

PAYNE COUNTY

# HISTORICAL REVIEW

VOLUME V    NUMBER 2    AUTUMN 1984

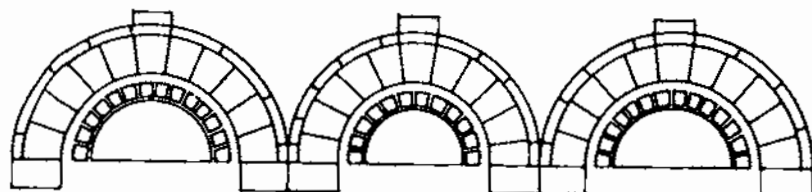
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**PAYNE COLONY 1884-1984  
CENTENNIAL**



PAYNE COUNTY HISTORICAL SOCIETY

PAYNE COUNTY  
**HISTORICAL REVIEW**

**VOLUME V**

**NUMBER 2**

**AUTUMN 1984**

Published by  
The **PAYNE COUNTY  
HISTORICAL SOCIETY**  
P. O. Box 194  
Stillwater, OK 74076

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The *PAYNE COUNTY HISTORICAL REVIEW* is published quarterly by the Payne County Historical Society. It is distributed without charge to members of the Payne County Historical Society; single issues, when available, may be purchased at \$2.50 each. Membership dues are: annual individual, \$10.00; annual family, \$15.00; annual contributing, \$25.00; institutional, \$20.00; sustaining, \$50.00; life, \$100.00 paid in one year. Membership applications and dues should be sent to the treasurer.

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# A Thousand Troops Threaten Stillwater

by Berlin B. Chapman

We vacated the place. They [the troops] cut off our supplies and starved us out, and we came home.—William L. Couch, June 6, 1885.

**W**E have noted that in the closing days of December 1884, about 225 armed settlers at Stillwater refused to surrender to the cavalry unit under Lieutenant M. W. Day and subsequently telegraphed President Arthur and petitioned Congress in an effort to resist removal. It has also been explained that on January 7, 1885, reinforcements under the command of Colonel Edward Hatch left Caldwell for Camp Russell in the Stillwater vicinity.

Rain, snow and cold weather impeded progress of Hatch's troops on their southern march. Hatch wrote: "On the 12th arriving myself with a small escort on the Salt Fork of the Arkansas River, succeeded in crossing the next morning, in some places swimming the animals of the escort. That night, the weather again turned cold. The troops arrived at the river, and were occupied on the 15th in making an ice bridge that would carry safely the wagon train, created by reliefs of men working steadily, twenty four hours with buckets, camp kettles, cooking utensils throwing water on the roadway selected, until a sufficient thickness of ice was made to bear the command."<sup>1</sup>

Hatch had orders to remove the intruders from Indian Territory without violence, if possible. He thought Couch would resist arrest and that a collision would result. Couch was represented to high military authorities as a fanatic who believed him-

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self in the right and who was willing to risk a collision, as likely to invite public sympathy and compel favorable Congressional action. Settlers were quoted as saying that some members of Congress advised them to resist removal.<sup>2</sup>

When Hatch resumed his march from the south bank of the Salt Fork of the Arkansas, it was estimated that he would have 350 cavalrymen to effect the removal of settlers. Hatch wrote: "Captain [Francis] Moore placed in command of the three troops, was ordered to proceed to the armed colony on Stillwater Creek, to take a position to the north and east of the same, cut off supplies and parties going to the colony, and awaiting arrival with the troops from Camp Russell and Fort Reno." On January 17, about the time Hatch arrived at Camp Russell, he made this report: "Strength of Boomers increasing. Count by Sergeant on 15th, 375. No question they will fight."<sup>3</sup>

Troop I of the Ninth Cavalry was at once moved from Camp Russell to camp near the Boomer colony with orders to intercept parties and supplies. Troops at Fort Reno under command of Major Dewees were delayed by a severe snow storm and did not leave for Stillwater until January 18.<sup>4</sup> On January 19 General C. C. Augur at Fort Leavenworth sent a telegram to the Adjutant General of the Army in which he referred to the fact that Hatch anticipated a fight. Augur said: "Should he be right, and they fire upon the troops, it is understood they are to be treated as public enemies, and to be captured or killed. There should be no misunderstanding as to what the orders are on that point. Should like an answer as soon as convenient. Have put all troops at Reno under Hatch's orders."<sup>5</sup>

The number of settlers by January 19 had increased to four hundred men, and "one woman who had charge of the baking."<sup>6</sup> On that day Captain Moore intercepted a party coming to Stillwater

<sup>1</sup> Hatch to Adjutant General, Department of the Missouri, Feb. 7, 1885, NA, Stillwater Collection; also in Appendix A.

<sup>2</sup> Brief of papers, *loc. cit.*, pp. 7-8. Robert T. Lincoln, Sec. War, to Sec. Interior, Jan. 17, 1885, *War Office Letter Book*, vol. 109, p. 86.

<sup>3</sup> Report of Jan. 17, 1885, Stillwater Collection. Cf. 483 Div. No. 1885.

<sup>4</sup> West of the present site of Stillwater the first important north and south trail ran from Caldwell to Ft. Reno. See *Map of Territory of United States West of the Mississippi River* prepared by Chief of Engineers, U. S. Army, 1883, a copy of which is in GLO (General Land Office), Div. E.

<sup>5</sup> Tel. of Jan. 19, 1885, Stillwater Collection.

from Coffeyville, Kansas. The leaders at Stillwater claimed there were four hundred in the party, but Hatch estimated the number at about two hundred. He said: "These re-inforcements became so alarmed that they hastily moved back crossing the Arkansas River, with scarcely a halt." Hatch also said: "Instructions from the General Commanding the Dept. impressing upon me the importance of removing these intruders without resorting to measures that might result in loss of life decided me to employ, apart from his instructions to cut off all supplies and re-inforcements, other agencies that might suggest themselves."

Hatch prepared a paper<sup>7</sup> of two paragraphs which Sergeant Wilson circulated through the colony one evening, on January 19 or 20, leaving copies at many of the huts. According to Hatch, circulation of the paper resulted in loss of a large number from the colony. The paper said in part:

It is within the knowledge of the officer in command that some hundreds of men have banded together to resist with arms the execution of the law in avowed insurrection against the government. It is devoutly to be hoped that any unlawful action on your part leading to the sacrifice of human life may be avoided. It must be clearly understood, that the killing of any soldier obeying orders in the execution of his duty by men armed to resist the law, is simply murder, and that they will sooner or later be tried for the same as principals or accessories. None will regret more deeply such a result than the commanding officer and the officers serving under him.

The responsibility must rest entirely with yourselves. It is with regret the commanding officer learns that men who served their country faithfully during some of the best years of their lives to sustain the laws of the government are now openly leagued with insurgents against the flag they served so well. It ill becomes them as old soldiers of the Union and upon reflection they must acknowledge their error to you as to all citizens. Legislation is open to settle any grievance; there is no necessity to resort to arms. Should the collision

<sup>6</sup> Hatch to Adj. Gen., Dept. of the Mo., Feb. 7, 1885, *loc. cit.*

<sup>7</sup> The paper of Jan. 19 or 20, 1885, is in the Stillwater Collection. *The Oklahoma Chief* printed this paper on Feb. 3, 1885, and stated that it was "distributed" on Jan. 20. *The Oklahoma Chief* had recently purchased the *Oklahoma War-Chief*.

occur to which it is the intention of your leaders to compel you, the military will not be responsible for loss of life or stock, from roving bands of Indians who will seize the opportunity to inflict injury." All trouble can easily be avoided by observing the proclamation of the president of the United States, and peaceably leaving the territory as directed.

R. C. Drum, Adjutant General of the Army, sent Augur the following telegram on January 20: "In accordance with instructions from the Secretary of War the Lieutenant General [Sheridan] directs you to be informed that the President's order for the removal from the Indian Territory of the intruders therein is to be enforced. It is hoped that it may be done without an armed conflict; but the responsibility for any bloodshed must rest upon those who do not accept the warning of the Proclamation of the President of July 1, 1884 and attempt with arms to resist the troops ordered to compel their removal. In order that the mischievous influence of the leaders of the present invasion to incite a conflict may be reduced as much as possible, the military force should be increased so that all intruders may see the hopelessness of resistance.

"The Lieutenant General therefore directs that you will immediately reinforce Colonel Hatch by the remaining companies of the Ninth Cavalry, and also send him reinforcements from the tenth, twentieth and twenty-second regiments of Infantry, until the force he now has in hand shall be increased by eight hundred (800) additional men."

On January 20 Augur transmitted the telegram to Hatch, and telegraphed to him the following communication: "You should read this to the intruders and direct their surrender. If they refuse, you need not proceed to extremities until your reinforcements arrive; but you should cut off all supplies as far

<sup>8</sup> "R. C." reporting from Stillwater, January 20, to *The Oklahoma Chief* said: "As to the General's caution in regard to the Indians, we have no fears of their disturbing us. It may be possible that the Gen. has adopted Ben Miller's plan to disguise cow boys as Indians and have them make a raid upon us for the purpose of stealing our stock and disabling us in that way." *The Oklahoma Chief*, Feb. 3, 1885. Boomers consistently called Colonel Hatch a "General."

<sup>9</sup> Tel. of Jan. 20, 1885, AGO (Adjutant General's Office), *Letter Book*, vol. 74, p. 157. The telegram as printed in Brief of papers, *S. Ex. Docs., loc. cit.*, incorrectly gives the number of additional men as 300.

as possible and prevent others from joining them, by sending out on the roads to turn back all new comers. The additional troops will be sent you via Caldwell as quickly as possible. Meanwhile should any of the intruders desire to come in you should receive them and send them out of the country, except such as are recognized as the leaders. These are to be held until they can be turned over to civil authority. . . . Give all possible information for benefit of troops coming. Send guide to Caldwell to conduct them with full instructions where to go. Hurry back to Caldwell all teams that can be spared."<sup>10</sup>

On January 20, 1885, Senator Plumb introduced a resolution in the Senate requesting the President to advise that body as to the status of the Oklahoma Lands as viewed by the Executive, the action taken, if any, to expel persons seeking to settle thereon, and the reason for the same.<sup>11</sup>

Major Dewees reached Camp Russell on January 20 with Troops G and C of the Ninth Cavalry, and Company D of the Twentieth Infantry, which were at once moved to Stillwater Creek. Hatch said: "The movement of all troops was unavoidably slow, heavy snow drifts to cut, streams bridged, and owing to the ice, all wagons lowered down the crossings of streams and rocky canons [*sic*], by cable and hauled out by men. The character of the country is such, streams and canons have abrupt high banks, and so frozen and covered with ice, it was necessary sometimes to assist the animals out. All this time the weather was intensely cold."

The determination of the settlers to resist removal was described by Hatch as follows: "On the 20th Sergeant Wilson informed me Couch and party were throwing up rifle pits, no easy matter in frozen ground, and also notifying me that they would fight." In regard to the intrenchments, Couch said: "We had been assaulted by an unauthorized party. I claim the right to defend myself against any person who is not backed with a legal process. I claim the right to defend my life and my property against anyone who comes without a legal process. I deny that the military process is legal. . . . I consider that the courts are the proper places to settle a point of law. We had endeavored to get

<sup>10</sup> Tel., Augur to Hatch, Jan. 20, 1885, 843 Div. Mo. 1885.

