

Summer 1950

A History of The Cattle Pools In Barber County, Kansas

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A HISTORY OF THE CATTLE TOOLS
IN BARBER COUNTY, KANSAS

being

A thesis presented to the Graduate Faculty
of the Fort Hays Kansas State College in
partial fulfillment of the requirements for
the Degree of Master of Science

by

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Date

July 20, 1950

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ACKNOWLEDGEMENTS

The writer wishes to express appreciation to Dr. R. L. Welty, under whose direction this thesis was prepared, for his helpful suggestions and constructive criticisms. Acknowledgement must be made to Dr. F. B. Streeter for his advice and willing cooperation at all times; and to Mr. Nyle Miller, Secretary of Kansas Historical Library, for his aid in collecting material; and to my wife who has suffered greatly, special appreciation is given.

9/14

Author

10-9-50.

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CHAPTER I

INTRODUCTION

For a period during and following the Civil War there was a great demand for beef in the United States and in Europe. The building of the railroads across the nation was of great value in the transportation of cattle to meet this demand. From Texas the cattlemen began to make the long drive to the nearest rail head. Much has been written about the so called "cow towns" of Kansas and the part they played in the development of the state, but a point that has been overlooked for the most part is the association of cattlemen into groups for the purpose of protection and mutual aid. It is not the purpose of this paper to treat each such association in the state for to do so would involve much too broad a field. However, an attempt will be made to present the history of the cattle pools in Barber county, Kansas.

The author has chosen Barber county because it is more familiar to him, and it is representative of the beginnings and growth of the cattle industry in southwestern Kansas.

Barber county is described in an article from the local newspaper of the period as follows:

Barbour* county, is in the southernmost of counties in the state, and, is situated 210 miles west of the west line of Missouri. It is on that tract of land known as the Osage Trust Land. The county is large and contains no railroad or speculator land.

.....

No county in the state is more abundantly supplied with water than Barbour. Owing to the general inclination of the surface to the eastward, the streams are at all times very rapid, no stagnant, or sluggish water is known. The streams have moderately high banks and gravely beds, no muddy bottoms are found, no green scum ever raises on the surface of the water in the summer but is always clear, sparkling and good. Springs are uncommonly frequent.

The climate of this locality can not be otherwise than very vigorous and healthy, and one of the most delightful to live in. Though in a warm latitude, we have no days in mid summer so hot and oppressive, as in the states further east and north, owing to the general altitude of the country, which is 1500 feet above the level of the sea, which insures a gentle breeze in summer and always cool and refreshing nights. Our winters are made up of short spells of cold weather, with warm days and even weeks intervening.

Barbour county will be for all time to come, emphatically a stock growing region. Our facilities are almost unlimited. The face of the country is richly covered with some of the most nutritious varieties of grass. The range for stock is large, and when Barbour county shall have filled up, the unoccupied lands of the Indian Territory, lying south of us, will become the great herding ground for the stockmen, who have large herds.

* The spelling was later changed to Barber.
1. The Cresset, (Medicine Lodge, Kansas), April 17, 1879.

Problem

It is the purpose of the writer to trace with some semblance of continuity the need for, the development and growth, the effectiveness, and the eventual dissolution of the cattle pools. It became apparent to the author that such a study would be of value since no complete account of the cattle pools could be found for the state of Kansas. Yet frequent enough mention of the cattle pools in connection with the cattle industry gave evidence of their importance. It became the work of the author, to collect all the available material, regardless of its possible unimportance, and from this to piece together the story of these cattle pools.

Reasons for the study

In this age of large corporations and associations, the cattlemen of today are inclined to overlook or forget that which served as a nucleus for their large present-day protective associations. The cattle pools served this purpose well enough to be remembered for it. Also recognition should be given to those early cattlemen who were instrumental in the formation of the pools and who worked unceasingly for the legislation which would protect the cattle industry. The writer wishes to show the beginnings of the cattle industry and to bring to light the difficulties which had to be over-

come by these early pioneers. Also the writer wishes to show the procedure through which the cattlemen grouped themselves together for mutual aid and benefit; how by legal or illegal means they tried to protect their interests from the settlers who later came to make claim to their grazing lands. Besides the historical significance this account adds local color to a period of our own history about which we know or read very little. The cattle pools existed in the pioneering and reckless era of Kansas history. The subject became an absorbing one to the author and consequently it has been written in an effort to interest all who might read this account.

Related studies or research

As it has been stated previously much has been written on the subject of the beginning of the cattle industry. Most of it, however, has dwelt upon the cattle drives from Texas or the shipping points in Kansas. Some information can be found on the cattle pools but these accounts for the most part pertain to the pools of Colorado, Montana and Wyoming. Louis Pelzer in his book The Cattleman's Frontier, has perhaps the best account of the pools in Kansas but even he passes over them lightly and goes into more detail on

the pools further west. The writer then, was forced for the most part to gather his data from the accounts published in the Newspapers of the area concerned and from personal interviews with the few remaining persons who were connected with the various pools of Barber county.

CHAPTER II

THE CATTLE POOLS

Reasons for the pools

The completion of the railroads across the Kansas plains opened up the cattle trade with Texas to the south, and with the advent of the cattle drives and cattle trails the rapid development of the cattle industry of western and central Kansas may be said to have begun.

In crossing from Texas, first to Abilene, then later to other points and finally Dodge City, as the railroads reached out, these cattlemen could not long remain ignorant of the special fitness of southwestern Kansas as a grazing ground. With this knowledge came the desire to possess it, so that early in the seventies the owners of herds began to filter in and occupy the land by filing or squatting on desirable watercourses and preempting as large a domain as they might individually have use for. Barber county was the first to feel the new order of things, and in the winter of 1871-72 the first white settler - a man named Griffin - located a ranch on a branch of the Medicine river near where Sun City now is. The following spring Mosley, Leonard and Lockwood located in the southeast part of

the county. In 1873 Reuben Lake and others came. Lake located where the present town of Lake City stands, and with him was his son, Riley Lake. That year the Lakes wintered for Jesse Evans a herd of 800 cattle, the first sizable herd to be permanently located in this region and to be wintered here. Others came faster with each succeeding year.¹ The method by which these men selected their ranches is indeed an interesting one. The ranchman's main considerations were grass and water. In the beginning there was no thought of constructing ponds or digging wells to secure their water. The ranchman who was seeking a location usually established his headquarters, which later became the ranch house, along some stream, occupying either one or both banks. At first he had no neighbors, and his ranch covered about all the country that the cattle wanted to roam over, but after a time another ranchmen would establish himself, either above or below the first, and appropriate a water front on the same stream. Thus it came about in a few years that the original ranchman had neighbors all around him, not in sight but within fifteen or twenty, or fifty miles - close enough, in the opinion of

1. J. W. Berryman, "Early Settlement of Southwest Kansas", Kansas Historical Collections, vol. xvii, p. 565.

the ranchman.

As yet no ranchman owned any land or grass; he merely owned the cattle and the camps. He did possess what was recognized by his neighbors - but not by law - as range rights. This meant a right to the water which he had appropriated and to the surrounding range. Where water was scarce the control of it in any region gave control of all the land around it, for water was the sine qua non of the cattle country.²

From this beginning there developed the prosperous cattle industry. The rapid rise of the cattle industry in the seventies produced a freedom and an individuality that was to diminish in the next decade. Because of the increasing number of cattle, the invasion of the farmers, larger investments, new business methods, and an inevitable tendency toward cooperation the ranchman of the eighties and even during the seventies were induced to combine into local and territorial pools and associations.

The common misfortunes drew the stockmen together. These men sustained regular losses from the migratory herds which passed over their ranges and when the thiev-

2. Walter Prescott Webb, The Great Plains (Boston: Ginn and Company, [c 1931]), pp. 228-229.

ing of hides taken from dead cattle became common. The diminishing pastures, low prices, the hard winters, the sharper competition all made the need for cattle pools and associations urgent.³

Through individual action the cattlemen were completely helpless to resist the pressure from the settlers who were coming in increasing numbers. It therefore became obvious that to maintain their existence they should band themselves together, for collectively they could exert pressure upon the settlers and could force them to move on. The cattlemen used another ruse, although illegal, to intimidate the homesteaders - the Indian scare. A well advertised Indian scare usually resulted in an exodus of the tenderfeet. The stronger fibered homesteaders remained, but a repetition of Indian scares was the early day was or nerves and many farms were abandoned. Also the cattlemen were fighting among themselves over the right to grazing lands. Since land had no value, the grass was free, the water belonged to the first comer, they had not taken time to gain legal claim to it. About all a person needed in

3. Louis Pelzer, The Cattleman's Frontier, (California: Arthur H. Clark Company, 1936), pp. 73-74.

the beginning to set himself in business was a herd of cattle and enough courage to protect them without aid of law. However, by grouping themselves into pools they could allot the land according to the amount of interest each member had in the organization, thus making for more cooperation. Once they had grouped themselves together the ranchmen could better prosecute the cattle thieves and by offering rewards, obtain the aid of everyone to stop the setting of prairie fires which in the past had proven extremely costly to the cattlemen. It was not uncommon in this period to read items such as the following in the local newspapers:

Large prairie fires are raging west of us. This is a good time to bring to the notice of our citizens the necessity of making themselves secure against these fires. Plow a few furrows and burn a strip around the town now, or it may be too late.⁴

Besides this collective action against fires, with the formation of the pools, the cattlemen began to publish their brands as a group and to set up a systematic procedure for the fall and spring round-up. An example of just such cooperation is found in this article:

The Barbour county Stock Association has appointed men to attend the Pond creek round-up tomorrow to gather the strays for that part of the county. Those

4. Anthony Journal, September 19, 1878.

attending will take all stray cattle belonging to that county to Medicine Lodge, and collect \$2 per head from the owners for delivering the stock at the Lodge. The association authorizes the move. This method enables small holders to recover their stock at a nominal cost, compared with the expense of sending an outfit to the round-up.⁵

In this way the loss of cattle was reduced and knowledge of the brands were made known to everyone.

It should be evident therefore, that the cattlemen entered into these pools and associations in an effort to hold their own against the changing times. It was their last hope of survival against the changing public sentiment which cried for new frontiers and the right to settle where they pleased. The mere fact that all of the cattlemen were encountering the same obstacles to their existence, was in itself, enough to bring about the formation of pools and to work for closer cooperation. The passing of the Federal Homestead Law in 1862 and the sale of the first barbed wire in 1874 combined to break the even tenor of the cattleman's way.⁶

How the Pools operated

As was pointed out previously the pools were a cooperative affair. Ranchmen joined these organizations, of course, with the idea of making a profit and

5. Caldwell Post, August 31, 1882.

6. Walter Prescott Webb, The Great Plains, p. 230.

for a while they did receive a good return on their investment. If this were not so, would there have been such an influx of foreign capital in the west during this period?

