

PERKINS TOWNSITE: AN ARCHIVAL CASE STUDY

By Berlin B. Chapman*

Perkins is located in Payne County on the north bank of the Cimarron River, ten miles south of Stillwater. The townsite embraces 160 acres in square form, and the 1940 census recorded its population as 728. The town was called "Cimarron" and "Italy" before it was known as Perkins, according to official townsite papers in the National Archives, Washington, D. C. On May 8, sixteen days after the Oklahoma Lands were opened in the Run of 1889, Jesse Truesdale and others drew up a townsite application for forty acres to be known as "Cimarron."

The application was filed in the Guthrie land office on May 17, 1889, forwarded to the General Land Office on June 10, and is in the National Archives, Townsites, Box 150. This is the first recorded application for a townsite at Perkins.

On December 13, 1889, Nathaniel Miller and others filed in the Guthrie land office a townsite application for the town of "Italy" on the same tract. The application was forwarded to Washington, March 10, 1890. "Cimarron" should not be confused with "Cimarron City," a ghost town six miles west of Perkins later mentioned in this article.

Congress by act of May 14, 1890, provided that so much of the public lands situated in Oklahoma, then open to settlement, as might be necessary to embrace all the legal subdivisions "covered by actual occupancy for purposes of trade and business" might be entered as townsites for the several use and benefit of the occupants thereof.¹

Entry for townsites should be made by three trustees appointed by the Secretary of the Interior. The act provided that all unclaimed lots, or lots not otherwise disposed of as provided for in the act, should be sold under the direction of the Secretary of the Interior for the benefit of the municipal government of the town, or the same or any part thereof might be reserved for public use as sites for

* In contributing this article, "Perkins Townsite," to *The Chronicles*, Dr. Chapman, Associate Professor of History, Oklahoma A. and M. College, Stillwater, has stated: "The Research Foundation of Oklahoma A. and M. College aided me in preparing this case study. In Washington, D. C., I profited by the interest Congressman Mike Monroney took in the study."—Ed.

¹ 26 Statutes, 109. John W. Noble, Secretary of the Interior, in a circular of instructions to the Registers and Receivers on May 24, 1890, observed that much time might be saved by approval of surveys already made by the inhabitants. 10 L. D. (Land Decisions) 605. Under date of June 18, 1890, Noble provided regulations for the trustees of townsites in the United States land districts of Oklahoma Territory. 10 L. D. 666-73.



DAVID J. McDAID
Chairman of Townsite Board No. 1 which allotted the Perkins Townsite.

public buildings, or parks, if in the judgment of the Secretary of the Interior such reservation would be for the public interest.

The sum of \$10,000 was appropriated to carry into effect the provisions of the act, on condition that disbursements therefrom should be refunded to the Treasury from the sums which might be realized from the assessments made to defray the expense of carrying out the provisions of the act. Trustees were instructed to assess upon lots and blocks of a townsite, according to their value, such rate and sum as would be necessary to pay for the lands embraced in the townsite, costs of survey, conveyance of lots, and other necessary expenses, including compensation of trustees.

In 1894 Hoke Smith, Secretary of the Interior, said of the act of March 2, 1889, under which the Oklahoma Lands were opened to settlement: "The law does not prescribe that any number of inhabitants is necessary to make a townsite entry, nor does it prescribe the number of acres that may be taken as the site of a town containing less than one hundred inhabitants. In such cases the extent of acreage is a matter of executive discretion, and is restricted to the land actually occupied for town purposes, by legal subdivisions."²

Files in the Appointments Division of the Interior Department show that trustees, known as Townsite Board No. 1, who allotted the Perkins, Guthrie, and Stillwater townsites, were chosen in about the usual way of passing out patronage. President Harrison was a Republican and for the first time in eight years the Republicans controlled both branches of Congress.

A little more than two weeks before approval of the act of May 14, 1890, Isaac S. Struble of Iowa, Chairman of the House Committee on the Territories, wrote a letter to the Secretary of the Interior recommending the appointment of David J. McDaid of Sac City, Iowa, as one of the trustees.³

On the day the act was approved, twelve of the thirteen members of the said committee signed a request endorsing Struble's recommendation and stated further that McDaid was "a life-long Republican." On the same day Senators James F. Wilson and W. B. Allison of Iowa endorsed Struble's recommendation.⁴

² Payne Townsite v. Mick et al., 18. L. D. 223. The public land laws contained a provision that a townsite entry where the inhabitants "were in number 100, and less than 200," should embrace not exceeding 320 acres. This provision was not applicable to Perkins and neighboring towns because the Oklahoma Lands were opened under special acts of Congress.