<sup>11</sup> The resolution is in *Cong. Record*, 48 Cong. 2 sess., p. 848.

a decision, and we had been trifled with by both the Army and the courts. The man who came to arrest me,<sup>12</sup> came with the same papers he had arrested me on before. He ordered me to surrender and I asked him what authority he had; and he said the military authority. I asked him if he had a different authority from that he had before, and he said it was the same. I said I had stood my trial before the court after the arrest, and the court decided I had committed no criminal offense and I denied his right, and if he had no legal process I declined to submit. . . . I did not want to do anything, but if I had been assaulted I would have returned the fire, and abided the result."<sup>13</sup>

The *Oklahoma Boomer* on January 21 said: "The colonists have a line of rifle pits located for defensive purposes, about sixty days rations for men and animals, plenty of ammunition and are well armed, and will not be arrested again by Military authority, without it is used as an aid to the civil law in support of a lawful process. One marshall can take them out, but only sufficient troops to overcome them, can again take the boomers out of the promised land.

"Large numbers are constantly coming in, and from correspondence we estimate that upwards of a thousand men will be there by the first of the month."

On the same day General C. C. Augur by telegram requested that certain property be sent to Caldwell, Kansas, "to supply the 800 additional troops to be ordered to Colonel Hatch's command in Oklahoma."<sup>14</sup> The property consisted of 800 fur caps or canvas hoods; 800 fur gauntlets or woolen mittens (fur gauntlets greatly preferred); 600 arctic overshoes; 75 Sibley stoves; 400 joints Sibley "stovepipe"; 50 conical wall tents, complete with poles, tripods and pins; 4 hospital tents with poles and pins. Immediately the clothing was "ordered all right."

It was also on January 21 that Couch, "President of Payne's Oklahoma Colony," replied to "Maj. Gen Edward Hatch," relative to the paper circulated in the colony on the evening of January 19 or 20.<sup>15</sup> The body of Couch's letter is as follows:

<sup>12</sup> This reference may be to Lieut. Day's attempt to arrest Couch on December 24, 1884, or to a later event.

<sup>13</sup> Testimony of Couch, June 6, 1885, *S. Reports*, 49 Cong. 1 sess., ix (2363), no. 127B, pt. 2, pp. 458-459.

<sup>14</sup> Tel., Augur to Adj. Gen., Div. of the Mo., Jan. 21, 1885, 515 Div. Mo. 1885; tel., C. B. Schofield to Augur, Jan. 22, 1885, *ibid.*

<sup>15</sup> Couch's letter of Jan. 21, 1885, is in *The Oklahoma Chief*, Feb. 3, 1885.



Your communication addressed "To Whom it may concern" is received, in which you state that you "are in command of a large force, with instructions to see that the proclamation of the President and the laws are observed in the Indian Territory, of Oklahoma, for the ejection of persons who are now there without authority." Being a party concerned, we desire to call your attention to the fact we have previously and upon several different occasions been arrested by military force and ejected from the Oklahoma country, charged with violating the law upon which the President's proclamation was issued. We have been arraigned and tried in the United States Court, District of Kansas, and Judge Foster decided that we "commit no offense in settling on the Oklahoma lands."

This decision was based upon the grounds that the title to these lands was in the United States Government. We therefore deny your right to again eject us by military force.

You also state that "it is within your knowledge that hundreds of men have banded together to resist with arms the execution of the law, in avowed insurrection against the government."

This charge we positively deny.

We are here as good law-abiding citizens and we claim the right under law. In proof of our claim we quote you Section 2257 Revised Statutes of the United States: "Heads of families, widows or single persons twenty-one years of age or over who are citizens of the United States, or have declared their intention to become citizens as required by the naturalization laws may make claim by pre-emption to the extent of one quarter section, or 160 acres, of offered or unoffered lands, or any of the unsurveyed lands belonging to the United States to which the Indian title is extinguished."

If the question of title of Oklahoma is disputed, we refer you to the treaties of 1836 [1866] between the Creek and Seminole Indians; and the United States government, wherein the Indians have sold and conveyed to the United States all their right and title to that portion of the Territory known as Oklahoma.

With reference to any unlawful action on our part lead-

ing to the sacrifice of human life, we desire to say that you need have no fear; that we will harm no one unless driven to do so in defense of our own lives and property, which we claim the right to do under the constitution [and] laws of our country.

We are not in rebellion against the laws of our country. We have raised no insurrection, and it must be distinctly understood that if a drop of blood is spilled, it will be at your hands.

You should also remember that "no one is so exalted as to be above the law" not even the President of the United States.

You state that to all persons, legislation is open to settle all grievances. We would state, also, that the courts are open for the same purpose, and that we are within the jurisdiction of those courts; that if we have violated the law, we can be taken before the court of civil process without your assistance. In reference to the statement that it is the intention of the leaders of the colony to force the members into a collision with the troops, we simply say that it is false.

Referring to that portion threatening us with Indians, etc., we must say that we cannot believe that it was intended for us. It must have been intended for some eastern paper, calculated to create a sensation. It might take well if published in the New England States, but in the west where every one knows that there are no roving bands of hostile Indians in this country, it will hardly answer the purpose. We are abundantly able to protect ourselves against any such.

In conclusion, we agree with you that there need be no difficulty and if you observe the law as closely as we do, there will be none.

If Couch's quotation of Section 2257 of the Revised Statutes, given above, had been a correct one, the Oklahoma Lands would not have been subject to homestead settlement because the Indian title thereto had not been extinguished. An examination of the section shows that the right of pre-emption extended only to lands on which the Indian title was extinguished.<sup>16</sup> The pre-emption

<sup>16</sup> The pre-emption laws, including Section 2257, are in *Revised Statutes of the United States, 1878*, pp. 414-419.

laws also show that further governmental action was absolutely necessary for opening the lands to homestead settlement.

On January 22 the Senate adopted Plumb's resolution relative to the Oklahoma Lands and the removal of persons seeking to settle there.<sup>17</sup> On that day Hatch reported his strength as 380 enlisted men and sixteen officers, not yet all arrived. He said the number of Boomers remained at 375 men "all armed. Smaller camp 27 men, 18 miles distant. They declare they will resist arrest, but will probably think differently when supplies are cut off and disposition of troops made closing them in. With other influences now at work will not ask for [Fort] Riley troops unless it should become necessary and can't tell until the movement is commenced."<sup>18</sup>

In order to learn the condition of the settlers for resistance, Hatch said that he "rode over on the 23rd alone, quite sure I was unknown to any of them, and thoroughly examined the settlement. The rifle pits would contain fifty men. The dugouts were so arranged, they were capable of being used for this purpose also."<sup>19</sup>

Hatch telegraphed General Angur that Couch "has notified me today that he will fight."<sup>20</sup> Hatch said that the strength of the Boomers had increased to four hundred men, and added: "It is perhaps well to send the relay [Riley] troops to Caldwell or Arkansas City. Our troops are moving into position to cut off supplies and stop new arrivals. A section of light guns sent down to Arkansas City might have good effect."

Hatch said that on January 21 "Lieut. [F. W.] Fingley visited the colony, read to them the instructions<sup>21</sup> of the General of the Army. The answer made to him by their leader, Couch, was, that he had it from the newspapers some two days before, and that he declined to leave, neither would he do so, as long as he could resist with arms." Hatch also said: "On the evening of the 24th, the entire command was up and in camp, about 400 yards from the colony. After deducting force left at Camp

<sup>17</sup> *Cong. Record*, 48 Cong. 2 sess., pp. 916: 921.

<sup>18</sup> NA, Stillwater Collection.

<sup>19</sup> Hatch to Adj. Gen., Dept. of the Mo., Feb. 7, 1885, Appendix A.

<sup>20</sup> Hatch's telegram, as Angur transmitted it on Jan. 23, 1885, to the Adjutant General, Div. Mo., is in 561 Div. Mo. 1885.

<sup>21</sup> The instructions apparently consisted of Drum's telegram of Jan. 20, 1885, quoted above.

Russell, and other detachments watching roads, and patrolling, we had a few men over 300 for action."<sup>22</sup>

The proximity of troops caused increased tension in the colony so that Couch was up all night "belaboring the quick tempered faction of the Boomers" not to begin firing before the troops themselves fired.<sup>23</sup> There was the usual faction of hot-heads who desired more than anything else to fire on the troops and thereby bring the matter to an immediate conclusion. Couch insisted that the Boomers should not fire unless fired upon.

Perhaps the best account of events preceding the surrender of Couch on Monday, January 20, 1885, was written by Hatch in his official report on February 7:

The 25th was spent in working upon the fears of the timid, though one of the citizen teamsters learned there were but two days rations in the Boomer Camp, and that they were anxiously looking for one hundred men from Kansas by way of Hunnewell, also that our force was exaggerated to 600 by themselves.<sup>24</sup> It was also discovered during the night there was dissension among the leaders, as to the best course to pursue. This with the fact that we should be out of forage and rations in two days, not being assured that the rations on the way would reach me, promptly decided to move boldly upon them in the morning, trusting the result would be favorable. The usual orders were issued for going into action, care being observed that the order should reach their camp that night. This with a note by a friendly party to the only woman begging her to leave early in the morning.

In the morning the command formed for moving. The company of Infantry to seize a hill covering the rifle pits and defensible dugouts. Major Dewees with four troops dismounted to move directly upon the headquarters of the leaders.

<sup>22</sup> Hatch to Adj. Gen., Dept. of the Mo., Feb. 7, 1885, Appendix A.

<sup>23</sup> The contents of this paragraph are from an interview of the author with Eugene Couch who as a boy heard his father, W. L. Couch, narrate the events; and from the manuscript, "One Pioneer Family: William L. and Cynthia E. Couch."

<sup>24</sup> In a speech at Topeka, Kansas, on February 3, 1885, Couch said that "Hatch appeared with 600 men. Five soldiers had been detailed to keep a correct count of our forces, but the sergeant reported twice the actual number." See extract from speech, Appendix A.

Captain Moore, with three troops dismounted on Dewees' left, and should we be compelled to fight to take their camp in reverse. I then with my adjutant rode into their camp, telling them as much as we regretted bloodshed, we should open fire at the first effort at armed resistance. Couch, at first refused to go, then asked for time which was declined. Finding the troops would be upon him in a moment more, gave up further opposition, and would do as directed.

Hatch on January 26 sent Augur a telegram saying in part: "The Boomer colony has come to terms. Will leave the country for the nearest point on the Kansas line."<sup>25</sup> Couch said: "We found our rations would last but five days and we could not make a stand, so we concluded to vacate in two days, but not in obedience to any time set by Hatch, and we moved out without escort."<sup>26</sup> It is probable that Hatch intended to keep the intruders out of rifle range and force them to surrender by training his artillery on their camp, if he were compelled to resort to such extreme measures.<sup>27</sup>

Before Couch on January 26 gave up further opposition, Hatch had called for additional troops. On that day five troops

<sup>25</sup> There is convincing evidence that the surrender occurred January 26, 1885, although some official copies of the telegram are dated January 27. Robert T. Lincoln, Secretary of War, quoted the telegram, giving the date as January 27. Lincoln to Sec. Interior, Jan. 29, 1885, NA, *War Office Letter Book*, vol. 109, p. 144. Augur referred to Hatch's "brief telegram of Jan. 26th announcing the surrender of the intruders." Augur to Adj. Gen. of the Army, Feb. 3, 1885, 735 AGO 1885. Augur apparently received the telegram January 27. 639 Div. Mo. 1885.

<sup>26</sup> Speech of Feb. 3, 1885, *loc. cit.*

<sup>27</sup> Rister, *loc. cit.*, p. 191. Couch said that on the morning he surrendered "forces under Hatch were formed in line with two pieces of artillery." Speech of Feb. 3, 1885, *loc. cit.* It is said that the demand to surrender was made "about eight o'clock." *Oklahoma Boomer*, Feb. 4, 1885.

