

How did law, order, and growth develop in Oklahoma?

Where did the name “Oklahoma” originate? In 1866, the U.S. and Five Civilized Tribes signed the *Reconstruction* treaties. That was when Choctaw Chief Allen Wright coined the word “Oklahoma.” He made it from two Choctaw words, “okla” and “humma,” meaning “Land of the Red Man.” He meant it for the eastern half of Indian Territory, the home of the five tribes. In later years, however, “Oklahoma country” became the common name for the Unassigned Lands. It was 1890 when the western half of the old Indian Territory became the Territory of Oklahoma.



Allen Wright
Oklahoma Historical
Society



What was provisional government? On April 23, 1889, the day after the Land Run, settlers met in Oklahoma City and Guthrie to set up temporary governments. Other towns followed suit. Soon all the towns on the prairie had a type of skeleton government, usually run by a mayor.

Homesteaders also chose town marshals and school boards. They chose committees to resolve dispute over land claims. Surveyors mapped out Guthrie and Oklahoma City. There were disputes about an unofficial government making official property lines, but, later, the surveys were declared legal. Today, they remain the basis for land titles in those cities.

The temporary or *provisional* governments were indeed “unofficial.” They succeeded only because the majority of people agreed to their authority. Not everyone agreed, however, and crime was hard to control. Often troops from Fort Reno closed the gap between order and disorder. The army’s presence controlled violence enough to keep settlers there.

Within a few weeks, most of the new towns laid foundations for banks, cafes, and other businesses. Tent cities were disappearing. Permanent homes were replacing them.

How did rural life develop? Life on the prairie was harder than in town. A lack of lumber and other construction supplies made it impossible to put up real houses in the first year. Instead, families lived in

“*dugouts*” and “*soddies*.” *Dugouts* were shelters dug from a hillside and covered with logs and dirt roofs. *Soddies* were homes made from blocks of turf, which were stacked like bricks.

The prairie had never been plowed, and May was too late to plant most crops, anyway. Some settlers ran out of money before their land could support them and had to accept aid from the government. But the pioneers were hard-working people. Before long, most of them prospered.

By July 1889, settlers saw the challenges of living without an official government. They held meetings at Guthrie and Frisco to discuss the problem. The group at Guthrie voted to organize a government immediately, while the people at Frisco favored waiting for permission from Congress. The Guthrie group later met again and sent a statement to Congress about the issue.

What was No Man’s Land? President Harrison signed the Organic Act in 1890. It placed each tribal area, as it opened to homesteaders, in the Territory of Oklahoma. It also placed the Public Land Strip, or No Man’s Land, in it. The Adams-Onís Treaty had drawn the eastern boundary of the land strip in 1819. Then, at the end of the Mexican War in 1848, the Treaty of Guadalupe drew the western boundary. The Compromise of 1850 set the northern edge of Texas at 36° 30’ N. Latitude. The southern edge of Kansas Territory was set in 1854 at 37° N. Latitude, leaving a gap between it and Texas. These borders had left the Public Land Strip ungoverned. It was not a part of any state or territory prior to the Organic Act of 1890 and had never been declared a territory by itself.

People nicknamed the strip No Man’s Land because of its orphan status. The Cimarron River ran through it, so they also called it Cimarron Territory. As a *refuge* for gamblers, cattle rustlers, and almost every kind of outlaw, it was also called Robbers’ Roost. During the search for pastures in the 1880s, cattlemen moved into the area. “Nesters” (settlers) followed. Both groups found themselves and their property in constant danger from criminals there.

By 1886, there were three thousand settlers in the Public Land Strip. They formed a *vigilante* committee to protect themselves and to drive away the outlaws. By 1887, the population grew to six thousand and wanted actual government. The people petitioned to make the Public Land Strip a territory of the United States. Instead, Congress made it a county in the Territory of Oklahoma. It was subject to the laws and

courts of that government.

What was territorial government? The Organic Act outlined seven counties. It gave them numbers, not names. Later they became Logan, Oklahoma, Cleveland, Canadian, Kingfisher, and Payne Counties. No Man's Land became Beaver County. The Act named Guthrie as the

temporary capital, stating that a permanent one could be named later. The President appointed George Washington Steele, an attorney from Indiana, as first territorial governor.