³ Struble's letter bears no date but was received by the Interior Department on April 29, 1890. Letters of this kind in the National Archives, Appointments Division of the Interior Department, are filed in alphabetical order. Membership of the House Committee on the Territories is listed in *Cong. Directory*, 51 Cong. 1 sess., p. 139.

⁴ Allison said of McDaid: "He wants to be a town site Comr. I will be glad to have Mr. Struble gratified in this matter, subordinate of course to the prior claim of Hon. M. M. Walden, who I hope will be appointed in any event."

Bishop Walden Perkins of Kansas, a member of the House Committee on the Territories, on May 22, 1890, recommended to the Secretary of the Interior the name of William H. Merriweather of Girard, Kansas. Perkins said: "Mr. Merriweather was a Union soldier and is a loyal and sincere Republican. He was Register of Deeds of his county for six years, and served one term as a member of the Kansas legislature." Struble and George W. Smith, a member of the House Committee on the Territories, wrote on the letter that they "most heartily" concurred in the recommendation.

The third trustee on Townsite Board No. 1 was John H. Shanklin, a Missouri Democrat who apparently took little part in the allotment of the Perkins townsite. McDaid was president of the board of trustees; Merriweather was secretary.

"Italy" seemed to be clear of adverse claims, the Guthrie land office reported on June 9, 1890.⁵ Apparently no plat was made of "Italy"; a General Land Office letter of July 3, 1890, says that no such plat was on file.⁶ John I. Dille was register of the Guthrie land office. The receiver was Cassius M. Barnes, later governor of Oklahoma Territory.

John Emery Sater, county surveyor of Payne County, prepared a Perkins plat about 19 by 24 inches which is kept in the Perkins Townsite Papers in the National Archives.⁷ The plat was received for filing at the Guthrie land office, July 10, 1890. On the same day James F. Lockett, mayor of the town, made application to that office to amend the application filed by Nathaniel Miller to the extent of changing the name of the town from "Italy" to "Perkins."⁸ The plat and Lockett's application were forwarded to Washington on July 29.

⁵ John I. Dille and C. M. Barnes to Com. Gen. Land Office, NA (National Archives), GLO (Gen. Land Office), "Combined Townsites," Box 134.

⁶ Com. Lewis A. Groff to J. E. Stanton, July 3, 1890, NA, GLO, "Townsites," vol. 4, p. 81.

⁷ A copy of the plat, showing when it was made and by whom, was not available in the office of the county clerk or elsewhere in Payne County until the office of the county engineer purchased one recently. The plat bears J. E. Sater's sworn statement that it is a true and correct plat of the town of "Perkins" as surveyed and platted by him on June 16-20, 1890. It embraces 40 acres, includes the south half of the present school block, and extends three blocks farther south. The plat shows that Sater subscribed the affidavit before Frank J. Wikoff, county judge of Sixth (Payne) County. All lots are 25 by 140 feet except in the north tier where they are 14 by 140 feet. All streets are 80 feet wide except Cherry Street (now Main Street) and D Avenue which are 40 feet wide, according to the plat.

("John Emery Sater, Member of the Constitutional Convention," in *The Chronicles of Oklahoma*, Vol. XXIII, No. 3 [Autumn, 1945], pp. 296-97; in *ibid.*, Vol. VIII, No. 4 [December, 1930], p. 456; and in "An Incident in the Early History of Dewey County," *ibid.*, Vol. III, No. 4 [December, 1925], p. 289.—Ed.)

⁸ On July 11, 1890, the General Land Office informed the Guthrie land office that "applications to commute under act of May 14, 1890, may be received and proceeded with." NA, GLO, "Telegrams," vol. 20, p. 146.