From Stillwater, under date of January 27, "R. C." sent a report to the editor of *The Oklahoma Chief* saying in part: "An arrangement was made with Gen. Hatch this morning by which we all go out to-morrow as citizens not as prisoners. We claim to have accomplished all that we can for the cause and that we have virtually opened Oklahoma." *The Oklahoma Chief*, Feb. 3, 1885. Reference was made to Arthur's having gone "into office by the blood of Garfield," and of his determination "to shield Teller in his crookedness, let it cost what it may." The report also said: "Gen. Hatch has been feasting all over the Territory. I learned from reliable sources that he did not stay with his command one night during his trip down here but was the guest of the cattle kings every night."

*The Oklahoma Chief* on February 3 announced a "glorious achievement." It stated that the combined forces of the United States Army under the immediate command of Hatch, "after a vigorous campaign of two weeks, have succeeded in driving three hundred men, women and children from their homes on the public domain. . . . If this occurrence had happened in Russia, under the order of the Czar himself, it would have been in accord with that form of government."

of the Ninth Cavalry were sent from Forts Hays, Reno, Riley and Sill to report to him. General Nelson A. Miles, Commander of the Department of the Missouri, said that twelve companies of infantry from Forts Lyon, Union, Wingate, Gibson and Reno were directed to report to Hatch.<sup>28</sup> Before these companies reached their destination the Boomers had surrendered and the companies were ordered to return from en route to their respective stations. Six troops of cavalry were retained in the field to guard the country.

On the day Couch gave up further opposition to Hatch's demands,<sup>29</sup> H. M. Teller, Secretary of the Interior, prepared a letter in reply to the resolution passed by the Senate on January 22. He explained that the United States had made treaties with Indians whereby the lands should be for the exclusive use of Indians, but he recommended that steps be taken at once to open the lands to white settlement. Teller said: "Contracts or treaties impossible of execution, unjust and unfair to both whites and Indians, ought to be abrogated or modified by legislative action. It is not beneficial to the Indians to have millions of acres of valuable land remain unoccupied around them." Teller concluded that until the existing status of the lands should be changed by agreements with the Indians interested, or in such other manner as might be determined upon by Congress, the integrity of treaties made with the Indians should be maintained, and that the power of the government, to the extent necessary, should be exercised to keep intruders and all unauthorized persons off the lands. President Arthur transmitted Teller's letter to the Senate on January 27, and endorsed the views it expressed.<sup>30</sup>

On January 30, when the Stillwater settlers and the troops approached Arkansas City, Hatch wrote a letter<sup>31</sup> in which he

<sup>28</sup> Miles to Adj. Gen., Div. of the Mo., Sept. 12, 1885, *H. Ex. Docs.*, 49 Cong. 1 sess., ii (2369), p. 155.

<sup>29</sup> Teller to the President, Jan. 26, 1885, NA, Int. Dept., *Record of Letters Sent*, vol. 38, pp. 451-456. See also Robert T. Lincoln, Sec. of War, to the President, Jan. 26, 1885, *S. Ex. Docs.*, 48 Cong. 2 sess., ii (2263), no. 50, pp. 2-3.

<sup>30</sup> *Messages and Papers of the Presidents*, viii, pp. 266-268.

<sup>31</sup> Hatch to Adj. Gen., Dept. of Mo., Jan. 30, 1885, NA, Office of Indian Affairs, Special Case 111, L. 3851-1885. Hatch's telegram of Jan. 26 referred to the Boomers coming to "terms." After Augur inquired what the terms were, Hatch wrote the letter of Jan. 30. Augur to Adj. Gen. of the Army, Feb. 3, 1885, 843 Div. Mo. 1885.

reviewed recent events. He said:

Couch, the leader, surrendered in good faith. I learned he had rations only for two days. It was a question whether I should place them under guard. I could not ration them, or forage their animals—the leaders were well supplied with money and could purchase forage and rations at the agencies. If the leaders were placed under guard, we were forced to ration a mob and furnish transportation for their personal property, the leaders and prominent men owning the wagons and trains.

Though Couch and his colony were considered prisoners it was concluded better that they should retain their organization in moving them. Couch agreed to be responsible for the conduct of his men, to call in all parties, to furnish rations, forage and wagons to move the personal effects of those who had neither rations nor transportation. The leaders do not wish to avoid being turned over to civil authorities, except Couch who declares he will never return with a party, and dislikes a trial.

Couch has carried out promptly all orders to him—marching properly; gathering up all supplies and wagons known to be coming to him. I camped with him on his first and second night, leaving his camp yesterday morning with the intention of turning him and the principals over to a U. S. Marshal—could not obtain any to take them, therefore concluded to escort them over the border until we could have the proper warrants served. Since then the commissioner, Mr. She[a]rman, at Wichita has notified me the warrants have been sent to Deputy U. S. Marshal, at Arkansas City, and the leaders will be, or are already in the marshal's hands.<sup>32</sup>

I am forced to acknowledge that after Couch surrendered, he acted fairly, and has really been of assistance in moving these men and has called in parties who might have escaped the notice of the troops.

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<sup>32</sup> Couch gave a bond of \$1,000 for his appearance before Commissioner J. F. Shearman on February 10, 1885. Commissioner's Proceeding No. 300 in the U. S. District Court, office of the Clerk, District of Kansas, Wichita.

Had the troops with me arrived a few days later the settlement of the matter might have been delayed. They came up in time to prevent junction of reinforcements from different points and the arrival of supplies to provision them for a month.

Making a liberal deduction from the numbers claimed to be on their way the accession could not fall short of four hundred armed men.<sup>33</sup>

As we have always been compelled to return the arms and property taken, I could see no object in keeping them. They were packed and placed in their wagons and not carried by them on their way out.

The boomers will go over the state line today in a body with sixty-five wagons.

Couch said: "At Arkansas City we were met by an immense concourse of people with a brass band. Our colors were flying during our trip, and during our stay, an evidence of our loyalty to the United States government."<sup>34</sup>

*Frank Leslie's Illustrated Newspaper*, published in New York, February 7, 1885, announced Couch's removal as follows: "The Oklahoma squatters and tramps who, under the name of 'boomers,' 'settlers,' 'patriots,' etc., have for years invaded the Indian lands of Indian Territory, have at last surrendered to General Hatch with a detachment of soldiers. The Government has been put in a rather humiliating attitude by the whole proceeding. It ought long ago to have driven out these impudent invaders at the point of the bayonet, and kept them out. The toleration shown to Payne and Couch has been wholly inexcusable. The Government might as well have tolerated the cowboys and road-agents who hide on the central plains to attack express cars and rob helpless travelers. It has been a wanton defiance of law

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<sup>33</sup> Since Couch and his party were not under armed guard, Hatch was enabled to send Major Dewees to the south side of the Cimarron, and dispatch a force toward the Arkansas River to prevent the arrival of a large number of intruders who were reported coming from Arkansas by way of the Sac and Fox Agency, and also to send a troop to intercept men coming from Hunnewell, Kansas. Tel. Hatch to Adj. Gen., Dept. of Mo., Jan. 30, 1885, 733 Div. Mo. 1885; same to same, Feb. 7, 1885, Appendix A. The Sac and Fox Agency was on the Deep Fork of the Canadian, south of the present site of Stroud.

Hatch left the Boomers at Ponca Agency on January 30 and went to Hunnewell. Hatch to Augur, Jan. 31, 1885, 733 Div. Mo. 1885.

<sup>34</sup> Speech of Feb. 3, 1885, *loc. cit.*



all through, not at all calculated to reassure the hardy settlers who have pre-empted their homes where they had a right to. Now let the Indian Territory be protected."

The Army proposed to keep Stillwater a deserted village. Boomers returned from Stillwater had not been in Kansas a week until Hatch called attention to an invasion of Indian Territory which, beginning March 1, would "be by thousands and in the most persistent manner." He noted that the sentiment of all the border States favored forcing "this country open to settlement by armed occupation." In order to avoid a collision, Hatch outlined a military plan, part of which provided that "a Battalion of Cavalry of four troops be camped near the point known as Stillwater," and that a like force be stationed at Camp Russell.<sup>35</sup>

On January 30, the day the Boomers reached Arkansas City, Chauncey McKeever, Assistant Adjutant General, directed that such of the leaders of the intruders as had incurred the penalty provided by Section 2148 of the *Revised Statutes* be turned over to the proper civil authorities for trial.<sup>36</sup> The reader will recall that Judge C. G. Foster had considered this section when he rendered his decision under date of December 11, 1884, in the case of the United States *v.* Payne et al. On February 16, 1885, Hatch was anticipating additional arrests and a trial.<sup>37</sup> He said that a "vigorous prosecution of these men" would have an excellent effect on the others.<sup>38</sup>

The United States marshals were instructed to bring Couch and fourteen other leaders before the United States Commissioner at Wichita on March 5 for a hearing on the charge that they had incited, set on foot or assisted in a rebellion or insurrection against the authority of the United States.<sup>39</sup> Couch et al. were brought before Commissioner J. F. Shearman at Wichita, and were again within the jurisdiction of Judge Foster's court. On March 9 Hatch reported that the accused would be held under \$3,000 "bonds in each case." Couch and the other leaders secured

<sup>35</sup> Hatch to Adj. Gen., Div. of the Mo., Feb. 4, 1885, 913 Div. Mo. 1885.

<sup>36</sup> Tel., McKeever to Augur, Jan. 30, 1885, 747 Div. Mo. 1885. Cf. p. 4 above.

<sup>37</sup> Hatch to Adj. Gen., Dept. of the Mo., Feb. 16, 1885, 1151 Div. Mo. 1885.

<sup>38</sup> Same to same, March 4, 1885, 1469 Div. Mo. 1885.

<sup>39</sup> See Section 5334, *Revised Statutes, 1878*, p. 1036. W. C. Endicott, Sec. War, to Sec. Interior, March 17, 1885, NA, *War Office Letter Book*, vol. 110, p. 388.

bail.<sup>40</sup>

The role of the cattlemen, whether or not exaggerated, remained in the background. On February 26 the *Wichita Beacon* carried an article based on an interview with Couch.<sup>41</sup> While explaining that there were about twenty large cattle companies operating in the Oklahoma country, Couch said: "Burk & Martin have over 100,000 acres as a range, and with 100 acres fenced for a horse pasture; good log house, stables, cribs, corrals, etc. Gen. Hatch stayed all night there the night previous to his coming to arrest us at Stillwater.

"The McClellan cattle company—they leased about 400,000 acres from the Cherokees and then extended their wire fences so as to take in 100,000 acres of the government land of Oklahoma. They have two ranches, with houses, stables, etc., on the Oklahoma part. Their fence takes in the settlement of Stillwater, from which the colonists were driven." About two weeks later Couch telegraphed President Cleveland certain resolutions passed by "Payne's Colony" at Arkansas City, naming cattlemen charged with occupying the Oklahoma lands and demanding a thorough and speedy investigation.<sup>42</sup>

Congress on March 3 took action to purchase outright certain Indian country including the Oklahoma Lands.<sup>43</sup> At that time a Boomer invasion, estimated by Hatch to include 1,500 men "amply supplied with arms and ammunition," was in process of formation. The action of Congress, together with the determination of President Cleveland to keep intruders out of Indian Territory, appears to have halted preparations of the Boomers to resume their raids.<sup>44</sup>

<sup>40</sup> Commissioner's Proceeding, No. 301 in U. S. District Court, office of the Clerk, District of Kansas, Wichita. There is no testimony on file in connection with Couch's appearance before Shearman.