The method of herding the cattle was simply to establish camps at convenient distances along the boundary lines of the pool and assign to the riders from these camps a certain part of the pool line, which it was their duty to ride. Each member of the pool paid in proportion to the number of his cattle. At the branding season, each calf was branded according to the brand on the cow; a tally sheet was kept by the branding outfit, and thus each member of the pool was kept informed in regard to the increase of his stock. Business was transacted by a vote of the members of the pool, as in joint stock companies. The expenses of keeping cattle in the pool seemed to run a little over one dollar per year for each head of stock, or about nine cents per month for the keeping of each animal.⁷

The pools held either annual or semi-annual meetings. At which time they would settle their share in the expense of running the pool; they would pass

7. The Cresset (Medicine Lodge, Kansas), November 24, 1881.

upon the method or means of handling the round-up and take care of any other business which might arise. Perhaps an account of one of the pool meetings would better show the procedure through which the pools operated. The following account is typical:

The members of the Comanche Pool held their semi-annual meeting for the purpose of settlement, and to elect officers and directors. A. G. Evans, R. W. Phillips and E. W. Payne were elected directors to continue in office one year. E. W. Payne was elected treasurer Norris Royster secretary and book accountant. The pool purchased the groceries and supplies by the Evansville store, rented the storeroom and hotel, and pooled the camp outfits, horses, etc., and will manage the whole as a pool affair. In the store will be kept groceries and camp supplies. The horses will all be branded C P on the left shoulder, will be used as pool property only, and no one will be authorized to sell or dispose of any of the horses or mules thus branded except the directors.⁸

As you can readily see from the above account, the pools were well organized and the members carried on their business in much the same way as any other type of organization. The pools made a practice of publishing the news of importance and perhaps the most important information to the cattlemen were the notices of the round-up. Since the range was what it was, the round-up had to be a community enterprise in which all cattlemen of the surrounding territory participated.

8. Anthony Journal, November 23, 1882.

It was the practice that each individual rancher or organization, would send representatives to the round-up to collect the cattle that had drifted. It was then, to their benefit to receive notice well in advance. The following is representative of the round-up announcements:

The spring round-ups were arranged at the Medicine Lodge meeting of cattle-men on the 17th by a resolution adopted, which provides as follows:

That the general round up parties shall meet at the several respective places on the 7th day of May, so as to commence work on the following day under the management of the captains appointed to take charge of their outfits. The ranges to be worked by these outfits take in the stretch of country lying between the north Canadian and the head of the Medicine River, which is to be worked from east to west.⁹

The pools maintained a system of bookkeeping although no trace of their accounts are available. This assumption is safe for the writer has, on frequent occasions, found reports of the financial status of the pools. Also in their meeting it was customary to give reports as to the amount of stock within the pool. The following was taken from an account of the semi annual meeting of the Comanche Pool:

An account of stock showed that there were in the pool fifty thousand eight hundred cattle; calves branded this year ten thousand eight hundred; beeves shipped eight thousand five hundred; number of horses

9. Anthony Journal, April 6, 1882.

four hundred and fifty and ten mule teams.¹⁰

From this it is safe to assume that the system of keeping records must have existed. Pelzer makes the following statement in his book The Cattleman's Frontier which helps to explain the disappearance of these records:

Not many records remain of the numerous cattle companies incorporated in every territory and state of the cattle country. Their ledgers, tally books, contracts and cash books too often disappeared during the bad management and the disasters on the plains as did also their shares and dividends. Not many managers or officials in cattle corporations preserved documents and records for those years when they and thousands of investors reaped little except financial losses.¹¹

The management of the pools was left in the hands of the directors who were elected for terms of one year. An account of expenses were produced and voted upon by the members after which the cost of operation was distributed in proportion to the interest each member had in the pool.

While the pool was a means of collective action, they did not close their eyes to the value of cooperating with other groups and individuals in programs which were of benefit to all. Such a venture was the formation of an organization by the stockmen of southwestern

10. Anthony Journal, April 6, 1882.

11. Louis Pelzer, The Cattleman's Frontier, p. 163.

Kansas and the Cherokee Nations in Indian Territory. The purpose of this organization was to capture and prosecute cattle thieves and to make a distinction between wintered cattle and the through cattle from Texas carrying the Texas fever. To accomplish the latter they appointed inspectors at Cheyenne, Kansas City, St. Louis, and at Indian agencies.¹² These inspectors were appointed for the purpose of inspecting the through cattle and they were authorized to turn back those herds suspected of carrying the Texas fever. In this way the cattlemen gained protection for their own livestock by preventing the infection of their own herds.

From this the reader can see that the pools were set up on a business basis and attempts were made to run them as efficiently as possible. Like any other business they were subject to the laws of supply and demand and it was this basic law of economics which contributed to the failure of the pools. It must be remembered however, that the Texas shippers were responsible, for the most part, for glutting the markets thus bringing a sharp decline in the market price of beef.

12. Louis Pelzer, The Cattleman's Frontier, p. 84.

Restrictions upon the pools

Throughout the sixties and seventies the cattlemen had things just about their own way. That was not the situation, however, in the eighties. Settlers were coming in much faster and were setting themselves up on farms. In an effort to protect their crops, trees, and gardens many counties adopted the Herd Law. In that way the farmer had a right to hold any cattle found on his land and to collect damages from the owners of strays. A move such as this caused considerable resentment in those counties which still operated under the free range system. Such was the case in Barber county.

Harper county, was one of those who voted in the herd law and because of it the cattlemen of Barber county were forced either to herd their stock more closely or else fence in their range. This law was purely on a local basis and had to be voted in by the legal residents of the county.¹³ Resentment ran high in the county and the newspapers of the two counties indulged in a battle of words. Barber accused the grangers of Harper county of practicing a systematic scheme of robbery on the stock-men whose cattle happen

13. C. F. W. Drosler, General Statutes of 1868 (St. Louis: W. J. Gilbert, 1879), par. 90, sec. 3, p. 934.

to stray over the line. The Index went on record as saying:

The boney handed "knights of the soil" keep their eyes "peeled" for stray cattle, and whenever they capture any, the stockmen are compelled to pay four or five dollars to have them released.¹⁴

Efforts were made to abide by the herd law however, and plans were made to fence in the entire county. This move was given much publicity although it was never carried out.

Another issue, and perhaps the most important to the cattlemen, was the difficulty over the right to graze their cattle in the Cherokee Strip. At first no attempt was made by the Cherokee Nation to prohibit this practice and for a number of years the cattlemen went about their business unmolested. While it is true that they had no legal right to use Cherokee land no barriers were put in their way and so they continued to graze their cattle as though the land belonged to them. Finally the Cherokee's realized they were missing out on a valuable source of revenue and proceeded to exercise their rights and to collect taxes. At first it was very light but with each succeeding year they demanded more.

14. Barbour County Index, November 17, 1881.

Realizing their doubtful legal status, yet wanting to maintain their hold on the land, the cattlemen gathered together at Caldwell, Kansas to set up an organization to settle their differences and discuss the demands of the Indians. It was agreed that the members would pay the Indians forty cents per head for cows and twenty-five cents per head for calves. With this agreement the cattlemen gained a sort of legal claim to their use of the land. Also the organization received the right from the Indians to fence their holdings in the strip. At first the collections were small, but with the increase in the number of cattle the amount collected also increased. In 1881 the Cherokees received 27,000 dollars and in 1882 it was 51,000 dollars.¹⁵

But all was not as settled as it seemed following this agreement. At a meeting of the organization, of cattlemen in the strip, in 1882 they adopted a resolution which proved to be a cause for added trouble to the pools and cattlemen. The following is the resolution adopted:

15. Caldwell Commercial, May 25, 1883.

That the respective pool captains and executive committees notify the surrounding pools, of any and all persons who have knowingly and willfully turned cattle loose without their consent, or pay a remuneration therefor, and that if said persons fail to pay, not only their assessment and proportion of the expenses, the established price for wintering cattle, the pool they turn loose with, on or before the 10th day of April 1882, they shall be denied the privilege of fattening cattle, with any pool or members of this association, and that the names of all persons, so refusing to pay, as aforesaid, be published in a dead beat list in the Caldwell, Anthony, and Medicine Lodge papers.¹⁶

These cattlemen who were forced off the strip for not complying with the above resolution combined with those hurt by the Standard Oil Company, who had gained the right to fence off parts of the strip, in exerting pressure upon the Interior Department to issue an order for the removal of cattlemen and their stock from the strip.¹⁷ There was considerable excitement growing out of an order issued from the interior department for the removal of all stockmen from the outlet. This state of affairs seemed to have been brought about by an attempt on the part of the Standard Oil Company to fence in a large range, which had been occupied by small stock holders who had paid taxes to the Cherokee Nation for the privilege of holding cattle on the outlet.

16. Anthony Journal, March 9, 1882.

17. Caldwell Commercial, January 5, 1884.

It seemed that these small stock holders, together with parties in Kansas who had been in the habit of letting their stock graze upon the Cherokee lands without paying anything to the Indians, had made certain statements to Secretary Henry M. Teller which had induced him to issue a sweeping order against all stockmen as well as the Standard Oil Company. The order was issued without regard to any injustice that may have been done to those who had paid taxes to the Cherokees in good faith and brought the privilege of fencing and erecting buildings for the accommodation of their herders.

Had this order held good it was virtually an acknowledgement that neither the Cherokee council nor their agents had the right to lease the lands or collect a tax for stock grazing on their territory. Had the order been carried out under this view, the uneasy spirits along the line could have argued that they had a right to locate upon the land, and in a very short time after the stockmen had been driven out, the land in controversey would have been covered with men anxious to find homes in the Indian Territory. Such a rush could have been avoided only by placing more troops on the line than the United States had at its disposal at this time.

This order was exactly the reverse of all previous ones on the subject, for stockmen had heretofore been notified that unless they paid the grazing tax demanded by the tax collectors of the Cherokee Nation, they would be removed by the military.

It would be safe to say there were one million head of cattle in the Indian Territory, many of these inside of fences of barbed wire that had cost thousands of dollars to erect, and which insured the Cherokee Indians a greater amount of revenue each year - thus making them self-supporting and not a burden upon the United States treasury.¹⁸ However the order from Washington came regardless of the loss it would create for the cattleman.