The town of Perkins was named for Bishop Walden Perkins, Congressman from Kansas.⁹ He was born in Rochester, Ohio, October 18, 1841. He prospected through California and New Mexico, served four years in the Union Army during the Civil War, and practiced law in Indiana and Kansas. For two years he was local county attorney for the Missouri, Kansas and Texas Railroad. He became editor of the *Oswego Register* in 1873. He served in the House of Representatives from March 4, 1883, to March 3, 1891, and his service in the United States Senate extended from June 1, 1892, to March 3, 1893. He died June 20, 1894.

The Interior Department on December 9, 1890, directed David J. McDauid, chairman of the board of townsite trustees, to make entry for the Perkins townsite. Formal application for entry of the forty-acre tract was made February 26, 1891. A hearing was ordered on the application, at the Guthrie land office. March 13 was the date set.

Notice of the time and place of the hearing was published in *The Perkins Plaindealer*, according to minutes kept by the trustees. Notice was given that proof would then be submitted respecting the occupancy of the tract for purposes of trade and business, the number of inhabitants located on the tract, the extent and value of improvements thereon, the claim of the townsite settlers to the tract, the right of the trustees to enter the same as a townsite in trust for the occupants, as well as upon all questions relating thereto.

James F. Lockett and John Ricketts were named as witnesses by whose testimony the foregoing claim of the inhabitants would be established. The hearing was held March 13, 1891. On that day the trustees entered the tract, in trust, for the use and benefit of the inhabitants residing thereon. The trustees approved the plat on March 14, and it was transmitted to the General Land Office on May 14.

The Perkins townsite was on land to which the government had acquired title by the Louisiana Purchase, 1803. The government conveyed title to the Creek nation in 1833, but recovered its title by purchase in 1889. It was necessary for the inhabitants of the townsite to purchase the townsite from the federal government. According to the minutes of the trustees, "the purchase price of \$1.25 per acre was paid, from funds furnished by the inhabitants of said Town of Perkins, and a receipt therefor obtained." The minutes fill ten pages of the "Journal of Proceedings" in the National Archives.¹⁰

⁹ There is a sketch of Bishop Walden Perkin's life in *Biographical Directory of the American Congress, 1774-1927*, p. 1401. See also Charles N. Gould, *Oklahoma Place Names*, p. 82.

¹⁰ "Journal of Proceedings," pp. 50-59, which comprises volume 170 of the "Record of Townsite Boards." It is an excellent contemporary record of events from February 26 to June 25, 1891, in the allotment of the Perkins townsite. It records the names of persons who received lots, the location of lots, and the approximate order in which lots were awarded.

On March 17, 1891, Receipt No. 618 was issued to the trustees for the 40 acres of the townsite.

On March 25, 1891, the inhabitants of Perkins were notified that on April 20 the trustees would proceed to set off and allot to the several occupants of lots, according to their respective interests, the lots to which each would be found entitled. The inhabitants were notified that forms of "application for deeds" would be furnished them by the trustees, that on the forms claimants should file their applications with the trustees prior to April 20, and that applications would not be received at a later date for a lot or lots already claimed by another unless a legal excuse were given for such filing after the date prescribed in the notice.

Owing to sickness and absence of one of the trustees the meeting of April 20 was delayed until April 27. On that day the trustees examined and classified applications into uncontested and contested claims, completed the valuation of lots and improvements, estimated the probable total expenses connected with the deeding of the townsite, fixed the levy rate at 3½ percent on the assessed valuation of \$8,535, and began the preparation of a "tax list" in accordance with the levy. This valuation did not include improvements on lots.

Between April 28 and June 25, 1891, the board of trustees prepared deeds to lots in Perkins and delivered them to the following persons:

Geo. Adams, J. C. Appleman, M. G. Bain, O. P. Bayne, E. M. Bice, Frank Bice, Geo. J. Bond, Mary J. Bond, Ephraim D. Bowen, Lucy J. Brady, Adison P. Brown, A. T. Brown, J. N. Carter, Franklin Castleberry, Warren Chantry, M. B. Christopher, D. I. Clelland, E. P. Coats, Claiborne Collier, Emeline Coverdale, Richard Crabtree, L. W. Crawford, W. G. Crouch, W. H. Crouch, Maggie E. Culbertson.

