

2-6-1894

In the Senate of the United States. Letter from the Secretary of the Interior, in answer to the resolution of the Senate of February 2, 1894, directing him to transmit to the Senate copies of all reports made by A. P. Swineford, a special agent of the department, relating to the reservation of lands for county seats or town sites along the line of the Chicago and Rock Island Railroad in the Cherokee Outlet previous to the opening of the same to settlement, inclosing a report from the Commissioner of the General Land Office and a report of said A. P. Swineford.

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IN THE SENATE OF THE UNITED STATES.

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LETTER

FROM

THE SECRETARY OF THE INTERIOR,

IN ANSWER TO

*The resolution of the Senate of February 2, 1894, directing him, to transmit to the Senate copies of all reports made by A. P. Swineford, a special agent of the Department, relating to the reservation of lands for county seats or town sites along the line of the Chicago and Rock Island Railroad in the Cherokee Outlet previous to the opening of the same to settlement, inclosing a report from the Commissioner of the General Land Office and a report of said A. P. Swineford.*

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FEBRUARY 7, 1894.—Referred to the Committee on Indian Affairs and ordered to be printed.

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DEPARTMENT OF THE INTERIOR,  
Washington, February 6, 1894.

SIR: I have the honor to acknowledge the receipt of a copy of the resolution of the Senate of the 2d instant, as follows:

*Resolved, That the Secretary of the Interior is hereby directed to transmit to the Senate copies of all reports made by A. P. Swineford, a special agent of the Department, relating to the reservation of lands for county seats or town sites along the line of the Chicago and Rock Island Railroad in the Cherokee Outlet previous to the opening of the same to settlement.*

Attest:

WM. R. COX,  
Secretary.

The resolution was referred to the Commissioner of the General Land Office, and I herewith hand you a copy of his report.

Very respectfully,

HOKE SMITH,  
Secretary.

The PRESIDENT OF THE SENATE.

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DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., February 6, 1894.

SIR: I have received, by your reference for report, a resolution of the U. S. Senate, dated the 2d instant, calling upon the Secretary of the

Interior to transmit copies of all reports made by A. P. Swineford, inspector, relating to the reservation of land for county seats or town sites along the line of the Chicago and Rock Island Railroad in the Cherokee Outlet previous to the opening of the same for settlement.

I have the honor to transmit herewith copies of the report received by this office from Mr. Swineford. I deem it proper to state in this connection that after the report of August 1, 1893, was received from Mr. Swineford action was delayed thereon until the tracts selected by citizens of the Cherokee Nation for allotments under the provisions of the act of March 3, 1893 (27 Stats., 612), were received by this office.

An examination of the said allotments showed that the tracts reported by Mr. Swineford as suitable for the town sites now named Round Pond, Enid, and Perry had been nearly or completely surrounded by the Indian allotments, the selections for the same having been made of lands adjacent and contiguous to the tracts selected for town sites.

As it was believed that the best interests of the prospective settlers in the town sites would be injured if tracts surrounded by lands covered by Indian allotments were selected, I called the matter to your attention and was instructed and advised by you in the selection of other tracts for the town sites referred to.

As the proclamation had then been prepared for the President's signature and was about to be forwarded to him it was necessary to rely upon the records of this office showing the topography of the various tracts in making the new selections, and they were made only after a careful consideration of the field notes and plats of survey, showing the character of the tracts and of the selections for Indian allotments.

Very respectfully,

S. W. LAMOREUX,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

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WASHINGTON, D. C., August 1, 1893.

SIR: In obedience to instructions given me on the 7th ultimo, I proceeded first to Ashland, Wis., for the purpose of examining into the affairs of the land office at that place, then about to be taken possession of by the newly appointed officials, Messrs. Kuntz and Dennis, register and receiver respectively, reporting by letter and telegram on the 10th. From thence I proceeded by the most direct route, via St. Paul, Omaha, and Kansas City, to Guthrie, Okla., where in further obedience to instructions I spent several days in gathering such general information as I deemed essential to an intelligent prosecution of the particular duty enjoined upon me in connection with the opening of the lands of the so-called Cherokee Outlet to settlement.