To the cattlemen it seemed to be one crisis after another, but through collective efforts of the members and the apparent lack of interest on the part of the government, the order was not carried out. The following is a local newspaper account of the meeting of the stockmen to act against the order of the Secretary of the Interior in regard to ousting all cattle interests

18. Caldwell Commercial, January 5, 1883. Cattlemen who were occupying Cherokee lands put into their treasury the following amounts: in 1878 - \$4,000; 1879 - 7,000; 1880 - 11,000; 1881 - 27,000; 1882 - 52,000.

out of the strip:

A special meeting of stockmen belonging to the stockman's association of the Cherokee strip, was held in Topeka on Monday [January 8, 1882]. M. H. Bennett was elected chairman pro tem, and after a free and full discussion of the order issued by the commissioner of Indian affairs removing all improvements from the strip, on motion E. M. Hewins and Major A. Drumm were appointed to wait upon the Secretary of the Interior and request a thorough investigation of the intentions of the stockmen in erecting inclosures and making the improvements complained of. Also, to request a suspension of the execution of the order until the investigation is made.

The meeting adipted the following preamble and resolutions: Whereas, we have an association known as the Cherokee Strip Stockman's Association, whose members own over 90% of all livestock grazed upon the Cherokee strip Indian Territory, and all difficulties heretofore arising between members of this association have bee amicably settled by themselves, and whereas, we, as stockmen of the Indian Territory, claim no right whatsoever in said Territory, only as guarnteed us by virtue of paying a grazing tax on stock to the Cherokee Nation, therefore be it

Resolved, That we would respectfully request the Secretary of Interior to make a full and complete investigation of the interest and purposes of the stockmen on the Cherokee Strip in the Indian Territory, as regards their improvements further than to simply protect their stock from trespassing upon the ranges of their fellow stockmen.

Resolved, That we are opposed to any company or individual monopolizing any part of the Territory that infringes upon the rights of any person or persons that have paid the grazing tax upon their cattle and having grazing ground allotted and set apart for the benefit of the cattle upon which said tax has been paid.

Resolved, That we unanimously disapprove of the Standard Oil Company or any other corporation or company of individuals, in fencing up the grounds known as the "quarantine grounds", said grounds having been set apart by the association, by and with the consent of the Cherokee authorities, for the benefit and use of persons driving cattle from Texas and other points for shipment.

Resolved, That we, as members of this association, will use our utmost endeavors to prevent all trespassing upon the timber lands of the Cherokee strip by whosoever it may be. We do also insist upon all persons holding stock upon the Cherokee strip preserving order and quietly submitting to all the laws and decisions of the governing power of the hour.¹⁹

It was stipulated however, that agreement must be made with the Cherokee Nation for the leasing of the strip by this association. So it was that in 1883 the cattlemen formally organized the "Cherokee Strip Livestock Association", and through the efforts of this association, and the Council of the Cherokees at Tahlequah, that agreement was reached for the leasing of the strip, in which tract was something over 6,000,000 acres, for a fixed sum of \$100,000 per year. The price paid was enormous compared with the revenue the Cherokees derived from this source in former years. In 1882 there was fifty-one thousand dollars collected as a grazing tax from the stockmen, and about one-third of this, or seventeen thousand dollars was retained by the collectors.²⁰

This agreement had been reached after many efforts on the part of the stockmen and the Cherokees to solve

19. Caldwell Commercial, January 27, 1883.

20. Barber County Clippings, vol. I, 1873-1936.

this seemingly difficult problem. It was a question affecting the vast capital investment by the stockmen in the Territory; it was of peculiar interest to the Cherokee Indians, for on its amicable settlement depended a large revenue they would not otherwise get. Also the stockmen did not know how long they could expect a foothold in the Territory under the old system, nor did the Indians know who might by force insist on being their tenants.

With the signing of the lease the association bound itself to make no permanent improvements on the land, and only such temporary improvements as might be necessary in caring for their cattle. Also all such temporary improvements became the property of the Cherokee Nation upon the expiration of the lease. The association could cut timber for use in fencing and building temporary structures only; also they were responsible for keeping all persons not members of the association, off the Cherokee land.

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Things seemed to be running smoothly for the cattlemen in the strip and the pools began to show a



21. Caldwell Commercial, May 25, 1883.

profit once again. Trouble developed in the winter of 1884-85 however, over rumors of bribery and corruption by the cattlemen which resulted in a congressional investigation.²² This one like the one before resulted in favor of the cattlemen. In 1886 the association tried to renew their lease but it failed to pass in the Cherokee council. The association continued its efforts to renew its lease but by 1889 the Territory was being opened for settlement and one of the collective movements in our early history passed out of existence.

Beside the restrictions faced by the pools in the Indian Territory, they were faced with an equally grave problem in Kansas. As has been stated before the majority of the land included in these pools was not rightfully theirs for they had neglected to file claim to it. Now with increased migration into the cattle domain they found settlers filing claims and fencing portions of their ranges. Legally they could do nothing to prevent this settlement, but the cattlemen did not always practice legal methods. If the settler or squatter could not peacefully be removed then, in the opinion of the stockmen, stronger methods were in order.

22. Edward Everett Dale, The Cherokee Strip Livestock Association (Wichita: First National Bank in Wichita, 1941), p. 13.

The pools, because they employed a large number of cowboys, instructed them to place a few boards on a quarter section of land, then file upon it. After the required period had elapsed they would swear to a residence and when they received their patents would transfer it to their employer. Land thus acquired was then fenced in and on many occasions the settlers found themselves completely surrounded with no outlet.²³ Another stratagem used by the pools in their battle to hold back the westward movement was to employ their cowboys to make a timber culture entry along streams. In this way all the watering places in a township were then occupied and the other areas rendered undesirable for settlement. If bona fide settlers were already on the ground they were, as stated before, either bought off or scared off and fences were extended.²⁴

Thus far the author has attempted to bring out the conflicts and restrictions which the pools and cattlemen in general had to face. In all these situations there was a means of working out a settlement with no one loosing too much on either side, but perhaps the greatest threat to the cattleman's existence

23. Louis Pelzer, The Cattleman's Frontier, p. 174.

24. Ibid., p. 183.

was of another nature. No industry was more dependent on the weather. If in the summer there was no rain the grass burned and the cattle had no feed; if the winter was severe there was danger of loosing cattle through freezing. To this there was no defense, all the rancher could do was to gamble on the elements being favorable.

It is interesting to follow the newspapers of the period and from this to observe the rise and fall of the hopes of the cattlemen. The following are typical:

The loss of cattle from the storm seems to be rather worse than first reports indicated. There is little doubt that the great storm of two weeks ago damaged stock in Barbour county to the extent of at least ten thousand dollars.²⁵

While a month later to the day appeared the following:

There is perhaps no country which depends so much on the condition of the thermometer as a country where cattle are grown. Two or three weeks ago our people were gloomy with the prospect of extraordinary losses, but the bright weather has changed the appearance of matters most decidedly, and stockmen are generally cheerful.²⁶

So it was that the cattle industry rose and fell as did the barometer. The writer will go into more detail on this subject later for the weather played an important part in the fall of the pools. The extremely cold winters more than any other single factor brought

25. The Cresset, (Medicine Lodge, Kansas) February 8, 1883.

26. The Cresset, (Medicine Lodge, Kansas) March 8, 1883.

on the collapse of the cattle pools.

It has been the intent of the author to show here the obstacles which were faced by the cattlemen and the methods they used to overcome them; to show that individualism had passed and collective action was made necessary if the pools and the cattle industry hoped to survive; to show the feelings of these people toward any encroachment upon their holdings and the resistance, either legal or illegal, which they offered to halt this infringement of their rights.

CHAPTER III

PRINCIPAL POOLS IN BARBER COUNTY

Comanche Pool

The original date for the formation of the Comanche Pool seems to be uncertain. From a variety of sources checked it would seem that the most frequent agreement is of the year 1881. If this date is their actual formation it is logical to assume that these men cooperated with each other for a number of years prior to this.

The following is the formal notice of the organization of the Comanche Pool:

This week we present our readers with the brands, earmarks, etc., of the Comanche Pool. This pool is composed of fifteen different individuals holding cattle in that county, and was organized for mutual protection and to promote the raising and breeding of cattle. In the pool are 26,000 head of cattle, and some twenty brands are represented. All expenses of herding, etc., are paid by the pool and are borne in equal proportions. Every six months a balance sheet is struck and a settlement made with each member. The names of the individuals composing the pool are Evans-Hunter and Evans, R. W. Phillips, Wylie Payne, R. Kirke, E. W. James, Fred Taintor, George Cutriff, J. B. Doyle, John Wilson, J. A. McCarty, W. R. Colcord, Tom Doran, J. W. Rawlins, C. D. Nelson, and William Blair. These gentlemen have been engaged in stock raising for many years and thoroughly understand their business. Wylie Payne is president of the pool.¹

1. Barber County Index, January 6, 1881.

A wire fence, 250 miles long, at one time fenced in the greatest cattle range in Kansas - the holdings of the one time famous Comanche Pool.

This ranch, if such it could be called, extended roughly from the Medicine river in Barber county, the east line of the pool, south to the Cimarron river in Oklahoma, then west along that stream into Clark county, north to the northern line of Clark, and thence swinging up into Kiowa county to take in the "breaks" along the head waters of the Mule creek and the Medicine, in Kiowa county.²

Thus it was that this great cattle pool began its existence. As has been stated the pool began its operations with 26,000 head of stock. In 1882, the pool shipped approximately ten thousand head of cattle. At this time their closest shipping point was Harper some thirty-five miles from the eastern border of the pool. To substantiate the above estimate the author quotes from notices printed in the local newspaper. "The Comanche county pool have shipped about 5,000 beeves this season, and have 5,000 more on the range about ripe for market."³ In an earlier account the following

2. Barber County Clippings, vol. I, 1873-1936.

3. Caldwell Post, September 21, 1882.

appeared:

The Comanche Pool will commence shipping their beeves about the 20th inst. from Harper. They will ship from eight to ten thousand head at the present price, which will bring in round numbers from \$275,000 to \$300,000.⁴

No other accounts pertaining to the shipments for this year were available.

In 1883 the pool began its program of improving their breed. They bought good bulls, mostly graded short horn, but in some cases Polled Angus and Herefords. These cattle were then turned out on the range which resulted in a better quality of calves.

While this move was a good investment the pool was facing another problem. In the early part of 1883 the members met to decide what to do with the increase in stock. They now had some 50,000 head of cattle on the range. It was agreed that they would ship some ten thousand beeves. Also about five thousand five hundred yearlings would be shipped. While it may seem that the problem was solved, this was not the case for they were expecting that year's calf crop to equal the number of cattle ready for sale.⁵ The only alternative left for

4. Caldwell Post, July 20, 1882.

5. Medicine Lodge Index, February 9, 1883.

the pool was to contract their yearling steers for three or four years at a fixed price. However, this year they were fortunate in finding a buyer for their yearling crop and they sold the five thousand to Evans, Hunter and Newman of St. Louis for twenty dollars per head.⁶

The winter of 1882-83 was quite severe and the Comanche Pool suffered considerable damage to its livestock. It was estimated that the loss in dollars and cents would be around ten thousand dollars. A report from the Comanche county area stated that the cattle in the pool looked "rather delapidated."⁷ However, the range boss of the pool, a Mr. William Blair, estimated the pools loss at about four per cent.⁸ While it is true that the loss was slight, it would seem to indicate that the risk involved was great in the cattle business.

