

LETTER
FROM
THE SECRETARY OF WAR,

TRANSMITTING,

In response to a resolution of the 4th instant, a letter from the Adjutant-General, with copies of correspondence on file in his office, relating to affairs at Guthrie and Oklahoma City, Ind. T.

FEBRUARY 26, 1890.—Laid on the table and ordered to be printed.

WAR DEPARTMENT,
Washington, February 25, 1890.

The Secretary of War has the honor to transmit to the Senate a letter from the Adjutant-General, dated the 25th instant, with copies of correspondence on file in his office, relating to affairs at Guthrie and Oklahoma City, Ind. T., from the opening to settlement of said Territory to the present date, in response to resolution of the Senate of the 4th instant, as follows:

Resolved, That the Secretary of War be directed to transmit to the Senate copies of the various reports of military officers in relation to affairs at Guthrie and Oklahoma City, Ind. T., since the opening to settlement of said Territory.

REDFIELD PROCTOR,
Secretary of War.

The PRESIDENT OF THE UNITED STATES SENATE.

ADJUTANT-GENERAL'S OFFICE,
Washington, February 25, 1890.

SIR: In returning Senate resolution of the 4th instant, I have the honor to transmit herewith copies of correspondence on file in this office, relating to affairs at Guthrie and Oklahoma City, Ind. T., from the opening to settlement of said Territory to the present date.

Very respectfully,

J. C. KELTON,
Adjutant-General.

The SECRETARY OF WAR.

No. 1.

HEADQUARTERS OF THE ARMY,
Washington, D. C., March 21, 1889.

COMMANDING GENERAL, DIVISION OF THE MISSOURI,
Chicago, Ill.:

The act of Congress approved March 2, 1889, provides in substance that no person shall be permitted to enter upon and occupy the lands recently ceded to the United States by the Creeks and Seminole Indians until said lands are opened for settlement by proclamation of the President, and that no person violating this provision shall ever be permitted to enter any of said lands or acquire any right thereto.

The President directs that the officers under your command cause the people to be fully informed of these provisions of the law, and that they take and preserve the names of all persons who may enter the Territory in violation of this provision so that the same may be enforced by the Land Department when said lands are lawfully opened for settlement.

By order of Major-General Schofield.

J. C. KELTON,
Assistant Adjutant-General

No. 2.

[Telegram.]

CHICAGO, ILL., April 8, 1889.

ADJUTANT-GENERAL UNITED STATES ARMY,
Washington, D. C.:

The following telegram is respectfully transmitted.

"Commanding officer troops in Cherokee Strip reports he is holding numbers of law-abiding citizens on the Kansas line waiting to move into Oklahoma on 22d instant. These people complain they are at disadvantage as compared with those who are allowed to remain in the Chickasaw and Pottawatomie countries. Just across the line from Oklahoma they have not been excluded from territory because there by permission, presumably of the Indian authorities. Shall intended settlers be permitted to cross Cherokee Outlet to northern line of Oklahoma before 22d April? What are instructions for troops after that date?"

"MERRITT,
"Brigadier-General, Commanding."
GEORGE CROOK,
Major-General, Commanding.

No. 3.

[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., April 11, 1889.

Major-General CROOK,
Chicago, Ill.:

Referring to your telegram of the 8th instant, communicating dispatch from General Merritt relating to matters in Oklahoma, the following instructions of the honorable Secretary of War are, by command of the Major-General Commanding the Army, sent for your information and guidance:

"General Merritt will instruct his officers to allow the intended settlers to move by regular marches and in a quiet, peaceful, and orderly manner upon and along the public highways, post or military roads, or established and customary cattle trails through the Cherokee Outlet in going towards the tract of land to be opened for settlement on the 22d instant. The movement should not be allowed to commence earlier than is necessary to give the settlers reasonable time to reach the Oklahoma border at noon of that day.

"That the movement may be conducted quietly, to prevent the emigrants from staying longer than necessary on the Outlet, and that the settlers do not enter upon the lands to be opened for settlement before the date fixed upon in the President's

proclamation, the road or roads should be patrolled by the troops. The Indians should be given to understand that by the passage through the Outlet there is no disposition to appropriate their lands, and that it will be continued no longer than necessary after the first emigration to the Oklahoma country is over. After the passage of the emigrants the troops will scout the Cherokee Outlet and require all persons unlawfully there to move on, either back to Kansas or over into the Oklahoma lands.

‘REDFIELD PROCTOR,
“Secretary of War.”

As to the final disposition of the troops, after the 22d, the instructions of the Major-General Commanding will be sent in due time.

J. C. KELTON,
Assistant Adjutant-General.

No. 4.

DEPARTMENT OF THE INTERIOR,
Washington, April 9, 1888.

SIR: Your favor of this date has been received, transmitting for my information and such action as may be deemed expedient, under the circumstances, a copy of a telegram of the 8th instant, from the commanding general of the Division of the Missouri, embodying one from General Merritt, regarding certain citizens on the Kansas line, who are waiting to move into Oklahoma on the 22d instant, and asking if permission is to be given these intended settlers to cross Cherokee Outlet to the northern line of Oklahoma before that date.

This question has been under consideration in this office since the 1st instant, and on the report of the Commissioner of Indian Affairs, and after consideration of the subject, I have to say that there have been established, and are now existing, through the Cherokee Outlet, under the direction of this Department, public highways and established cattle trails, and that therefore these trails and roads have been kept open by the aid of the military on several occasions, especially to permit the passage of uninfected cattle on the drive through the territory to market (see annual report of Secretary Lamar for 1885, page 19), and, in view of the fact that the Oklahoma lands, to be opened, are entirely surrounded by Indian territory, I deem that the “settlers” are entitled to as much consideration as has been given to others heretofore.