N. J. De Vault, James E. Edwards, M. J. Edwards, Benjamin M. Ellis, N. M. Enloe, Geo. W. Foughty, Geo. Gibson, Nancy Goodwin, Mary J. Hansbro, W. T. Higdon, A. W. Hcagland, Emma Hoagland, W. E. Hoagland, F. A. Hockett, J. J. Hollingsworth, Sarah Hollingsworth, Geo. L. Hudson, W. P. Hunt, Florence Iddings, Geo. B. Jenness, Lavina R. Jenness, R. E. Jenness, Albert Kenworthy, A. J. Kimmons, F. M. Kimmons, Geo. D. Knipe, Hannah Krater, James F. Lockett, Viola Lockett, H. J. Lukens, Albert Martin, A. E. McClintock, C. H. Mendenhall.

Nathaniel Miller, Chas. S. Miles, J. A. Miles, J. L. Mills, Chas. S. Minor, Edwin Minor, Geo. W. Minor, John L. Minor, Lucy A. Minor, W. T. Minor, Geo. W. Morgan, Martha E. Morgan, John A. Neaves, N. E. Neaves, B. H. Overholser, Jennie Paddleford, John N. Peter, Otis Porter, Leslie Pritner, M. E. Rankin, John Ricketts, Henry Schreiber, L. D. Sheldon, Noble Snook, Moses Stanley, Jesse E. Stanton, C. J. Stewart, J. E. Stover.

S. A. Stumbó, S. R. Stumbo, Uriah Stumbo, Casmer Sweazy, W. R. Taylor, Charles Tegmeier, Carrie E. Temming, R. V. Temming, E. J. Terrill, I. N. Terrill, Encs D. Teter, James W. Teter, L. D. Teter, E. R. Thomas, John B. Thompson, Fred Tryon, H. H. Quinn, J. P. Vandever, W. R. Van Nortwick, James Westlake, Albert White, A. G. Williams, Frances A. Williams, Cleoria J. Willits, James B. Wood, Robt. S. Young.

There were eleven contest cases for lots, but by June 6, the day set for trials, all cases had been adjusted except one.¹¹ Benjamin M. Ellis and G. W. Minor had conflicting claims for lots 11 and 12, block 14, just northwest of the intersection of Oak Street and D Avenue. In order that they might have a hearing by the trustees, Ellis deposited the expenses for the day, estimated at \$40. Minor failed to make such deposit, his default was entered, the lots were awarded to Ellis, and his \$40 were returned to him.

In reviewing its work on June 25, 1891, the trustees said that the 40-acre townsite of Perkins contained 294 lots, all of which had been deeded to claimants.¹² The total tax levied for allotment was \$298.90, or a levy of 3½ percent on the total valuation placed on the lots. The average expense or tax on each lot, including the payment of the price of the land (\$50), was \$1.01. The average cost, per lot, exclusive of the price of the land was \$.84. A townsite patent for the forty acres was issued to the trustees on August 25, 1891.

The "Mulhall and Perkins Tract Book" in the General Land Office contains twenty-nine pages on the allotment of the Perkins townsite.¹³ For each lot it lists the reputed owner, value of lot, value of improvements, total valuation, to whom conveyed, and the tax.

In laying out Oklahoma townsites it was commonly charged that some persons, by strategy or political maneuvering, unlawfully acquired a portion of a townsite for a homestead, commuted the homestead entry to cash for \$1.25 an acre, and made excessive profits by selling lots. In the case of Perkins the finger of suspicion pointed to Joseph Wert.

"Oklahoma Tract Book," vol. 6, is a contemporary record made in the Guthrie land office.¹⁴ It shows that that office on August 19, 1889, allowed Wert's homestead entry for 120 acres which bordered the future townsite of Perkins on the north and west. For a time Wert may have claimed the future townsite as part of his homestead, but it was not included in his homestead entry at the Guthrie land office. He made cash entry for the 120 acres May 25, 1891, paying \$150 therefor.

¹¹ In tracing the history of townsites, a helpful guide is found in GLO, Div. K, "Pre-emption Docket of Contested Cases, Townsites, Oklahoma," vol. 4.

¹² "Journal of Proceedings," *loc. cit.*, p. 59.

¹³ This is "Tract Book" No. 45. Pages 40-69 relate to Perkins. The tract book of a townsite is organized so that one can readily find the name of the original owner of a lot etc., if he knows the location of the lot. The General Land Office has not transferred the "Oklahoma Tract Books" for townsites and homesteads to the National Archives.