Little information could be found on the pool for the year 1884. The cattle seemed to be in excellent condition. Captain Evans and Major Kirk, Comanche Pool directors, made an inspection of the pool in March and found the cattle in very good condition.⁹ Regardless of how good the cattle may have been, the market that

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6. Medicine Lodge Index, April 27, 1883.
 7. Anthony Journal, March 29, 1883.
 8. Caldwell Commercial, March 29, 1883.
 9. Coldwater Review, March 3, 1884.

year was poor. Prices were low and the market very uncertain. For this reason very few cattle were shipped. A report from the Caldwell Journal stated that only 54,885 head of cattle were shipped there, which was indeed a poor season.

Another event of interest for this year occurred in the death of Wylie Payne. Payne was the first president of the Comanche pool and had considerable interest in the pool. Mr. Payne was killed when the bank at Medicine Lodge was robbed on April 30, 1884. Mr. Payne was president of the bank at the time.

It was in 1884 that the first settlers came to Comanche county. After the first few, the settlers came in greater and greater numbers. There had been a good rain fall that year and this area seemed to the settlers to be the Garden of Eden.

In order to form the county it was necessary to have a petition signed by six hundred residents and this was accomplished in February of 1885.

Then came the battle between the cattlemen and the settlers. The issue was "free range" or "herd law". The settlers won and the herd law carried thus enabling the farmers to plant their crops. The cattlemen were forced to keep a closer check on their stock which

entailed a much greater expense to the pool. This in itself was a blow; but it was not the last blow.

In the summer of 1884 the Comanche pool had over 80,000 cattle on round-up. The fat steers were cut out and shipped to market and the young stock and breeding herd were left to winter on the open range, as usual.¹⁰

But the winter of 1884 was an unusually severe one. The heaviest snows in many years fell, covering the grass and leaving the range under deep snow all winter. Thousands of the cattle perished, and the plains were spotted with their carcasses when spring came. There were only seven thousand head left. They were rounded up in a valley near where Coldwater now stands, and started on the long trek to Montana.¹¹

The Comanche Pool carried on in the Indian Territory for a while but the cattle business was on the decline. In 1886 they shipped four thousand head of calves to the Kansas City market for veal. This tells plainer than words that the day of the range was passing. Before, the big cost in cattle production had

10. Barber County Clippings, vol. I, 1873-1936.
11. Kiowa Herald, June 24, 1885.

been for the calf.¹²

So it was that the short life of the Comanche Pool came to an end. Through it lasted only a short time it has contributed much to the cattle raising in that section.

The following are the brands listed for the Comanche Pool:

Evans, Hunter and Newman ♡ ♡ H

+ /

R. W. Phillips LU HI

E. W. Payne P HP

E. B. Kirk and Co. K

J. M. Rawlins Ⓜ

John Wilson JON

J. B. Doyle B 76

W. R. Colcord ☞ XL

12. Barber County Clippings, vol. I, 1873-1936.

Wm. Maker J J

Wm. Blair WIL

R. L. Gregory X B

W. H. Carter ~~XX~~

W. M. Lyle 10

Williamson Blair and Co. -W W

Hammers, Forbes & Co. H H

Ben Garland -v L

G. A. Thompson N N ~

Wallace W. Wicks □

J. C. Pryor & Co. P ◇

W. S. & Thos Snow ⌒ - ^

Wiley & Harkness $\overline{\overline{V}}$ $\subset UN$

P. S. Burress — \curvearrowright

Ed. W. Mannells $\underline{\widehat{E}}$

Bennett & Duffman $\circ \rightarrow \times \curvearrowright_2$

The Eagle Chief and Salt Fork Pool

Like the "Comanche Pool", the beginning of the "Salt Fork and Eagle Chief Pool" is somewhat in doubt. It is probable that the first organization was in 1861 when the Ewell Brothers, Ballinger and Schlupp, Dick Sherlock, Stacy Brothers, and J. W. Oliver formed themselves into an association with the above title.¹³

These gentlemen took over the territory which was the old range of Ballinger, Schlupp and Ewell Brothers in Indian Territory.

At the first semi annual meeting held by the pool they enlarged upon the regulations which were to govern the pool. A motion was made and accepted that all horses which were used for range work be owned and controlled by the pool. Also that all such common stock should be branded with the pool brand "b". They decided that each member was to furnish horses for the pool in proportion to the amount of stock each had in the pool, this rate was twelve horses for each one thousand head of cattle. It was also the decision of the members that all camps would be owned and furnished by the pool

13. Anthony Journal, November 10, 1861.

and known as pool camps; that all men employed by the pool would be under the control of the pool superintendent and subject to discharge by him for violation of orders. Finally it was decided to brand all cattle belonging to the pool members with "6" on the left side of the neck.¹⁴

With the setting up of these regulations the pool began its functions. Shortly after the above meeting the Pool secured the right, from the Indian authorities to fence the southern side of the Pool in order to protect their ranges from the through cattle of Texas.¹⁵ It is interesting to observe that when the fencing was completed it enclosed two hundred and sixty thousand acres. The fence was from the Eagle Chief to the Cimarron, a distance of twenty five miles and the range was ten miles wide.¹⁶

At their fall meeting held in Kiowa the members elected the following officers for the ensuing year: N. J. Schlupp, W. J. Justis and Dennis Donovan as directors; A. W. Rumsey, treasurer and Wylie A. Cowan, range superintendent. Also it was brought to the atten-

14. Medicine Lodge Cresset, April 20, 1882.

15. Medicine Lodge Index, April 27, 1882.

16. Medicine Lodge Index, May 4, 1882.

tion of the members that the pool had shipped four thousand beeves and had branded five thousand calves. ¹⁷

In 1883 the "Salt Fork and Eagle Chief Pool" reorganized with headquarters in Kiowa, according to the account the following named men were connected with the pool: M. J. Lane, Frank Shelley, Billy Powell, Charles Moore, D. R. Streeter, A.W. Rumsey, Charles Stowell, Clark Bunton, Major Moderwell, D. Donovan, Wiley Cowan, Henry Wick, and Frank Stacy. ¹⁸

It is extremely difficult to follow the accounts of this pool for it seemed to be in a constant state of change. Perhaps this can be accounted for by the fact that in 1883 the price of cattle was high and the prospects for a continuance of such prices good. Because of the general feeling of prosperity speculators were more than willing to buy stock, the smarter and more careful cattlemen were thus in the frame of mind to sell out at a considerable profit and to pass on the risk to someone else. For this reason sales were frequent among the members of the pool. W. H. Harrelson of the Eagle Chief Pool sold his stock to the Geneseo Cattle Company in April of 1883. This sale

17. Anthony Journal, November 23, 1882.

18. Barber County Clippings, vol. I, 1873-1936.

consisted of two thousand eight hundred head of cattle, and horses and range privileges in the pool. The price paid by the Company was about eighty three thousand
19
dollars.

A short time later Stacy Brothers sold their stock to Myron C. Wick for some twenty five thousand dollars. The number of cattle involved in this sale was slightly over one thousand head.²⁰

Perhaps the writer should include here the addition to the pool. The Geneseo Cattle Company whose range bordered that of the Eagle Chief was incorporated into the pool during its reorganization. W. C. Moderwell was president of the Company. With this addition nearly three thousand cattle were added to
21
the pool.

Also during the year 1883 the Eagle Chief pool made one of the largest cattle deals that was ever made in this period. Snider Brothers contracted for all the yearling cattle in the pool, some seventy five thousand of them, to be delivered over the following five years. They gave the pool an advance payment of twenty five

19. Medicine Lodge Index, April 20, 1883.
20. Medicine Lodge Index, May 4, 1883.
21. Medicine Lodge Index, August 3, 1883.

thousand dollars and it was estimated that the price per head would be twenty dollars.²² In this way the pool did not have to worry about the market price in selling their cattle and for the next five years they were assured of a fair price for their cattle. This sort of an agreement was much sought after by all the pools.

At their fall meeting in Kiowa on October 19, 1883, the pool members were reported well satisfied with their past year's business and reelected the old officers for another year. But a drastic change seemed to have taken place in the following year. For three years the pool seems to have prospered and worked in complete harmony but in 1884 it would seem that differences began to arise. The members felt that the practice of rumming all the cattle together in one enclosure was not the best method of doing business, also the calf crop had dropped off and this added to their disagreement. So it was that in the fall of that year the members met and unanimously voted to discontinue the pool method of grazing cattle and to resume the old method of every man controlling a certain range and holding his own

22. Anthony Journal, July 19, 1883.

42.

cattle. As has been stated before the calf shortage was the paramount reason for the dissolution.

There were about thirty thousand head of cattle in the pool at this time, and they were grazing upon a range embracing about three hundred thousand acres. It was believed advisable to divide the range up and to allow each member the limit allotted to them under the Cherokee Strip apportionment. So it was that the pool was divided. The following are the distributions of the land:

Schlupp and Ballinger in company with M. J. Lane fenced off a strip of about one hundred thousand acres and under the superintendency of Clark Bunton withdrew from the pool in May 1, 1885.

Henry and Dennis Donovan fenced a strip and ran their cattle together under their own management. Ewell and Justis, the Geneseo Cattle Company, M. C. Wick, W. P. Powell and C. E. Stowell continued under the name of Eagle Chief Pool.²³

The new pool was organized with E. C. Moderwell president; F. H. Shelley, secretary; Oliver Ewell, treasurer; and M. S. Justis and D. R. Streeter, directors. The pool had their range cross-fenced and constructed a new camp. After this change they had about twelve thousand head of cattle and their range included

23. The Kiowa Herald, November 20, 1885.

about one hundred fifty thousand acres. The location of the new pool was about twenty five miles south of New Kiowa.²⁴

So it was that the Eagle Chief Pool passed from prominence. This pool like the Comanche Pool was hit hard by the winter of 1884-85 but more will be written of that later in this paper.

The only brands listed for this pool outside of the regular pool brands are as follows:

Schlupp and Ballinger J-E J-L

Geneseo Cattle Company T-L Y-t

24. The Kiowa Herald, June 4, 1885.

Lesser Pool in Barber County

Thus far the author has attempted to give a history of the "Comanche Pool" and the "Eagle Chief Pool". While these pools were the largest and most active during this period, they were not the only pools in existence within the county. In this section the writer will present those lesser pools, and such information as pertains to them; the extent of their holdings and as many names of the members of these pools as were available.