It is not claimed that any persons may be allowed to leave the highways, or to stop on their way across the Outlet, longer than absolutely necessary to reach the Oklahoma lands, but for this purpose I think they may be allowed to cross without extraordinary delay, and I therefore recommend that you instruct your commanding officers to place no obstruction in the way of persons who desire to journey in good faith and in a quiet, peaceful, and orderly manner, upon and along the public highways, post or military roads, or established and customary cattle trails, through the Cherokee Outlet, in going toward the tract of land to be opened for settlement. But there should be a military patrol upon the road or roads that are to be taken, that shall prevent the settlers from staying longer than necessary on the way, and require them to move on, making only the ordinary camps that may be necessary for their crossing. There should be every care taken to have the Indians understand that by this passage there is no disposition to appropriate their lands, and that it will be continued no longer than absolutely necessary, after the first migration to the Oklahoma country is over. The military force should then scout the Cherokee Outlet and require all persons unlawfully there to move on, either back to Kansas, or over into the Oklahoma lands.

The execution of this order, in my judgment, would not be inconsistent with the action of the Government in similar cases heretofore in this same Territory, and seems to be demanded from the necessity of the case.

In this communication I desire it to be understood that I am not giving a permit to the parties who seek to enter that may be taken as a precedent, but advising a course of action on the part of the military forces in relation to a great number of our people seeking lands they are entitled to settle, and I advise a regulation of what it may be deemed necessary will occur, rather than give a direction authorizing the occurrence.

Yours, respectfully,

JOHN W. NOBLE,
Secretary.

The SECRETARY OF WAR.

No. 5.

[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, April 11, 1889.*THE COMMANDING GENERAL DIVISION OF THE MISSOURI,
Chicago, Ill.:

The Interior Department informs the Secretary of War that it is apprehended that there may be some difficulty in the way of entrance by the local land officers and their assistants into the Indian Territory and the Oklahoma tract, where their offices will be located, before the day fixed by the President's proclamation, and requests that the following-named persons be permitted to enter at once into the Indian Territory and into the tract of land to be opened for settlement at noon on the 22d instant, by and under the recent proclamation of the President to that effect, so that the land offices to which they are appointed may be put in proper condition for business at the time appointed, viz:

John I. Dille, register at Guthrie.

Cassius M. Barnes, receiver at Guthrie.

Frank D. Hobbs, inspector, General Land Office, and one person to be designated by the register and receiver as a clerk.

Jacob C. Robberts, register at Kingfisher Stage Station.

Jacob V. Admire, receiver at Kingfisher Stage Station.

Geo. W. Paisley, inspector, General Land Office, and one person to be designated by the register and receiver as a clerk.

These persons will soon be journeying to their posts of duty.

In view of the above, the Major-General Commanding directs that you instruct the proper military officers accordingly.

Acknowledge receipt.

J. C. KELTON,
Assistant Adjutant-General.

No. 6.

[Telegram—Official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,
*Chicago, Ill., April 14, 1889.*ADJUTANT-GENERAL UNITED STATES ARMY,
Washington, D. C.:

Your dispatch of the 13th instant, conveying instructions relative to entrance into the Oklahoma country of land officers and their assistants, received, and necessary orders given.

GEORGE CROOK,
Major-General, Commanding.

No. 7.

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
*Washington, April 13, 1889.*COMMANDING GENERAL DIVISION MISSOURI,
Chicago, Ill.:

In view of the approaching opening of the Oklahoma Territory, and the fact that it has been reported to the Interior Department that great danger is threatened from the rush that will be made for the purpose of making homestead entries, the request is made for a sufficient detail of soldiers under a commissioned officer to be present at each of the land offices, to preserve order, and to prevent the strong from overcrowding or abusing the weak. To this end it is suggested that instructions be given to details of troops that they should form a passage-way to the office, extending some distance therefrom, through which all persons would be required to pass, and in good order, and that any crowd there assembled should be compelled to act peaceably and every one without interfering with his neighbor unduly, so that all may proceed through the land office without disturbing or interfering with the officers in the discharge of their duties.

The Secretary of the Interior has requested the Attorney-General to have deputy marshals appointed to be present at the land office, so that the civil authorities may make arrests at the demand of the military authority or others, and that they may act in harmony.

The foregoing having been approved by the Secretary of War, the following are the instructions of the major-general commanding, who directs that they be at once communicated to the commanding general Department of the Missouri, who will be requested to acknowledge receipt of the same by telegraph.

"In the forwarding the foregoing for the information and government, the commanding general Department of the Missouri, etc., is instructed that in the performance of this delicate duty the utmost discretion and forbearance must be observed. At least one commissioned officer should be on duty at all times with each detachment of troops. The commanding officer will confer with the officers of the Interior Department, and with the deputy marshals, so as to act in entire harmony with these offices."

Acknowledge receipt.

R. C. DRUM,
Adjutant-General.

No. 8.

Telegram, official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, Ill., April 14, 1889.

ADJUTANT-GENERAL, UNITED STATES ARMY,
Washington, D. C. :

Your dispatch of the 13th instant, relative to details of troops at land offices in the Oklahoma country on the 22d instant, received, and necessary orders given.

GEORGE CROOK,
Major-General Commanding.

No. 9.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 13, 1889.

To all Commanding Officers U. S. Troops in the Oklahoma and Indian Territories :

The bearer, Mr. Geo. M. Christian, has been appointed Assistant Superintendent of the Railway Mail Service, to examine the post-office sites in the Oklahoma and Indian Territories, and this will be his authority and permission to enter those Territories preliminary to beginning his work.

As the land office will be opened on the 22d, and there being imperative necessity for establishing post-offices immediately, this authority will be respected by all commanding officers of United States troops in the Oklahoma and Indian Territories.

By order of the Secretary of War.

J. C. KELTON,
Assistant Adjutant-General.

No. 10.

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
Washington, April 15, 1889.

COMMANDING-GENERAL, DIVISION MISSOURI,
Chicago, Ill. :

The Secretary of the Interior having reported it necessary to authorize the employment of two additional clerks, one at each land office to be established in the Territory of Oklahoma, who will have to enter there before the 22nd inst., and having requested the transmission to him of two permits addressed to the proper military authority guarding that Territory, and containing the following language: "You will allow the bearer to pass into the Oklahoma Territory before the 22nd of April, 1889, as

he is to be employed as a clerk at the land office established there," the Major General Commanding, with the approval of the Secretary of War, directs that you issue the necessary orders to allow the bearers—whose names are unknown to this office—of said permits to enter the Oklahoma country in accordance therewith.