<sup>41</sup> *Wichita Beacon*, Feb. 26, 1885. The article was reprinted in *The Kansas City Times*, March 6, 1885.

<sup>42</sup> Tel. of March 14, 1885, NA, Special Case 111, L. 9971-1885. Cf. B. and M. road and ranch, Appendix A, No. I, No. III.

<sup>43</sup> Act of March 3, 1885, 23 *Statutes*, 384.

<sup>44</sup> On March 11, 1885, Hatch wrote that most of the Boomers were "ignorant and believed the proclamation of President Arthur ceased to be operative when his term expired." Hatch to Adj. Gen. Drum, 1661 Div. Mq. 1885. President Cleveland issued a proclamation on March 13 saying that military power would be used to remove intruders from Oklahoma lands. The Boomers were of the opinion that Cleveland had "not been made acquainted fully with the situation." See "The Oklahoma Boomers," *Frank Leslie's Illustrated Newspaper*, March 28, 1885.

On April 8 Hatch wrote: "It is possible Couch with the other leaders fear the result of cases now bound over for trial, and he has gone to Washington, asking that the prosecution cease with the understanding that no further attempts will be made on his part to enter the Territory."<sup>45</sup> J. R. Hallowell, United States Attorney at Topeka, reported on May 4 that he had subpoenaed Hatch and some of his officers, with some citizens of Arkansas City, before the grand jury, the result of which was the indictment of sixty-eight men including Couch.<sup>46</sup> Delay in preparations on the part of the Boomers to invade Indian Territory persuaded authorities that the trouble was over, and the United States District Attorney was instructed to dismiss charges against Couch and the other leaders.<sup>47</sup>

The Stillwater vicinity was in the region patrolled by the Army. In a report from Camp Russell on May 24, Lieutenant C. C. Cusick said: "My route carried me directly through Stillwater, the recent 'boomer' city. I found the place as left by Genl. Hatch, destroyed and with no sign of intended re-occupation. The wire fencing bounding ranges and enclosing creek and river bogs remains as left by the 9th U. S. Cavalry, wholly and completely dismantled."

About the same time one Baughman,<sup>48</sup> an army scout, reported that there were a number of Boomers on Stillwater Creek and Skeleton (Ephraim) Creek. They apparently were looking for a location in going across the country. On May 29 Cusick sent Private George Reynolds to Stillwater to scout thoroughly the location of the late Boomer town. There he found a camp of Boomers who claimed to be freighters on a return trip to Arkansas City. They were "poorly provisioned—transportation outfit of

<sup>45</sup> Hatch to Augur, April 8, 1885, 2287 Div. Mo. 1885.

<sup>46</sup> Hallowell to A. H. Garland, May 4, 1885, NA, Justice Dept., F. 3754-1885.

<sup>47</sup> Gittinger, *Formation of the State of Okla.*, p. 159. In regard to dismissal of charges of treason and conspiracy with armed resistance against the United States troops, see the article, "No Trial," *Oklahoma Boomer*, Feb. 18, 1885. Charges were against Couch, H. H. Stafford, George F. Brown and E. S. Wilcox. On March 8 Hatch was reported as having "200 colored troops" in camp at the line south of Arkansas City. *Ibid.*, March 18, 1885.

<sup>48</sup> This was probably Theodore H. Baughman known as Hatch's chief scout. It is said that in January 1885, Baughman carried dispatches from Stillwater to Arkansas City "in twelve hours, with the thermometer twenty-five degrees below zero, and a fearful blizzard raging all the time, and when no Indian could be induced to leave his tepee." *Frank Leslie's Illustrated Newspaper*, April 4, 1885.

slender character." Shortly thereafter a group of soldiers, "12 enlisted men properly armed," came to Stillwater to arrest the Boomers, but learned that they had left the camp at least two days previously.<sup>49</sup>

In the summer of 1885 Couch said: "We have never desired to violate any law, or to bring anybody into any difficulty in regard to the matter. We believed we were right, and what convinced us as much as anything else has been the trifling of the authorities and their failure to carry out the law. The law says that for the first offense the party arrested shall be carried to the State line at the nearest point; that has been violated. After the first offense the military shall turn the prisoner over to the court having jurisdiction, and he shall be proceeded against; that has not been carried out. At another time, when we went before the court and tried to make complaints against our own men in order to get a settlement, we have failed in that; we could not get a hearing. That trifling convinced us that the Government did not have a good case. . . . I believe the officials knew they did not have a good case."<sup>50</sup> Couch was interested in the establishment of a town at Stillwater and expected to secure a lot there "if the Government gives me a title."

Hallowell, who claimed to have been very vigilant in regard to the Boomers, said in a letter to A. H. Garland, Attorney General of the United States: "The scheme of colonization in the Territory was originally begot by railroad companies, who were seeking this agitation for the purpose of compelling the government to open this Territory. They finally abandoned it. Then Payne and Couch organized these colonies for the purpose of making money, as the parties are charged five to ten dollars for membership of the colony."<sup>51</sup>

Lieutenant General Philip H. Sheridan wrote in his annual report: "The sincerity of the leaders of the Oklahoma colony may well be doubted, but they were bold in their movements, and carried their scheme to the verge of bloodshed. The belief exists that their intention was not actual settlement but to call the atten-

<sup>49</sup> Cusick to Commanding Officer, Fort Reno, June 5, 1885, 3859 Div. Mo. 1885.

<sup>50</sup> Testimony of Couch, June 6, 1885. *S. Reports* 49 Cong. 1 sess., ix (2363), no. 1278, pt. 2, p. 460.

<sup>51</sup> Hallowell to Garland, April 4, 1885. NA, Justice Dept., F 3754-1885.

tion of Congress to the opening up of the Indian Territory, and that money was subscribed for their purposes by interested corporations."<sup>52</sup> Sheridan noted that the "Oklahoma demonstration" entailed great hardships on the officers and men stationed in the Indian Territory and the regions adjacent thereto.<sup>53</sup> He said that "the designs of the invaders were frustrated without a collision, and for the able management of a most delicate and often dangerous situation the commendations bestowed on Col. Edward Hatch by the division commander are fully indorsed."<sup>54</sup>

Imprints, still visible on the ground, and tradition, more than historical documents, have popularized the story of this early effort to establish a settlement on the banks of the Stillwater. The railroads were interested in having the Oklahoma Lands settled, while cattlemen were interested in delaying settlement. These interests clashed at Stillwater. Perhaps the most powerful force was the pressure of population upon desirable land. It was a question of *lebensraum*.

From the viewpoint of established law the title to the Oklahoma Lands was in the Creeks and Seminoles. Although two railroad companies had rights from the federal government to construct roads across the lands, and one company had a promise of certain alternate sections there, the Boomers had no right under existing law to settle on the lands. Occupation of the lands by cattlemen did not legalize the cause of the Boomers. Has not force, even violent revolution, sometimes altered existing law? What group, domestic or foreign, has endured a burning desire for *lebensraum* when its force was considered sufficient to attain its wants, to satiate its greed? And what group, possessing sufficient political or physical force, has not asserted a "higher law" or a different interpretation of existing law if thereby its burning desires could better be satisfied? Since "every way of a man is right in his own eyes," the Boomers found self-justification for their contentions. Their invasion was only a faint echo

<sup>52</sup>Sheridan to Sec. War, Oct. 24, 1885. *H. Ex. Docs., loc. cit.*, pp. 50: 125. Hatch observed that the "leaders were well supplied with money." Cf. p. 28 above.

<sup>53</sup>This notation reminds one of an ironic statement in *The Oklahoma Chief*, Feb. 3, 1885: "Oh! No! The cattle men don't care whether the Boomers settle in Oklahoma or not, but they dislike to have their friend, Gen. Hatch, kept out in the cold, and so grossly [*sic*] abused by those 'unmerciful Boomers'? It's too bad."

<sup>54</sup>Augur said that Hatch's "conduct has been eminently careful and judicious." Augur to Adj. Gen. of the Army, Feb. 3, 1885, 813 Div. Mo. 1885.

of America's "manifest destiny."

Captain George F. Price on September 1, 1886, reported that the Stillwater country was "free from intruding white men and cattle";<sup>55</sup> that Boomers had generally gone to work on the railways then building on the State line and across Indian Territory. In 1886-87 the Southern Kansas Railway Company and the Gulf, Colorado and Santa Fe Railway Company constructed a railroad entirely across Oklahoma via Wharton and Guthrie, coming within twenty-five miles of the abandoned settlement of Stillwater.<sup>56</sup> The next chapter will relate how lands in the vicinity of Stillwater were settled in the Run of '89.

<sup>55</sup> NA, Stillwater Collection. Some of the Stillwater Boomers eventually settled on the Oklahoma Lands. W. L. Couch in 1889 became the first mayor of Oklahoma City. *The Kansas City Star* on April 22, 1890, said: "Captain W. L. Couch died Monday [April 21] on his claim, near Oklahoma City, of blood poisoning, which resulted from a wound he received some weeks ago at the hands of C. S. Adams during a quarrel about the land upon which Couch was living."

<sup>56</sup> Preston George and Sylvan R. Wood, *The Railroads of Oklahoma*, p. 38.



**PAYNE COLONY 1884-1984  
CENTENNIAL**

**SCHEDULE OF EVENTS**

Friday, December 7, 7:30 p.m., Old Central, OSU  
Presentation and discussion on "The Boomers: who they were and what was their significance" by Danny Goble, author of *Progressive Oklahoma*.

Saturday, December 8, 9:00 a.m., Downtown Stillwater  
Parade

Saturday, December 8, 11:00 a.m., Middle School Auditorium  
Commemorative ceremony with speaker A. M. Gibson, author and Oklahoma historian.

Saturday, December 8, 2:30 p.m., Allred Farm  
Colony site rededication with Senator Bernice Shedrick

# One Pioneer Family: William L. and Cynthia E. Couch

by Eugene Couch

In the fall of 1879, Capt. David L. Payne, who lived a few miles northeast of Wichita, came to town and began telling of the government land known as Oklahoma that lie in the heart of Indian territory. And as this land had not been assigned to any tribe of Indians it was, therefore, Payne declared, public land and subject to homestead settlement. He quoted as authority for his belief, the homestead act of 1879, Sec. 2-239, which reads as follows:

"All lands belonging to the United States, to which the Indian title has been or may be hereafter extinguished, shall be subject to the right of pre-emption under the conditions, restrictions and stipulations provided by law."

The white people had practically exhausted the supply of free government land that could at that time be farmed successfully in Kansas and Nebraska. A one hundred and sixty acre homestead in Oklahoma with its fertile soil, mild winters and an average of thirty inch rainfall was really an attractive proposition to men with families whose sons and daughters would soon be ready for homes of their own.

William Couch heard Payne's Oklahoma story and believed it sound and joined the Payne's Oklahoma Colonization movement. He attended a Boomer convention at Topeka, where resolutions were passed asking Kansas through its legislature to do something to aid in opening Oklahoma to settlement....

Returning from the Topeka convention and fired with enthusiasm, William Couch attended a mass meeting of business men at Wichita early in January 1880. He made substantial contributions

The following article is excerpted from a small publication "One Pioneer Family: William L. and Cynthia E. Couch" by Eugene Couch, son of William and Cynthia Couch. The *Review* is indebted to the Couch family for its usage here.

in financing the early organization work of Payne's Oklahoma Colony. He began to bind off his business interests in Wichita and to shift more and more into dealing in Texas horses and on several occasions made trips on horseback to Texas to purchase and drive through to Kansas herds of Texas ponies. In this way he became very familiar with the Oklahoma country, its climate, soil and conditions in general.

