

1-6-1890

Town-site entries in Oklahoma.

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Recommended Citation

H.R. Rep. No. 4, 51st Cong., 1st Sess. (1890)

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TOWN-SITE ENTRIES IN OKLAHOMA.

JANUARY 6, 1890.—Ordered to be printed and recommitted.

Mr. B. W. PERKINS, from the Committee on Territories, submitted the following

REPORT:

[To accompany bill H. R. 1015.]

The Committee on Territories, to whom was referred the bill (H. R. 1015) to provide for town-site entries of lands in what is known as "Oklahoma," and for other purposes, submit the following report:

The necessity for this proposed legislation results from omissions in the legislation of the last session of Congress. Section 13 of the act of Congress approved March 2, 1889, entitled "An act making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes," opened to white settlement a large body of lands in the Indian Territory, commonly known as "Oklahoma," and extended the town-site act of the United States over such lands. The 16th and 36th sections were reserved for school purposes, and all else was opened to settlement under the homestead law after proclamation by the President, except as the Secretary of the Interior was directed to permit town-site entries under the laws of the United States.

The President was authorized to establish two land districts for the accommodation of the settlers, and to locate land offices therein, and to appoint registers and receivers therefor, as authorized by law.

The land districts were created, the offices located, and registers and receivers appointed, and on the 22d day of April last, at 12 o'clock meridian, the settlers were permitted to take possession of the land under the proclamation of President Harrison, and the story of that occupation exceeds anything in history or in romance. When the sun went down that night almost every quarter section of land in Oklahoma had an occupant and claimant, and cities with 8,000 inhabitants had sprung into existence.

At Guthrie, where, in the morning, the only evidences of civilization were a railroad track, a station house, and a railroad agent, more than 8,000 people laid themselves down to rest at night with tents and blankets for a covering, as occupants and settlers upon the town-site of Guthrie.

Almost as many located at Oklahoma City, and at many points in the Territory growing towns and cities sprang into existence like the exhalations of a night, and have become the commercial centers of intelligent, patriotic, and growing communities.

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The act under which these lands were opened to settlement restricted town site entries to 320 acres; but at Guthrie and Oklahoma City this proved entirely inadequate. With the arrival of the first trains the 320 acres were possessed and occupied, and with the additional arrivals more land became necessary, until at Guthrie more than two full sections have been occupied and possessed for town-site purposes.

This necessitated separate and distinct town or city organizations, and so we find at Guthrie "East Guthrie," "South Guthrie," "West Guthrie," "Capitol Hill," and "Guthrie" proper.

No attempt is made in this bill to consolidate these towns or cities; but their separate existence is recognized, and commissioners are provided for each, and unless the claims of homesteaders are found paramount, the commissioners are directed to enter for the benefit of the occupants of each town site the land authorized by law, leaving the organization, consolidation, and government of the said towns and cities to be provided for in future legislation, or by the Territorial legislature of Oklahoma.

Under the town site act of the United States the sites of unincorporated towns are to be entered by the probate judges of the counties in which the towns are situated, while the sites of incorporated towns are to be entered by their respective mayors, in each instance the entry to be made for the benefit of the occupants according to their several interests.

In Oklahoma the people are without Territorial government, and hence no legal provision has been made for such affairs; and thus we find that, while the town-site act of the United States was extended over these lands, there is in fact no officer or other person authorized to make entry of the town-sites for the benefit of the people who occupy them and who have invested their money in buildings and in homes, and who, in the short period of a few months, have wrought the wonderful transformation witnessed in Oklahoma.

The homesteader in Oklahoma can acquire a title to his home under existing law, but not so with the town-site occupants, and hence the urgent necessity of this legislation. At Guthrie and at Oklahoma City buildings have been erected at a cost to their owners of from \$15,000 to \$30,000, and yet no title or security whatever to the grounds on which the buildings are situated, except the title and security that is given them by the patriotism, intelligence, and love of justice and fair play that dominates and controls the American people who have occupied these town-sites and who control these communities. This is a wonderful compliment to the people who have settled this new Territory in the heart of the American continent, and gives additional evidence of the capacity and genius of the American people to govern themselves, and in the absence of legalized government to form temporary expedients that settle controversies and give security to all.

President Harrison, in his annual message, in speaking of Oklahoma, says:

Under the agreement made between the United States and the Muscogee (or Creek) Nation of Indians on the 19th day of January, 1889, an absolute title was secured by the United States to about three and a half millions of acres of land. Section 12 of the general Indian appropriation act, approved March 2, 1889, made provision for the purchase by the United States from the Seminole tribe of a certain portion of their lands. The delegates of the Seminole Nation, having first duly evidenced to me their power to act in that behalf, delivered a proper release and conveyance to the United States of all the lands mentioned in the act, which was accepted by me and certified to be in compliance with the statute.