Acknowledge receipt.

J. C. KELTON,
Assistant Adjutant-General.

(No. 11.)

[Telegram—official business.]

HEADQUARTER'S DIVISION OF THE MISSOURI,
Chicago, April 15, 1889.

ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C.:

Telegram relating to entry of two additional clerks into Oklahoma received, and transmitted to General Merritt for compliance with instructions.

GEORGE CROOK,
Major-General Commanding.

(No. 12.)

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
Washington, April 15, 1889.

COMMANDING GENERAL, DIVISION MISSOURI,
Chicago:

Postmaster-General informs Secretary of War that, in order to expedite mail service in Oklahoma, Indian Territory, permission be given Mr. G. A. Biedler, postmaster at Oklahoma, to erect a building for the accommodation of the post-office there in advance of the date fixed for the formal opening of the Territory to settlement. The Secretary of War approves of the above, and the the Major-General Commanding directs that you issue the necessary instructions in the premises.

Acknowledge receipt.

J. C. KELTON,
Assistant Adjutant-General.

No. 13.

[Telegram. Official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, Ill., April 16, 1889.

ADJUTANT-GENERAL, U. S. Army,
Washington, D. C.:

Telegram conveying orders that permission be given George A. Biedler, postmaster at Oklahoma, to erect a building in advance of date fixed for opening of Territory received, and necessary instructions given.

GEORGE CROOK,
Major-General, Commanding.

No. 14.

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
Washington, April 15, 1889.

Hon. SECRETARY OF THE INTERIOR:

The Secretary of War has approved your request of the 13th instant, for the entrance in Indian Territory of John M. Galloway, a United States Commissioner of a district in Kansas, for the purpose of establishing a building on the 1 acre reserved in the President's proclamation for Government use, and the necessary instructions have this day been communicated to General Crook.

J. C. KELTON,
Assistant Adjutant-General.

No. 15.

[Telegram. Official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, Ill., April 16, 1889.

ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C.:

Telegram relating to permission to United States Commissioner Galloway to enter Oklahoma received, and necessary instructions given.

GEORGE CROOK,
Major General, Commanding.

(No. 16.)

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
Washington, April 15, 1889.

Major General CROOK,
Chicago, Ill.:

Major-General Commanding desires that you acknowledge receipt of, and report action on, telegram to you of 11th instant (5.20 p. m.), conveying instructions of Secretary of War to General Merritt regarding matters in Oklahoma and allowing settlers to move along public highways and customary cattle trails through the Cherokee Outlet, on way towards tract of land to be opened on 22d instant.

J. C. KELTON,
Assistant Adjutant-General.

No. 17.

[Telegram. Official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, April 15, 1889.

ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C.:

Telegram received. Telegram from Adjutant-General's office regarding matters in Oklahoma and allowing settlers to move along public highways, etc., through Cherokee strip was repeated to General Merritt as soon as received, for his information and guidance.

GEORGE CROOK,
Major-General, Commanding.

No. 18.

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
Washington, April 16, 1889.

Major-General CROOK,
Chicago, Ill.:

In reply to your telegram of this date the Major-General Commanding the Army directs that Brigadier-General Merritt go in person to Oklahoma, so as to be on the spot and give in person such orders to the troops as any emergency may require. Further instructions relative to the action of the troops will be telegraphed to-morrow. Direct General Merritt to have with him ample force for any possible emergency, so that the mere presence of the troops may be sufficient to preserve the peace.

J. C. KELTON,
Assistant Adjutant-General.

No. 19.

[Telegram. Official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,
*Chicago, Ill., April 16, 1889.*ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C.:

General Merritt asks: "In cases of collision among settlers in Oklahoma, to what extent, if at all, and on whose requisition are the military to interfere? The duties of the Army as to Government agents' property and Indians are clear, but instructions are wanted as to contentions among citizens in the peculiar circumstances."

GEORGE CROOK,
Major-General, Commanding.

No. 20.

[Telegram.]

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
*Washington, April 17, 1889.*Major-General CROOK,
Division Missouri, Chicago, Ill.:

The following instructions have been received from the Secretary of War:

General Merritt will make such disposition of his troops as will enable him promptly to enforce order when he may be directed by the President to use the troops in the execution of the powers conferred by law on the President.

His attention is also specially called to section 583 of the Army regulations, which provides for the use of troops in an emergency, there defined, without the previous instruction of the President.

By command of Major-General Schofield:

J. C. KELTON,
Assistant Adjutant-General.

No. 21.

[Telegram.—Official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,
*Chicago, Ill., April 18, 1889.*ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C.:

Telegram of yesterday conveying instructions of the Secretary of War for General Merritt regarding disposition of his troops to enforce order when directed by the President, etc., received, and telegraphed to Commanding General Department Missouri for his information and guidance.

Assistant Adjutant-General, Department Missouri, reports that General Merritt left this morning for Oklahoma.

GEORGE CROOK,
Major-General, Commanding.

No. 22.

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
*Washington, April 19, 1889.*COMMANDING GENERAL, DIVISION MISSOURI,
Chicago, Ill.:

Secretary of the Interior has received the following telegram from George W. Paisley, special agent for the inspection of surveyors-general and district land offices:

"ARKANSAS CITY, KANS., April 18, 1889.

"I want permit for four men and three teams to enter Oklahoma to transport office outfit and personal effects of officers and clerk from Guthrie to Kingfisher.

"This matter is urgent. Please answer at once."

The effects, etc., mentioned are those which were deposited at Guthrie by railway, and have to be transported across the country to Kingfisher for the use of the officers at the last-named place.

With the approval of the Secretary of War, the Major-General Commanding directs that the commanding officer of United States troops at Arkansas City be instructed by telegraph to-day to grant permit, as requested by Mr. Paisley above. Acknowledge receipt.

R. C. DRUM,
Adjutant-General.

No. 23.

