

THE ROCK FALLS RAID.
AN ANALYSIS OF THE DOCUMENTARY EVIDENCE

By William W. Savage, Jr

Occupation of the six-million-acre Cherokee Outlet during the summer of 1883 by members of the Cherokee Strip Live Stock Association, a group of Kansas cattlemen holding a five-year lease from the Cherokee Nation, brought swift and heated objection from hundreds of would-be homesteaders camped along the northern boundary of Indian Territory.¹ Led by David L. Payne, one-time guide, scout, Kansas legislator, and petty Washington bureaucrat, they coveted the "splendid piece of property" below the Kansas line.² Branding the Association "a soulless monopoly antagonistic to the rights of the people of the United States," they denounced it as having "neither a legal or moral right" to the outlet.³ The boomers, as they were called, incorrectly assumed that the Outlet had been included in lands ceded to the federal government by the Five Civilized Tribes in 1866, and so they believed the Association's occupancy of the Outlet was sanctioned by the Department of the Interior. Boomers were first attracted to Indian Territory by Elias C. Boudinot, a Cherokee attorney in Washington, D. C., who, in a letter to the *Chicago Times* dated February 17, 1879, publicized government purchases from the Creek, Seminole, Choctaw, and Chickasaw tribes after the Civil War. The more than 12,000,000 acres were located west of the 97th meridian and south of the Cherokee Outlet, according to Boudinot, but the boomers who reprinted his letter paid little attention to his delineation. Boomers were mistaken about the Department of the Interior's attitude toward the Association lease. Secretary Henry M. Teller's policy was one of non-recognition, although he supported the rights of cattlemen operating under leases against persons having no such agreement with the Indians. Teller's pronouncement, originally formulated with regard to leases in the Cheyenne-Arapaho reservation, was later applied to

¹ For details, see Edward Everett Dale, *Coal County* (New ed., Norman, 1965), Chapter IX, and William W. Savage, Jr., "Barbed Wire and Bureaucracy: The Formation of the Cherokee Strip Live Stock Association," *Journal of the West*, Vol. VII, No. 3 (July, 1968), pp. 405-414.

² *Oklahoma War Chief* (Wichita, Kansas), March 2, 1883. The standard account of Payne's activities is Carl Coke Rister, *Land Hunger: David L. Payne and the Oklahoma Boomers* (Norman, 1943).

³ *Oklahoma War Chief* (South Haven, Kansas) October 28, 1884.

the Cherokee Outlet.⁴ Cattlemen had corporate connections, Payne said, and thanks to their lavish expenditures in the halls of Congress, they had "little trouble in getting the ear of the powers that be."⁵

Payne challenged the government's policies and the cattlemen's preeminence in the Outlet in several ways. He hurled invective through the columns of the boomer newspaper, the *Oklahoma War Chief*. He wrote letters of protest to the Secretary of the Interior, the Commissioner of Indian Affairs, the Commissioner of the General Land Office, the Secretary of War, and to countless journals offering to prove "before any Congressional Committee, or U. S. Court having jurisdiction of the matter" the existence of a "corruption fund in Washington, D. C." that was used by Outlet cattlemen to buy government support for their lease.⁶ But the tactic he found most successful was outright invasion of Indian land.

David Payne became the Army's peculiar problem. Charged with the task of protecting Indian land from unauthorized intrusion, cavalrymen had long been accustomed to trailing offending homesteaders and stockmen—those who grazed their cattle without tribal permission—and escorting them back to the border; but Payne was a new experience. Despite proclamations issued by President Rutherford B. Hayes in 1879 and 1880, warning "certain evil-disposed persons" of the inadvisability of settling on Indian domain, Payne entered Indian Territory and was arrested there four times between May 19, 1880, and August 28, 1882.⁷ During 1883, his forays occurred so frequently that the War Department lost count of them.⁸ Military and civilian officials alike bemoaned the absence of stringent laws against entering Indian land, and John Q. Tufts, of the Union Agency at Musko-

⁴ See "Col. Baudinet's letter, showing the status of the United States Lands in the Indian Territory" (Printed circular, Boomer Literature File, Western History Collections, University of Oklahoma Library, Norman). Also, see H. M. Toller to Edward Feun, April 4, 1880, U. S. Congress, Senate Executive Document 54, 46th Cong., 1st Sess., Vol. IV, p. 99.

⁵ "To Our Oklahoma Colonists," leaflet, Boomer Literature File, Western History Collections, University of Oklahoma Library, Norman.

