

EARLY DAYS IN DAY COUNTY

By O. H. Richards*

When I left Oklahoma Territory in the winter of 1892, I thought then that I would never return, but through a trend of circumstances, I found myself on December, 1897, in Day County, Oklahoma, seeking a location to go into the cattle business.

With its luxuriant buffalo and bunch grass, and many streams, Day County was a Stockman's paradise. Settlers were few and far between, being located along the streams. The principal industry was stock raising. The cow man was supreme. Each cattleman located along a stream—he placed his land filing so that he would control the water. He then fenced off enough government land adjoining his water rights to supply his needs.

Among the early day cow-men were M. F. Word, whose range extended from Red Bluff to the sand hills; Walck Brothers on the Canadian River; George "Boss" Griffis and John Griffis on Little Robe; Charlie Rynearson, southwest of Littlerobe on the Canadian River; Wicker Brothers on Hackberry; George Carr on Turkey Creek. South of the Canadian River were John Dunn, Alec Crawford, John McQuigg, and Will Williams, whose ranges were along the Canadian River, Washita River and Quartermaster River. There were others of course, but their names escape my memory.

Grand was the County seat. It was a sleepy little village, nestling by a beautiful grove. This grove was known as Robinson Springs, and was famous for its fine water. Grand had a court house—a one story building about forty feet by forty feet. There was a general store, with Frank Burnett as proprietor; a post office and hotel, with Adam Walck serving as postmaster and proprietor of the hotel; a blacksmith shop; and a newspaper "The Day County Tribune" with John Dean as Editor and proprietor. Then there was the White Elephant Saloon, the main civic center, and headquarters for entertainment, with John Weaver as proprietor. The class of refreshments served by Mr. Weaver were highly potent and exhilarating. For instance, Mr. Weaver served a customer a drink of whiskey, which he solemnly declared was twenty-one years old. The customer drank, coughed and strangled. After catching his breath, he leaned over the bar and said, "John, if that there likker had been one year older it would have burned my lights out."

* O. H. Richards, a pioneer of Day County, now living near Arnett, Ellis County, Oklahoma, contributed the article, "Memories of an 89'er," *The Chronicles of Oklahoma*, Vol. XXVI, No. 1 (Spring, 1948).—Ed.

The County government was in charge of H. I. Walck, County Clerk; O. E. Null, Deputy; Ed Downing, County Treasurer; Jake Bull, Sheriff; and Della Cann, Superintendent.

Grand did not have a lawyer or doctor. Every man respected the rights of others. Personal difficulties were settled in primitive fashion. Petty thievery was unknown. No one ever locked his doors when he left home. There was no rush, no bickering or envying, or crowding there. It was Grand and well named. The Law had not yet arrived.

There was a firm and deep set opinion in the minds of the first settlers in Day County, that this section of Oklahoma would never be a farming country. This opinion was pronounced. I remember that Hi Walck and I were hunting stray cattle in the region about where Arnett now stands, in the summer of 1898. We startled a bunch of antelope. As they disappeared over a distant rise we regretted that we had not brought along our rifles so that we could have bagged a couple of them.

Mile upon mile before our eyes stretched an undulating sea of grass, broken only by small groups of cattle grazing in the distance. As we rode along, I recall a prophecy Hi made. Hi said "Ote, do you know that the day will come when every quarter section of this country will have on it a white house, a red barn and a wind mill, and all of this grass will be plowed under?"

I also remember my answer, "Hi of all the darn fool predictions I ever heard! This one is the limit! I don't believe it, and I don't think you do either."

Hi qualified his statement by saying, "It might be a long time before these events take place, perhaps not in our lifetime, but that time will surely come."

How little we know of the future! His was the voice of prophecy. In less than three years from that date there was hardly a vacant quarter section of land in Day County, or Western Oklahoma for that matter.

The "Man With the Hoe" had arrived. The "Man With the Hoe," the Law and Medicine all arrived about the same time. The Law was represented by Mr. Charles Swindall, a tall, serious young man just out of law school from his native state of Texas. There

being a vacancy in the office of County Attorney, Mr. Swindall was appointed to that position.¹

There was a session of District Court held in Grand that fall, with Federal Judge John L. McAtee from Enid presiding. There were three murder cases on the docket. Here it was that Charlie received his first introduction as a prosecuting attorney. There was a grand jury, a petit jury, and the whole legal works. The law had arrived with a vengeance.