[Telegram.—Official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, Ill., April 20, 1889.

ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C. :

Telegram conveying orders in case of George W. Paisley, special agent, Interior Department, received, and necessary instructions telegraphed yesterday.

GEORGE CROOK,
Major-General, Commanding.

No. 24.

APRIL 19, 1889.

Secretary of the Interior requests that bearer, Mr. Cornelius McBride, inspector in the public land service, be given permission to pass military forces into Oklahoma country.

[Indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 19, 1889.

By direction of the Secretary of War the bearer hereof, Mr. Cornelius McBride, inspector in the public land service, will be permitted to pass the military forces stationed in and about the Oklahoma country, in the performance of his official duties.

R. C. DRUM,
Adjutant-General.

No. 25.

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
Washington, April 19, 1889.

The COMMANDING GENERAL, DIVISION MISSOURI,
Chicago, Ill. :

By direction of the Major-General the following is communicated :

The President directs that General Merritt act in conjunction with the marshals of the United States courts having jurisdiction in the country opened to settlement under the President's recent proclamation, to preserve the peace, and will upon the requisition of such marshals or their duly authorized deputies use the troops under his command to aid them in executing warrants, making arrests, and quelling any riots or breaches of the peace that may occur. He will use his influence to promote peace and good order, and will take every proper measure to avoid any conflict of arms between or with the settlers.

He will also see that the laws relating to the introduction of ardent spirits into the Indian country are enforced.

A careful enforcement of these provisions will do very much to promote good order.

J. C. KELTON,
Assistant Adjutant-General.

No. 26.

[Telegram.—Official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, Ill., April 20, 1889.

ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C. :

Telegram of yesterday conveying orders for General Merritt to act in conjunction with United States marshals received, and transmitted by telegraph.

GEORGE CROOK,
Major-General, Commanding.

No. 27.

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
Washington, April 19, 1889.

COMMANDING GENERAL, DIVISION MISSOURI,
Chicago, Ill. :

The Secretary of the Interior has requested the Secretary of War that the following named clerks of the Department Interior, who have been detailed to assist the local land officers at Kingfisher Stage Station and Guthrie, Oklahoma, be permitted to enter said Territory prior to the 22d instant: Mr. Yvon Pike, Mr. John McKinney, Mr. Henry Whaley, and Mr. W. H. Lewis.

The Secretary of War has approved above request, and the Major-General, Commanding, directs that you issue the necessary instructions in the premises.

Acknowledge receipt.

J. C. KELTON,
Assistant Adjutant-General.

No. 28.

[Telegram.—Official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, Ill., April 20, 1889.

ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C. :

Telegram of yesterday conveying list of clerks to be permitted entry into Oklahoma prior to twenty-second instant received, and necessary instructions issued.

GEORGE CROOK,
Major-General, Commanding.

No. 29.

[Telegram—official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, Ill., April 20, 1889.

ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C. :

The following telegram, dated yesterday at Oklahoma Station, is respectfully forwarded:

“Have just arrived at this station. Found everything quiet, and am making such disposition as will maintain peace on and after the 22d. The means of communication on street railroad wire are inadequate, even for railroad travel; communication, in order to certainly reach me, should be wired through Woodward to Fort Reno, with which post I am making arrangements to establish a line of carriers. Will telegraph later as I receive information.

“W. MERRITT,
“Bigadier-General.”

GEORGE CROOK,
Major General Commanding.

No. 30

[Telegram—official business.]

HEADQUARTERS DIVISION OF THE MISSOURI.

Chicago, Ill., April 22, 1889.

ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C. :

Assistant Adjutant-General Department Missouri telegraphs under date of yesterday, that he is just in receipt of full dispatch from General Merritt at Oklahoma Station, in which he says he will probably need no more troops forwarded; that he is sure the show of force will prevent trouble, and that newspaper accounts are probably exaggerated, and will continue to be so. He reports much confusion on line of railroad, but he has established line of couriers between Oklahoma Station and Fort Reno, so that hereafter communication can be had with certainty and fair rapidity.

GEORGE CROOK,
Major-General Commanding.

No. 31.

[Telegram.]

CHICAGO, ILL., April 23, 1889.

ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C. :

In telegram dated Oklahoma, Indian Territory, yesterday, General Merritt states that he anticipates no trouble which will require the active interference of troops. Their presence undoubtedly exercised salutary influence. No reports of trouble elsewhere, which is an indication that peace prevails, etc.

GEORGE CROOK,
Major-General Commanding.

No. 32.

[Telegram—official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,

Chicago, Ill., April 24, 1889.

ADJUTANT-GENERAL OF THE ARMY,
Washington, D. C. :

The following telegram dated Oklahoma Station, yesterday, is respectfully repeated: "Reports from Kingfisher, Guthrie, and Purcell state that everything progressed yesterday in a quiet and orderly manner. No serious friction or disturbance of any kind. The reports indicate that there are from ten to twelve thousand people in the territory. Captain McArthur, at Guthrie, reports about three thousand there, and Captain Hall, at Kingfisher, about the same number there, and there are from three to four thousand in this vicinity and between here and Purcell. Lieutenant Dodge of my staff, whom I ordered to Purcell on duty, returned last night about 9 o'clock and reported everything moving in satisfactory manner, and the incoming settlers cheerful and well disposed. This may be said to be the condition of affairs in all sections of the country. In my opinion quite a number of people have been deterred from entering the country owing to the exaggerated reports as to numbers coming in and the difficulties of getting here. However, from reports from Forts Sill, Reno, and elsewhere, I am satisfied the arrangements perfected will prevent serious trouble of any kind, though there may in remote sections of the country be individual cases of strife.

"W. MERRITT,
"Brigadier General."

GEORGE CROOK,
Major-General Commanding.

No. 33.