In 1881 a meeting of stockmen holding cattle east of the Medicine river, north of the Salt fork and west of the Sand Hills in the Indian Territory and also in Harper and Barbour counties, Kansas, was held in Anthony on August 26 of that year. At this meeting they formed an organization to be known as the "Medicine River and Sand Creek Winter Pool". The following men were present and took part in the meeting: W. K. Clifford, W. W. Wood, J. C. Pryor, R. Aldridge, W. E. Campbell, Charles Blackstone, J. L. B. Ellis, George B. Coe, C. B. Rhodes, M. K. Krider, H. A. Latham and Major Drumm.

A permanent organization was effected by the election of W. E. Campbell as president of the pool and C. B. Rhodes secretary and treasurer.

The convention decided at this time that the following boundaries should be the bounds of the range, with the exact location being left to the executive committee to decide: West boundary, Medicine river: South boundary, Salt Fork: East boundary, Sand Hills between Miller's and Manning's camps, and up to the German settlement; thence west to the Medicine river below Kiowa.²⁵

The following are the rules and regulations adopted by the members to govern the pool:

We the undersigned members of the Medicine River and Sand Creek Winter Pool do hereby agree to the following rules and regulations for the government of said pool:

1. That the executive committee have power to establish boundaries and camps, to locate and have fire guards plowed, to employ a captain and fix his salary, and to decide all questions which may arise between general meetings of pool members.

2. That the captain may have the power to discharge all men not doing as he may order, and employ men to fill vacancies promptly, and report such change to employer.

3. That no parties not members of the pool shall be allowed to establish any camps or turn loose any stock within the pool boundaries, without first obtaining permission from the executive committee.

4. That an assessment shall be made upon each member in proportion to the number of cattle controlled by him, and that the assessment may be

25. The Cresset (Medicine Lidge, Kansas), September 1, 1881.

increased or decreased by the executive committee as necessity may require.

5. That each member be required to pay promptly his share of the assessment, so that all expenses may be met without delay.

6. That funds shall be deposited in the Anthony bank and drawn upon by the treasurer upon the order of the executive committee.

7. That each member shall furnish riders in proportion to the number of cattle held by him subject to the judgement of the executive committee.

8. That the president and executive committee shall have the power to call a meeting of the members of the pool at any time when they may deem it necessary by giving not less than ten days notice.²⁶

This notice was signed by the following members of the pool: W. E. Campbell, J. C. Pryor, Charles Blackstone, W. W. Wood, B. S. Miller and Company, M. K. Krider, F. M. Davis, H. A. Latham, Jesse L. B. Ellis, W. K. Clifford, L. C. Bidwell, T. F. Pryor, Westmorelane Brothers.²⁷

At their meeting in March, 1882, the pool members decided to continue the same boundaries - the territory lying in western portion of Harper and eastern portion of Barber counties; the remainder lying between the state line and Salt Fork river.²⁸ Also at this meeting it was voted to strike the word "winter" from the name

26. Anthony Journal, October 13, 1881.
27. Anthony Journal, October 13, 1881.
28. The Caldwell Post, March 9, 1882.

of the pool.²⁹

Another pool formed in Barber county was the "Medicine River Pool". This pool was formed on November 5, 1881, at a meeting held at the ranch of R. J. Taliaferro. The members of this pool were: G. W. Hendrickson, C. T. Smith, E. S. Sauble, H. T. Irwin, T. J. Jones, R. J. Taliaferro, William Strom, W. L. Henderson, C. C. Mills, Robert Yates, R. D. Simpson, and Brisbin Brothers.

The boundaries of the pool, as stated in the account are as follows:

Commencing at the mouth of Bear creek, thence east on the divide, between Bear and Bitter creeks, to the head of West Cedar creek, thence east, of the divide, between east and west Cedar creeks, to the Dumniré canon, thence north, to the Medicine river, thence west, on the divide, between Medicine river and Elm creek, to the head of Kerchner's creek, thence south, to the mouth of Bear creek, the place of the beginning, the same being in Barber county, Kansas.

The directors of the pool as elected by the members were: T. A. McCleaney, G. W. Hendrickson, and C. T. Smith.³⁰

Still another pool was formed in Barber county on September 15, 1881. The name given this pool was

29. Anthony Journal, March 16, 1882.

30. The Cresset, (Medicine Lodge, Kansas) November 17, 1881.

the "Sand and Hackberry Creek Pool". The cattlemen located in this area met at the ranch of John McKinney for the purpose of forming the pool. Those attending and taking part in the meeting were: William Lockard, D. M. McKinney, McGrath Brothers, W. H. McCall, John Siler, McKinney Brothers, and J. A. Lockard. William Lockard was elected chairman and John McKinney secretary of the pool; the executive committee as elected by the members were: A. W. McKinney, John Lockard, and John Siler.

The following are the rules and regulations of the pool:

1. There shall be elected an executive committee of three members, whose duty shall be to establish boundary lines, to see that there is sufficient fire guards and to attend to all business that may arise between general meetings.
2. That no person or persons, not members of this pool shall be allowed to establish any camps or turn loose any stock within the pool boundaries, without first obtaining permission from the executive committee.
3. That the executive committee have power to make an assessment against each member of the pool, according to the number of cattle that each member has; to settle all expenses that may arise against the pool.
4. That the executives have power to discharge all men not doing as they may direct, and employ men to fill their place.

The following boundary lines were agreed upon: commencing at the northeast corner of Stith and

57

Watkins pasture fence, thence north to Little Mule
creek divide, thence continuing on the divide between
Hackberry and Little Mule creek, thence following
the divide between Cedar and Bear, and Sand creeks,
thence west to the line of the Comanche Pool, thence
following that line to the northwest corner of Stith
and Watkins pasture fence, thence east to the place
of the beginning.³¹

The purpose of all these pools is the same,
namely for mutual aid and protection. They grazed their
cattle in a common enclosure and established a pool
brand; they encountered the same restrictions for the
most part as the two larger pools and their life span
was much the same.

The author realizes that the pools mentioned are
not the only pools existing in the county during this
period, for at least three more are known to have been
formed, but records on these seemed impossible to be
found. There is little doubt but that more were formed
about which no records were found.

The exact date of the formation of the "Medicine
River and Kiowa Pool" is not known, however the boundary
of the pool was as follows:

commencing on the Driftwood and running east on
the north line of the Indian Territory to the west
line of Harper county, thence north to the south
line of Kingman county, thence west to the east line
of the Medicine river and Cedar creek Pool, thence

31. The Cresset, (Medicine Lodge, Kansas)
September 22, 1881.

south to the north line of the Indian Territory, on the Driftwood.³²

Willian Springer was chairman of the pool and S. K. W. Field was secretary. Nothing could be found on the organization of the "Medicine river Cedar creek Pool", but since the above pool joined it, it would seem that such a pool was in existance. The "Crooked and Pond Creek Pool" was formed September 5, 1881, the boundary of the pool could not be found but the names of the members were given in the account. The members were: A. M. Colson, B. Garland, Blair and Battin, J. H. Lundy, C. H. Manning, John Nickolson, L. B. Haven, and C. Lynch. William Larkin was the pool captain.³³

From these accounts it should be clear that Barbour county was well represented by cattle pools. They served their purpose and came to an end in a few short years and are today all but forgotten. For this reason it is well that their history be brought to our attention that we may better understand our early history.

The Decline of The Cattle Pools

It is difficult to say just when the decline of the cattle pools began, for there were signs appearing as early as 1883-84. Most authorities, however, place

32. Barbour County Index, January 12, 1882.

33. The Cresset, (Medicine Lodge, Kansas) September 15, 1881.

the beginning in 1884.

There were many things which contributed to the decline and each played its part extremely well. Perhaps the first obstacle faced by the cattlemen which in its way hastened their decline was the herd law. This law caused the cattlemen to restrict their ranges and in many cases to fence in their entire holdings. There was continual strife between these opposing groups but from the beginning the cattlemen were fighting a losing battle.

The power behind the herd law was of course the settlers; those who came to farm and who objected to the practices of the cattlemen in letting their herds wander at will. As has been pointed out, Harper county voted in the herd law; later in 1885, Comanche county also voted in the herd law. With this the Comanche pool suffered a great deal, for to keep from breaking the law and to keep on the right side of the settlers, the pool was forced to drastically curtail its practices.

Another factor aiding in the decline was the overstocking of the ranges by the cattlemen. The rise of the pools was exceptionally fast. The demand for beef during the seventies and early eighties induced the cattlemen to increase their herds. But in 1884 and 1885 when the prices were low and the exports of beef

were dropping these cattlemen continued in the same manner not, seemingly, aware of the danger of this practice. As a result these men found themselves with a surplus of beef and no market demand for it. This rapid increase in production called for a more strict method of business in marketing the beef which the pools failed to realize, or at least they were too late in their realization; also more individualism was required to meet the changing conditions, and the new demands in raising and fattening beef on the plains. Many of the cattlemen had gone into debt due to over speculation on their part and few of them felt the need for closer accounting.

While there can be little doubt of the importance of these factors in the decline of the pools, their influence was slight in comparison to the devastation brought on by the extreme winters of 1885 and 1886. This, it would seem, was the crowning point of all the hardships suffered by the cattlemen.

The winters seemed to increase in severity from 1883. While it is true that the loss in 1883 was not great still it did show or mark the beginning of a cycle. Each winter for the next three years increased in severity with the greatest damage being caused in

1885.

This year, 1885, in many respect was the peak of the cattle boom. By fall, however, prices were falling rapidly, and then as if to add the final touch to the woes of the cattle land, nature struck her stunning blow.

The fall was unusually mild and the stock apparently did very well. The stockmen were becoming optimistic about the prospects for the following year. The market, it is true, was poor but it had come back before and they felt secure in their dreams of good years to come.

This dream, however, was short lived for in December the blizzard struck. According to accounts it started as rain later turning into sleet with the temperature dropping rapidly. The wind reached near hurricane proportions driving the sleet across the plains. The storm continued for three days without abatement, in Kansas alone over one hundred persons died. Most of these were settlers frozen in their flimsy homes, but some were cowboys who courageously tried to follow their drifting herds.³⁴

34. Caldwell Post, February 8, 1885.

When the blizzard was over the cattle industry was virtually gone. It was nearly impossible for the cattle to survive, in the first place they were not bred for this type of weather and shelter was hard to find on the open plains. Also the ground was covered with ice for some time making it impossible for the cattle to find feed. As has been stated before, the Comanche pool had over eighty thousand head of cattle on its range that winter and in the spring there were but seven thousand remaining.