⁶ D. L. Payne to Hon. Hiram Price, undated (received April 5, 1880).—Record Group 76, Records of the Bureau of Indian Affairs, Special Case No. 111, National Archives, Washington, D. C. (This case contains identical letters to Secretary Toller, the Land Office, and the War Department).

⁷ Hayes' proclamations may be found in U. S. Congress, Senate Executive Document 50, 46th Cong., 2d Sess., Vol. II, pp. 12-13.

⁸ For a convenient summary of Payne's incursions, see *ibid.*, pp. 3-5.

gee, went so far as to term the government's feeble efforts to keep homeseekers out of the Territory "a farce of the first water."⁹

In the spring of 1884, Payne made his most dramatic attempt to effect the opening of Indian Territory. Selecting a location on the Chikaskia River in the Cherokee Outlet a few miles south of Hunnewell, Kansas, he laid out a townsite, named it Rock Falls, set up some frame buildings and an assortment of tents and dug-outs, populated the vicinity with several hundred farmers and their families, and moved in the printing press of the *Oklahoma War Chief*. In so doing, he precipitated a confrontation between boomers on the one hand and representatives of the cattlemen and almost every government agency having anything at all to do with Indian affairs on the other.

On July 1, 1884, President Chester A. Arthur, in a proclamation similar in tone to those Hayes had issued, warned homesteaders away from Indian Territory, saying that invaders would be "speedily and immediately removed by the proper officers of the Interior Department" with, if necessary, "the aid and assistance of the military forces of the United States."¹⁰ Payne ignored this, just as he ignored repeated warnings from less imposing personages, and for awhile he and his colony escaped eviction, thanks largely to the Federal Government's inability to coordinate its efforts as quickly as Arthur had promised. Eventually, however, bureaucratic gears meshed, and on the morning of August 7, 1884, two companies of the Ninth Cavalry, with officials from the Union Agency (Muskogee Indian Territory), the General Land Office (Washington, D. C.) and the Cherokee Strip Live Stock Association (Caldwell, Kansas), raided the town, arrested its inhabitants, and burned it to the ground.

Connell Rogers, a Union Agency clerk representing the Bureau of Indian Affairs¹¹ in place of Agent Tufts, filed a long report on the raid. Assigned to the case on July 22, he had confronted Payne on July 23 with orders to move. Payne refused and produced a map indicating that the Cherokee Outlet had been

⁹ John Q. Tufts to Commissioner of Indian Affairs, August 29, 1884. U. S. Office of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1884* (Washington, 1886), p. 90.

¹⁰ *Senate Executive Document 50, op. cit.*, p. 14.

¹¹ John Q. Tufts to the Commissioner of Indian Affairs, September 9, 1884. Record Group 78, Records of the Bureau of Indian Affairs, Special Case No. 111, National Archives, Washington, D. C.

ceded to the government on July 19, 1866. Evidently, Rogers did not meet the boomer leader again until August 7, but his report does contain a secondhand account of what transpired at Rock Falls on the eve of the raid. He wrote: ¹²

Genl Hatch in company with Lieut. Finley and A. R. Green of the LAND Office of the Interior Department, visited Mr. Payne's camp, and again he was formally notified that unless he removed quietly and at once from the Cherokee "Strip," that the Military would arrest him and his party. Mr. Payne was somewhat disrespectful, and said: "I could arrest you," speaking to Genl. Hatch.

This proved to be Payne's last chance. Troops arrived soon thereafter, and Rogers reconstructed the scene:

Early the next morning, it being the 7th instant, two companies of the 9th Colored Cavalry were to proceed to "Rock Falls" and act under my direction. ¹³ We arrived upon the "Boomer" camps about 10 o'clock A.M., and at once commenced to "round them up." The old offenders under the law are liable to a fine of \$1,000 and as they were the prominent men connected with this invasion, I arrested them and gave instructions that they should be taken to Ft. Smith, Ark. and turned over to U. S. District court for trial. Their names are, Capt. D. L. Payne, J. B. Cooper, D. G. Grothouse, J. D. Ross, J. S. Clark, C. W. Holden, S. L. Mosley and T. W. Echalburger. ¹⁴ At "Rock Falls" that day I arrested fifty men, the women and children,

¹² Council Rogers to Col. John Q. Tufts, August 16, 1864, *ibid.* Colonel Edward Hatch, one of the organizers of the Ninth Cavalry, was commander of the Military District of Oklahoma, Department of the Missouri (*Senate Executive Document 50, op. cit., p. 5*, and William H. Leckie, *The Buffalo Soldiers: A Narrative of the Negro Cavalry in the West* [Norman, 1967], p. 7.) Payne's raids had prompted organization of the District of Oklahoma, as Secretary of War Robert T. Lincoln said, "with a view to preventing recurrence of this trouble" (U. S., Congress, House, *Executive Document 1, Part 2, 48th Cong., 2d Sess., p. 6*).