[Telegram—official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, Ill., April 27, 1889.ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C. :

Following telegram, dated Fort Reno, Ind. T., yesterday, is respectfully repeated: "Have just returned from Kingfisher. Found everything quiet and orderly there. About two hundred and fifty homestead claims have been filed, and large numbers are waiting to make entry. Reports of bloodshed are without foundation all over the Territory, so far as I can discover. There have been cases of violence reported, but in no single instance has investigation resulted in confirmation of these reports. In cases where different claimants contest for the same quarter section, the matter is compromised or left for final adjustment by proper authorities. I am thus explicit because Kansas newspapers are reporting scenes of bloodshed. These, as well as the reports with reference to the invasion of the Cherokee strip, are, so far as I can discover, without foundation. To prevent settlement in the Cherokee strip, I recommend that authority be given and the statement made that intruders there will have their names taken and be deprived of the right of lawful entry in case the strip is opened to settlement. A like order for Oklahoma simplified the management of the settlers by the troops on and before the 22d instant. I will be at Oklahoma Station to-morrow.

"W. MERRITT,

"Brigadier-General Commanding."

In the absence of General Crook :

R. WILLIAMS,
Assistant Adjutant-General.

No. 34.

[Telegram—official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, Ill., April 30, 1889.ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C. :

The following received from General Merritt :

"Everything continues quiet. Local town governments are practically established. I propose to visit Cherokee Outlet, and after arranging matters there, to return to headquarters at Leavenworth, if there are no other instructions. Communicate at Arkansas City, care of Captain Hayes' camp near there."

In the absence of General Crook :

R. WILLIAMS,
Assistant Adjutant-General.

No. 35.

[Telegram.—Official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, Ill., May 2, 1889.ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C. :

Following telegram received :

"I returned to my headquarters yesterday, after visiting Cherokee strip and Indian reservation south of Arkansas City. Everything quiet in Oklahoma Territory, Colonel Wade being in command, with headquarters at Oklahoma Station. The troops are stationed as follows: Four companies of infantry at Oklahoma Station, under Lieutenant-Colonel Snyder, Tenth Infantry; two troops of cavalry, under Major Baldwin, Seventh Cavalry; on main Canadian, north of Purcell, four companies infantry, under Captain Auman, at Kingfisher; four companies of infantry, under Captain McArthur, at Guthrie. Also, there are two troops of cavalry in Cherokee strip,

on line south of Arkansas City; one troop of cavalry to the north of Kingfisher and one to the east of Oklahoma Station; all to keep settlers from intruding on Indian Territory. I anticipate no further trouble in the country from any cause, but will in event of any disturbance return at once to Oklahoma. I propose later to withdraw part of the troops in the territory, maintaining the general distribution indicated above.

“MERRITT,
“Brigadier-General, Commanding.”

In the absence of Major-General Crook:

R. WILLIAMS,
Assistant Adjutant-General.

No. 36.

[Telegram.—Official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, Ill., May 5, 1889.

ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C.:

General Merritt telegraphs that Colonel Wade reports all quiet in Oklahoma Territory, and that scouts discover no attempt to settle in Cherokee Outlet.

GEORGE CROOK,
Major-General, Commanding.

No. 37.

[Telegram.—Official business.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, Ill., May 28, 1889.

ADJUTANT-GENERAL, U. S. ARMY,
Washington, D. C.:

The following telegram is respectfully forwarded:

“FORT LEAVENWORTH, KANS., May 27.

“ADJUTANT-GENERAL, DIVISION MISSOURI,
“Chicago, Ill.:

“Colonel Wade, commanding at Fort Reno, May 25, reports as follows: ‘For some time past certain persons have been trying to induce the Cheyenne and Arapahoe Indians to claim a part of the Cherokee strip by promising large amounts of money from the sale, etc. Ex-Indian Agent Dyer made the first attempt, but Indians would not listen, and asked me to put him off their reservation. Others have been there later, and day before yesterday a number of Indians came here to execute papers making, I understand, ex-Governor Crawford, of Kansas, ex-Indian Agent Miles, and others attorneys to prosecute this claim. These attorneys went east yesterday. I have positive information that at least nine-tenths of the Cheyennes are violently opposed to this scheme; saw those who signed the papers were not authorized to do so; that they do not represent the tribes; that the council decided against it; that the Cheyennes claim only their present reservation, and look upon this as a scheme to be used, first, to weaken the hold of the Cherokees on the strip, and later to weaken the claim of the Cheyennes to their present reservation, and assist in getting it thrown open. They appeal to the military authorities to bring the matter before the President. I am confident investigation will show the fact to be as I have stated, and believe to be a matter worthy of immediate attention.’

“W. MERRITT,
“Brigadier-General, Commanding.”
GEORGE CROOK,
Major-General, Commanding.

No. 38.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
*Fort Leavenworth, Kans., June 5, 1889.—1.05 p. m.*ADJUTANT-GENERAL, DIVISION MISSOURI,
Chicago, Ill.:

The following dispatch just received :

"OKLAHOMA CITY, IND. T., 5.

"ASSISTANT ADJUTANT-GENERAL:

"There appears to be a determination to occupy the quarter section immediately west of and adjoining Oklahoma City proper for town site purposes, town to be called West Oklahoma. The quarter section in question is occupied by five different homestead claimants, who refuse to treat with the town-site parties and claim our protection. The troops have been used to remove town-site parties or jumpers on three previous occasions, but a more determined effort to take possession of the land in question is about to be made. I respectfully request to be informed whether troops shall be used to prevent further occupation, and, as there will probably be more cases like this one, I urgently request immediate instructions.

"SNYDER,

"Lieutenant-Colonel, Commanding."

Have answered him to use troops to preserve the peace, as heretofore directed, in maintaining the present situation. Would ask views of Interior Department be obtained on this subject.

MERRITT,

Brigadier-General, Commanding.

 No. 39.

Adjutant-General's Office, June 21, 1889, Interior Department, replying to War Department letter 10th instant, states that troops should be used in Oklahoma to preserve peace and prevent disorder and lawlessness, and to preserve the status peaceably established by actual settlers.

June 24, referred by the War Department to the Adjutant-General, and by latter submitted to the major-general commanding, and by him that due communication be made to the division commander, if the course indicated by the Secretary of the Interior be satisfactory to the Secretary of War.

Official copy respectfully furnished the commanding general, division of the Missouri, for his information. The course indicated is satisfactory to the Secretary of War.