In addition, the Organic Act created a Supreme Court. It had three judges who were also District Judges. It set up a *bicameral*, or two-chamber, legislature with thirty-nine members. The twenty-six house members and thirteen council members were to be elected by the people, along with one delegate to the U.S. Congress. The President would appoint a District Attorney, Secretary of the Territory, and other officials. The governor would appoint local, county and township officials until elections filled those posts.

An election chose legislators on August 5, 1890, and

they first met on August 29. They authorized taxes and passed laws over commerce and industry. They gave importance to certain towns by placing a university at Norman, an agricultural and mechanical college at Stillwater, and a normal school at Edmond. (A "normal" school trained teachers.) On December 25, 1890, they passed an act to create a public school system for children.

These achievements in the eighteen months since the first land run and the six months since the Organic Act were impressive. However,



G. W. Steele, 1890-1891



R. Martin, 1891



A. J. Seay, 1892-1893



C. Renfrow, 1893-1897



C. M. Barnes, 1897-1901



W. M. Jenkins, 1901



C. W. Grimes, 1901



T. B. Ferguson, 1901-1906



F. Frantz, 1906-1907

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the men spent much of their time arguing over a permanent capital. They passed bills making first Oklahoma City and then Kingfisher the capital, but the governor vetoed both of them. Congress passed an act in 1891 that prohibited removal of the capital but also prohibited the construction of an actual capitol (building). Therefore, lawmakers and other officials worked in rented rooms for the rest of the territorial period.

The first legislative session lasted 120 days and completed the organization of county, city, and territorial governments.

Who were the territorial governors? During Oklahoma's territorial period, nine men served as governor. Seven were appointed. Two were serving as Secretary of the Territory when a governor resigned, and they became acting governors. Eight governors were Republicans.

George W. Steele had been a congressman in Indiana for six years before his appointment as governor of Oklahoma Territory. He served from May 22, 1890, to October 18, 1891. By his vetoes of the territorial capital bills, he angered several lawmakers and found himself without support to carry out his plans. He resigned in frustration and returned to Indiana, where he continued in public service.

Robert Martin, Secretary of the Territory, became the acting governor until **Abraham Jefferson Seay** (pronounced *Shay*) took office on February 1, 1892. Seay was a self-educated attorney from Missouri. He had been serving as an Associate Justice of the Territory's Supreme Court.

President Harrison appointed Seay because residents had asked for a local man. However, Seay had come there only after he was appointed to the Court. People still thought he was an outsider. Some called him a "carpetbagger," or a dishonest politician. (The term comes from the luggage of people who took advantage of the South after the Civil War.) Seay, with permission from the President, called a second legislative session, which met in January, February, and March 1893. Seay urged economical government, public school improvements, and statehood. His term ended on May 7, 1893.

William Cary Renfrow took office on May 7, and was the only Democrat among the territorial governors. He was a Confederate veteran and former county official in Arkansas. He lived in Norman and was working in banking at the time of his appointment. This Democratic governor replaced Republican officeholders with Democrats, but the new legislature was still much divided. Despite the fact that Renfrow was from North Carolina and had served with the Southern army during

the Civil War, many citizens claimed *carpetbagger* government still existed. They believed the only way to eliminate it was through statehood.

During Renfrow's term, the legislature approved bills giving Langston the Agricultural and Normal University for blacks and giving Alva the Northwestern Normal School. It passed another bill approving care of the mentally ill at a Norman sanitarium. Renfrow's term of office

ended in May 1897.

On May 24, 1897, **Cassius McDonald Barnes** became the fifth governor of Oklahoma Territory. A Union veteran and former Chief Deputy U.S. Marshal in Arkansas, Barnes had served in the third and fourth legislatures. President William McKinley, a Republican, made the appointment.

During Barnes's term in office, he signed bills to establish the Southwest Normal School at

Weatherford and the University Preparatory School at Tonkawa. The government set up a board to lease *school lands* and control the funds from these leases. Barnes served as chair of the board.

As a young territory, Oklahoma was still defining its goals. The legislature approved a public building bill. It included a prison, schools for the deaf and blind, reform schools, and an institution for the insane. It also included construction of a Supreme Court building in Guthrie. That would probably have turned Guthrie into the permanent capital, even after statehood. Governor Barnes vetoed the public building bill, though.

Division among the Republicans grew worse with Barnes as governor. Although *numerous* people felt he was a good executive, at least one very active Republican group opposed his actions. Because of this pressure within his own political party, the President did not appoint Barnes to a second term. Barnes stayed in the area and later served as



One-room schools were where children went to learn in rural Oklahoma. A single school might have several grades.

