indian Territory in the Creek Nation realized the importance of a town being a county seat. These men of Sapulpa and Bristow had come from many established states where they had seen and known the value of a government center. But in this new land, they, the people, had been given the power to decide the location of their county's place of government. Their first governor had said, "Let the people rule!" It was done in the spirit of the American frontier wherein battles often left scars, yet men decided matters for themselves.

¹⁰⁵ *Ibid.*, August 22, 1913.

¹⁰⁶ *Ibid.*, November 7, 1913; November 28, 1913; January 9, 1914.

¹⁰⁷ *Ibid.*, November 14, 1913; February 20, 1914; March 27, 1914.

¹⁰⁸ *Sapulpa Herald*, December 21, 1915.