By order of the Secretary of War:

J. C. KELTON,

Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *June 26, 1889.*

 No. 40.

Adjutant-General's Office, 1889, August 5, 1889, Interior Department acknowledges War Department letter of 31st ultimo relative to reduction of military force in Oklahoma to one company each at Guthrie, Oklahoma Station, and Kingfisher; incloses copy of report of Acting Commissioner General Land Office, in which Department concurs, stating that there are no objections to reduction proposed.

Official copy respectfully furnished the commanding general, division of the Missouri, in connection with telegram of the 5th instant from this office on the subject.

By command of Major-General Schofield:

J. C. KELTON,

Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *August 8, 1889.*

No. 41.

VAIDEN, MISS., August 9, 1889.

J. B. Harrell, complaint against action of Capt. D. F. Stiles, Tenth Infantry, provost-marshal at Oklahoma City, in dispossessing himself and others of their lots in said city, and placing them in a dungeon. Incloses newspaper slip from Memphis Appeal.

[Sixth indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI, IN THE FIELD,
Camp Schofield, Ind. T., October 2, 1889.

Respectfully returned through headquarters Division of the Missouri. Attention invited to inclosed report of the inspector-general of the department.

The military authorities have a difficult task to perform in the management of affairs in Oklahoma, and nowhere is it more difficult than in the town of Oklahoma City. In addition to the good and law-abiding citizens a great many of the worst elements of the population of the Indian Territory, northern Texas, and other Southern States have concentrated in this locality. These in attempting to ply their vocations—gambling and contraband dealing—have been antagonized by the military and are defiant in their abuse of the officers.

The management of Captain Stiles, under the commanding officer of the troops at Oklahoma City, has been vigorous and decided, but in general discreet and commendable. No other course could have succeeded with the people he has had to deal with. The charge of an improper interest in any disputed property in this or other locality in Oklahoma against Captain Stiles or other officer is in my opinion utterly unfounded. It can be said to the credit of the officers employed in excluding intruders, or in preserving the peace after the Territory was opened to settlement, that no one of them is a claimant to property by entry, nor in any other manner involved, except as an officer of the Government in disputed claims.

W. MERRITT,
Brigadier-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Camp Schofield, Ind. T., September 27, 1889.

ASSISTANT ADJUTANT-GENERAL, DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans.:

SIR: In compliance with instructions of the department commander, as contained in the fourth indorsement on the letter of J. B. Harrell, of Vaiden, Miss., and a resident of Oklahoma, Ind. T., I proceeded to that place on the 23d instant. I had previously seen Colonel Snyder, commanding the camp at Oklahoma, who reached here before I left, and from whom I received an account of affairs and to which I will shortly refer.

On my arrival I saw and conversed with complainant, Captain Stiles, and many other prominent citizens, and endeavored to ascertain the facts regarding the general management of the United States troops as well as the truth of the specific accusations made by complainant. The latter may be stated as follows:

(1) That Captain Stiles, Tenth Infantry, "did, without warrant, reason, or explanation, arrest and place in a dungeon" complainant and H. S. Butler, of Oklahoma, where they remained confined for about one hour, and by promising to release said persons did try to extort an agreement from them not to again interfere with certain lots in Oklahoma to which they laid claim.

(2) That Captain Stiles did imprison complainant and H. S. Butler, of Oklahoma, for no other reason than to assist "Major" C. B. Bickford, of Oklahoma, a rival claimant, by turning them out of the property aforesaid.

(3) That Captain Stiles owns lots in the city of Oklahoma, and is aided by the city authorities in securing any lot he may desire, and in turn if any member of the "Seminole ring" wishes to dispossess a citizen of a lot Captain Stiles used his soldiers for that purpose.

(4) That the United States troops have been used by Captain Stiles as an engine of oppression and as the means of furthering schemes of fraud, and that their presence in Oklahoma is unnecessary.

In reference to the specific allegation of complainant concerning himself and H. S. Butler, the facts, as nearly as they could be learned, are as follows:

The property in question consisted originally of a trader's store and small corral. They were erected a few years ago by Mr. Decker as a post-office and trader's store for

the convenience of the employes of the Santa Fé Railroad, then building, and to facilitate trade with Indians and others. Mr. Decker was an Indian trader, and failing to have his license renewed sold the buildings to J. S. Evans, post trader at Fort Reno. Mr. Evans died not long after and the heirs of his estate sold the property to Mr. Somers, quartermaster agent and now United States commissioner.

(5) On the death of Mr. Evans, post trader, "Major" C. B. Bickford got the United States contract for transportation, and put up a corral outside of the original corral and purchased an interest in the old store and corral. It thus appears that at the time of the occurrences complained of by Mr. Harrell there was an old dwelling and two inclosures on the land in question, and that to the latter Messrs. Bickford, Harrell, and Butler laid claim, Mr. Bickford on the ground that he occupied the land on April 22, and had occupied it before that date, and Messrs. Harrell and Butler on the ground that they started their lots on April 22, and that when they did so no rival claimant had appeared.

I questioned Mr. Harrell concerning the several complaints he had made, and he repeated in substance what has already been stated by him in his letter in so far as the Bickford property is concerned, and his imprisonment in the jail, which he claimed was wholly unwarranted, but that even if Captain Stiles thought such imprisonment necessary he should have designated the guard-house in camp and not the jail as the place of confinement. Complainant stated that he had based the third accusation on the action of Captain Stiles in removing one Saunders from a lot in favor of Mr. Somers, quartermaster agent and United States commissioner, who he alleged had no right to it, and on Captain Stiles' manner of dealing with citizens when brought into official contact with them as provost-marshal; in fact Mr. Harrell said it was not so much what Captain Stiles did as his manner of doing it that he complained of, and that he was arbitrary and unnecessarily severe and harsh in the exercise of his authority. Mr. Butler was not in Oklahoma, and consequently I did not see him. I sent for Mr. Saunders, who shortly appeared. As I was at that moment occupied with other witnesses I requested him to return in half an hour, but he did not return at all, although I waited for nearly two hours. I learned subsequently that he was under indictment for selling liquor, and that his reputation was not good.