The summer of 1886 was dry, and the succeeding winter set in early. No one ever enumerated the number of cattle killed in the two blizzard years, but few industries in history ever felt so crushing a combination of blows. Eighty percent of the cattle in many areas were reported killed.³⁵

This was the last round-up. For the next six or eight years there were hardly enough cattle left in Comanche county to furnish milk for the settlers.³⁶

Under the pressure of these combined forces the cattle pools passed out of existence, at least so far

35. Kiowa Herald, February 8, 1886.

36. Barber County Clippings, vol. I, 1873-1936.

as their importance is conderned. For a short time the pools carried on in the Indian Territory but they failed to regain their earlier importance. The towns which had depended so much on the cattle trade also felt the blow, for their most profitable source of income had been taken away.

The fabulous era of the cattle pools had ended and with it passed one of the most pictureque periods of our early history. The cattlemen had for over a decade ruled supreme in the west but at last had succumbed to the inevitable and the movement westward continued.

Pelzer in his book The Cattleman's Frontier, has summed up the decline of the cattle pools very well in the following statement:

The era of great cattle companies with their golden visions and wild extravagances ended with the heartbreaking disasters of 1885 and 1886, although ominous signs had appeared as early as 1884. Overstocking, frenzied financing, mis management, the invasion of settlers and sheepman, storms, declining markets, and the falling off of exports of cattle - these factors had combined to topple over the cattle companies grown huge in so short a time and on foundations of sand.³⁷

37. Louis Pelzer, The Cattleman's Frontier (Glendale, California: The Arthur H. Clark Company, 1936), p. 140.

CHAPTER IV

TYPICAL CATTLEMEN OF THIS PERIOD

Major Andrew Drumm

There were many cattlemen who could be, and no doubt should be, reviewed in this paper, but it is the authors belief that the two gentlemen chosen, Major Andrew Drumm and M. S. Justis, are typical of this period and that the inclusion of others would be repetitious. The colorful memory of these gentlemen has lasted through the years and even today their names are familiar to the younger generation of Barber county.

Major Andrew Drumm entered the cattle business in middle life - that is, for eighteen years prior to entering the cattle business he raised and marketed hogs in California. According to all accounts he had always cherished a desire to go into the cattle business.

So it was that in 1870, Major Drumm and his brother bought a herd of cattle in southern Texas and traveled north into the Cherokee Outlet. They found the grazing lands to their liking and thus established the now famous "U" ranch and began to build their fortune.

Those were the days of the open range, when

cattle roamed unhindered by fences and barbed wire. Owners depended upon the branding iron to keep track of their herds, and the early spring round-up was the time when cattle were gathered and driven back to their home ranges.

Major Drumm's brand, as you could imagine, was the figure "U" on the steer's left hip. And as the Major's fortune grew and his herd increased, the "U" brand became more and more familiar to the cattlemen of the strip.

Major Drumm engaged in all phases of the range cattle industry, buying young cattle for fattening, feeders, full-feds and breeding herds. In all he was successful, and in time he operated ranches not only in Oklahoma but in Texas, Kansas, California, Missouri, New Mexico and Arizona as well.

During the first decade of the "U" ranch Major Drumm found that the problem of grazing his cattle easily solved, and for transportation he drove the steers one hundred and fifty miles to the railroads at Abilene and Coffeyville, Kansas. As the railroads were extended he shipped from Wichita, Caldwell, Hunnewell, Harper and Kiowa.

But by 1880 trouble loomed in the outlet for the

ranchmen. Difficulties and disagreements arose among the ranchers themselves and to add to the turmoil, agitation for the opening of the strip to white settlement began to appear. In order to protect themselves the ranchers organized the Cherokee Strip Livestock Association with Major Drumm as the first president, the purpose of the new organization being to protect the cattle interests on the Cherokee strip and to settle disputes between cattlemen who were claiming the same ranges for their ranches.

Not long after he had located on his ranch on the Medicine and Salt Fork rivers Major Drumm's brother sold his interest to the Major, who then took into partnership A. J. Snider, a livestock commission merchant of Kansas City. Drumm and Snider jointly owned the livestock on the "U" ranch until 1891, when the cattle were ordered off. At that time the United States Government, in consideration of many requests to open the Cherokee strip for settlement, decided that the strip was too valuable for grazing purposes and made an agreement with the Cherokees to purchase it at a price of one dollar and forty cents per acre.

After the opening of the Cherokee strip to settlement Drumm transferred his business interests

to Kansas City, where he had lived for some time even before the '93 run. He became interested in banking and in loaning money to cattle men and by the time of his death he had accumulated a considerable fortune. He never forgot his prairie associates however, and for more than thirty years was a familiar figure at the conventions of the Texas Cattle Raiser's Association, which was held annually in the Lone Star state.

In 1884 Major Drumm became one of the original members of the Kiowa town company. A few months later he was one of the men who organized the Bank of Kiowa and was elected its first president. Major Drumm died in 1918.

Typical of the pioneer ranchmen, whom he loved and who helped erect the monument on his ranch, Andrew Drumm made prairie history and the memory of this ranch and the old "U" brand will long stand as one of this section's prized heritages.¹

No account is complete however without a slight taste of humor. Perhaps the most famous tale told about the Major was the poker game between the Major

1. The Kiowa News, September 1, 1949 (taken from the Cherokee Republican).

and a Texas cattleman. The following is the account as printed in the Kansas City Journal:

The Texan had no money but plenty of cattle and an immense desire to play poker with the major. The major is known around the stock yards for his great natural resources, and he swept away the seemingly insurmountable difficulty by proposing a game of one steer ante, two steer come and no limit. They played on this basis. Major Drumm dealt and the gentleman from Texas drew, saw the twelve cows and went fifty steers, twenty two-year old heifers, four bulls and twenty-five heifers better. Major Drumm looked at his hand and placed upon the table six fine Alderny cows, five imported Durham bulls, one hundred grass fed two-year olds, fifty prime to medium corn-fed Colorado half-breed steers, with a side bet of a Normandy gelding to cover the bar bill. The man from Texas made his bet good with an even two hundred and fifty straight Kansas wintered Texas half-breeds and ten Scotch polled cattle, fourteen mustangs and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 10 of Panhandle of Texas, and called.

Major Drumm held three aces and put in his hip pocket seven hundred and fifty steers, heifers, etc. and a big stock ranch.²

M. S. Justis

Another early settler who had experienced the hardships of the pioneer days in Kansas was Mr. M. S. Justis. His recollections of the early pioneer period concern some of the phases of cattle pool which are of interest to us in this paper. Mr Justis came to Kansas while still a young man from Virginia. Making the

2. Kiowa Herald, April 30, 1885.

trip with him were two men, who also played a part in the early cattle industry of Kansas, Dr. A. J. Ewell and Oliver Ewell.

These gentlemen came to Kansas in 1872 and settled in Sumner county, taking a claim on the Chikaskia river about seven miles from Caldwell; their claim being located on the Chisholm trail. They bought a small herd of cattle and stayed on their claim for three years. On the third summer they sold their cattle at Emporia.

1874, Mr. Justis recalled, was "the Grasshopper year" and reminisced how they lost their entire corn crop and that the grasshoppers even caused the train running to Dodge City to stop.

Also that fall Mr. Justis and the Ewell's sold out and went to San Antonio where they bought one thousand and fifty head of cattle and drove then back. They had some hard luck, however, and arrived in Kansas with only four hundred eighty head. They wintered the cattle on Mule creek near old Kiowa. In the spring of 1876 they drove their cattle up on the Ninescah, about 12 miles from where Kingman now stands, and sold their cattle. After the sale of their stock they returned to their home in Virginia.

Mr. Justis recalled the working of frontier justice vividly and told how, in 1874, in Sumner county the farmers' horses were stolen, The following day they formed a vigilance committee and followed the trail of the thieves. The group passed near Kiowa he remembered and found the thieves and stolen horses near Waynoka, Oklahoma. The horses were brought back but the horse thieves were left in the sand hills on the Cimarron river.

Mr. Justis recalled that in 1879 while building a winter camp on the Cimarron that he found the neck bones of one of the men hanging in a rope tied to a limb, the other bones were beneath the tree.

Mr. Justis was active in the Eagle Chief Pool and recalled that the pool was organized about 1879, in the Cherokee Strip. They leased the land from the Cherokee Livestock Association, and the acreage was guessed at by a rough survey. The distance around the pasture, he remembered, was one hundred and twenty miles; and they had some twenty-four or twenty-five thousand head of cattle in the pool. It took five carloads of wire to make a four wire fence around the lease.

When the Cherokee Livestock Association was

formed they leased the entire Oklahoma strip, which was about fifty-seven miles wide and four hundred miles long. This association paid the Cherokee Indians one cent an acre for five years. The Indians would not accept a draft, so twice a year the cash was taken from Caldwell down to the Indians.

In February 1885, Oliver Ewell and Mr. Justis went to San Antonio and drove up about one thousand head of cattle. From that time on they remained on the Eagle Chief, in the Oklahoma Strip, until it was opened for settlement.

The winter of 1884-85 was a hard one. Mr. Justis recalled that they lost not less than two thirds of their cattle. In the Comanche Pool to the north of the Eagle Chief Mr. Justis remembered, only seven thousand cattle survived the winter out of a total of eighty thousand head. In the spring of '85 in the big timber on the Cimarron, seven miles from Waynoka, Mr Justis remarked that he could have walked across two hundred acres without stepping on the ground, so many cattle were piled up.³

3. The Kiowa News, September 30, 1949 (Interview used with permission of the Editor).

Many, in fact most, of the old settlers have passed away leaving us very few accounts of their lives and of the experiences which they encountered. It is because of this situation that the writer felt it was important to include these gentlemen. It is interesting to note how, during this period, these men were able to reach success and withstand the heartbreak of disaster within a few short, but eventful, years.

CHAPTER V

CONCLUSION

Throughout this paper it has been the plan of the writer to trace the early history of the cattle pools in Barber county, Kansas. An effort has been made to include all the major steps in the organization, operations, the restrictions, and conflicts of the pools.

It has been pointed out that there were many reasons for the formation of these pools; such as the rapid increase of settlers in the cattle country. Because of this it became necessary for the ranchers to group themselves together to protect their grazing lands. Another reason for the formation of pools was the increased cost of raising and caring for cattle. By grouping themselves together the cattlemen could share the expense of operation, thus making it more profitable to each individual member. Also the ranchers were fighting among themselves over grazing rights, and since none of them had taken claim to the land, the formation of pools was a means of settling disputes by allotting grazing land in proportion to each individual interest. These are the outstanding

reasons for the formation of cattle pools, which served the cattlemen adequately for the time, and gave new impetus to the cattle industry.

The pools, as has been pointed out, operated in much the same way as any other business. Pool members elected officers and gave their officers the authority needed to operate the pool. Among varied duties they kept records of shipments and purchased supplies needed to run the organization; hired men and assessed the members for their share in the expense of operation of the pool. The pools shipped and sold their stock as an organization and maintained a pool brand for the cattle. In this way an attempt was made to reach and maintain a high standard of efficiency and to enable each member to realize the greatest possible return on his investment. Their intentions were good, and for a short period the pools thrived, but ultimately they were forced to abandon their operations due to the pressure exerted from outside sources and the damaging effects of the winters in 1884-85.