Illustration by Charles Banks Wilson

mayor of Guthrie.

McKinley picked **William Miller Jenkins** to become territorial governor on May 12, 1901. An attorney from Louisiana, Jenkins had practiced law in Arkansas City, Kansas, before making the Run into the Cherokee Outlet. He claimed a homestead in Kay County and served as Secretary of the Territory from June 1897 until he became governor.

Jenkins secured an additional 105,000 acres of school land from the Kiowa-Comanche lands before they were opened. He improved the system of appraising and leasing *school lands*, too. However, he became controversial when he tried to remove various people from the boards and offices of schools and institutions. Less than six months into his term, he faced federal charges of improper conduct. He was accused of owning stock in the Norman sanitarium. His political friends abandoned him. President McKinley, his main source of support, had been assassinated in September. It was President Theodore Roosevelt who removed Jenkins from office in November 1901.

William C. Grimes, Secretary of the Territory, served as acting governor until **Thompson Benton Ferguson** took office on December 9, 1901.

Governor Ferguson cleaned up the method of caring for the mentally ill. He also accepted a gift from the federal government: the Fort Supply buildings and land area. He planned to *convert* this property into an institution for the mentally ill, which would remove the need for the sanitarium at Norman.

Ferguson had been a teacher, a Methodist minister, an editor, and an author outside the Territory. At the time of his appointment, he was publishing a newspaper at Watonga. He was the least controversial of all the governors so far. In fact, he was the first one the people wanted for another term. Washington officials had different plans, however, and Ferguson's term ended on January 13, 1906.

This time President Roosevelt chose one of his "Rough Riders" (soldiers on horseback) from the Spanish-American War. He chose **Frank Frantz** as the last territorial governor. At 34, Frantz was the youngest in the job. He had previously served as postmaster in Enid and as an Osage Indian agent.

At the time Frantz took office, statehood was coming soon. Most of his duties consisted of smoothing that transition. His term ended on November 16, 1907, without a legislative session.

How were public schools established? Legislation in 1889 did not

establish schools in the Territory. It did, though, reserve Sections 16 and 36 for “school lands.” Those were sections of property set aside for the financial support of public schools. The government leased the lands to citizens or businesses and put the lease *revenue* into education. It set aside about 100,000 acres in the Unassigned Lands for this reason. By law, the government could not sell the *school lands*. It had to keep them until statehood.

Early settlers created schools by *subscription*. Subscribers, usually parents, paid tuition. The Organic Act of 1890 gave \$50,000 for the temporary support of such schools, and the Territorial Legislature *established* a public school system late that year. District schools were to be organized under county superintendents with city schools under city superintendents.

When the U.S. divided the Osage, Ponca, and Oto-Missouri lands into allotments, there was no land left over. The Territory could not set aside *school lands* there. Instead, it chose areas in the Kickapoo territory and in Woodward County. It called them “indemnity lands.” The government also substituted some of these for the original *school lands* in the Cherokee Outlet, the Kiowa-Comanche country, and the Wichita territory.

The government reserved Sections 13 and 33 when opening the Cherokee Outlet in 1893 and the Kiowa-Comanche and Wichita lands in 1901. These sections would bring in *revenue* for higher education and pay for the construction of public buildings.

Leasing and controlling all this property was the work of the School-Land Board. The Territorial Governor, the Secretary of the Territory, and the territorial Superintendent of Schools made up this board. Their workload expanded rapidly and they handled large sums of money. In 1898, they hired a secretary and several other employees. It was clear the population of Oklahoma would continue to grow.

What was the Jerome Commission? The opening of the Unassigned Lands was just the beginning for Oklahoma Territory. The non-Indian public hoped all the reservations would open for settlement. In July 1889, President Harrison appointed a committee for that purpose.

The Jerome Commission, also known as the Cherokee Commission, negotiated agreements with tribes in the western territory. The commission was to persuade tribal leaders to accept allotments in severalty for their members. Each man, woman, and child on the tribal rolls would receive 160 acres of land. The U.S. government would buy the rest of

Do You Know?

In Bristow, Oklahoma, it is against the law to serve water to a customer in a restaurant unless one peanut in a shell is also served. The consequences for this “serious” offence can result in a fine of up to five dollars.

the tribal lands and open them to settlement by non-Indians.

