

SOUTHWEST'S HISTORY WRITTEN IN OKLAHOMA'S BOUNDARY STORY

*Struggle for Control of Mississippi Valley Leaves Its Mark on
State*

By M. L. WARDELL, ASSISTANT PROFESSOR OF HISTORY, UNI-
VERSITY OF OKLAHOMA.

To know well the boundary of Oklahoma is to know generally the history of the Southwest, somewhat the story of American diplomacy and quite generally the Indian policy of the United States. In many respects it is not strange that this geographical area—Oklahoma—should be one of the last to be formed into a territory and finally a state. The advance of the pioneer was steadily from the east to the west until he reached the first tier of states on the right bank of the Mississippi. Then he passed over the great plains and settled the Pacific coast. From there, and the extreme southwest, he pushed eastward until he met the old frontier line he had left two or three generations before. So the middle of the United States, as well as some isolated regions, was settled last.

This is not all. Oklahoma is the story of the struggle for ownership of the Mississippi Valley. The great rising powers of the sixteenth century—Spain, France and England—contested in arms for the new world until one by one each was eliminated and a youthful nation took its place among the great powers of the world.

Spain entered by way of Florida and Mexico, while France entered by the backdoor—the St. Lawrence river and the Great Lakes—because England made herself secure on the Atlantic seaboard between Florida and Nova Scotia. Spain sent her intrepid and daring adventurers of fortune across Oklahoma as early as 1540. For a century afterward they searched here and there for gold. Then France sought the rivers, forests and plains for furs, making friends with the Indians and intermarrying with them. In the early part of the eighteenth century the French traders were in Oklahoma

making good their claim first announced by LaSalle as he took possession, in the name of the King of France, Louis XIV, of all the land drained by the Mississippi and its tributaries. England, writing in large letters, interpretative of the boastful and exaggerated age, made "sea-to-sea" grants of the first seaboard colonies. North and South Carolina as well as Virginia, probably, were but names to the majority of their people. "Sea to sea" for those colonies included Oklahoma if western limits meant nothing. Thus three European forces were in line to struggle to exhaustion for land but little known.

Finally France was eliminated but European intrigue made a way for the long arm of Napoleon to encircle Louisiana with its ill defined limits. Then the United States with an empty treasury mortgaged the future and purchased Louisiana. Now the contest for the ownership of the Southwest lay between Spain and the United States. But before long Spain was destined to confine her waning ambitions to a few continental islands. However, shortly before this occurred (about 1820) a treaty, that of 1819, was made determining the boundary between Spanish and United States Territory. This treaty concerned itself with the purchase of Florida as well as the southwest boundary. That is why one may say to know Oklahoma's boundaries is to know American diplomacy. This treaty line of 1819 was determined because in the various transfers of Louisiana the boundaries were indefinite. Had our purchasing agents and treaty makers known all that history to-day records, Texas would have a different history. Very probably the Rio Grande instead of the Sabine and Red rivers would have been the boundary between Mexico and the United States. As it was the line finally agreed upon to separate Spanish territory from the avaricious Americans was that of the west bank of the Sabine River to its intersection of the thirty-second parallel north latitude and then north to the Red River thence up the course of that river to the one hundredth meridian west longitude. This meridian, the present boundary, on the west of Oklahoma, was to be the line of separation as far north as the south bank of the Arkansas River. By this agreement all of the southern boundary, and a

part of the western boundary, of Oklahoma was determined—at least for almost three quarters of a century.

Spain had hoped to make good her claims as far north as the Arkansas River but such an exaggerated claim could not be maintained. For almost fifteen years prior to 1819 the American explorers had been active in Oklahoma making good the claims finally agreed upon. Soon after this defining of boundaries Mexico won her independence and then Mexican intrigue took the place of European. Finally Texas declared her independence of Mexico in 1836 and then a friendly republic, peopled by Americans, became our neighbor. Difficulties arising over boundary lines with Texas were long to remain unsettled (1896) but no war or secrecy veiled this—Americans could deal with each other openly. Texas inherited the contest over the forks of the Red River. As to what was meant by the Red River is another story—that of the Greer County controversy.