This pressure exerted upon the pools came in many forms. The restrictions placed upon the pools constantly threatened their existence. It has been noted that the Herd Law caused the pools to reduce

their ranges in size and to control their cattle in an effort to escape the fines imposed by the farmers protected by this law. Also it has been cited how in Comanche county considerable force was exerted by the cattlemen to defeat such a law and in failing were forced to reduce their grazing range considerably. Along with this law of course came the settler and this invasion of the cattleman's domain was a bitter pill indeed for the pools. As has been stated the cattle men had not taken the trouble to gain legal claim to their land and depended largely on their water rights to control the grass land. As it turned out the settler won the legal claim and the cattlemen were forced to restrict their herds.

The pools also took advantage of the grazing land in the Indian Territory and here again they were to face more restrictions. The cattlemen holding cattle on the strip formed themselves into an association in order to control the ranchers and to deal with the Cherokee Indians over payment for grazing rights.

When an order was issued from the Interior Department, requiring the cattlemen to leave the Indian Territory, this association exerted considerable pressure upon the government to protect the cattleman's

rights. Out of this misunderstanding grew a more closely knit organization known as the Cherokee Strip Livestock Association. Through negotiation with the Cherokee Indians the Association secured a five year lease of the entire strip and in return they were to pay the Cherokee Indians one hundred thousand dollars per year for the privilege. Pressure for the opening of the Strip to settlement, however, caused the final liquidation of the association.

The cattle industry was not without its hardships during this period. These pioneer cattlemen were constantly battling the elements as well as fire and carnivorous animals which constantly harassed the stockman's calf crop. The stockmen had little control over the elements but they did wage a winning battle against the setting of fires and the ravaging of the calves by wolves and other preying animals. Then too the stockmen were dependent, almost entirely, upon the markets for their livelihood. When the price for their cattle was high they prospered, but when the price fell they suffered losses. The pools were also careless in stocking their ranges, frequently allowing their ranges to become overstocked thus endangering the supply of grass available for the

cattle. It was not an easy life and the risk involved in the raising of cattle was great.

The writer, in presenting the cattle pools in Barber county, included the members, organization, extent of their holdings, and as much other information as was available. Records of these pools are lacking, or at least could not be found, thus making the information rather limited. The dates of organization of some Pools is not certain with accounts varying in some cases one or two years; the dates used in this paper are those most frequently mentioned. There can be little doubt that more information exists and will come to light at some future time; however, the information gathered for this paper is sufficient to prove beyond doubt that such organizations did exist and served the needs of the cattlemen of the period.

Cattlemen who worked so hard to improve their herds and to systematize the cattle raising industry deserved a more pleasant fate. Such, however, was not the case. A declining market, reduction in exports of beef, and extremely severe winters brought on the swift decline of the cattle pools. The most damaging blow to the cattle pools was the storms of 1884-85. It has been brought to the readers attention that the

loss of cattle was staggering. In the Eagle Chief Pool at least two thirds of their cattle perished, while in the Comanche Pool of the eighty thousand head of cattle only seven thousand survived. With losses such as these it is of little wonder that the pools began to disappear and the ranchers to loose faith in this method of cattle raising. Their spirit broken the cattlemen returned to their old method of individual ranching and the pools began to loose their effectiveness.

This subject would not be complete without bringing in the activities of at least one prominent person of this period; and perhaps the one person, who more than any other, deserves recognition is Major Andrew Drumm. From his arrival in the Cherokee Strip, until his death Major Drumm was active in the cattle industry and realized and sympathized with the cattleman's position. He constantly worked to better their conditions and to gain for them the recognition they rightfully deserved. He was active in civic affairs being one of the original members of the Kiowa town company. In all things he looked toward progress and improvement and worked toward the eventual achievement of both.

In Mr. M. S. Justis we find the reminiscences

of an early settler and the story of his experiences in the cattle business. His story is typical of the period and was told with amazing accuracy considering his age. He recalled the winter of 1884-85 in detail and the many people with whom he was associated during the early days. For an overall picture of the period there can be little doubt that he spoke with authority.

SIDE QUALIFY

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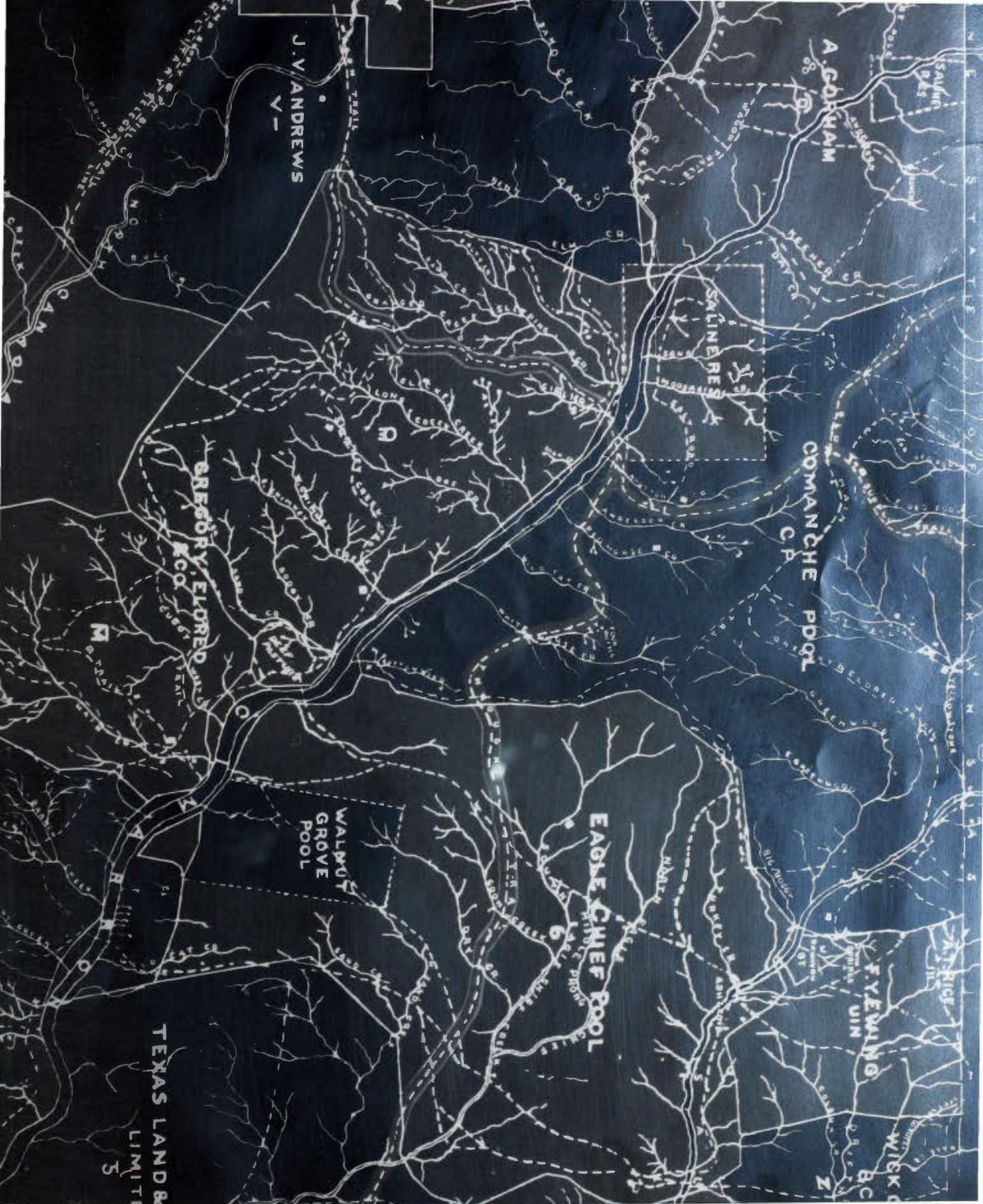
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J. V. ANDREWS

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EAGLE CHIEF POOL

COMANCHE POOL

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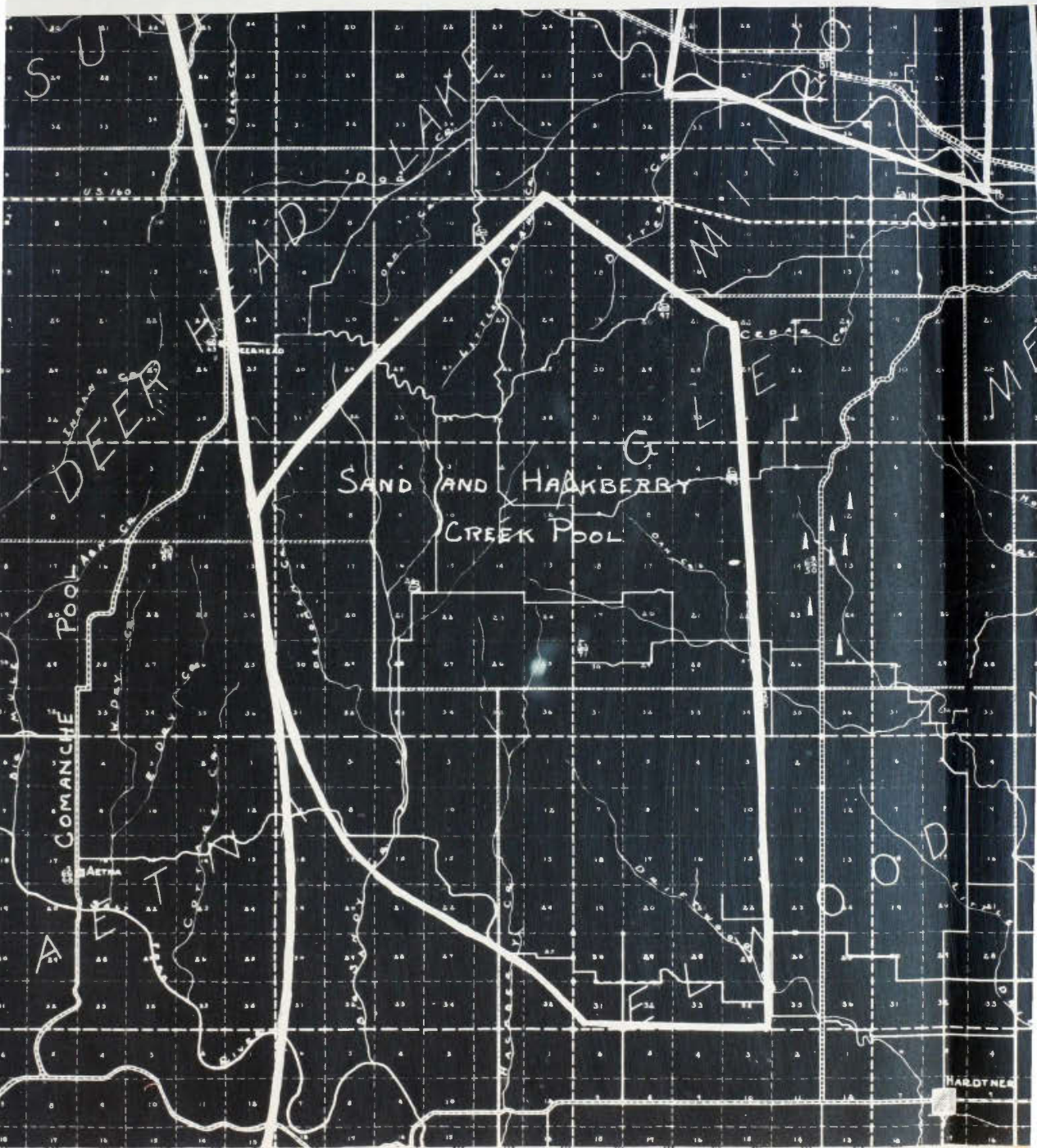
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APPENDIX A

CHEROKEE STRIP

LIVE STOCK ASSOCIATION

The

Charter and By-Laws of Association,

Adopted At

Cherokee Strip Meeting,

Held At

Caldwell, Kas., March 6, 7 & 8, 1883.