It has been my pleasure to see that young, untried lawyer go from a prosecuting attorney in Day County, to District Judge, on to Congressman and at last to a term on the Supreme Court Bench of Oklahoma before he passed away.

Medicine arrived in the person of a youthful, quiet spoken, gentleman named Dr. O. C. Newman, from Ohio. He was just out of medical school and looking for a location. We gave the Doctor a hearty welcome, told him that no one ever got sick out here, but that the way settlers were coming, it might be a good idea to "stick around." The Doctor "stuck" around and soon his practice extended from the state line on the west to Turkey Creek on the east, to the Washita River on the South.

His chief method of transportation was a cow pony named Frog. Frog was a genuine misanthrope. He had a mean eye, and a sour disposition. He could buck and do the "sun fish" with the most accomplished cow ponies. Many were the painful sessions the Doctor had with Frog before he conquered, and took his degree as a bronc buster.

At that time, all the young doctor hoped to be was just a good country doctor. If he could have, by some necromancy, gazed far into the future he would have been amazed! Little did he think then that he would be at the head of one of the finest and best equipped hospitals in Oklahoma. He is, however, at the head of his own hospital at Shattuck, Oklahoma, assisted by his three sons, Roy, Floyd and Haskell. Each one is a specialist in some field of the medical profession. He is a member of the American College of Surgeons—the highest honor granted any physician, and an honored member

¹ Charles Swindall was born February 13, 1876, at Terrell, Texas. After his graduation from Cumberland University (Tennessee) in 1897, he came to Woodward, Oklahoma Territory, and thence to Day County. He served as County Attorney of Day County from 1898 to 1900, with the distinction of having begun his duties as the youngest County Attorney in the Territory. He practiced law at Woodward and was prosecutor for the Texas Cattle Raisers Association from 1900 to 1907. Active in politics, he was Republican State Committeeman from 1912, and delegate to the National Convention in 1916. He served out the unexpired term of Hon. Dick T. Morgan, in the 66th Congress, 8th Congressional District in Oklahoma. He was elected and served as District Judge, 20th Judicial District, 1924-29; and as Justice of the Supreme Court of Oklahoma, 1929-35. He died on June 19, 1939, survived by his wife, Emma Endres Swindall, who resides in Oklahoma City.—Ed.

of the Oklahoma Hall of Fame, an organization that did not even exist at the time he was a doctor in Day County. But little as he may have dreamed it, such is a fact. That young doctor has come a long way since he located in Grand, and his only means of transportation was an evil minded cow pony named Frog. The Horatio Alger of fiction was just a "piker" compared to the hardships, and poverty surmounted by Dr. O. C. Newman, in gaining his present pinnacle of success.

And thus the old order changeth. Day County passed from the hands of the cowman to that of the homesteader and Hi Walck's prophecies came true.² Grand began to put on airs with the arrival of the "Man with the Hoe," the Law, and Medicine.

An organizer for the Woodmen of the World came to town, and all the boys "fell over" each other to join—it being a fraternal as well as an insurance organization. Its members felt themselves exclusive from the common herd. How proud we were of our W. O. W. buttons! How punctilious we greeted a brother with the sign and grip of a Woodman.

The order first met in the court house. O. E. Null was the first consul commander, and has been the mainstay of the order ever since. The lodge gained in membership and soon they erected a two story building of their own. It was dedicated with a grand ball. Every Woodman was present, arrayed in his best suit of clothes, accompanied by his wife or sweetheart. Never in Grand's history was there assembled as many white collars and clean shaves as on this eventful night. The dancing continued until the early morning hours and not until then was sounded "Home Sweet Home" on the violins and guitar, and the weary musicians put away their instruments and crept out into the dawn.

From that time on, the Woodman lodge was the arbiter of every-thing social in Grand. Their socials and dances will always be remembered by the few of that gallant band that still remain. Over forty years have passed since the dedication of that old Woodman hall, but the memories of that night linger on—some of life's immortells that never fade.