My instructions (much more general than specific in character) merely enjoined upon me the duty of locating land offices and county seats in the proposed new districts and counties delineated upon the map with which I was supplied, together with that of suggesting or recommending the number and location of booths to be established at points where intending settlers might be expected to enter the Outlet, on the day designated for the opening. Entering upon the discharge of this duty immediately after my appointment, in entire ignorance of the several provisions of law applicable in the premises, without any information whatever as to the number of acres, over and above the 4 acres for county buildings and 1 acre for land offices, it was proposed to reserve

for town-site purposes, or the length of time the booths would be opened and kept open prior to the date fixed for the opening of the lands to settlement, I was, in consequence, confronted in the very outset with several rather perplexing questions, the responsibility of determining which, owing to the short time allotted me in which to do the work, I was obliged to assume. I assumed, also, that the map furnished me was altogether arbitrary in its details, i. e., had been formulated in advance of the precise knowledge I was expected to obtain by personal research and investigation.

Under these circumstances I concluded that, though it might smack somewhat of presumption, the proper course would be to take into consideration all matters pertaining to the proper division of the Outlet into counties and land districts, as well as the location of land offices and county seats, and embody in my report such other and further recommendations as to the rules and regulations to be formulated for the government of all concerned as to me would appear to be best calculated to prevent fraud and protect the rights of those lawfully entitled to enter upon the lands, when they shall be opened to settlement.

#### COUNTIES.

The map furnished me shows a division of the Outlet into nine counties. It seems to me that this division could not have been based upon information in the least degree accurate or reliable, especially as to all that part of the so-called "strip" lying west of the ninety-eighth meridian, or say, of range 8, west of Indian meridian. Starting from Guthrie, with teams and camping outfit, I first visited the Pawnee country, which together with the extreme southeastern corner of the Outlet, locally known as the "flat iron," is designated as County S, on the map furnished me by the Department, and a duplicate of which is on file in your office. Thence I traveled by same mode of conveyance west through counties R, Q, and L, to Pond Creek Station, thence south to Euclid (marked "Skeleton" on map), thence by railroad to Kingfisher, and back again through counties Q and L to make connection with the Panhandle division of the Atchison, Topeka and Santa Fe Railroad, which traverses a considerable portion of the proposed County M, and the whole length of the proposed County O, from northeast to southwest, over which line I traveled to Woodward Station and return.

From Woodward Station I drove north through Camp Supply Reservation to the east half of section 12, township 26 north, range 21 west, and thus obtained a reasonably fair knowledge of the character of the country in that direction. It was my intention to drive eastward from Woodward Station to a central point in the proposed County P, but I was dissuaded from so doing by consideration of the fact that it would have involved a very slow and tedious trip of at least 150 miles, requiring more time than at my disposal, while, without exception, all with whom I conversed concurred in the opinion that the lands embraced within the said proposed county were practically worthless for agricultural purposes, and not at all likely, for many years at least, to be settled by a sufficient number of people to warrant a distinct and separate county or organization. This I found, by personal inspection, to be true of the lands embraced within the proposed County N, a fact which led me the more readily to accept the very general and apparently unbiased statement as to the one single proposed county I found it impracticable to personally visit and examine.

The country in these proposed four counties appears to be badly broken up and interspersed with salt plains, and it is safe to say that not more than 25 per cent of the lands is at present adapted to agriculture, though this proportion will be increased to some extent with the gradual extension of the annual rainfall to the westward. As it is, in the greater part of this particular section the only lands likely to be settled upon is an occasional quarter section, where the settler expects by acquiring title to 160 acres to be able to utilize whole sections and townships of Government lands for grazing purposes free of cost to himself.

In view of these facts I do not hesitate to recommend a modification of the map in respect to the number and boundaries of counties.

In my opinion the number of prospective settlers in that part of the "Outlet" lying west of range 8 west, will not be sufficient to the support of four separate county organizations, for some years to come, at least, and I therefore respectfully urge and recommend that the proposed counties designated on the map as M and P, be consolidated into one, and that a like disposition be made of proposed counties N and O. This recommendation is not only prompted by a personal knowledge of the country and its requirements, but will be concurred in by the governor of the Territory of which these counties are soon to be made political subdivisions, as well as by all who are conversant with the situation.