The next boundary line of Oklahoma to be established is a short one, that of Oklahoma-Missouri in 1820. The Louisiana purchase was first organized into two territories (March 26, 1804). The southern Territory of Orleans did not include any of Oklahoma but the northern, the district of Louisiana, included all north of the thirty-third degree north latitude, the present northern boundary of the state of Louisiana. The government for a time was to be administered by the governor of Indiana territory. The next year, 1805, the district of Louisiana became the Territory of Louisiana, and in 1812 the Territory of Missouri was erected. Missouri settled rapidly within the next few years, and in 1820 asked for statehood. The Enabling Act (March 6, 1820), defined the boundaries of the new state. The western boundary was to be a north and south line beginning at 36 degrees and 30 minutes north latitude drawn through the mouth of the Kansas River. This became the established line, as it is to-day, south of the **Missouri River** (it was later modified north of the Missouri River).

The constitution of Missouri contained the same limitations as the Enabling Act, so the northeast corner of Oklahoma had thus set up its boundary by the admission of Missouri as a state. Since the admission of Missouri had brought about

the great slavery question it is impossible for a student of Oklahoma history to overlook the significance of that controversy.

The completion of the eastern boundary of Oklahoma involves Indian policies. With all the intricacies of detail the story of the final determination of Indian boundaries would fill a volume. The Indian policies of the United States have been a series of experiments. As early as 1778 there was the beginning of an Indian policy. At that time it had for its ultimate object the incorporation of the Indians as citizens of the United States. While the area east of the Mississippi River rapidly filled with white settlers, the Indians quite fully realized the impossibility of either becoming citizens or remaining where they were as "islands" of redmen.

Early in Jefferson's administration the problem of the Indian was becoming one of no small consequence. Jefferson considered the possibility of placing the Indians living east of Mississippi in this new domain just purchased from France; in fact, he gave it much consideration and held a conference with certain delegations of Cherokees who wished to remove to the West. This resulted in delay on account of the difficulty United States was having with England. However, soon after the war of 1812 some of the Cherokees again took up the proposition of removal. After reaching an agreement, the treaty of 1817, about one-third of the Cherokees left their homes in Georgia and settled in what is now Northwest Arkansas. These became the "Cherokee West" or "Old Settlers," as they were sometimes called.

Calhoun became Secretary of War in 1817 and remained in that office until 1825. During this time the administration of Indian affairs was one of his duties. He reported to President Monroe, who in 1825, transmitted his recommendation to Congress. This called for the general removal of the eastern Indians to the "worthless" great plains region where game was plentiful. Such a policy demanded the cession and narrowing of land owned by the western Indians. Both these ideas were carried out in some manner or other. The Osages in 1825 surrendered their holdings and accepted land in the present state of Kansas. This reservation was bounded on the south

by a line in close proximity to the present Oklahoma-Kansas boundary. Other tribes from time to time ceded land to the United States.

Calhoun had in mind the formation of two Indian Territories—one north, which never materialized—and the other south, which came, in the end, to be Indian Territory as we know it in history. The Indian Territory of the '40's as shown on maps as extending from the Red River on the south to the Platte on the north, west of Arkansas and Missouri to the Mexican boundary.

A line of forts was built along the eastern side of the frontier—Towson, Coffee, Fort Smith, Gibson, Wayne, Leavenworth, Calhoun and others northeast through Iowa to Fort Snelling, in Minnesota. It was planned that a military road should be built connecting these forts, which, according to General Gaines, were to be built of stone to last throughout the century.

Many attempts were made to organize an Indian Territory as a political unit. This resulted in twenty years of agitation—from about 1830 to 1850. It was revived after the Civil War. In 1834 an "Indian Intercourse Act" was passed which preserved the Indians in their tribal intercourse and secured them from wholesale encroachment by the whites.