² References to the history of Day County, Oklahoma Territory, were given by M. A. Ranck in "Some Remnants of Frontier Journalism," *Chronicles of Oklahoma*, Vol. VIII, No. 4 (December, 1930), in which the following statement appears on the organization of the County when the surplus lands of the Cheyenne and Arapaho Reservation were opened to white settlement on April 19, 1892 (p. 378): "The northwest corner of the Cheyenne and Arapaho country was first designated as 'E' County. Soon afterward it was named Day County and the location for a county seat was called Ioland. Here the first court house was built and county government was organized. . . ." By order of the County Commissioners, the county seat was changed from Ioland to Grand on November 13, 1893. On Monday of that date, the county officials and their office records and equipment were moved to the new location at Grand "where a large tent was awaiting occupancy in a fine grove of timber, and was soon converted into a court house." (*ibid.*, p. 381.)—Ed.

After Arnett became the County seat, the hall was moved to Arnett. The membership was transferred there, also. In Grand we thought it was quite a structure, it being the only two story structure in town. In Arnett it seemed to shrink and become smaller, but every one of those old time Woodmen looked upon it with a tender eye as they recalled the gay parties and dances held within its hal-
lowed walls.

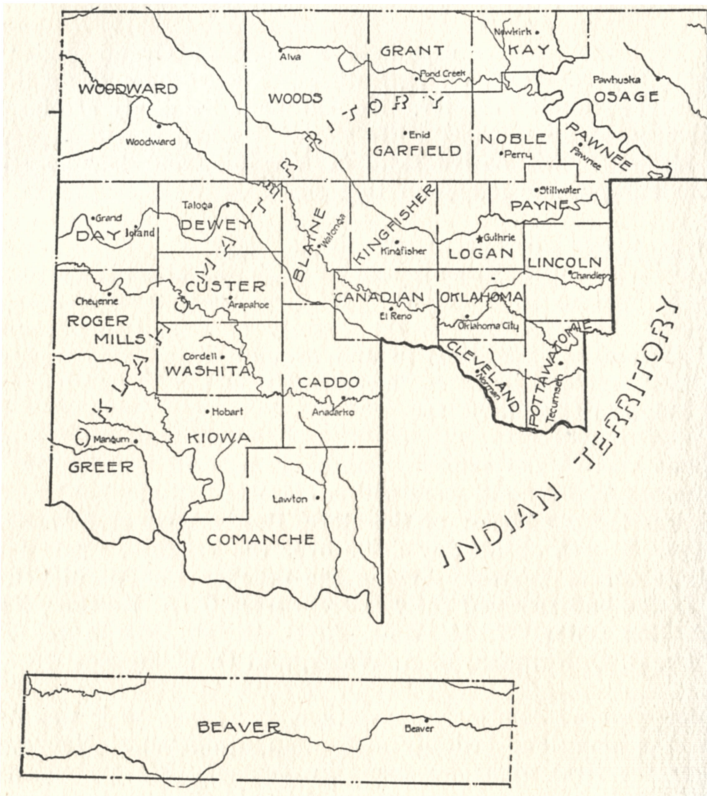
In 1902 the Masons organized a lodge at Grand under the direction of the late William H. Suthers. Mr. Suthers was a thirty-second degree Knight Templar. He had made the study of Masonry, its symbolism and traditions a life work. He had served as deputy Grand Master in his native state of Virginia, and had organized numerous subordinate lodges in that state.

When it was decided to organize a lodge at Grand, we were fortunate in having a Masonic scholar with the attainments of Mr. Suthers to lead us in our work. At first there were not enough members of the fraternity in the vicinity of Grand to organize a lodge. A number of citizens in and around Grand who wished to become members petitioned for membership in the Texmo lodge, the nearest lodge to Grand.

Texmo was in the extreme Southeast part of the county, and was composed of a general store with a Masonic hall above—Mr. Pleas Tackett was the proprietor of the store, Post Master and Master of the Lodge. It was an all day drive over the roughest roads I ever traveled to get to Texmo. Among the number who petitioned the Texmo Lodge and received their degrees were G. A. Bigelow, Frank Burnett, Bob Oates, W. M. Hale, A. S. Buran, Joseph L. (Doc) Smith, Dr. O. C. Newman, L. A. Walck, and O. H. Richards.