A better division of the remaining eastern half of the Outlet than that delineated on the map referred to can not well be conceived. Here will be the great rush for lands and town lots on the day designated for the opening of the lands to settlement, and I do not think it extravagant to estimate the number of persons who will enter this part of the Strip within the first twenty-four hours at 75,000. Already thousands of intending settlers are at the line impatiently awaiting the day and hour when they can legally enter upon and occupy these lands, and the number is rapidly being augmented.

Appreciating this present and prospective condition of affairs, I have been very careful in locating the county seats on what appeared to me to be the most eligible town sites, principal reference being had to the probable supply of water for domestic and other uses, drainage, and the other conditions deemed essential to the rapid and permanent growth of the prospective towns, without losing sight, however, of the welfare and convenience of intending settlers throughout their respective counties. Should my recommendation as to the number of counties in the western half of the Outlet be accepted, it will then be found that with a single exception (that of County S,) all the sites for county seats have been selected on the several lines of railway which traverse the Outlet, and as centrally located as could be reasonably expected; regard being had for the natural conditions which must necessarily be kept in view.

#### COUNTY S.

Location of county seat selected and recommended, adjoining Government reserve of 130 acres for Pawnee Indian Agency and Government "school farm" reserve of 670 acres, is the SE.  $\frac{1}{4}$  of sec. 31, T. 22 N., R. 5 E. In the event that the Department desires to reserve a full half section for town site purposes, the west half of the SE.  $\frac{1}{4}$  of sec. 32, T. 22 N., R. 5 E., lot 4, sec. 5, T. 21 N., R. 5 E., and lot 1, sec. 6, T. 21 N., R. 5 E., should be added to the first-named description of 160 acres.

In selecting this location I was governed to some extent by the great natural beauty of the site, and the further fact that the building of a very considerable town, and possibly a flourishing inland city, at this point will inure to the advantage of the Government, in that it will very materially enhance the value of its reservation of 800 acres. It is the richest section of the Outlet, a naturally advantageous site for a town or city, with good water, lacking no advantages which one or more lines of railway certain to be built will not supply.

#### COUNTY R.

Location of the county seat selected and recommended is the SE.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$  of Sec. 6, T. 21 N., R. 1 E. The other three forties of the same quarter section, together with the SW.  $\frac{1}{4}$ , same section, township and range, is most desirable as a reservation for town site. Good water, and an altogether eligible location on the Atchison, Topeka and Santa Fe Railroad near the station called Perry, and close to the southwest corner of the reservation of the Otoes and Missouriias. As nearly central as possible, until the title of the Otoes and Missouriias is extinguished, and their reservation added to the county.

#### COUNTY K.

Location for county seat selected and recommended is the SW.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$  of sec. 13, T. 27 N., R. 2 E. For town site, the other three forties of the same quarter, and the NW.  $\frac{1}{4}$  of sec. 24, same township and range, would be most eligible. An abundance of water for domestic purposes can be had by the sinking of wells, while in the near vicinity are a number of never-failing springs, though it is true that water obtained by boring from a depth of 200 feet is salt, a fact which applies, as far as my information extends, to all parts of the Outlet.

#### COUNTY L.

Location for county seat selected and recommended, the NE.  $\frac{1}{4}$  of sec. 25, T. 26 N., R. 6 W. The other three forties of the same quarter section, and the NW.  $\frac{1}{4}$  of sec. 25, T. 26 N., R. 6 W., would constitute an admirable town site. The location is on the line of the Chicago and Rock Island Railroad near its Pond Creek station, to which point another line of railway is being constructed from its present terminus at Cameron, on the Kansas line. It is between Round Pond on the north and the Salt Fork of the Arkansas River on the south, a watering station for the railroad, with good well water, and altogether a desirable location.

Subsequent to my visit to this point my attention was called to a new station on the same railroad called Birds Point (some 8 or 10 miles north of the location selected), by the railway officials, which they represent as a more desirable point for the county seat; but it was then too late to personally examine into the truth of their representations. But, from a conversation had with a town-site agent of this company named Moffitt, on my way back to Washington, I gained the impression that behind the desire for a change of location lurked a scheme to manipulate certain allotments of lands to the Indians, which I was informed had been made in that particular locality, the understanding with Moffitt being that these special allotments carried with them the right of alienation. While it is barely possible that Birds Point may

be the better location. I am not prepared to believe it, and therefore do not hesitate, under all the circumstances, to recommend the location above described.