The virgin soil of the prairies was covered with a luxuriant growth of grass and the fertility of the valleys of the many creeks and rivers was unsurpassed. The banks of the streams were lined with willow, cottonwood and elm. In the low bottom were hackberry, mulberry, ash, walnut, pecan and oak. In numerous localities were wonderful groves of post oak, white burr and red oak. The streams in Oklahoma were full of fish and the banks were the habitat of many fur bearing animals such as opossum, coon, muskrat, wildcat, otter and beaver. The Oklahoma country was full of such game as quail, prairie chicken, turkey, deer and antelope. There were also coyotes, wolves and a few panthers or mountain lions. For protection, everyone went armed. There were no courts and all differences were settled personally. There were no towns and only a few ranch houses.

Hundreds of thousands of Texas cattle were grazed in, and driven through Oklahoma on their way to the railroads in Kansas for shipment to market.

Permanent ranching with buildings and fences was just getting under way in Oklahoma and the Cherokee Strip.

Along the Chisholm trail was a string of stage coach relay and supply stations. Over this trail were hauled supplies for the military posts, Fort Reno and Fort Sill, and the Indian agencies at Darlington and Anadarko. A stage line also conveyed mail and passengers over this trail....

Here in Oklahoma were about one million eight hundred thousand acres of good land owned by the United States government. This land was left over after all the Indians had been assigned their various reservations and still remained virtually unoccupied except for herds of cattle since its purchase in 1866. Couch believed the problem of many homeless people could be solved by settling in this unassigned land.

It had been the custom that when land had been acquired from the Indians by treaty or otherwise and surveyed into sections and quarter sections by the government, that it was ready for settlement



under the homestead act. Now here was land that had been sectionized in the early seventies. No one doubted that this was public land...

The Atlantic and Pacific railway had been granted a right-of-way through the country and promised each alternate section of land for several miles on each side of the track if they would construct such a railway. "How could the government make such a grant unless the land belonged to the government." This question was asked by the Boomers.

The more William Couch studied the situation, the more he became convinced of the unfairness of a condition which would not permit homeless American citizens to settle on public land but did allow cattle interests to graze the land with their cattle. It appeared vast fortunes were being made by the cattle interests while the private citizen remained homeless. William Couch accepted this challenge and determined that this inequality of opportunity should cease.

He felt that something should be done to allow the private citizen the same chance the larger interest had. While he had been a member of Payne's Oklahoma Colony ever since its organization in 1880, he now decided to give full time and attention to this work until settlement of Oklahoma should be permitted.

In 1882, he moved his family, now consisting of wife and five children (Albert C. Born December 19, 1875, Eugene Q. born May 1, 1878 and Perley A. born October 31, 1881,) to Douglass from Wichita. He did this that they might be near his father while he was away in the interest of the Payne's Oklahoma Colony movement.

During the winter of 1882-83, Capt. Payne had made an extensive campaign for the largest invasion ever attempted with the hope that by sheer numbers they would be able to remain in the Oklahoma country, if not, the publicity created by this wholesale attempt would cause congress, which was in session, to take some favorable action. February 1, 1883 was the date set for the colony to leave Arkansas City and start for the "Promised Land."

William L. Couch arrived January 31, 1883 from Douglass with twenty men in five wagons. After a brief meeting at which Capt. Payne outlined the object and purpose of the invasion, he placed the five wagons from Douglass at the head of the wagon train and appointed William Couch as train master...

About twenty miles were covered the first day. In the afternoon a cold wave blew up bringing snow which continued to fall during

the entire night. Due to this severe weather, the Boomers remained in camp all day February 2nd. The train moved on almost due south February 3rd, and after covering about seventeen miles went into camp on Red Rock Creek. When they reached the Salt Fork the ice was so thick that the entire wagon train crossed safely over...

On the afternoon of the 7th, the Boomers were met by Lieutenant Stevens and his men. Lieut. Stevens commanded William L. Couch to halt the wagon train; this Couch refused to do. Lieut. Stevens and his men then joined in with the wagon train and continued on to Coffee Creek where camp was made for the night.

On the morning of the 8th, after a very short drive, they came to Deep Fork Creek. Much of the snow had now melted making Deep Fork too full to ford. Trees were felled and the narrow but deep channel was quickly bridged.

While axes were being brought forward for this work, C. P. Wickmiller, the Boomer photographer, ran across a log nearby and attempted to get a picture of the curving wagon train that wound its way back to the hill. The enthusiasm of the Boomers as they crowded forward on foot almost prevented this. A good close-up of the Boomers resulted but only a few wagons show in the picture. From the Deep Fork crossing (which is at the bridge on the section line seven miles due east of Edmond) the wagon train moved on southeast to the North Canadian River.

Here they set up camp in the bend of the river on the southwest quarter of section sixteen, township thirteen north, range one west of the Indian meridian. This was just across the river, north-east of the proposed Ewing City that had been platted years before. This proved to be an ideal camp site...

The camp, which was called Camp Alice, being named for the only child in the entire camp, was also strategically located. It was located opposite the 7C Flat and between the Nine Mile and what later became the Kickapoo Flats. The Boomers were due for a surprise, however, for they had scarcely become settled when Capt. Carroll of the U. S. Army with two Companies of soldiers appeared and placed Capt. Payne under arrest. Payne asked for five days time to break camp. There were about 150 Boomers from Texas on the South Canadian River about forty miles southwest. Mr. Waldron from Kansas City was said to be on the Cimarron, northeast, with about one hundred fifty men. Capt. Payne had hoped that these reinforcements would arrive during this five day respite. There was also that eternal prospect that congress might take some favorable action.

From the time the wagon train had entered Oklahoma, the company had grown in number until, after a count was made, there were found to be 119 wagons and about six hundred people....

The minority faction was bound to demonstrate so they stole out of camp and made selections of claims and as soon as this was know Capt. Carroll cancelled the five day stay and issued orders that, "All Boomers remaining in camp tomorrow morning will be taken to Ft. Reno." On the morrow, Capt. Payne, Mr. Ackerly, Mr. W. H. Osborn and C. P. Wickmiller were started for Ft. Reno in the charge of the infantry. The others, including William Couch, were started for the Kansas line, escorted by the U. S. Cavalry. They arrived at Hunnewell and Arkansas City, February 19th.

This being the first real "wholesale" invasion by the hundreds, there was considerable disappointment. The faction misunderstood Capt. Payne and charged him with selfish motives.

William Couch understood Capt. Payne fully and did everything in his power to carry out the program as outlined by Payne.

The next invasion was planned for May 1, 1883, but because spring farm work calling so many of the colonist home, it became difficult to recruit a sufficient number to justify the expedition, so the date was tentatively set for June 25, 1883. However, there was further delay, Capt. Payne having been called away on colony business. Finally, late in July Couch, at Payne's request, took over the direction of the movements of all colony expeditions and one hundred and fifty men entered Oklahoma August 1, 1883. They intended to settle on the North Canadian river but when they had reached and crossed the Cimarron near Camp Russell opposite the mouth of the Skeleton Creek, they were arrested by Lieut. Day and his negro soldiers. Couch, Goodrick, Mardt, Burns and Brown were taken to Fort Reno and held in guard house most of the time for ten days. They were then taken to the Kansas line and released.

Within a few days, Couch, with about thirty men settled on Deep Fork Creek, a short distance east of the Indian Meridian. This was just west of the present town of Luther. They were soon arrested by Lieut. Taylor and taken to Fort Reno where they were closely confined in a tent for several days after which eight of these were taken to Red River and released....

Several days were spent by the Boomers in locating claims along the valleys of Deep Fork and North Canadian. William Couch selected 160 acres situated in the south half of Sec. 8 Township 18, Range 1 East. (This land was not opened in the original opening

of 1889. It had been reserved for the Kickapoo Indians by an executive order of August 15, 1883.) The Boomers then returned to Kansas unmolested....

Early in April 1884, William entered Oklahoma with a large colony of Boomers who settled along the North Canadian River. There were an estimated one thousand men scattered up and down the Canadian for a distance of fifteen miles. The central camp was located at the spring on Sec. 26, T. 12, N. Range 3, west on what is now the grounds of Webster Junior High School, Oklahoma City. Here were many of the seasoned members of Payne's Oklahoma colony. Each day many of them would leave the camp and go out to select homesteads. After having decided upon their choice for a future home, they would at once begin to improve it by digging a well, building a log house and plowing the sod.

Couch's father had selected the N. W.  $\frac{1}{4}$  Sec. 4, Twp., 11, N.R. 3 west for his claim and had started plowing. At about one P.M. Friday April 24, 1884, Lieut. Day with seven negro cavalry men appeared and ordered Couch to stop....

Lieut. Day sent for reinforcements and when a total of 23 soldiers were mobilized they took Couch by force. M. H. Couch was placed in the back of the government wagon and tied both hand and foot. The soldiers then started toward the Boomer camp and when they reached a point near where the Santa Fe station is now located, they were just about to meet Wm. Couch. Wm. Couch to avoid arrest by the soldiers began to round up some stray cattle grazing in the river bottom. The soldiers believing Couch was a cattleman, passed on and thus he escaped arrest....

That night William Couch stole into camp where the Boomers were being held by the troops. After conferring with the **leaders**, departed for Kansas arriving Monday, April 28th.

Here assembled another party of 150 to 200 men to invade Oklahoma and in a few days they were encamped on the south side of the Cimarron in the big bend opposite the mouth of Skeleton Creek. After remaining a few days, they had a "brush" with Lieut. Day and his negro troops. Several of the Boomers nursed bruised heads for several days because of hand to hand fighting with the soldiers.

Of those leading Boomers arrested at the camp on the Canadian April 24, there were Mr. McGregor, A. C. McCord, J. D. Odell, M. H. Couch, John McGraw, D. J. Greathouse, James O. Loughlan, N. T. Nix, M. W. Sawyer and E. S. Wilcox. These men were taken

to Fort Reno and later to the Kansas line near Caldwell where they were turned over to U. S. Marshals, Williams and Myers. They were then sent to Wichita, Kansas before the U. S. Court and on May 12 released under bond of \$250.00 to appear May 14 for trial.

The Boomers appeared for trial but as usual, they were unable to get a hearing and their cases were dismissed.

William Couch accompanied Payne on his last and largest invasion. There were perhaps a thousand people in the party and settlement was made in Cherokee strip in June 1884 at Rock-falls on the Chikaskia River four miles from the Kansas line, due south of Hunnewell, Kansas. A printing office was erected and the Oklahoma War Chief was printed by Grant Harris in defiance of the Sec. of Interior, Teller. The secretary had caused to be posted on the door of the office a notice that anyone who printed or attempted to print a paper in the Cherokee Strip should be subject to a fine of from \$1.00 to \$1,000.00 and to imprisonment from one to five years. Young Harris, 19 years of age, was unafraid and printed the paper regularly as the Official Organ of Payne's Oklahoma Colony, until the seventh of August 1884, when General Hatch with a company of negro soldiers arrested the leaders of the Colony; Payne, Cooper, Couch, Eichelberger, Mosely, Holder, Clark, Stafford and Harris, the printer. Harris, because of his youth, was told "to beat it" to the Kansas line, but the others under arrest were loaded into government wagons and started toward Fort Smith, Arkansas. The rest of the colony members were allowed to return to the Kansas line....

When the soldiers taking the eight Colonists to Ft. Smith reached Red Rock Creek, they were overtaken by U. S. Marshal, W. B. Williams with warrants out of the Wichita U. S. District court, for the arrest of the Boomers. The troops refused to surrender the colonists to the U. S. Marshal. Whereupon the United States Court issued an order to arrest the army officers for resisting the orders of the court. Clashes were frequent between the military and civil authorities.