In reference to the case of Stiles vs. Harrell and Butler. Colonel Snyder informed me that he was in command at the time of the specific occurrence charged by Mr. Harrell against Captain Stiles, and that the latter was acting under his orders. Colonel Snyder said that on the morning of the day in question Mr. Bickford came to camp just at breakfast time and reported that Harrell and Butler were tearing down his house and corral and asked protection. Understanding that the property in question was in the hands of the United States courts at Muscogee, and knowing also that the deputy United States marshal of the Muscogee district was out of town on official business, Colonel Snyder directed Captain Stiles, acting provost-marshal, to go to the scene and stop further proceedings until such time as he, Colonel Snyder, could look into the matter, fearing that a riot might ensue. Immediately after breakfast Colonel Snyder called on Mr. Bickford's attorney, and after consultation with him concluded to turn the property over to Deputy United States Marshal Thornton, who had returned to town. In the mean time Captain Stiles had gone with a few men to the scene of the disturbance, where a large crowd had assembled. He ordered the claimants to desist in pulling down the house, and on their refusal to do so arrested and confined them in the city jail.

This duty was performed by Captain Stiles, as provost-marshal, under the orders of Colonel Snyder, who had been specially directed to preserve the peace and to maintain the existing situation of all affairs whether of property or Government, until the United States courts had rendered their decisions.

After his consultation with Bickford's attorney, and after learning that Deputy United States Marshal Thornton had returned, Colonel Snyder ordered the release of claimants Harrell and Butler and a person in their employ, removed the guard from the property, and turned the case over to the marshal.

It thus appears that the arrest of Messrs. Butler and Harrell was an incident of the disturbance, and that while said arrest was made by Captain Stiles on his own motion, he was nevertheless in the lawful discharge of the duty imposed on him by Colonel Snyder, and for which there was ample authority.

It does not appear that either of the officers were interested in the question of ownership or was trying to prejudice the case of complainant. A bond had been filed and the lawful control of the property was in the courts, and it was plainly the duty of the military authorities, if they acted at all, to prevent any interference with the property by either claimant until the question of ownership had been settled. On the other hand it was an act of gross presumption and a breach of the peace for complainant to pull down the buildings until the decision of the court had been rendered.

In regard to the Saunders-Sommers lot referred to by complainant, Captain Stiles stated that Colonel Wade directed him to go to Captain Couch, mayor of Oklahoma

City, and say to him that he, Colonel Wade, was annoyed by complaints of "lot jumping." "That the mayor must put a stop to this, and that if he did not do so the probability was that the military would have to. Captain Stiles proceeded to the city and found the mayor upon the Sommers lot talking to Mr. and Mrs. Sommers, and then and there delivered Colonel Wade's message. The mayor then requested Captain Stiles to replace a building on the Sommers lot from which it had been removed by Saunders, and to remove a tent which Saunders had put on the lot. This Captain Stiles declined to do, saying that it was not his business. The mayor then directed the city marshal to see that the building was put back on the lot and the tent of Saunders removed. This was done by citizens standing by, friends of Sommers. Saunders and another man interfered to prevent this and were arrested by the city marshal and turned over to the military for safe keeping until the next day, when they were sent to the mayor at his request and released by him.

In reference to his ownership of lots in Oklahoma I learned from Captain Stiles that he purchased a lot of A. Braudley, in May, for which he paid \$40. This lot was sold in June for \$250. With this money Captain Stiles purchased in June two lots of F. Joyce, which he now owns, and on which he proposes to erect a house for his family should he remain in Oklahoma all winter. He also purchased a few days later a lot for Assistant Surgeon Gugas, which, however, is held in his own name, but which will be transferred to Dr. Gugas shortly. The foregoing was verified by an examination of the legal papers recording the transaction. Captain Stiles stated further that he had not, directly or indirectly, any interest in other lots or real property in Oklahoma.

Neither complainant nor any other person whom I met at Oklahoma had any other evidence to give in support of the third accusation.

The fourth and last accusation brings up the general question of the employment of the troops and in regard to which opinion is divided. As far as I could learn there are in Oklahoma two factions known as "Seminoles" and "Kickapoos." The first-named are the local authorities and all who are in favor of sustaining them until the term for which they were chosen expires, viz, May, 1890; the second, who are in the opposition, embraces, it is said, the gamblers, liquor dealers, lot jumpers, and other disreputable persons, besides some who are not so. Many "Kickapoos" live in open contempt and defiance of the authorities, as far as they safely can, and further desire the overthrow of the city government.

The recent attempt to hold a charter election in violation of the city ordinances and in defiance of the mayor's proclamation was cited to me as proof of this. Certain it is that the attempt was seriously made, and that had it not been for the presence and interference of the troops very unfortunate complications would have arisen. That the action of the city government has not been judicious on all occasions there is, perhaps, no question, and was to be expected under the circumstances. For this they have been criticised and censured by some of the local papers in the most vituperative and violent language, and the troops, as the only substantial support of the government, have come in for their share; but I could find no reliable evidence of the truth of the fourth accusation, and am convinced fully that the action thus far taken by the military authorities has not only been judicious in the main, but that without such co-operation as they have given local government in Oklahoma would have been, and would be now, utterly impossible.

When Congress shall have established a government for the Indian Territory the presence of the troops may be no longer necessary, although that is mere conjecture.

I inclose with this report a letter which was handed me shortly before leaving Oklahoma, and which offsets to some extent the imputations cast upon Captain Stiles by complainant.

Very respectfully, your obedient servant,

J. P. SANGER,
Major, Inspector-General.

No. 42.

OKLAHOMA CITY, IND. T., September 9, 1889.

J. L. Brown is informed by Captain Stiles that he has orders to remove settlers from certain lots in this place whenever the railroad company demands such action. Asks if such orders have been issued, as the settlers are very anxious about this matter.

S. Ex. 72—2

[Third indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., September 20, 1889.

Respectfully referred to the inspector-general of the department for investigation and report in connection with other complaint referred for like purpose.