Caldwell, Kas., March 8th, 1883.

To the president, officers and members of the Cherokee Strip Stockmen's Association.

We, your committee, heretofore duly appointed for the purpose of preparing and reporting for your consideration a constitution and by-laws for this Association, or a charter for incorporation of this Association, under and by virtue of the laws of the State of Kansas, and by-laws in conformity thereto, do and now most respectfully beg leave to report as follows, to-wit:

That having your interests always in mind, we induced A. Drumm, E. M. Hewins, C. H. Eldred, S. Tuttle, E. W. Payne, M. H. Bennett, A. J. Day, Ben. S. Miller, and James W. Hamilton on the 7th day of March, A. D. 1883, to prepare, sign and acknowledge a charter of and for a corporation of which the following is a copy:

Charter Of The Cherokee Strip Live Stock Association

We, the undersigned persons, of competent age, do hereby associate ourselves together for the purpose of forming a private corporation under and by virtue of the laws of the State of Kansas, the purpose of which is and shall be "the improvement of the breed of domestic animals," by the importation, grazing, breeding, sale, barter and exchange thereof.

First. - The name of such corporation shall be "The Cherokee Strip Live-Stock Association."

Second. - The purpose for which the corporation is formed is the improvement of the breed of domestic animals by the importation, grazing, breeding, selling, bartering and exchange thereof.

Third. - The principal office and place of business of the corporation shall be at the city of Caldwell, in sumner county, Kansas, but its place or places of and for holding, breeding, grazing, selling, bartering and exchanging the domestic animals, for the improvement of the breed, for which the corporation is as aforesaid organized, shall be wherever the same can be, in the opinion of the directors of such other body of the stockholders or members of the corporation, most advantageously located.

Fourth. - The term for which the corporation is to exist shall be for forty years.

Fifth. - The number of the directors of the corporation shall be nine, and the following named stockholders are appointed directors for the first year, viz:

E. M. Hewins, whose residence is Cedarvale, Kansas.

J. W. Hamilton, whose residence is Wellington, Kansas.

A. J. Day, whose residence is Caldwell, Kansas.

S. Tuttle, whose residence is Caldwell, Kansas.

M. H. Bennett, whose residence is Caldwell, Kansas.

Andrew Drumm, whose residence is Caldwell, Kansas

Ben. S. Miller, whose residence is Caldwell, Kansas.

E. W. Payne, whose residence is Medicine Lodge, Kansas.

Chas. H. Eldred, whose residence is Carrolton, Illinois.

Which said charter was no said date duly transmitted, postage prepaid, to the Honorable Secretary of State, at Topeka, Kansas, and of said date the by-laws for the regulation of the business of said corporation were by your said committee formulated, and that thereafter, to-wit: On the 8th day of March, 1883, the board of directors of said corporation met in pursuance of the provisions of said charter and in conformity of law, elected Ben. S. Miller, one of said board of directors, president of said corporation, and at the same time appointed John A. Blair as secretary and M. H. Bennett as treasurer thereof, and duly ratified and accepted the by-laws herein before referred to. Wherefore, we respectfully suggest that our action in and about the matter aforesaid, be approved and accepted as the

fulfillment of the duties by you imposed upon us as your committee for the purposes aforesaid, and that we be now discharged from further duty.

Signed,

J. W. Hamilton
For said Committee.

By-Laws Of The Association

Section 1. The name and style of the corporation shall be "The Cherokee Strip Livestock Association."

Section 2. The object of the Association is to provide for and promote the improvement of the breed of domestic animals by all lawful means, such as providing for the purchase, importation, barter, sale and exchange thereof, at such place or places, within or without the territorial limits of this state, as shall be or seem to be, most conducive to the advancement of the interests of the Association; in pursuance of the purpose and object of which the same has been and is as aforesaid organized inclusive of the right by which and on behalf of said Association to purchase any and all of whatsoever domestic animals it, the said Association, may see fit or desire to purchase, or in any lawful manner acquire, together with the right to purchase or lease any or all parcels or tracts of land, wheresoever situated, as may be necessary for the holding, keeping, grazing, breeding, handling, selling bartering or in lawful manner, whatsoever, exchanging any or all of any or all kinds of domestic animals so, as aforesaid, purchased, imported, handled, bred, grazed, obtained by barter or exchange, by or on behalf of said Association.

Section 3. All persons, corporations or companies who now occupy undisputed range in the Cherokee Strip, and who agree to pay the assessments which may be hereinafter levied upon them by persons empowered by the Association to make levies for any and all purposes, may be eligible to membership in this Association upon the payment of membership fees as hereinafter provided.

Section 4. All corporations, stock associations or companies becoming members of this association, shall do so in the name of the corporation, stock association or company by which they are known, and in all elections or business which is to or may be decided by

votes of members of this Association, such member or representative of any and all other corporations, stock associations or companies being members of the Association shall be entitled to one vote, and no more.

Section 5. Any party holding an undisputed and prescribed range, whether of one person, a company, corporation or pool shall be entitled to one membership; that is to say, if one person holds a certain prescribed range alone, he shall be entitled to one membership and the same rule as to corporations and companies, if, for convenience, two or more individuals, holding each a prescribed range, hold such range in common, each of such ranges shall be entitled to one membership, and each membership one vote. Any person possessing the qualifications hereinbefore mentioned and desiring to become a member of this Association, shall first pay to the Treasurer the sum of ten dollars (\$10.00) and take said Treasurer's receipt therefor, and upon presentation of said receipt to the Secretary of this Association, and subscribing to the by-laws, shall be entitled to a certificate of membership, which said certificate shall thereupon be issued in the name of the Association; provided that persons owning ranges or holding cattle contiguous to the range occupied by the members of this Association in the Indian Territory, may be elected honorary members of this Association upon the recommendation of the board of directors.

Section 6, All transfer of ranges by purchase or otherwise shall be recorded by the Secretary of this Association in a book to be by him kept for that purpose.

Section 7. All members of this Association are required, within thirty days from their admission to membership, to furnish to the Secretary a plain and accurate description of the "marks and brands" of all domestic animals owned or held by such member; which said description of said marks and brands shall be plainly and fully recorded by said Secretary in a book to be by him kept for that purpose.

Board Of Arbitration.

A board of arbitration shall be appointed to consist of three members of the Association, such board to be appointed by the directors and to hold their office during the pleasure of said board of directors, who shall have power to settle all questions in dispute between members of this Association, and from the decision of such board of arbitration either party in interest may appeal to the board of directors by giving, upon the rendition of said decision, immediate notice of his intention to so appeal, and by entering into and undertaking a bond to the opposite party in such sum as said board of arbitrators shall deem sufficient for the payment of all costs and expenses necessarily incurred by reason of such appeal. In the event of the decision of said arbitrators being affirmed by the board of arbitrators, whereupon the chairman of said board of arbitrators shall immediately notify the board of directors of the pendency of such appeal and state the time and place when and where said board of directors shall meet to hear and determine the same; which shall not be less than ten nor more than sixty days from the time of taking such appeal, and the time and place of sitting of said board of directors to hear said matter shall be at such point as said board of arbitrators may direct; provided, always, that in no event, except by consent of parties, shall the place of sitting of said board of directors for such purpose be other than at the city of Caldwell, in Sumner county, Kansas, or at some wellknown and convenient ranch upon the grazing lands of the Association; and the chairman of the board of arbitrators, upon the giving and acceptance of the appeal bond hereinbefore provided for, immediately notify the parties in interest of the time, when, and the place where the board of directors shall be called to meet to hear and determine said appeal; and the decision of the board of directors shall be final.

APPENDIX B

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION

Whereas certain portions of the Cheyenne and Arapahoe Indian Reservation in the Indian Territory, are occupied by persons other than Indians who claim the right to keep and graze cattle thereon, by agreement made with the Indians for whose special possession and occupancy the said lands have been reserved by the Government of the United States, or under other pretext and licences:

And whereas all such agreements and licences are deemed void and of no effect, and the persons do occupying said lands with cattle are considered unlawfully upon the domain of the United States so reserved as aforesaid:

And whereas the claims of such persons under said leases and licences, and their unauthorized presence upon such reservation, have caused complaint and discontent on the part of the Indians located thereon, and are likely to cause serious outbreaks and disturbances;

Now therefore, I, Grover Cleveland, President of the United States do hereby order and direct that all persons other than Indians, who are now upon any part of said reservation for the purpose of grazing cattle thereon, and their servants and agents, and all other unauthorized persons now upon said reservation, do within forty days from the date of this Proclamation, depart and entirely remove therefrom with their cattle, horses, and other property.

In witness whereof, I have hereunto, on this 23d day of July, one thousand eight hundred and eighty-five, and the year of the Independence of the United States the one hundred and tenth.

Grover Cleveland

By the President:
T. F. Bayard,
Secretary of State.

APPENDIX C

HERD LAW

Whenever a petition is presented to the board of county commissioners of any such county, signed by a majority or more electors of such county, asking the said board of county commissioners to call an election for the purpose of submitting the question to the qualified voters of such county, whether or not such board shall make an order suspending the operations of the herd law in such county, it shall be the duty of such board of county commissioners to call an election, to be held not less than thirty nor more than fifty days after the presentation of such petition, at which election the question shall be submitted.