When was the second land run? On September 22, 1891, in a run similar to the first one, the government opened nine hundred thousand acres of Sac and Fox, Pottawatomie, Iowa, and Shawnee lands. Twenty thousand people competed for 5,600 claims. Just south of Payne County, the area is now Lincoln and Pottawatomie Counties.

How were Cheyenne-Arapaho lands opened? Problems developed in securing the Cheyenne-Arapaho lands. The Arapaho favored allotments in severalty, but the Cheyenne did not. Among the Cheyenne, those who might give in received death threats, so none of them attended the conference with the commissioners. Agreements from the Arapaho were enough for the commission, so it opened the area on April 19, 1892. This was the third land run. It offered more than three million acres in the west.

Twenty-five thousand people participated in the race, even though there had been little publicity about it. Besides the usual vehicles — horses, wagons, buggies — there were several unusual modes of transportation. By noon, three large, horse-drawn buses were filled with passengers, a hot air balloon was in the line-up, and a jockey sat astride a thoroughbred racehorse that was snorting in anticipation.

The excited thoroughbred ran out of control in the wrong direction. Another horse was so frightened that his rider passed two available claims before he could stop the animal. A woman fell from her horse and broke her leg. Pandemonium existed in this race as it had in the other two.

Several social and *ethnic* groups participated, including African-Americans, Swedes, Bohemians, Germans, Russians, and one group of Salvation Army members who marched into the area singing hymns and expecting the Lord to show them the most fertile land. Most racers, however, came from Kansas, Texas, Missouri, and other parts of the twin territories.

Probably because of the *arid* conditions in the west, few Sooners got involved in this run. When it ended, two million acres had not been claimed. By June 30, 1892, Governor Seay estimated that only 7,600



The first rural school building in Oklahoma was located 10 miles southwest of Stillwater. Construction was completed on October 15, 1889. Oklahoma Historical Society

people lived there. A number of claimants had already left, and nearly four-fifths of the property was still available.

What living conditions did settlers face? Settlers who stayed were a hardy lot, willing to withstand the worst of natural hazards in the wild, short-grass country. Railroads were absent from the area, making markets and suppliers hard to reach. *Dugout* housing could not prevent invasion of homes by rattlesnakes, prairie rats, and poisonous insects. One family claimed they became so *accustomed* to snakes crawling

across their beds at night that they would “just give a kick, and they [snakes] would hurry on somewhere else.”

Water was scarce and often “gypsy,” or salty-tasting. Most people purchased and hauled water in barrels from the few good wells in the area. A number of settlers installed *cisterns* in hope of catching and storing rainwater.

Food was not plentiful either, and many people survived only because neighbors shared the little they had. According to Michael Reggio, writing for the *Chronicles of Oklahoma*, Summer 1979 edition, “Once, a family lived the whole summer on water gravy, bread, and 25 cents worth of salt.”

At first, the types of crops varied — everything from cotton to cowpeas. Indian agent Ashley had been encouraging the Indians for several years to grow wheat. After their own experiments had failed, settlers agreed to try his idea. In 1896 and 1897, farmers of the dry short-grass country produced bumper crops of wheat. The Cheyenne-Arapaho lands were destined to become part of the great wheat belt of America, when the Central Plains became the “bread basket of the world” in the twentieth century.

The Cheyenne-Arapaho lands added six new counties to Oklahoma Territory — C, D, E, F, G, and H — which became Blaine, Dewey, Day,



Seven members of an early Oklahoma family, dressed in their finest “Sunday” clothes, were photographed by J. V. Dedrick in 1909 in front of their dugout home. Oklahoma Historical Society

Roger Mills, Custer, and Washita counties. Day County was later abolished and became part of Ellis and Roger Mills counties.

How was the Cherokee Outlet opened for settlement? Many people had been waiting for land in the Cherokee Outlet. The Cherokee Strip Livestock Association had worked long and hard to prevent the opening and to *retain* its lease of those lands. However, in 1890, the President declared their lease *invalid* and ordered them to remove their livestock. The Jerome Commission made an agreement with the Cherokee Nation after long months of *deliberation* and opened the Outlet on September 16, 1893.