The military's authority for removing the settlers was an order originally issued by President Arthur in 1880 and confirmed by his successors, wherein the trespassers were to be removed to the nearest border and turned over to civil authorities for prosecution. In this case the settlers when arrested at Rock Falls were within four miles of the Kansas line where they should have been turned over to civil authorities having jurisdiction but instead they were being taken to Ft. Smith, Arkansas a distance of over two hundred

miles to be delivered to officers without jurisdiction and to a court that would not be in session for over two months.

The Boomers knew they were being treated unfairly and probably it was through their influence that the U. S. Marshal demanded their surrender to him, they felt that if they could be taken in to the U. S. Court which was in session at Wichita, they would probably have the question settled once and for all as to whether they had violated any law in their attempts to make settlement.

Because of the Boomers complaints and their efforts to secure habeas corpus, they were now removed to Fort Gibson and held under guard several days before being returned to the Arkansas River opposite Fort Smith. The prisoners were loaded into a boat and taken across the river to the Arkansas side. Just as they were landing, a U. S. Marshal stepped up with papers for their arrest. The army officer in charge sensing the danger of losing his prisoners, jerked one that was already ashore back into the boat and shoved off before the Marshal had time to serve his papers. The Boomers were then taken back across the river and returned to their tents. The telegraph wires were kept "hot" between the officer in charge and his superiors.

Finally the prisoners were taken over to the Arkansas side of the river and released September 8.

The U. S. Marshal now served Capt. Payne with a summons to appear at the November term of U. S. court.

The Wichita U. S. Court had original jurisdiction and the Boomers rights were disregarded when they were taken to the Arkansas line. The colonists had been held thirty-two days without warrant or without any written charges filed against them. Such bullying tactics on the part of the troops only acted as a spur to the Boomers.

Capt. Payne and William L. Couch were back in Wichita September 10, having returned by rail from Fort Smith through Missouri. They, at once, began to hold meetings in the following towns: Eldorado, Augusta, Wichita and Douglass....

Capt. Payne and Couch went to Wellington from Douglass. Here Payne addressed a large crowd at the fair grounds. The next day, September 20, he attended a reorganization meeting of the colony held at South Haven. Capt. Payne was re-elected president, Wm. Couch, vice-president and A. C. McCord, secretary treasurer; H. H. Stafford, recorder; M. P. Gilbert, surveyor; Mr. Weythman, Marshal. At this meeting it was decided that the location for the

Capital City of Oklahoma should be changed from the original designation made by Payne's Colony on its first invasion May 1880 of S. W. ¼ Sec. 11, Twp. 11 N. R. 3 W to Sec. 31-32 Twp. 12, N. R. 4 W which at that time was called Johnston's grove, which is on the south side of 10th street eight miles west of the Santa Fe tracks at Oklahoma City. This was regarded at that time as almost the exact geographical center of the coming state. It had been planned to make settlement there October 9th. Mr. M. P. Gilbert with several men had been sent to survey the location and reported everything coming along satisfactory at first but later there was some delay. The invasion was postponed until after Payne's trial before Judge Foster.

Payne appeared for trial at Topeka, Kansas, November 4, and his case was reached November 12th. Judge Foster acquitted Payne of the charge of trespassing on Indian land.

Feeling ran high among the Boomers as this was the first time that they had been able to get their case into court and now they had been to court and won the decision. They thought that they would now be allowed to settle Oklahoma unmolested so the date was set for November 20 for the next settlement.

Meetings were held at the border towns and preparations went steadily forward. Payne became very ill and remained ill for over a week at Arkansas City, Kansas. He had really never fully recovered from his illness contracted during confinement while being taken as a prisoner to Fort Smith by the military forces.

Payne finally recovered sufficiently to make a short speaking tour. He spoke at Hunnewell and then went to Wellington Thursday November 27. Here he addressed a large gathering of people in the court house. He retired about eleven P.M.

While at the breakfast table at the DeBarnard Hotel the next morning, David L. Payne died, (November 28, 1884.)

The cause given for David L. Payne's death was heart disease. A resident of Winfield, Kansas had warned Captain Payne of the danger of continuing his speaking tour. True to the fine pioneer spirit, he was not to be bluffed or bullied. Only one thing mattered, Capt. Payne reasoned; that was his loyalty to the cause to which he so generously gave his time and his life. He could not let down the ten thousand followers who had subscribed to the cause that was so dear to his heart. -- The cause of freedom. He knew full well, as all martyrs know, that every just cause shall triumph. That there are some things more precious than life itself. That every just cause shall always find advocates to carry them to their conclusion and to

be connected with such movements, is an honor and mark of distinction. The work that Captain Payne had so faithfully began was continued with very little interruption.

On December 8, 1804, the colony of two or three hundred Boomers moved forward again with Wm. L. Couch at its head. Settlement this time was on Boomer Creek near where the present town of Stillwater is located. The Boomers constructed some dug-outs in the creek bank. Tents were stretched over wooden frame work. Wagon boxes were removed from the running gear and were placed on the ground and banked with earth. The wagon covers of canvass was buttoned down to make them warm and the Boomers had settled down for the winter hoping that at last they would not be removed or molested by the U. S. Troops. Lieut. Day, with thirty soldiers attempted to arrest Couch and the leaders on Jan. 7, 1885, but Couch refused to submit. Lieut. M. W. Day requisitioned the war department for re-enforcements.

Between January 7th and 24th, there were a total of seven companies of cavalry and one of infantry gathered from Fort Sill, Fort Reno and other places.

During this time Colonel Hatch and Lieutenant Day carried on a constant telegraphic conversation with General Augur.

Lieutenant General Sheridan and General Schofield in an attempt to solve this vexatious problem of how to handle the Boomers and in case there was a collision between the troops and Boomers, just what formula to employ. There was an earnest desire on the part of each office to avoid the responsibility in case of an armed clash with Couch and his men. Under the command of Colonel Hatch early Monday January 24, 1885 the bugle sounded, the cavalry moved into position. Two pieces of artillery were trained on the Boomer camp, another demand to surrender was made and as promptly was refused. Capt. Carroll told Wm. L. Couch that if he did not surrender within five minutes that the army would open fire. Couch replied, "Then turn your dogs loose." Couch reasoned that in as much as the Federal Court had decided that Oklahoma was public domain, the military would not force the issue. The Boomers "sat tight" and the soldiers returned to their camp.

Couch had his troubles also. There was the usual faction of hot heads who desired more than anything else to fire on the U. S. troops and thereby bring the matter to an immediate conclusion. The hot head faction reasoned that as Judge Foster had decided that Oklahoma was public domain, there could be but one reason why the soldiers still persisted in removing the Boomers and that reason



was that the cattle interests were able to control the actions of the officers and the movement of the troops, thereby keeping for themselves the rich grazing lands of the public domain, while the settler was always arrested, abused and ejected without warrant or trial in this "land of the free."

Couch insisted that the Boomers should not open fire on the troops. His attitude here at Stillwater as it had been at all times and as he expressed it on one occasion, "We are peace loving, law abiding American citizens here trying to get homes for ourselves, families and neighbors. We have done no wrong." If there was to be gun fire between the troops and Boomers, it should certainly begin with the troops. However, if the worst must come, the settlers must certainly return the fire. Wm. L. Couch remained up all night belaboring the quick tempered faction of the Boomers, reasoning with them the utter futility of opening fire on the U. S. Army, which some had planned to do at daybreak on the morning of January 25, 1885.

The warring faction of the Boomers spent the night in casting lead bullets for the winchester rifles and reloading the cartridges and the brass shotgun shells with buckshot.

Dawn of January 25, 1885, at Stillwater and to the Boomers the zero hour had arrived. All was tense in Camp Couch on Boomer Creek. The sun came up clear on the horizon. Minutes seemed like hours to the Boomers. But after a time the tenseness was somewhat relieved, since the usual military formation was absent and there was no blare of trumpets. The troops had remained in camp, except for a few small detachment which now departed silently in every direction of the compass.

The Boomers went about their camp activities somewhat relieved but wondering why there detachments had been sent out. To keep the colony, which had grown from two hundred to about four hundred and fifty persons provided with food and the many horses and mules with feed, required the bringing in of fresh supplies almost daily.

Those cavalrymen who had ridden away so quietly soon gave account of themselves by apprehending Boomer supply wagons. No food, feed or mail was allowed to come through to the Boomers.

A check on supplies was made by the Boomers and only five day's rations were on hand. The expedition was doomed. To continue without supplies was impossible. Re-assembling their equipment the Boomers reluctantly returned to Arkansas City on January 30 under their own power and without military escort.

Another invasion was planned for March 5th. Plans went steadily forward until Couch and the leaders, Brown, Wilcox and Stafford were arrested on charges of treason and conspiracy against the government. They were released upon their own recognizance, but when the case came up for trial at Wichita February 10, the prosecuting witness did not appear and the case was dismissed.

William Couch now left Wichita for Topeka, February 26, to confer with the delegation who was to go to Washington to press the Oklahoma cause.

Many friends of the Boomer movement believed that Grover Cleveland, newly elected President of the United States, would declare the country open to settlement under Squatters Sovereignty. It was reasoned that in as much as the Government had granted the Atlantic and Pacific Railway alternate section of land on either side of their road, it surely would allow the settlers to homestead the remainder. It was reasoned that if the government could grant land to the railroad, that was evidence of government ownership and, by the same token, the government could also grant settlers the right to settle. Big business could "get theirs." Why not the individual settler, his? But Couch and the Boomers were disappointed when on March 13 President Cleveland declared the land belonged to the Indians and therefore was not subject to homestead settlement, and warned the settlers to stay out.

Couch called a meeting of the colonists and strong resolutions were passed protesting against the cattlemen being allowed to fence and pasture the lands while the Boomers were ejected.

Orders were issued by the President for the removal of wire fences and permanent buildings belonging to the cattlemen. The cattlemen did not take this order seriously, because it seemed they believed that they were so powerful as to be above the law. They had held possession of the grazing land so long and were so well entrenched with the officers in the Indian department, with the United States military officials and with some members of Congress that doubtless they believed their position impregnable. However, theirs was a false security. The facts did not justify this confidence. Since the election of President Cleveland and the appointment of Sec. of Interior, Lamar, a change of attitude seemed evident.

With a desire for first hand information, Wm. Couch went to Washington to confer with President Cleveland and Sec. of Interior, L. Q. C. Lamar. Couch informed Lamar that he wished to know what course the administration had determined to pursue with reference to Oklahoma and the settlers. "Well sir," said Lamar,

"I will state to you the policy of this administration with regard to the Oklahoma country. It considers the Oklahoma on which the people you represent are preparing to make settlement as within and a part of Indian territory. The administration regards it not as a part of the public domain open to entry and settlement and acquisition of titles under the land laws of the United States. Being Indian country, this territory is acquired and reserved for Indian occupancy. The government is pledged to the protection of it and the security of the Indians from intruders. No white persons have a right to go there and reside without a permit. The policy of the president is to execute the pledge of the government and protect the territory from the intrusion of white persons who claim that they have a right to enter upon it and that it was public domain subject to preemption and homestead settlement." "Is that the final decision," asked Couch. "It is and will be enforced," said Lamar. Couch pointed out to Sec. Lamar the inequality of the treatment given the cattlemen and the Boomers. Sec. Lamar replied, "The wealthiest cattle baron down in Oklahoma shall receive no better treatment at my hands than the humblest settler." This was the first time that the Boomers had been able to get a statement of the Government's policy concerning Oklahoma.