Lieutenant W. Leighton Finley, originally assigned to the Tenth Cavalry, was acting assistant adjutant-general, Military District of Oklahoma (Leckie, *op. cit.*, p. 245; *Senate Executive Document 50, op. cit., p. 5*).

A. R. Greene, a General Land Office inspector, was assigned to investigate fraudulent land entries during 1864. *Annual Report of the Commissioner of the General Land Office for the Year 1865* (Washington, 1865), p. 50.

¹³ Companies L and M were commanded at Rock Falls by Captain Francis Moore. (*Senate Executive Document 50, op. cit., p. 6*; and Leckie, *op. cit.*, 250.) Section 2147 *Revised Statutes* provided for removal of intruders from Indian Territory. Those who returned were subject to a fine of \$1,000 and were to be turned over to the U. S. Marshall at Fort Smith, according to Section 2148 (See *Senate Executive Document 50, op. cit., p. 6*).

¹⁴ J. B. Cooper was co-editor of the *Oklahoma War Chief* at Rock Falls (Riser, *op. cit.*, p. 138). David G. Grothouse of Granada, Kansas, was later cited by W. L. Couch, Payne's successor, as a potential witness to support the boomer contention that Association cattlemen secured the Outlet Inland by bribing members of the Cherokee National Council. (U. S., Congress, *Senate Report 1278, Part II, 49th Cong., 1st Sess., p. 468*.) T. W. Echalburger became a member of Payne's "board of arbitration on land claims" soon after the Rock Falls incident. He was one of the few boomers ever to obtain a homestead in the Oklahoma District (Riser, *op. cit.*, pp. 178, 213.)

I took no note of, but suppose in all there were 150 souls¹⁵—with the exception of those destined to be taken to Ft. Smith, I had the rest removed to the Kansas line near Humeville, and they were admonished under penalty of being taken to Fort Smith, not to return, a great many said they would not, others said they would. I also took possession of a printing press, that I ordered taken down and packed, and loaded into a Govt. wagon, which will be hauled to this point.¹⁶ The town of "Rock Falls" consisted of about four very temporary buildings. The printing office and one other was burned, the balance of the lumber (etc) in dug-outs, shanties, and tents was allowed by parties claiming it, to remove it, which was done.

John F. Lyons, a Fort Gibson attorney employed by the Cherokee Strip Live Stock Association, represented Outlet cattlemen at Rock Falls and wrote another account of the raid. Described by Edward Everett Dale as "a man of rare tact and ability who, of course, practiced influence rather than law," Lyons had been hired to maintain close liaison between the Association and the Cherokee government.¹⁷ His report, addressed, interestingly enough, to Cherokee Principal Chief Dennis Wolfe Bushyhead, was composed more than a month after the raid. Yet, it is considerably more detailed than Rogers' account. Moreover, Lyons disagreed with Rogers on a number of significant points, including the number of boomers present at Rock Falls, the description of the town itself, the extent of its destruction, and Rogers' own role in the affair. He wrote: ¹⁸

¹⁵ Rister misquotes Rogers on this figure (*ibid.*, p. 165). Agent Tutts, in his annual report, put the number of boomers at "about 800." John Q. Tutts to Commissioner of Indian Affairs, August 29, 1884 (*op. cit.*, p. 93). At least one correspondent estimated the boomer population to be around 200 (See Carolyn Thomas Foreman, *Oklahoma Imprints, 1835-1907: A History of Printing in Oklahoma Before Statehood* (Norman, 1936), p. 307. Military estimates ran as high as 600 (*Senate Executive Document 69, op. cit.*, p. 12).

¹⁶ Rogers' report was written in Muskogee. Other accounts mention Fort Smith as the press's destination. In fact, there is disagreement over the question of whether or not it ever arrived at either point. Grant Harris, a printer who worked for Payne at Rock Falls, claimed that the Ninth Cavalry threw the press into the Cimarron River on the way back to Fort Reno (Grant Harris, "Publishing a Newspaper in a 'Boomer' Camp," *Chronicles of Oklahoma*, Vol. V No. 4 [December, 1927], p. 399). In 1934, Rogers recalled that the press was taken to Fort Smith and then to Muskogee for storage at the Union Agency (Foreman, *op. cit.*, p. 397).