How did opening the Cherokee Outlet differ from other land runs? The Cherokee Outlet opening was somewhat different from the earlier ones. Racers had to register before the race, and anyone who later filed a claim had to show his registration paper. Authorities hoped that this would prevent the Sooners from claiming so much land. In fact, there were probably more Sooners in this run than in any previous run. They simply registered before they entered the area.

There were more than one hundred thousand participants in the race, and only forty thousand claims available. Lem Hefley, a German settler who had attempted two other runs, purchased and trained a team of fine horses for this one. He was well out in front of the crowd minutes after the starting gun was fired. But every time he topped a hill, he saw a valley full of people “who couldn’t possibly be there.” Discouraged, Hefley and his party turned back, because the good land had already been taken by Sooners.

This fourth opening created Pawnee, Kay, Grant, Garfield, Noble, Woodward, and Woods counties. The Constitutional Convention later reduced their sizes and added other counties.

What was the last area to be opened by a land run? The last area to be opened by run was the Kickapoo Reservation. It was small. In order to satisfy the homesteaders’ *demand* for land, the U.S. decreased Kickapoo allotments from the usual 160 acres to eighty acres. It opened the area in May 1895 and attached it to Lincoln, Oklahoma, and Pottawatomie counties.

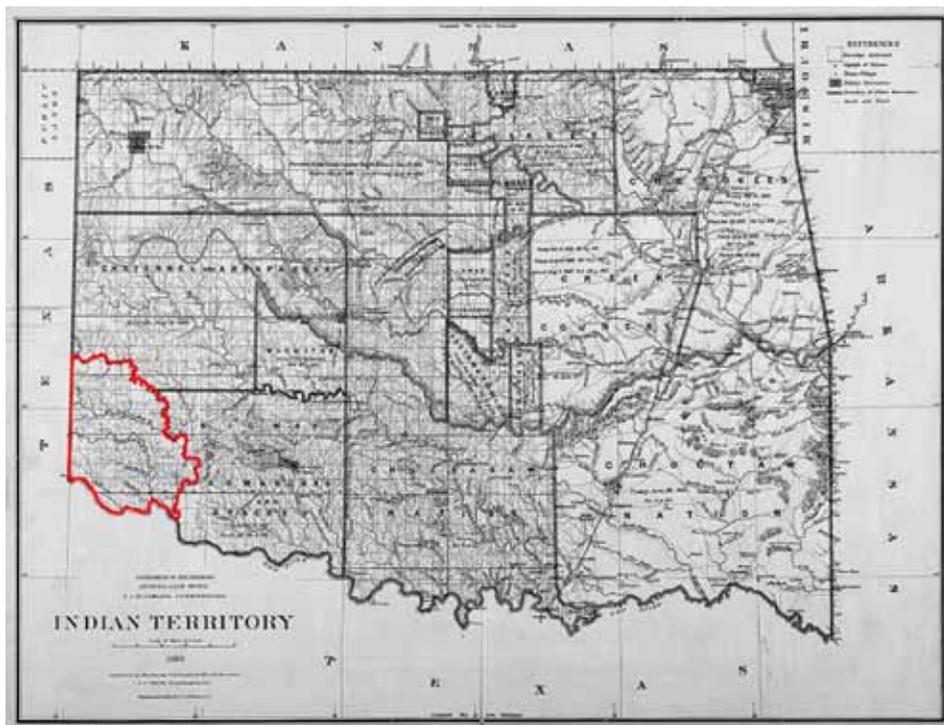
How were Kiowa-Comanche and Wichita lands opened? One official claimed that Sooners took more than half of all claims. In order to remedy this, government officials decided to use a lottery to open the Kiowa-Comanche and Wichita lands. The 3.5 million acres opened in August 1901.

Officials reserved the usual school and public lands. They assigned a 480,000-acre pasture (“the Big Pasture”) for cattlemen who had been leasing land from the Indians. In addition, they set aside a wood reserve for the Indians and fifty-six thousand acres for Fort Sill. The remaining thirteen thousand claims were available to settlers. More than 164,000 people registered, and each one had an equal chance of winning. Lem Hefley was among the winners and was able to secure his first choice of land.

Five years later, authorities sold the Big Pasture and the wood re-

serve at public auction. Lots of 160 acres went to the highest bidders. Participants could bid on any number of claims but could only purchase one each. Land sold at an average cost of \$10 per acre.