¹⁴ "Oklahoma Tract Book," vol. 6, is in the General Land Office, and gives names of homesteaders whose claims were entered or allowed in the vicinity of

Before the end of the summer the following advertisement appeared in the Perkins *Gateway*: "Wert's Addition. An Addition to the City of Perkins, Containing Business and Residence Property extending to the main streets of and embracing all unsold portions of the west side of the main business street." Will T. Little of Guthrie was manager. The addition consisted of forty acres adjoining the original townsite on the north.

John I. Dille, register of the Guthrie land office, suspected that lands embraced in the cash entry were being used for purposes of business and trade at the time of commutation. He reported the matter, including the advertisement, to the General Land Office on August 29.

Thomas H. Carter, Commissioner of the General Land Office, held that unless it could be shown that Wert's land was actually used for townsite purposes on May 25, 1891, or it could be shown that it was his purpose and intention at that time to use the land or a portion thereof for townsite purposes, then his cash entry must remain intact. On February 18, 1892, a patent was issued to Wert for the land.¹⁵

Homestead papers in the National Archives show that Henry W. Southard made homestead entry for the quarter section just east of the original townsite of Perkins, and commuted the entry to cash January 2, 1891. The east half of the homestead was subsequently included in the Perkins townsite.

James R. Fregate made homestead entry for the quarter section southeast of Perkins, which entry was canceled by relinquishment October 26, 1889. On the same day James M. Freeman made entry for the tract, and proved up at the end of the fifth year.

The forty-acre tract bounding Perkins on the south was not on the tax books until 1902. It was entered in 1889 by William A. Knipe, whose entry was canceled by relinquishment August 12, 1893. On that day entry was made by Harriett Eusebia Knipe whose entry was canceled by relinquishment May 27, 1897. On the same day Bertha R. Combs entered the land and received a final certificate for it in 1902.

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Perkins and Stillwater. For a given tract of land it lists dates of entry, cancellation, relinquishment, and final proof. A cash entry, a final certificate, or the homestead papers of a settler are easily located by use of the file numbers.

¹⁵ John I. Dille to Com. Gen. Land Office, Aug. 29, 1891, NA, GLO, no. 107568-1891. T. H. Carter to register and receiver of Guthrie land office, June 3, 1891, "Oregon and Washington Letter Book," vol. 76, pp. 287-88. Same to same, Sept. 23, 1891, NA, GLO, "Townsites," vol. 7, p. 162. Several Oklahoma "C" letters of the General Land Office prior to December 16, 1891, are in the "Oregon and Washington Letter Books" in the National Archives.

Perkins was a rival of Stillwater for the county seat of Payne County, and was considered as a site for the Oklahoma A. and M. College. An act of the legislature provided that the college be located in Payne County. A donation of \$10,000 and not less than eighty acres was required of the county or municipality in which the college should be located. On June 1, 1891, Governor George W. Steele appointed a commission to locate the college site. According to Frank J. Wikoff, the commission examined an eighty-acre tract at Perkins before selecting the Stillwater site. The commission reported its selection on July 11, 1891.

Two censuses taken in 1890 help preserve the names of persons living in the vicinity of Perkins, and elsewhere in Oklahoma Territory. The First Territorial Census of Oklahoma attempted to record the names of all residents in certain parts of Oklahoma Territory, relationship to head of family, color, sex, age, place of birth, number of years in the United States, length of residence in Oklahoma Territory, whether naturalized, ability to read and write, and if a Union soldier the company and regiment is given.¹⁶ Microfilm copies of the census are in the Oklahoma Historical Society, Oklahoma A. and M. College Library, and in the Library of Congress.

The other Oklahoma census of 1890, never printed, is in "Bundle 141" in the National Archives.¹⁷ In providing for the census Congress directed that it list the "names, organizations, and length of service of those who had served in the Army, Navy, or Marine Corps of the United States" in the Civil War, and who were survivors in 1890, and the widows of soldiers, sailors, or marines.¹⁸ The Oklahoma State Library requested the legislature for funds to make microfilm copies of this census and other records available in Oklahoma.