By the terms of both the acts referred to all the lands so purchased were declared to be a part of the public domain, and open to settlement under the homestead law.

But of the lands embraced in these purchases, being in the aggregate about five and a half million acres, three and a half million acres had already, under the terms of the treaty of 1866, been acquired by the United States for the purpose of settling other Indian tribes thereon, and had been appropriated to that purpose. The land remaining and available for settlement consisted of 1,887,796 acres, surrounded on all sides by lands in the occupancy of Indian tribes. Congress had provided no civil government for the people who were to be invited by my proclamation to settle upon these lands, except as the new court, which had been established at Muscogee, or the United States court in some of the adjoining States, had power to enforce the general laws of the United States.

In this condition of things I was quite reluctant to open the lands to settlement. But in view of the fact that several thousand persons, many of them with their families, had gathered upon the borders of the Indian Territory, with a view to securing homesteads on the ceded lands, and that delay would involve them in much loss and suffering, I did, on the 23d day of March last, issue a proclamation declaring that the lands therein described would be open to settlement under the provisions of the law on the 22d day of April following; at 12 o'clock noon. Two land districts had been established, and the offices were open for the transaction of business when the appointed time arrived.

It is much to the credit of the settlers that they very generally observed the limitation as to the time when they might enter the Territory. Care will be taken that those who entered in violation of the law do not secure the advantage they unfairly sought. There was a good deal of apprehension that the strife for locations would result in much violence and bloodshed, but happily these anticipations were not realized. It is estimated that there are now in the Territory about 60,000 people; and several considerable towns have sprung up, for which temporary municipal governments have been organized. Guthrie is said to have now a population of almost 8,000. Eleven schools and nine churches have been established, and three daily and five weekly newspapers are published in this city, whose charter and ordinances have only the sanction of the voluntary acquiescence of the people from day to day.

Oklahoma City has a population of about 5,000, and is proportionately as well provided as Guthrie with churches, schools, and newspapers. Other towns and villages having populations of from one hundred to a thousand are scattered over the Territory.

In order to secure the peace of this new community, in the absence of civil government, I directed General Merritt, commanding the Department of the Missouri, to act in conjunction with the marshals of the United States to preserve the peace and upon their requisition to use the troops to aid them in executing warrants and in quieting any riots or breaches of the peace that might occur. He was further directed to use his influence to promote good order and to avoid any conflicts between or with the settlers. Believing that the introduction and sale of liquors, where no legal restraints or regulations existed, would endanger the public peace, and in view of the fact that such liquors must first be introduced into the Indian reservations before reaching the white settlements, I further directed the general commanding to enforce the laws relating to the introduction of ardent spirits into the Indian country.

The presence of the troops has given a sense of security to the well-disposed citizens and has tended to restrain the lawless. In one instance the officer in immediate command of the troops went further than I deemed justifiable in supporting the *de facto* municipal government of Guthrie, and he was so informed and directed to limit the interference of the military to the support of the marshals on the lines indicated in the original order. I very urgently recommend that Congress at once provide a Territorial government for these people. Serious questions, which may at any time lead to violent outbreaks, are awaiting the institution of courts for their peaceful adjustment. The American genius for self-government has been well illustrated in Oklahoma, but it is neither safe nor wise to leave these people longer to the expedients which have temporarily served them.

The provisions of the bill are simple and readily comprehended and understood, and in the judgment of your committee well designed to promote and secure the objects intended, and this legislation is so important and urgently needed by the people living in the towns and cities of Oklahoma that we trust its wisdom and propriety will be appreciated and made manifest to all.

The details and manner of executing the trust are left largely with the Secretary of the Interior, as under the town-site act of the United States, and we sincerely believe we can depend upon his wisdom to prescribe rules and regulations that will protect every claimant in his lawful demands, and settle expeditiously and equitably the various contests

and conflicting interests growing out of the town-site settlements of Oklahoma.

Because of the importance and growth of some of the towns of Oklahoma, and the conflicting interests therein, your committee are of the opinion that it is better that the town-site entries should be made by disinterested parties named as commissioners than by city officers, even if they had legalized government, and properly chosen officers to perform this service.

In consequence of amendments suggested by your committee to the original bill it is recommended that all immediately after the enacting clause be stricken from the original bill, and that the bill reported by the committee be inserted.

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