There were no hotel accommodations at Texmo, so it was necessary to take along our bedding and camp equipment. How well I remember the first night we spent in Texmo! We arrived about sundown, tired, dusty and hungry—pilgrims in the search of Masonic light. We were heartily welcomed by Mr. Tackett and given the freedom of the city, which meant the store building and the lodge hall above. We prepared our supper over the heating stove in the store. We boiled coffee, fried bacon and eggs, and sampled each variety of canned fruit that Mr. Tackett had in stock.

By the time we had finished supper, the members of the Texmo lodge had begun to arrive. Soon the lodge was opened and preparation made to receive candidates for the Entered Apprentice degree from Grand. It was long after midnight before the degree work was finished. Worn out and exhausted we spread our blankets on the lodge-room floor and slept until the sun was high in the East.



Map showing counties in Oklahoma Territory, 1901-07. Day County, originally designated as "County E," comprised 30 townships in the northwestern corner of the Cheyenne-Arapaho reservation opened to white settlement on April 19, 1892.)

We cooked our breakfast over the stove in the store again. Then we started on the long trek to Grand,—I might say that the roads were just as rough as when we came down.

It required two more trips to Texmo under about the same conditions before we received our masters' degrees. Upon receiving our degrees from Texmo Lodge, we asked for and received our dimits. We proceeded at once to the organization of St. Albans Lodge No. 81 Grand, under dispensation. The first officers were William H. Suthers, Worshipful Master; Albert S. Burran, Senior Warden; Otis H. Richards, Junior Warden; David Hogg, Treasurer; Oscar C. Newman, Secretary; Edward E. Shirley, Senior Deacon; Leonard A. Walck, Junior Deacon; Wm. M. Hale, Senior Stewart; Joseph L. Smith; Junior Stewart; and Grandville A. Bigelow, Tyler. The lodge met in the Woodman hall that being the only building in town suitable for lodge purposes. The lodge flourished from the start. The night was never so cold or rainy as to prevent a full attendance at the meetings. Judge W. R. Brown, grand lecturer for the A. F. & A. M. in Oklahoma territory paid St. Albans Lodge the compliment of being one of the livest lodges in the Territory, and our master W. H. Suthers one of the most brilliant Masons he ever met.

After statehood the Grand Jurisdiction of A. F. & A. M. Oklahoma Territory and Indian Territory were consolidated and St. Albans Lodge No. 81 was transferred to Arnett and became St. Albans Lodge, 192. A large number of those pioneer Masons have passed on; their rugged souls have gone out on the night wind to meet in the celestial lodge above; among them are W. H. Suthers, G. A. Bigelow, David Hogg, Joseph L. Smith, W. M. Hale, F. M. Carmichel, Samuel A. Miller, Frank M. Sandford, and R. A. Hutchinson.³

When Day County passed from the hands of the cow man to that of the homesteader, a lot of readjusting took place. The cattle men that remained, cut down their herds to the land they owned or controlled or else moved out.

There was another readjustment that the settler had to make, one that did not appear on the surface but one that was pronounced, and far reaching, and that was the merging of the sectionalism of the south with the prejudices of the north.

³ With the adoption of the State Constitution, Day County was organized as parts of Ellis and of Roger Mills counties, Oklahoma. Ellis County was named after Albert H. Ellis, Vice President of the Constitutional Convention, at Guthrie in 1906. Mr. Ellis with the committee on county boundaries paid this section a visit to decide on the boundary lines of the new county. The late "Cap" Mitchell, Editor of the *Shattuck Monitor* and a friend of Mr. Ellis, gave a party at the hotel for Mr. Ellis and the Committee. It was decided there to call the new county "Ellis." (Roger Mills County was named for Roger Q. Mills who was then U. S. Senator from Texas.—Ed.)