The census lists the names of individuals who served in the Civil War, the rank, company, name of regiment or vessel, date of enlistment, date of discharge, length of service, address in 1890, and dis-

¹⁶ The First Territorial Census of Oklahoma was provided for by the Act of May 2, 1890 (26 *Statutes*, 81), as follows: "Previous to the first election the governor shall cause a census or enumeration of the inhabitants of the several counties or districts of the Territory to be taken, unless the same shall have been taken and published by the United States, in which case such census and enumeration shall be adopted." The Territorial governor gives the final figures of the census in his report in *H. Ex. Docs.*, 52 Cong. 1 sess., xvi (2935), p. 449. The census contains 1,251 pages.

¹⁷ "Bundle 141" contains 296 pages. The Enumeration Districts are nos. 1-31. "Institutions" are Camp Wade, Fort Gibson Military Reservation, Fort Reno, Fort Sill, Fort Supply, and the Military Post at Oklahoma.

¹⁸ Act of March 1, 1889, 25 *Statutes*, 760. In the National Archives is a "Preliminary Checklist of Schedules of the 1890 Census Enumerating Union Veterans and Widows of Union Veterans of the Civil War," compiled by Evangeline Thurber and Eddie Stokes. It contains 43 typed pages.

ability incurred, if any, during the war. The place where a husband died during the war is often recorded, if his widow was living in 1890.

The value of the two censuses was greatly increased after the regular census of 1890 for virtually all of the United States was destroyed in a Washington fire, January 10, 1921.

No copies of *The Perkins Plaindealer* or of the *Gateway* are known to be in existence. John P. Hinkel established *The Perkins Journal* in support of the Republican party.¹⁹

The earliest copy in the Oklahoma Historical Society is volume one, number three, dated January 21, 1892, indicating that the first issue of the paper appeared January 7, 1892. Files now in the office of the newspaper begin in 1893.

The Perkins townsite serves as a case study to illustrate the wealth of material in the National Archives and other depositories in Washington concerning the founding of towns in Oklahoma Territory. In a single collection in the National Archives are the "Oklahoma Letter Books" comprising 160 volumes of letters written by the General Land Office between December 16, 1891, and July 31, 1900. For many towns including Guthrie, Oklahoma City, Norman, Kingfisher, Stillwater, Ingalls, Perry, and Enid there are tract books, minute books, and dockets of contested cases for town lots.

Cushing, Yale, Glencoe, Ripley, Mehan, and other towns were founded on homesteads on which claimants had proved up, or were founded on lands after the title of the federal government was extinguished. In such cases the federal government had no part in laying out the town, and its records ceased with the extinguishment of its title. However, the homestead papers of settlers in the vicinity of the later townsites contain valuable historical data.

In the National Archives are townsite papers of ghost towns, the sites of which subsequently gravitated into the hands of homesteaders. "Cimarron City," six miles west of Perkins, and "Payne Center," three miles south of Stillwater, are examples.²⁰ For each town there is a plat showing a courthouse block and a block or two for public parks. For each town there is a bundle of papers weighing a pound or more, tied with the well-known red tape of government

¹⁹ In regard to early Perkins newspapers, see Carolyn Foreman, *Oklahoma In* prints, p. 386.

²⁰ "Cimarron City" should not be confused with "Cimarron," which preceded the name, "Perkins." The plat and other papers for "Cimarron City" are in N^o GLO, Townsites, Box 155. Papers for "Payne Center" or "City of Payne" are *ibid.*, Box 150.

depositories. Preserved in these papers, that unfold with considerable resistance, is a story of human greed, venture, hopes, and, for some, failure.²¹

²¹ Letter books containing unpublished decisions of the Commissioner of the General Land Office are rich sources of early urban history. Some decisions of the Secretary of the Interior are published in *Land Decisions*, but this source is enormously supplemented by the unpublished volumes of the "Lands and Railroads Division" of the Interior Department in the National Archives. Great quantities of correspondence from Oklahomans are filed by year and serial number. Heavy volumes called "Register of Letters Received" list by serial number thousands of letters in the files.

The National Archives Building is at Pennsylvania Avenue and Seventh Street, Washington, D. C. It covers a block, has twenty-one decks or floors on which records are stored, and contains one of the finest historical collections in the world for Oklahoma prior to statehood.