#### COUNTY Q.

NW.  $\frac{1}{4}$  of NE.  $\frac{1}{4}$  of sec. 32, T. 23 N., R. 6 W. The other three forties in same quarter, and the northwest quarter of same section, would constitute a good town site. As good water here as I found anywhere in the Outlet, while the location is as central as can be had, having due regard to all the conditions.

#### COUNTIES M AND P.

These two counties are consolidated, as they should be; the prospective population will be best accommodated by locating the county seat at Alva Station, on the Panhandle division of the Atchison, Topeka and Santa Fe Railroad—on the NE.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$  of sec. 27, T. 27 N., R. 13 W. The other three forties of the same quarter section, and the northwest quarter of same section, may be added for town site.

So far as I was able to learn, about all the land in this proposed consolidated county, adapted to agriculture is in that part of the north half which lies west of range 11, and there will be the bulk of the population. Should it be decided to adhere to the original plan of dividing this particular section into two counties, the county seat for P County can be located from the field notes fully as well as by a personal inspection of the ground within them, the territory proposed to be embraced in said county being absolutely wild and without human inhabitant. In this part of the Strip there are no corner stones to mark the sections, and very few township corners to be found, and even these, in many instances have been defaced or so changed from their original location as to render them entirely worthless. The reestablishment of township and section corners would seem to be a very necessary preliminary to the opening up of the west half, if not the whole, of the Outlet to settlement.

#### COUNTIES N AND O.

If these two proposed counties are consolidated, the county seat should be located at Woodward Station, on the SE.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$  of sec. 25, T. 23 N., R. 21 W.—if not so consolidated the same location is recommended for the proposed county O, with, in either event, the other three forties of the same quarter section, and the whole of the southwest quarter of same section to be reserved for a town site. This promises to be the only town of any considerable importance on the line of railroad within the limits of the west half of the Cherokee Strip, and will be the trading center for a large district of country.

In case it is determined to retain County N as delineated on the map hereto annexed, and to which frequent reference has been made, the county seat may be located on the E.  $\frac{1}{2}$  of sec. 12, T. 26 N., R. 21 W., where there is a good site for a town, assuming that the surrounding country affords the foundation upon which to build, which is certainly not the case. The only towns likely to flourish in that section are those already founded and inhabited solely by prairie dogs, owls, and rattlesnakes.

## LAND OFFICES.

In the location of land offices I have deemed it incumbent upon me to take into consideration the question of economy as well as the convenience of intending settlers. The Commissioner will scarcely have failed to notice the wholly disinterested (?) aid rendered me in this regard by the newspaper press and correspondents, who very kindly located all the county seats and land offices without the least aid from me and before I had time even to commence my investigations. I was beset on all hands for a rearrangement of the land districts, it being the ambition of every town and hamlet in Oklahoma to possess at least one land office of its own.

I was waited on by delegations from the several principal towns and cities, each one of whom had a different scheme which they sought, through me, to bring to the attention of the Department, and it was in vain that I sought to impress upon their minds the fact that I had been merely sent there to perform a specific duty of a *nature wholly confidential*, nothing could restrain the newspapers and correspondents from discussing and magnifying every vague rumor that was set afloat concerning the objects of my mission. My assurance to this or that delegation that I was not authorized to act other than in the performance of a specific duty only served to make the target of abuse from some of the local papers, who openly charged me with having permitted myself to be brought wholly under the sinister influences of about the only community of any importance in the Territory, the citizens of which evinced little, if any, interest in regard to the recommendations I might be expected to make.

I trust I may be pardoned this much in explanation of the false position in which I have been placed by the newspapers, who certainly gleaned none of the reliable (?) information they so freely gave to the public from me. I regarded my mission as a wholly confidential one, and studiously avoided conversation concerning it, save with other officials from whom I sought needful information.

My first impression in riding through the Outlet from Arkansas City to Guthrie and seeing as much as was possible of the country from the cars, was that a large part of the lands to be opened to settlement could very profitably be added to the Guthrie and Kingfisher districts, and I so wired the Department immediately on my arrival in Guthrie. The distance from the northern boundary of the Outlet to Guthrie is only about 70 miles, and but little more from the same boundary to Kingfisher. An examination of the map showing the Oklahoma land districts, as at present constituted, has served to modify that first impression, and I now think it would be inadvisable to make the suggested addition to the Kingfisher district.