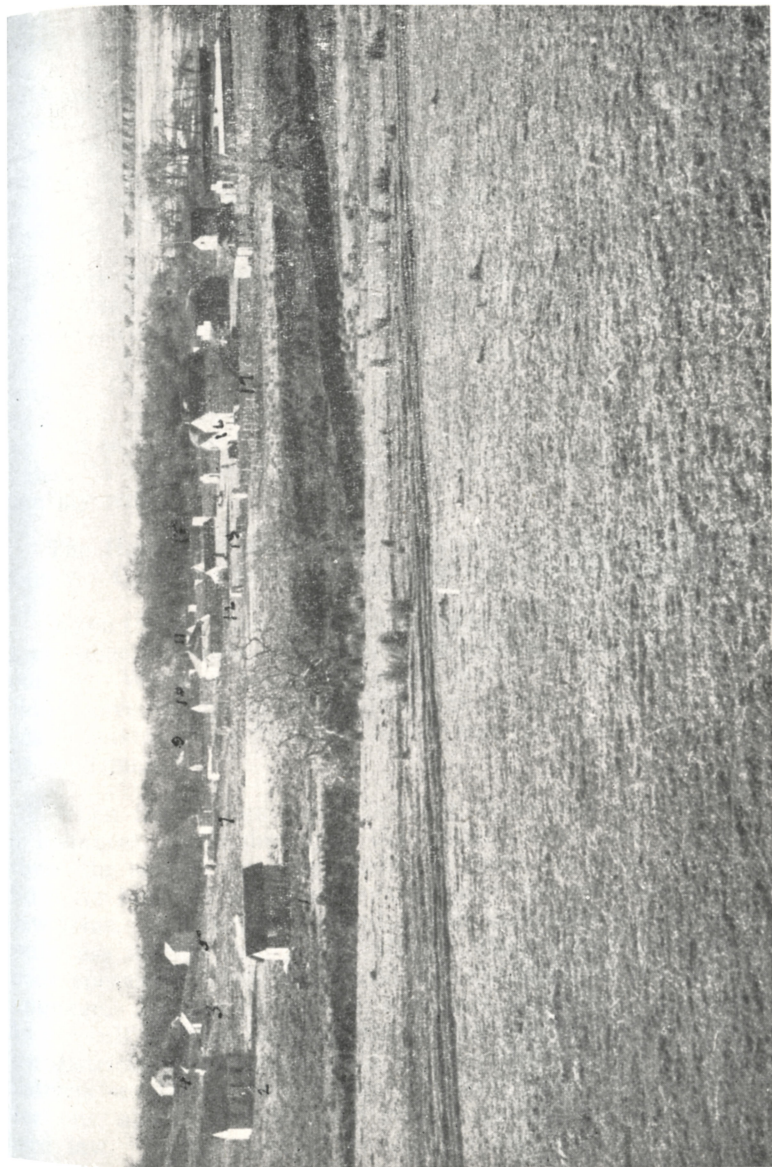
The Kansas homesteader had as a neighbor a homesteader from Texas. There was nothing in common in their political and social back ground, a back-wash of the Civil war, and the latter days of the trail herds from Texas, in their fights with the Kansas nesters. Before the Kansas and Texas homesteader met they each had a very low opinion of the other.

When one has neighbors, one should try to get along with them. It was not long until the Kansas man called on the Texas man to borrow his saddle; and the Texas man called on the Kansas man for the use of his breaking plow. The ice was broken. They exchanged views on the best crops to raise. The Texas man thought that cotton was the best crop, the Kansas man was sure that wheat would do well here. The men exchanged ideas; they met on common ground both trying to wrest a living from the soil, they became friends and even "joshed" each other on their respective political views; each man respected the other. There was a readjustment of ideas all around. In this blending of the north with the south, the early settlers in Day County were the most cosmopolitan to be found in the union.

In the matter of experimenting with crops the A. & M. College at Stillwater had nothing on the early settlers of Day County. They planted corn, wheat, cotton, broom corn, oats cowpeas, alfalfa, millet. In fact everything that was grown in Texas, or Kansas was tried out in Day County. Broom corn became the principal crop the first few years as this crop was especially adapted to sod. Shattuck at that time was known as the broomcorn capital of the west, owing to the amount shipped from that point.