What is unique about Greer County in Oklahoma history? Greer County, in the southwest corner of the Territory, had been in dispute with Texas for several years. The Adams-Onís Treaty of 1819 had declared the Red River the boundary between the two areas. But at the western corner of the area, the North



Map showing Greer County

Fork of the Red River separated a triangular section of land totaling 1.5 million acres. Texas claimed that the North Fork was the dividing line and moved into the area.

The Oklahoma Organic Act of 1890 ordered a lawsuit to determine the actual boundary. On May 4, 1896, an act of Congress declared Greer County to be a part of Oklahoma Territory. It transferred local governments intact and arranged to protect the claims of the local settlers. No land opening was forthcoming in Greer County, but the addition of more than a million acres of land created three new counties. One of them still has the name Greer.

What ethnic groups were represented among Oklahoma settlers? Settlers came to Oklahoma Territory — legally or not — before

lands opened to non-Indians. Many more came after official openings. Some came from neighboring counties. Others came from across the oceans. They spoke little or no English. They settled in villages and towns, in mining camps, and on farms. The Swedish, Scottish, English, and Irish settlers scattered across the Territory.

People of other *ethnic* origins often stayed in clusters according to race, religion or occupation. The mining towns between McAlester and Wilburton contained groups of Italians, Welsh, Lithuanians, and Poles. There was at least one Jewish neighborhood with a temple in McAlester. One group of Jews settled in Ardmore, with other groups in Chickasha, Lawton, Muskogee, Oklahoma City, and Tulsa.

Many Germans made their homes in El Reno, Enid, Muskogee, and Leedey. Russian-Germans, that is, German-speaking people who had lived in Russia, settled in Okeene and Shattuck. The main Ukrainian settlement was in Hartshorne, but there were other Ukrainians in Canton, Enid, and Oklahoma City. There was a Mexican cluster in Ardmore, and several Mexican ranchers lived near one another in Beaver County. Czechs settled in Bison and Prague.

The main Italian settlement was at Krebs, but Italians settled in Henryetta and the Coalgate-Lehigh area, too. A group of Lithuanians settled at Canton, with Poles at Gowen, Harrah, and Oklahoma City.

Several Roman Catholic churches were *established*, as well as a few Greek Orthodox churches. Lutheran churches were numerous, as were Presbyterian, Baptist, and Methodist churches. There were other faiths represented by early settlers, but people of like faiths did not always settle together. One religious group whose members did cluster together was the Mennonites. There were Mennonite settlements in Gotebo, Bessie, Corn, Geary, Canton, Fairview, Meno, Enid, Medford, Perry, Hooker, and Turpin.

African-Americans made up the largest *ethnic* group in Oklahoma Territory, and there were several all-African-American towns. A few of those were Langston, Lima, Bailey, Ferguson, Tatums, and Lincoln City. In July 1946, in the *Journal of Negro History*, Dr. Mozell Hill asserted that the all-African-American towns gave people a chance to escape the country's caste system (rigid class distinctions) — a system which kept them at a disadvantage.

White towns such as Lexington, Kingfisher, and Beaver tried to force African-Americans out. Councils of many all-white towns passed a law making a curfew for black people. Reportedly, some African-

American towns reacted by passing their own laws to prohibit white people within town after sunset.

Regardless of their origins, the early settlers faced many of the same problems of weather, short supplies, and hard ground. Some did not stay, being starved out or worn out by the harsh conditions. Those who did stay were tough, flexible, and determined to make a better life. Many had never farmed before, but they adapted through trial and error. Quite a few who had always been farmers had never worked on any terrain like of the Oklahoma prairie. They, too, practiced trial-and-error farming.

Through hard times, they shared and survived. They contended with outlaws, angry Indians, and unpredictable weather. With strength and patience, in a few short years the settlers had a prospering territory, which deserved the benefits of statehood.

DISCUSSION QUESTIONS

1. Trace the status of “No Man’s Land” from the time that Indian tribes were sent there until statehood.
2. Explain how *provisional* governments work and why they are not completely effective.
3. Compare and contrast the nine territorial governors and their accomplishments.
4. How did the Organic Act affect Oklahoma?
5. What is another name for the Public Land Strip and where was it located?
6. How did the settlers in the Public Land Strip protect themselves from outlaws?
7. What are school lands?
8. Describe the living conditions of homesteaders in Oklahoma Territory.
9. How did the runs for land in the Cherokee Outlet and in the Cheyenne-Arapaho reservation differ from previous land runs?
10. What was the Jerome Act?