¹⁷ Dale, *op. cit.*, p. 201.

¹⁸ John F. Lyons to D. W. Bushyhead, November 19, 1884 (File: Cherokee Strip (Tahlequah) 1884, Indian Archives Division, Oklahoma Historical Society, Oklahoma City). Caldwell, Kansas, near the Territory line, was headquarters for the Cherokee Strip Livestock Association. Bushyhead had received several such reports. E. M. Hewins of Humeville, Kansas, wrote in July that "4 miles South of this place there is now some 1500 or 2000 Boomers scattered over the Outlet." They were "Cheeky fellows" who had moved "a printing office on the Cherokee lands to demean them and [be about your people in most Shameful manner." (E. M. Hewins to Gen. D. W. Bushyhead [sic], July 6, 1884, in Cherokee Nation Papers, Western History Collections, University of Oklahoma Library, Norman).

In the matter of the invasion by Payne and his followers attempting settlement upon the lands of the Cherokees West of 86° meridian, I have the honor to report, that proceeding to Caldwell in company with yourself, in July last it was found that the many reports as to the number comprising the so-called Payne Colony and which had already made settlement on the lands west, had not been overestimated when it was reported that fully 1200 persons under the leadership of one D. L. Payne had, and were attempting settlement. Steps were immediately taken to cause the U. S. Indian Agent of the Union Agency, in whose jurisdiction the intrusion had taken place, to cooperate with Genl (sic) Hatch, commanding the U. S. troops in the military Dist. of Oklahoma, for the removal of those intruders, and of any others who were intruding on those lands. After some delay in the matter, Mr. Connell Rogers was sent out as the Representative of Agent Taft and the Dept of the Interior with instructions to cooperate with the troops. After his arrival it was then found that troops could not act unless by order from the Dept commander¹⁹ and which was only issued after a delay of over two weeks, and then only upon an order or proclamation of the President of the U. S. and dated July 31st directing the immediate removal of all unauthorized persons who were intruding or attempting settlement on Indian lands in the Indian Territory. Consequently, Mr. Rogers and myself, by arrangement with Genl Hatch, proceeded next day to the military camp on the Cha Kua Ka River about 30 miles south east of Caldwell and 15 miles south of the town of Hazzardwell—a town in Kansas and immediately on the Territory line.

The following morning with two companies of cavalry under the command of Capt Moore, we started for the principal colony town, distant from camp about 12 miles. At about 10 a.m. on the morning of the 7th of August we arrived at Rock Falls on the Cha Kua Ka River where Payne had established his head quarters, and laid out the "boomer" town of Rock Falls. We found on arrival there that not only had the town been regularly laid off but that several houses had been erected, amongst which was a printing office, from which was issued their paper, the "Oklahoma Chief," a weekly newspaper published in the interest of the colony.—a drugstore—hotel—and two restaurants, all firm buildings. The troops having arrested all persons found in the town and others from various small camps up and down the river (sic). The first offenders were culled from those who could be recognized as having for the second time been caught intruding on Indian lands. The first offenders, numbering about 300 persons were then escorted over the territory line and left in the state of Kansas, and admonished not to again return, while Payne with eight others were taken into custody and started immediately for Fort Smith to answer before the U. S. Court at that place, for having a second time violated Section 2118 (sic) of the U. S. Statutes. After starting the prisoners we then prepared the printing press and material of the printing Office for shipment to Fort Smith and having as we supposed, carefully packed the material, it was then loaded into a wagon furnished by the Govt, and started for Fort Smith for delivery to the authorities there.²⁰ In the meantime the buildings mentioned, comprising the town of Rock Falls were destroyed by fire, and like unto the famous Cities of Sodom and Gomorrah, Rock Falls was soon in ashes.

David Payne recorded the day's proceedings in his diary with considerably more brevity and noticeably less attention to gram-

¹⁹ Brigadier-General C. C. Augur was commander of the Department of the Missouri (House Executive Document 1, *op. cit.*, p. 1207).