The first settlers believed in education. Their school houses were rather humble structures, they were built of sod, rawhide lumber (cottonwood) and even dugouts, but they became the civic centers of the community. It was in these school houses, the settlers met for church, Sunday school, pie socials, literaries and at these gatherings you can be sure there was always a full attendance; then there were the picnics at Walck's Grove. Everyone came and everyone enjoyed himself. For entertainment they had ball games, pony races and dancing—don't forget the dancing, for believe me they danced in those days.

One thing that struck a person was the optimism of the first settlers. Each settler believed he had the best claim, the best horses, and best milk cow to be had. I recall an amusing incident on this line in which there was a fly in the ointment. A bunch of us were taking dinner at the Walck hotel. Gathered around the table were men from all parts of the county. All strangers to each other. Talk drifted from the herd law question, the main one at the time to the respective merits of each others claims, horses, cows, and so forth.



Grand, Day County, 1904—(1) Dr. O. C. Newman, Residence; (2) School House; (3) S. A. Miller, Residence; (4) Hi Walck, Residence & (5) Barn; (7) Jail; (9) Judge Alcorn, Residence; (10) Null & Wright, Office; (11) Court House; (12) Sam Culp, Store; (13) Bank; (15) Shannon McCray, Residence; (16) Howlett Store; (17) Woodman's Hall, other buildings unidentified.

In all the conversation there was a trend of satisfaction and well being in their possessions, hopefulness and contentment. Adam Walck at the head of the table was listening to all the conversation in smiling approval. Being somewhat of a philosopher, he gave out from his vast experience the following observation: "In my experience as a pioneer in several states I have noticed that the pioneers as a rule are always satisfied in their possessions; each settler believes he has the best claim, the finest horses, the most prolific milk cows, the most attractive wife and smartest children of any of his neighbors. It is a happy condition."

There was a gentleman present who had not taken part in the conversation. He had evidently been partaking of some of John Weaver's white mule, but he aroused at the conclusion of Mr. Walck's speech, and delivered the following: "Got the best claim in Day County. Got team horses, that kin out pull any you fellows' horses, for money, marbles or chalk. Got a cow that gives tub of milk every day, but say Mister," and here he pointed an accusing finger at Mr. Walck, "I want you to know I've seen lots of women I'd rather have than my wife."

The Herd Law issue at one time was the dominant one in Day County. I for one never got wrought up over the Herd Law issue.

When the cow man found his pastures all taken he was bewildered. It was something new. This was a cow country. This was no farming country. Whoever heard of anyone trying to farm this far west? Didn't have enough rainfall. This was strictly a cow country. The idea of making this a farming country was ridiculous. Thus reasoned the cattleman.

When the settlers began farming, there was some conflict and in instances, cattle destroyed the settler's crop, but in most cases where the settler who was unable to fence his crop, the cattleman did it for him. It was these isolated cases that gave rise to the Herd Law issue. A bunch of designing lads said here was an issue they could use to ride into public office. They called meetings. They made speeches. They denounced the cattleman in the most violent language. He was an outcast, a menace to society. He had to go. As a result of these meetings the county was divided into nine herd law districts, and elections held to determine whether the respective districts would be Free Range or Herd Law. The result of the elections, about one-half voted free range and the other half voted herd law. In one district the election was contested, and I don't remember the outcome.

That fall the settlers called a convention and organized the Citizens Herd Law Party and placed a full county ticket in the field in opposition to the Independent county ticket.

The Herd Law Party held their convention on Packsaddle Creek, and was always referred to thereafter as the Packsaddle convention. After that convention the fireworks started. There were meetings, and picnics held galore, and the way those Herd Law candidates blistered the cow men and the Independent candidates was a sight. It was something fierce.

A cow man attended one of their meetings in which one of the speakers denounced the cattlemen in the most vituperative language. After the meeting the cowman remarked: "You know I am going to discard my Stetson hat, boots and spurs, get me a straw hat, overalls, and plow shoes and make 'em think I am a granger. I didn't know I was such a degraded cuss."

After the election, the vote showed the Herd Law ticket carried the county with the excepting of Sheriff. The Independents won that office, with Joseph L. (Doc) Smith.

I have frequently been asked to account for the rapid settlement of Day County and Western Oklahoma when for a period of eight years, these lands were open for any one who chose to come. One of the major causes was the passage of the Free Home Bill sponsored by Dennis Flynn, our delegate to Congress.