In the case of the Guthrie district the conditions are altogether different. That district, as at present constituted, embraces only 54 townships, or 1,244,160 acres, of which less than 300 acres yet remain subject to entry. Consequently the business of the office is confined to the hearing of contests and final proofs, by reason of which fact the emoluments of the register and receiver may be expected to soon fall much below the maximum, if they have not already done so. Guthrie will be as easily accessible to the settlers on a considerable portion of the eastern part of the Outlet as any point at which a new office can be located on the railroad within the Outlet, while the average distance to be traveled from other parts of the added territory would not be nearly so great as in either the Oklahoma or Kingfisher districts.



In view of these facts, I feel constrained to recommend that that part of the Outlet included in the limits of the three eastern counties (K, R, S,) as delineated on the map, be attached to and made a part of the Guthrie districts. After a comparatively short time it may be found advisable to remove the office from Guthrie to some more central point, but I am of the opinion that a new district is unnecessary to the wants and convenience of intending settlers.

Should the Department arrive at a different conclusion, then the districts as marked on the map will, in my opinion, be about the correct thing with offices at the county seats of R, M, O, and Q counties.

In this connection I submit herewith communications from the register of the land office at Guthrie and the Stillwater Board of Trade, and desire at the same time to refer the Department to a communication, addressed to the President, concerning the Beaver land office, a copy of which was sent to me but has been mislaid. In this last connection I venture to suggest that it might be well to inquire into the feasibility of consolidating the Beaver district with the new one to be created in the western part of the Outlet, with office at Woodward, which will be the trading station for all that part of the country.

#### BOOTHS.

In my opinion the plan of establishing booths at all the principal points of entry into the lands to be opened, at which intending settlers shall be required to appear and prove, by affidavit or otherwise, their qualifications, is one well calculated to protect the honest settler, inasmuch as it will deter a great many persons from entering upon lands in violation of law and such ordinary rules and regulations as have heretofore been prescribed by the Department. These booths should be opened at least ten days prior to the date set for the opening of the lands to settlement, and supplied with clerical force sufficient to hear and determine the applications of not less than 100,000 persons within the said period of ten days. In addition to proof of qualifications, those found to be legally qualified to take lands should be sworn not to enter the Outlet before the hour set for the opening, under the severest penalties within the power of the Department to prescribe. The points at which these booths should be located were given in my telegram of the 27th ultimo.

In addition to requiring such proof of qualification a further protection to honest settlers and claimants may be secured by closing the land offices against those seeking to file upon the lands within the Outlet for a period of not less than twenty-four hours after the hour set for the opening. If this can be legally done, the effect will be to prevent many contests that will otherwise be sure to follow, for the reason that all the desirable land can thus be occupied by actual settlers, and the would-be contestants will find their occupation gone.

#### TOWN SITES.

I am not informed as to the intention of the Department in regard to the laying out and platting of town sites in connection with the reservations for county-seat purposes, but respectfully suggest that if such town sites are to be platted the work should be done prior to the opening of the Outlet lands to settlement, for the reason that nearly, if not quite, as many people will be desirous of securing town lots as there will be settlers upon the agricultural lands, and unless the town sites

are surveyed and platted in advance there will be confusion worse than confounded, and no end to the contests which I understand it to be the desire of the Department to avoid as much as possible. This work should be done under the supervision of an officer or agent of the Department who is in nowise interested in the local affairs of the Territory, and in whom the Department can place implicit confidence.

In my opinion, it would be unwise to postpone the opening of the town sites for a day, or even an hour, subsequent to the opening of the lands, generally, to settlement; for the reason that doing so would give those taking lands an equal chance in securing the most desirable lots as well, which would scarcely be fair to all concerned. The opening of the lands and town sites should be, in my opinion, simultaneous.

In the foregoing connection I submit herewith communication of Henry E. Asp, solicitor for Oklahoma of the Atchison, Topeka and Santa Fe Railroad system, asking for a certain reservation for station and side track purposes at the county seat of the proposed county of R, which request I think should be granted.

Believing I have covered all the points within the scope of the investigation I was deputed to make, I am,

Very respectfully,

A. P. SWINEFORD,  
*Inspector.*

Hon. S. W. LAMOREUX,  
*Commissioner of the General Land Office.*  
S. Ex. 37—2