Back to the Indian removal—when a part of the Cherokees moved to the West other Indians were likewise urged to move. The Choctaws were first to be moved as an entire tribe. They agreed to settle in the proposed Indian Territory. As originally planned, by a treaty they were to live between the Arkansas and Red rivers west of the north and south line about thirty-five or forty miles east of the present Oklahoma-Arkansas boundary. When the Choctaws began to arrive many of them stopped in what is now Arkansas but about this time Arkansas was organizing as a territory and the whites wanted the Indian still further west.

In 1824, the western boundary of Arkansas Territory, (having been organized in 1819) was established beginning at a point forty miles west of the southwest corner of Missouri and extending south to the Red River. This line passes north and south near the mouth of the Verdigris River, a short distance east of Muskogee. The Choctaws could not accept this

unless they wished to be incorporated within Arkansas. This would have been no better than their condition was in their eastern home. Finally a compromise was accepted (1825) and a line drawn from the Arkansas River to the Red River "one hundred paces" west of Fort Smith, became the line of separation between the citizens of Arkansas and the Choctaws. This is the present boundary line between Oklahoma and Arkansas, south of the Arkansas River. A law of March 3, 1823, had proposed a due south line from the southwest corner of Missouri, but nothing came from this. Had this been established the eastern boundary of Oklahoma would be a straight line instead of one consisting of three parts.

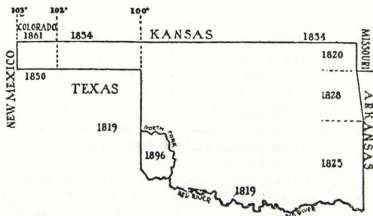
When the "Cherokee West" began to be crowded in their home in Northwest Arkansas, they agreed to move beyond the limits of that territory. In 1828 a treaty was made giving them all of Northeastern Oklahoma and the "Outlet" improperly called "The Strip." The line of separation was established as running from the southwest corner of Missouri to the northern end of the Choctaw line as established three years before. This accounts for the line not being due north and south. The south end of this line is about twelve or thirteen miles further east than the north end. In this way the entire eastern boundary of Oklahoma was established. There yet remained the northern boundary and the Panhandle.

Prior to 1854 there was agitation for the concentration of Indians in what came to be Kansas. Generally the possibilities of Kansas farm lands were unknown so long as traders and trappers passed up and down its streams or over the Santa Fe and other trails. Good Missouri farmers, who were forced to make a perilous journey to Oregon to recuperate fallen finances, as well as those of neighboring states, were no doubt aware of the fact that Kansas would be a better chance than a transcontinental trip. In time demands came for permission to go and occupy unreserved lands.

Finally, after much congressional debating, a law was passed by which Kansas, along with Nebraska, was made a territory. By this act the southern boundary of Kansas came to be the thirty-seventh parallel of north latitude. At that time it was known that thirty-seven degrees, north latitude,

was only approximately the boundary between the Cherokees and the Osages. It was generally believed that the Cherokee lands—the "Outlet" and their Oklahoma holdings proper—did not extend quite so far north. The Cherokee-Osage boundary line had been established by the treaty with the Osages in 1825. The south line of the Osage land was located forty miles south of Whitehair's village. It proved to be a line about two and one-half miles north of the thirty-seventh parallel. This strip of land was therefore Cherokee lands and constituted the area which is properly called the "Cherokee Strip." It was ceded to the United States by the Cherokees in 1866 along with their "neutral lands" lying between Missouri and the eastern part of the Osage land—an area twenty-five miles wide and approximately fifty-two and one-half miles long. Settlers were not permitted to occupy the "strip" until after 1872. In a manner, the northern boundary—the thirty-seventh parallel was not an Oklahoma-Kansas boundary until 1866 or probably 1872, notwithstanding it had been so designated in 1854.

The southern boundary of thirty-seven degrees, according to the act of 1854, extended westward to New Mexico and the crest of the Rocky Mountains. In 1861 Kansas was admitted as a state and accordingly had an adjustment of certain boundaries. Its western boundary was established approximately on 102 degrees west longitude—the present boundary. So far as Oklahoma's northern boundary was concerned it was now established with the exception of about fifty-five miles



—the west end. This remainder was determined, however, in the same year, 1861, by the erecting of the territory of Colorado.