The old law required the settler on government land, to reside on his claim for a period of five years and pay \$1.25 per acre. The new law—Free Home Bill—only required five years residence to obtain title. Western Oklahoma was the last frontier. It was the last chance to get a free home.

At the end of five years, when the settler had completed his residence on his homestead, and was able to perfect his title, and obtain a patent from the government, another change began. The mortgage loan companies and their agents arrived. Every town in Western Oklahoma had from three to four loan agents. Grand had four at one time, all eager for business. The rate of interest charged was usually 7 per cent, and 3 per cent commission, and ran from 5 to 7 years.

The 3 per cent commission, went to the agent, and was secured by a second mortgage on the lands. Those settlers who were located on the poorest claims, least adapted to farming, were the first to secure loans. The average loan on this class of land was from \$500.00 to \$600.00. With the proceeds of the loan a large number of these settlers quit the country and let their land revert to the loan company or else sold it to some cattle man for grazing purposes.

Those settlers who were fortunate enough to settle on the level or rolling land stayed on and improved their claims, built better homes, better barns, better school houses. By trial and error the homesteader found out for himself the land that was best adapted for

farming and that best adapted for grazing. When you ride across that range southeast of Arnett, now known as the Davison pasture, with its wide sweep of grass land, stretching away in the distance, no human habitation in sight with its grazing cattle, and lonely wind-mills it is hard to realize that once there was a claim shack and settler on every quarter.

George E. Davison was the first large cattle operator to grasp the opportunity of blocking these homesteads together into one large holding. In 1910 Mr. Davison began securing title or lease to these lands and inside of four years he had acquired over eighty sections, making it perhaps the largest ranch in Oklahoma.

About this time there appeared a bunch of land speculators whose stay was short and in which the general public had very little knowledge. Their *modus operandi* was about as follows: As an example there appeared in the Register of Deeds office a transfer of 320 acres of sand hill land in which the consideration was named as \$5,000.00. In a short time another transfer of this land would show up in which the consideration was given as \$12,000.00 in which the purchaser paid \$6,000.00 cash and a mortgage on the land for the remaining \$6,000.00. There was something phoney about the deal, because the land in the first place could have been bought for \$1,000.00. There were a number of transactions similar to the above taking place, and the land was always the poorest in quality.

About a year after these transactions took place, there appeared a gentleman in the Register of Deeds office, inquiring about the land described in the \$12,000.00 deal. He told the Register that he was the holder of the mortgage on the land, that no interest had been paid, that all his letters to the mortgagor had been returned, and that he thought he had better come out and see what was wrong. He said he was from Iowa and a dentist by profession.

After the Register had checked the various transfers, and mortgage assignments, on the land, he turned to the dentist and asked him if he paid face value for the mortgage. To this question, the dentist said he paid \$5,000.00 for the mortgage. "I thought I was getting a bargain. The holder claimed to be cramped for money, and offered to shave the price \$1,000.00 if I would buy it. What would this land be worth," he inquired of the Register, "if I have to foreclose?"

"I would say about \$1,000.00," was the reply, "but you had better go and see the land for yourself."

Getting directions the dentist drove out to look at the land. On his return he came into the Registers office looking sad and crest-fallen.

"What did you find out?" the Register inquired.

“Well I found out you placed too high a valuation on the land, and another thing, no one around here ever heard of those fellows named in the various transfers. I guess I’ve been taken for a ride. I will have to fill a lot of teeth to make up for my loss in that land deal.”

In conclusion I will say that Grand today is but a memory. The buildings have long since been removed. Its streets have gone back to grass, and are now in a cow pasture. The old Walck hotel still remains but has passed in alien hands. They have a lake up at the grove fed by the springs, which makes an ideal spot for summer picnics and swimming.

Once a year the pioneers of old Day county hold their annual picnic at Walck’s Grove, and what a foregathering it is. Those old boys and old girls live again those glamorous care free days of the long ago. And one of the favorite expressions you hear when two or three of them get together is “Say do you remember when?” The ranks of the Old Guard that settled in Day County are growing less each year, but in the last gathering they will have, and the last thing said will be “Say, do you remember when?”