²⁰ In 1927, Grant Harris wrote, "After these negro soldiers got through loading it (the press) into that wagon it was not fit for much."—Harris, "Publishing a Newspaper in a 'Boomer' Camp," *op. cit.*, p. 389.

mar than Rogers or Lyons showed in their reports, but his observations are valuable for two reasons. First, he placed General Land Office Inspector A. R. Greene at Rock Falls on August 7, a point overlooked in other accounts. Furthermore, he indicated that several members of the Cherokee Strip Live Stock Association were present to assist the Ninth in removing the boomers. He wrote: ²¹

Aug 7 84 Arrested at Rock Falls by Capt Moore and other Co. 9th cav. Maj Lyons—so called a Mr. Green and one Rogers who claimed to clerk to Agent J Q Tufts dictating giving orders &c with cattle men helping and telling who there men were and pointing ones out to the soldiers—Our people done all that could have been done without being killed—

Taken together, these three documents provide a graphic if contradictory, picture of the Rock Falls incident. That the Boomer town was the scene of widespread confusion on August 7, is undeniable. That could explain some of the inconsistencies. Certainly the passage of time between the date of the raid and the dates of Lyons' and Rogers' reports contributed minor distortions. Payne himself had second thoughts about the matter, and in September he published a longer and more detailed sketch of the episode, embellished with descriptions of brave children, unpatriotic cowboys, and cattlemen hell-bent on assassination. The problem, however, appears to be that only those people who had something to gain from the raid bothered to write anything about it. ²²

Rogers, a clerk, was obviously impressed with the importance of his temporary appointment as the Interior Department's representative—perhaps too impressed to pay attention to details. While Lyons and Payne minimized his role, Captain Moore did acknowledge acting on Rogers' instructions, but even so, Agent Tufts, in his annual report to the Bureau of Indian Affairs, nei-

²¹ Payne's Notebook. Note Books File, Payne Collection, Library, Oklahoma Historical Society, Oklahoma City. Rister (op. cit., p. 105) misquotes the passage and then contends that "In his diary Payne made no mention of his own arrest."—*Ibid.*, page 166.

²² Inspector Greene ignored the raid in his annual report for 1884 (See *Annual Report of the Commissioner of the General Land Office for the Year 1885*, op. cit., pp. 60-63). Military reports were evidently routine (*House Executive Document 1*, op. cit., pp. 3-27, 118-120; *Senate Executive Document 60*, op. cit., p. 8; and *Lockie*, op. cit., p. 260).

ther mentioned Rogers nor utilized the information in his letter.²³ Lyons, the cattlemen's lawyer, had the Association's interest as well as his own to protect, and perhaps because his job depended on his adroitness in dealing with both Cherokees and businessmen, he avoided antagonizing either side by describing possible abuses by Association cowboys. And Payne's published account of the raid must have been colored, as his activities always were, by his desire to enlist popular support for the boomer cause.

While the details of the Rock Falls raid—the sequence of events leading to it and the precise manner of its execution—will never be entirely known, several facts are clear. Payne engineered the confrontation and used it to dramatize homesteader demands. By jailing Payne and other prominent boomers, albeit temporarily, the Federal Government confirmed both Cherokee rights to the Outlet and the Association's occupancy of it under the lease arrangement. More important, perhaps is the fact that the encounter was bloodless. As such, it stands as a corrective to the unfortunate stereotype of sanguine showdowns between hostile cattlemen and antagonistic homesteaders in a dry riverbed, the symbolic gateway to the promised land or a quarter-section thereof.²⁴ In the Indian Territory, at least, the violence was rhetorical.

²³ *Senate Executive Document 50, op. cit.*, p. 8, and Leckie, *op. cit.*, p. 260) claims that Moore acted only on orders from Hatch transmitted by his superior at Department of the Missouri headquarters. But those orders originated from the White House (*House Executive Document 1, op. cit.*, p. 118). Also, see John Q. Tufts to Commissioner of Indian Affairs, August 29, 1884, *op. cit.*, p. 98.

²⁴ Characteristic of the generalizations about cattlemen-homesteader feuds that have been applied to the entire trans-Mississippi West are Everett Dick, *The Sod-House Frontier, 1854-1890: A Social History of the Northern Plains from the Creation of Kansas & Nebraska to the Admission of the Dakota* (New York, 1937), Chapter XI, and, to a certain extent, Wayne Godd, *Frontier Justice* (Norman, 1949), Chapter VI. Typical popular distortions include the defunct Columbia Broadcasting System television series "Cimarron Strip" and Jack M. Bickham's novel, *The War on Charity Ross* (Garden City, N. Y., 1967).