The story of the Panhandle of Oklahoma—old Beaver County—has been told many times, and in many ways. Here is romance and history. Probably this region has the most interesting history of any area, equal in size, in the United States. It is the remnant of empires and republics—even an embryonic territory. It had, at least locally, an actual existence as Cimarron Territory for a few years. Finally it was made a part of Oklahoma in 1890. It was not a part of the Louisiana purchase as was the remainder of Oklahoma according to the treaty of 1819. Consequently its history lies outside that of the United States until 1845, when Texas was admitted.

When the neighboring republic became a member of the union, its boundaries were those of a nation. They were in dispute, for Mexico would not willingly cast off vast areas to be used by her one-time rebellious subjects. War with Mexico resulted in the addition of all Southwestern United States. The boundaries of Texas could then be defined.

In 1850—the year of great compromises—Texas agreed to surrender to the United States her claim on all lands exterior to her present boundary. Texas had no great desire to hold land north of the famous “thirty-six thirty” line. Slavery was doubtful north of that point. Accordingly the agreement called for a cession of lands north of that line and in the latter part of that year (November 25, 1850), the Legislature of Texas legalized the agreement. This line became, then, the southern boundary of the Oklahoma Panhandle.

In erecting the territory of New Mexico its limits were made. This, too, was in 1850. As described then its eastern boundary was in part the one hundred third degree west longitude. This is the western boundary of the Panhandle.

As has been described, Kansas as a territory extended westward to New Mexico and its, Kansas, southern boundary was located on thirty-seventh degrees north latitude but on becoming a state in 1861, its western limits terminated on one hundred two degrees. In this year, 1861, Colorado, as a territory, was formed out of parts of other territories and in

such formation, its southern boundary was established from the southwest corner of Kansas westward to approximately the one hundred ninth degree of longitude—the present western boundary. In this way the northern boundary of the Panhandle was completed and the boundary of Oklahoma was established as it is to-day.

For several reasons the Red River was not officially explored and mapped until 1852, when Captain Marcy was detailed to this task. In ascending the river he reached the forks, either of which might be mistaken for a tributary. He made the mistake of ascending the north fork and designating it as the main branch. It has been thought that the river did not fork until west of the hundredth meridian, but this river did not accommodate map and treaty makers in this fashion.

Texas, accepting this designation of Captain Marcy's, exercised jurisdiction over it. When settlement pushed into this region, a county government was set up and in every respect it was a part of Texas. United States was not greatly concerned with this until the settlement of Oklahoma began. To determine ownership, a case was made for the Supreme Court of the United States. The decision (1896) stated that not the north fork but the south branch was the main channel. In this way Greer County came within the jurisdiction of Oklahoma. It was also stated that the south bank was the boundary.

Within less than a quarter of a century another question arose over the south bank. In this instance Oklahoma was the plaintiff, Texas the defendant, and the United States the intervener. This case was before the Supreme Court of the United States in 1920 and 1921. The object was to establish the boundary of Oklahoma and Texas on the Red River. It was of more than ordinary interest because of extensive property holdings. It is estimated that the entire cost of this case was \$500,000. The question was thought to have been settled in 1896 by declaring the south bank the boundary, but in 1918 when the Burkburnett oil field opened and wells began to dot the river valley, the question as to ownership of the river bed came before the courts. It was necessary to determine what was the south bank. It was decided that the

"cut bank" on the right bank (southern) is the northern line of Texas. By the "cut bank" is meant, generally, that point at which vegetation ceases.

Truly it may be said, to know the boundary of Oklahoma with all its ramifications, is to know the history of the United States. Probably no other state in the union has so much concerned with the setting up of its boundaries. It can easily be seen why this particular geographic area should be one of the last to be formed into a territory and later into a state. It is the result of international diplomacy, the making of a state of the remnants of empires, republics and states. These two sections of Oklahoma—the rectangular part and the Panhandle—constitute an area that has had more flags floating over it and more various forms of government than any other similar area in the United States. There are more details of interest involving a greater number of personalities concerned with Oklahoma than is the case with any other state. Although yet to be written, the romance of the Southwest and the Indian is within the borders of Oklahoma.