The determined stand taken at Stillwater by Couch and the Boomers, requiring eight companies of federal troops seemed to have born fruit. On March 3, congress passed an act directing the president to enter into negotiations and treaties with the Creek and Seminole Indians to clear the U. S. title to the unassigned lands, also, with the Cherokees, to any claim they might have on the Cherokee outlet, thus preparing these lands for homestead settlement.

Couch, with renewed courage, returned to the Boomer camp on the border which was located on the White farm on Bluff Creek south of Caldwell, Kansas. Some two hundred Boomers were camped there, many having remained since their return in January from Stillwater. It now was generally believed that Oklahoma would probably soon be thrown open for settlement.

These compound agitations on the part of Couch and the colony did cause congress to send a senatorial committee to investigate conditions in Oklahoma.

On June 4, 1885, Wm. L. Couch sent the following letter to Henry L. Daws, Chairman on Indian affairs, United States Senate.

Caldwell, Kansas  
June 4, 1885.

Sir:

It is reported in the public press that the committee on Indian affairs of the U. S. senate of which you are chairman, is now in the Indian territory, engaged in the taking of testimony, relating to the large number of illegal leases, of the Indian lands, executed during the administration of President Arthur, to the cattlemen and the syndicates, and also in regard to the status of the Oklahoma question.

The people of this section of the country situated immediately on the northern border of the Indian territory, and of the Oklahoma lands, have not been advised of the movements of your committee of the points at which testimony will be taken tho there are many here who are familiar with the whole subject and can give valuable testimony on the question at issue.

After consultation with a large number of citizens of Kansas and others, I have the honor to request that your committee hold a session at Caldwell, Kansas or at some other convenient point in this section of the state for the purpose of receiving such testimony as is pertinent to the inquiry as may be submitted. We offer to prove:

1. That some of the leases of the Indian territory were secured by bribing Indians.
2. That officers in the Indian department have received and paid bribes to secure leases or permits from the Indians.
3. That the army has been used to dispossess one class of cattlemen and to put another class in possession under illegal leases.
4. That the intercourse act, prohibiting the introduction and sale of liquors in the Indian territory has been violated by the army.
5. That on frequent occasions the army of the U. S. has inflicted inhuman outrages upon American citizens in Oklahoma and the Indian territory contrary to the plain provisions of revised statutes. The general charac-

ter of these outrages in a few of many cases may be described as follows:.....

6. That during the last two years the Oklahoma have been occupied by the cattlemen holding a large number of cattle and that while the homeseekers have been excluded by the army the cattlemen have been allowed to remain in illegal possession.

7. That during the time other persons have been permitted to illegally occupy land in Oklahoma, to erect valuable and permanent improvements, are now in possession of same and that the occupancy has been within the knowledge of the officers of the army.

8. That in as much as it has been stated in the United States Senate that the Oklahoma lands are as free from cattle and cattlemen as the virgin soil of the garden of Eden and that the lands have not been surveyed. It is desirable to place on the records of your committee sworn evidence to show that said statements were untrue.

I am prepared to furnish to your committee a list of witnesses composed of known and respectable citizens, who will give testimony on the points enumerated above and on other points essential to a correct determination of the real questions that are involved in the Oklahoma controversy."

Respectfully,  
Wm. L. Couch.

Two days later, June 6, 1885 at Caldwell, Kansas, the senatorial Committee met and Wm. L. Couch was questioned at length (see Senate committee report on Indian affairs 1278 Part 2, 1st session 49th congress, 1886.)...

By fall considerable discontentment was manifest in the Boomer camp at Caldwell because of the delay in Washington of any action being taken to open Oklahoma. Couch called his lieutenants together and it was decided to make an excursion into Oklahoma, investigate conditions and arouse sentiment. October 22, 1885 was the date set to break camp. In addition to many wagons, there were many horseback riders, some of whom were Wm. L. Couch, Abe Couch, Joe Blackburn, Dr. Ross, Arch Stinson, Joe Couch, Wm. Renfrow, Issac Renfrow and Samuel Crocker. Jim Holbrook was camp cook.

The wagon train moved out of camp on Bluff Creek near

Caldwell before day break on Oct. 22 and when the sun came up, they were several miles into the Cherokee strip. They followed the Reno trail (Chisholm Trail) to the Cimarron crossing and then turned southeast arriving at the military crossing on Deep Fork Creek on the afternoon of October 28. Here they camped for the night. The following day the 325 Boomers proceeded four miles south to Round Grove which is the present Stiles Park in Oklahoma City. Here a permanent camp was set up between the grove and the spring near the present Webster Jr. High School....

These activities had scarcely begun until they were rudely shattered by the coming of three companies of U. S. Cavalry, under the command of Lieut. James, who took not only Couch and the other leaders as was their custom but placed under guard the entire company of 325 persons. They were held until eleven o'clock the following day when movement was begun toward Ft. Reno. The stop of the first night was on the small creek that empties into the Canadian River north of Thirty-ninth street Lake Overholser.

After reaching Fort Reno and the usual unwinding of red tape, the Boomers were taken to the Kansas line and dismissed.

This was the last attempt to settle in Oklahoma by Payne's colony. There had been no less than 15 invasions, nine of which, Wm. Couch took part and seven of which were directly under his leadership. Time was now ripe for a change of tactics. From 1880 to 1885 inclusive, approximately thirteen thousand persons had joined Payne's Oklahoma Colony. The country was fully informed as to the issues involved. The wheels of congress had already begun to move to solve this vexatious problem. The leading members of the colony had submitted to arrest and been taken out so many times that it now seemed to them such conduct and submission had already fulfilled its purpose.

It became evident to Wm. Couch, the leader of the colony, and to Sidney Clarke who had been in Washington working on the Oklahoma cause for more than one year, that congressional action was imperative. Therefore early in December, 1885, Couch shaved off his long beard, laid aside his rough western garb (boots, wide hat, and blue flannel shirt) and substituted an outfit suitable for his appearance in the halls of congress at Washington where he went after concurring with the Hon. Sidney Clarke in drafting the Oklahoma territorial bill which with some ammdendments became know later as the Springer Bill....

For a better understanding of what the Oklahoma Colony did from December 21, 1885 to February 8, 1888 with William Couch

as president, can be had from reading his short talk made at the convention at Kansas City, Mo. February 8, 1888, which was called jointly by the Board of Trade and Commercial Club of Kansas City to consider the matter of the opening of Indian territory to settlement. After many speeches had been made by delegates, Wm. Couch was called as the last one and addressed the convention as follows:

“Mr. President and Gentlemen of the Convention: It is somewhat embarrassing to me to be called upon to address so large and intelligent an audience as this and I want to say now that I had hoped at the time I came here that I would not be called on or expected to say anything at all on this occasion. But believing that there is a misunderstanding as to the object of this convention by some who are here and believing that there is a mistaken idea as to the motives of some persons who are here, perhaps it would be proper for me to make a few remarks. It appears that there are some here who are of the opinion that it is the intention of the Oklahoma Boomers or of some persons who are located in the southern part of the state of Kansas, to come here and manipulate matters in the convention to their personal interests alone. And I desire now, if it is within my power, to convince the people here that such is not the case. I am not here as a representative of the Oklahoma Boomers alone. I was not sent here by the organization known as the Oklahoma Colony but I was sent here as a delegate at large, one of five that was elected at a convention held at Arkansas City on the 3rd, from a convention representing forty or fifty of the leading towns of Southern Kansas who united in sending delegates here to participate in this matter. Therefore, I say I do not represent alone the views of the Oklahoma Boomers, but the people of the entire southern part of the state and the people of the entire southwestern states.

“Now, I see that our friend awhile ago has a mistaken idea as to what is contained in the Oklahoma Bill now before Congress, at least I believe he has. The speaker before him had spoken of the opening of the Oklahoma country. He seemed to think their view is that only that portion known as Oklahoma is to be opened. I want to say this with reference to the position taken by the Oklahoma Colony that was organized in 1880. It was organized for the purpose of making settlements on what is known as Oklahoma, a portion of the unoccupied lands situated in the center of the Indian territory, originally belonging to the Creek and Seminole Indians but has always been unoccupied by the Indians and has never been set apart for the Indian occupancy since the treaties of 1866 between

the United States and the Creek and Seminole Indians. Our organization, or the originators of it, were of the opinion that the land being the property of the United States surveyed in sections and quarter section and that the land laws applied to all the land belonging to the U. S. They believed that they had a right to settle there under the land laws without any additional legislation. On that theory, we did make settlements many times but the past and present administrations have held an opinion different from what we did with reference to this question. While there is no difference in opinion as to the ownership of the land, all agreeing that it belongs to the Government, the present administrations felt that they were not justified in permitting settlement there until there is some additional legislation declaring it a part of the public domain and providing a way for land entries.

“Our organization has been defeated in perfecting settlement there, and for the past two years or more, it has been the object of the organization to secure the proper legislation for the opening of the country and from that time to this, I want to say that there has not been an effort on the part of the Colony as a Colony to effect a settlement there. That is a forcible invasion, as you might say, but we directed our efforts in securing legislation. The bill we have prepared and which was introduced there for the organization of the territory, known as the territory of Oklahoma, included the entire Indian territory within its boundaries and the public land strip. We met with a great deal of opposition sufficient to defeat the passage of the bill during the 49th congress.

“Experience taught our friends that it would be wise, perhaps to change the boundaries of the territory and the bill that was presented by our friends at this session of Congress for the organization of the territory only included about twenty five million acres of land. What has generally been known as Oklahoma is a tract of land situated in the center of the Indian territory containing a little less than two million acres as shown by the red portion of this map. (Map held in hand)

“The bill now pending before congress for the organization of the territory of Oklahoma, comprises all of that portion of the Indian territory lying west of that occupied by the five civilized tribes, beginning at the northeast corner of the Osage reservation, running south to the Chickasaw reservation, thence west to the western boundary point, including all except that occupied by the Creeks, Choctaws, Chickasaws, Seminoles and Cherokees. That is what the gentlemen spoke of her and all these gentlemen have spoken as being in favor of it. Now, I am in favor, as the gentleman says, of the



opening of the entire territory. I have favored it all of the time. That is what the Oklahoma Boomers have been in favor of but we favor now the Springer Bill for the reason that we will meet with less opposition. The five civilized tribes cannot well object to the passage of that bill. They are not being included within its boundaries. There are a great many of these men who oppose this bill believing that the right and title to the land occupied by these tribes should not be interfered with, that these five should not be included. For that reason, the boundaries have been changed so that it includes the land that I have stated.

"Now, I think I can say for the people of southern Kansas and the Oklahoma Boomers that we are in favor of the passage of that bill because we think it the strongest bill that can possibly be presented. If we can secure any legislation, we can secure that and if that is successful, it is only a question of time in my opinion, until the entire Indian territory will be opened.

"I hope before this convention adjourns that such action will be taken as will impress upon the members (of Congress) from this western and southwestern country that we are terribly in earnest in reference to this matter. That we want speedy legislation, that which is broad and comprehensive and *that we do not want to rob the Indians of any rights*. We do not want to be put off with any side show business like the annexation of the public land strip to the State of Kansas sometime in the future. I hope there will be an expression here today to the effect that we demand legislation, anyhow that covers as much as that outlined in the Springer Bill.

"Thanking you gentlemen for your attention, I give way."

From 1883 to 1889, William Couch gave virtually all of his time to the Oklahoma cause and visits at home were very brief. He was attending meetings, making invasions into Okla. or lobbying in Congress. . . .

In the summer of 1886, Wm. Couch, his brothers and father, M. H. Couch, known as, Couch and Sons, had secured a contract with the Santa Fe railway for the construction of grade for their new line that was building through from Arkansas City, Kansas to Gainsville, Texas. In preparation for this work, Wm. Couch planned a trip into the Oklahoma country to contact persons who would contract to put up prairie hay to be fed to the teams during construction the following winter. . . .

One afternoon while camping at the place where Payne had made his first settlement, Mrs. Couch was interrupted in her preparations for the evening meal by the arrival of a detachment of

U. S. troops who inquired the identity of the intruder. She told them who she was and that her husband had ridden over to inspect the place where the Santa Fe railroad survey crossed the North Canadian and that he would return soon.

Arriving back at camp, Wm. Couch informed the officer that he was in Oklahoma on a business mission and had just brought Mrs. Couch along to see the country, and that they planned no settlement. . . .

Not withstanding this explanation, William and Cynthia Couch were taken to Fort Reno and placed in a tent under guard where they were held as prisoners for four days. They were closely guarded by Indian scouts. Each morning at nine o'clock they were taken before the commandant of the post and were compelled to listen to his harangue and insulence, because of the inconvenience that their presence had caused him. On the fourth day the officer informed the prisoners that, "Tomorrow, I will send you to Red River." Whereupon Mrs. Couch, who was fully aware of the officers duty and the authority under which they were being held, slowly arose and addressing the officer said, "You surely would not exceed your authority like that, would you." The officer then ordered them returned to their tent. . . .

Mr. and Mrs. Couch asked no favors at any time from the officers of the United States Army nor would they permit the officers to "pull any rough stuff" on them as some wished to do. Wm. Couch was at all times willing to rest his cause with the law, but he was not willing to submit to the caprice of some subordinate officer who had so little respect for the law as to ignore its provisions and set himself above the law by issuing orders contrary to its plain provisions. . . .

On the fifth morning of their confinement, they were brought in before the commandant who ordered their removal to the Kansas line. This was accomplished without incident. . . .

In Washington, the Springer Bill, which Couch and Clarke had kept alive for three years, finally passed the House by an "aye and nay" vote with a majority of 46, but was defeated in the Senate.

Since the Springer Bill providing for the establishment of a Territorial Government had met with defeat, it was decided now to try to get the Unassigned Lands opened to settlement, disregarding the Territorial Governmental phase. They hastily drew an amendment to the Indian appropriation Bill which authorized the President to provide for the opening of these lands and to issue a proclamation opening the same for settlement. This bill passed

Congress and became a law when signed by President Cleveland March 2, 1889.

The committee on territories and members of congress who had the bill in charge at the time of its passage, presumed that Oklahoma would be opened at once, so they drafted a proclamation for its immediate opening and presented it for the President's signature.

President Cleveland neglected to sign this and left the matter of setting the date and rules for the opening to President Harrison, who was inaugurated two days later on March 4, 1889. President Harrison took no action in this matter until March 21, when he issued the proclamation for opening Oklahoma at twelve o'clock high noon, April 22, 1889....

With the issuance of the proclamation opening Oklahoma, thousands of people began to move toward the Oklahoma border to be ready for the dash that was to take place at the opening hour.

The Santa Fe railway, in anticipation of the rush of business sure to come with the opening, set about to enlarge their railway yards and to extend their side tracks at each station.

M. H. Couch & Sons secured a contract for the construction of siding grading at Oklahoma Station (Oklahoma City). When the opening hour arrived at noon April 22nd work having been completed, the Couches and employees, from their camp a short distance south of the depot, proceeded to make settlement on homesteads around-about.

Wm. Couch mounted his pony "Injun" and made the dash in record time and drove his stake on the S. W.  $\frac{1}{4}$  of 33 twp. 12 R. 3 W, which is to say the land situated between Walker Street and Western Avenue, and Reno and Fourth Street north. This act announced to all that this was his choice for a homestead. A tent was erected and his eldest son, Ira, then seventeen years of age, with a rod plow began to break sod on the homestead. Soon there were other settlers on this tract and finally the following persons laid claim to this homestead. Wm. L. Couch, Robert W. Higgins, John Dawson, J. C. Adams, Mrs. Sarah Wayneck, Mr. Morgan, Mr. Lewis and the West Oklahoma Townsite Company. J. C. Adams was the first to arrive at the land office located at Guthrie and secured the filing on the land. The others set up their claims in the form of a contest.

Under the homestead law, the settler could be absent from the homestead for six months, after settlement, but must at that time have returned to the land, plowed some land, erected a house and brought his family in, thus establishing his residence. During this

six month period, Wm. L. Couch lived in Oklahoma City and was elected its first mayor May 1, 1889. Couch received seven hundred sixty six votes; James A. Murry three hundred twenty-eight, and Ben S. Miller, two hundred sixty-six. The term of office was to be one year. . . .

At the close of the six-month period, he resigned as mayor and after having erected a one and one-half story four-room house on the homestead, moved his family, (which now consisted of wife, three sons and two daughters Mary Irene, named after both grandmothers having been born May 17, 1888,) in on October 20, 1889. No sooner than the family were settled, Wm. L. Couch was off for Washington D. C. with a memorial to Congress, seeking the establishment of Territorial Government. Except for short visits home, he remained in Washington lobbying for the Territorial cause until about April 1, 1890, at which time he returned home. He felt most keenly the necessity of Territorial Government and for that reason neglected his own personal interests and "stayed right in there" until he was assured of the passage of the Territorial Bill and of a stable government. This bill, the enabling act was passed, and became effective May 2nd 1890.

To provide income and employment for the family during his absence in Washington, William L. Couch had secured a contract with the Oklahoma Water Power Co. for the construction of that portion of the canal from Reno Ave. and Ollie Streets extending in a south easternly direction to Shartel Street and the Frisco tracks and thence east to the Canadian River, a total distance of about one and one-half miles. This canal was constructed by M. H. Couch and Sons during the winter of 1889-90 and proved a source of much needed cash for the homesteaders during the first winter.

While Wm. L. Couch was in Washington, J. C. Adams, one of the contestants, persisted in pasturing his horses on Couch's wheat field. On two occasions, gun play was made by Adams when Couch's young sons were driving the Adams horses from the Couch field. On one of these occasions Adams shot and killed the Couch shepard dog that was chasing the horses. At another time Adams attack the fourteen year old son, Albert Couch, with a large club, the boy having escaped only because he rode a faster horse than his assailant.

Upon his return from Washington, to avert further trouble, Couch began at once to fence the wheat field against Adam's horses. This angered Adams, who with an axe chopped down many of the fence posts on the afternoon of April 3, 1890. The following day,

Wm. L. Couch with his eighteen year old son, Ira, returned to replace the posts. While they were resetting the last post at a point which is now the south-east corner of Grand and Western, J. C. Adams approached with a large club in hand and told Couch that if he did not leave at once that he would be killed. Couch sensing trouble, had previously counselled his son Ira, who was armed, that no matter what the provocation not to shoot Adams. As Adams advanced with raised club, Couch unafraid dodged the blow and grappled with his assailant taking the club from him. Adams then reached for his "38" Smith & Wesson. Couch beat him to "the draw" and commanded Adams to throw his pistol away, which he did reluctantly. Adams declaring he would get his Winchester and kill both Couch and Son, Ira, started for his house some two hundred yards distant, (where the Ford plant is now located.)

Inasmuch as the last post had been reset and it was nearly dinner time, to avoid further trouble, if possible, Couch and his son started south toward their home, which was located two hundred yards south and one half mile east, at the corner of Reno and Walker. They had gone only a short distance when Adams came out of his house and began shooting. Couch and Son, Ira, both returned the fire. Mrs. Adams now came outside and Adams used her as a shield. Couch and his son continued toward home, when they had reached a point near where Shartel Street now crosses Reno Avenue, Adams from a vantage point, fired two more shots, one of these striking Couch in the left knee joint. Some friends who were coming up the road put Couch on their horse and took him home.

Dr. W. L. Benepe and Dr. F. S. Dewey surgeon of the U. S. Military camp were immediately called and later other doctors were called in consultation. Everything was done that medical skill could do but blood poisoning had set in and he died April 21. . . .

He had no reproach for his destroyer. While fully conscious, two days before his death, realizing that the end was near, he sent for all of the family to come in and said, "I want you all to come around where I can see your faces, I have something to tell you. We have met today, it may be for the last time. I am perfectly willing to go. I have no fear at all. We come and we go; it is nothing new. I will have to go and leave you but I am not afraid. Talk about death being a dreadful thing. It is pleasant when you have all of your friends about you with bright and cheerful faces. I am fully prepared for the plunge and am willing to await the results fearlessly. Be kind, say loving, cheerful words one to another." Then taking each member of the family by the hand in a most affectionate manner, he said parting words to each. To all he said,

"If I have ever done anything to hurt your feelings, I want to be forgiven." Claspng the hand of his wife he said, "How long have we been married?"

"Nineteen years" was the response. His answer was, "Not an unkind word has ever passed between us."

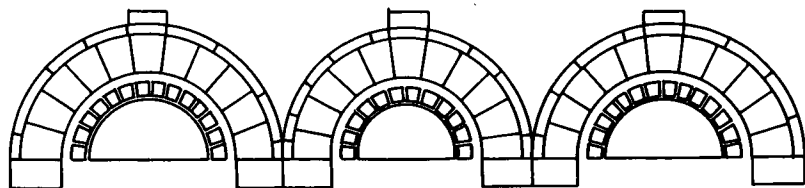
One of his characteristics was well illustrated when at the end of his antimortem statement taken on Saturday, without a change of expression or a quiver in his voice and with cool deliberation he said, "I make this statement in view of impending death, which I consider very near."

He died at 2:50 A.M. on Monday April 21, 1890. He was thirty-nine years seven months old at the time of his death at his home on the homestead, which is now 515 W. Reno Avenue, Oklahoma City, Oklahoma.

The funeral was conducted in the First Methodist Church at Fourth and Robinson at 2 P.M. April 22, 1890, just one year to a day after the opening of the Oklahoma Country, Rev. G. A. Murry, pastor officiating. He was assisted by Rev. Stephen Brink, pastor of the M. E. Church at Douglass, Kansas. At Wm. Couch's request, the text used for the sermon was Job 19, 25-27, "For I know that my redeemer liveth and that He shall stand at the latter day upon the earth and though after my skin worms destroy this body, yet in my flesh shall I see God."

After the service, the body was removed from the church to the street, where the Hon. Sidney Clarke delivered an address to the large overflow who could not get into the church. Three mounted buglers from the military camp on the hill sounding the funeral dirge at intervals proceeded the procession to the final resting place.

There was no official cemetery as yet and at his request, he was buried on the homestead at what is now the north side of Reno Avenue at Dewey Street. His body was later, on April 4, 1893 disintered and laid in the Fairlawn Cemetery in lot No. 9, block No. 7. This became the family lot where now rest his wife, Cynthia, his father, mother, brothers and other members of the family.



## PAYNE COUNTY HISTORICAL SOCIETY

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Payne County Historical Society is organized in order to bring together people interested in history, and especially in the history of Payne County, Oklahoma. The Society's major function is to discover and collect any materials which may help to establish or illustrate the history of the area.

Membership in the Payne County Historical Society is open to anyone interested in the collection and preservation of Payne County history.

All members receive copies of the *Review* free. In addition, the Society sponsors informative meetings four times a year, the first Tuesday in March, June, September, and December, 7:30 p.m. Two outings; one in the fall and the other in the spring, are taken to historical sites in the area.

Board meetings are held the second Tuesday of each month that a regular meeting is not scheduled. These luncheons are held at 11:45 a.m. in Stillwater at the Luncheon Junction. All members are encouraged to attend.

*Payne County Historical Society*

*P. O. Box 194*

*Stillwater, Oklahoma 74076*