By command of Brigadier-General Merritt.

O. D. GREENE,
Assistant Adjutant-General.

No. 43.

OKLAHOMA, IND. T., *September 17, 1889.*

A. J. Beale, stat., committee, submits statement as to local government of city of Oklahoma of frauds practiced upon the people by so-called city officials; that an election is called for 21st instant, and asks that Captain Stiles, acting provost-marshal, be not allowed to interfere.

[Fourth indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., October 18, 1889.

Respectfully returned through headquarters Division of the Missouri to the Adjutant-General of the Army, with the following report: No knowledge of an election proposed to be held by the people of Oklahoma reached me until after the attempt at an election was made and suppressed by the city authorities with the aid of the company of infantry then stationed at Oklahoma. This was reported to me by Lieutenant-Colonel Snyder, commanding officer. Colonel Snyder has been in local command at Oklahoma from April 22, when the territory was opened, till the present time with the exception of two months, July 20 till September 19, 1889, during which time Capt. W. C. Forbush, Fifth Cavalry, was in command.

I have already, in a report dated October 16 and addressed to the Adjutant-General of the Army, given a brief report of the military control in Oklahoma. In July, when I visited this country at the request of the local commander, I heard all that was to be said through committees, and after hearing both sides of the question concluded that it was clearly my duty in the interest of peace, as mentioned in my communication referred to above, to prevent the overthrow of the local organization the people themselves had selected. This course was taken without any knowledge of the *personnel* of the city government, simply recognizing its officers as a convenient means of maintaining the peace. As before reported this was recommended by the property holders and business men of the place as a protection to their interests and as necessary to prevent riot and bloodshed. In taking this course I did not intend nor do I now propose to defend any action taken by the city government as to civil affairs. They are servants of the people, chosen and put in office by the people, and must be responsible to them and to them alone. At the same time from all I know of all the parties involved and from the report of disinterested persons, I am inclined to believe that the charge of malfeasance in office is without substantial foundation. It may be added that Captain Stiles, Tenth Infantry, has not been in command at Oklahoma except for a brief period during the absence of Lieutenant-Colonel Snyder, and I am of opinion that the bitterness shown as to that officer is due to the fact that in commanding a guard in the town to prevent contraband dealing he has been so efficient as to offend many who unite against him on the pretext that he has exceeded his authority. At any rate, the officer responsible for the conduct of affairs in Oklahoma under the department commander is not Captain Stiles, but Lieutenant-Colonel Snyder, Tenth Infantry.

W. MERRITT,
Brigadier-General, Commanding.

No. 44.

[Telegram.]

WAR DEPARTMENT, *October 5, 1889.*

General WESLEY MERRITT,

Headquarters Department of the Missouri, Fort Leavenworth, Mo.:

Interior Department is of opinion that military authorities proceeding further and less guardedly than they should in maintaining peace in the Territory of Okla-

homa, especially in preventing an election or other public meeting that may be held by citizens for redress of grievances, having reference especially to action under your order dated July 15 last. Secretary of War desires immediate investigation and report.

J. M. SCHOFIELD,
Major-General.

No. 45.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., October 16, 1889.

THE ADJUTANT-GENERAL OF THE ARMY,
Washington, D. C. :

(Through headquarters Division of the Missouri.)

SIR: I have the honor to acknowledge the receipt of a telegram from your office of the 5th instant, in which it is said that "the Interior Department is of the opinion that the military authorities are proceeding further and less guardedly than they should in maintaining peace in the Territory of Oklahoma, especially in preventing an election or other public meeting that may be held by citizens for redress of grievances, having reference especially to action under your [my] order dated July 15 last," and to say that this telegram, with other papers, has been referred to the Inspector-general of the department for investigation and report, which report will be forwarded as soon as made.

In the mean time it is not improper that the following remarks should be submitted for consideration in this general connection.

On the 11th of July last I received from the local military commander at Oklahoma the following telegram:

"Parties here other than those connected with the city government elected May 1 and organized May 2 have called an election to be held July 16th to vote upon the question of adopting a proposed new charter for Oklahoma City. Mayor Couch has issued a proclamation forbidding the proposed election. Please inform me whether troops shall be used to prevent this election if I am called upon to do so by the mayor. There is now and has been for some time quite a good deal of town-lot jumping in Oklahoma City, but so far the local municipal authorities have not appealed to me for assistance in making ejections. Lot jumpers, however, appear to be growing bolder and threats of armed resistance to the municipal authorities, bloodshed and violence, are freely indulged in, and although I have heard nothing from the city authorities upon the subject, very many of the best citizens and business men think bloodshed will soon ensue. In truth I believe matters have assumed a very serious outlook, and in order that the department commander may have a clear understanding of the situation in all its bearings, I respectfully and urgently recommend that he come here in person at the earliest practicable moment."

Upon its receipt I at once hurried to the point and made an investigation of affairs, which I found to be as follow: My first interview was with the representatives of those who were dissatisfied with the government of the town and who contemplated its overthrow. I heard all they had to present in a lengthy interview, but could not discover that they had substantial grounds for their discontent. In the instances when the so-called city government had been in the wrong the courts had been appealed to and the matter righted; the city government being quick to acknowledge its errors and to obey the mandates of the court.

After the interview with the complainants, I met by appointment a committee representing the property owners, the larger business men, appointed by the board of trade. These gentlemen deprecated any step which would look to the overthrow of the only government they had, and while they were in no way partisans of the city authorities, asserted that any change would be for the worse, would tend to destroy all property interests, and ruin them as well as the future prospects of the town. Several of these gentlemen had invested largely in buildings, etc., in the town of Oklahoma, and were only interested in the well-being of the place, and in nowise in the city government, except as their only protection.

I next saw the mayor and other members of the government. They acknowledged having made mistakes in the control of affairs, which mistakes had been corrected, but professed themselves, while heartily tired of their thankless duties, willing to serve the term for which they had been chosen, and to do what was possible for the administration of civil affairs until their terms of office had expired.

Under these circumstances, and the general directions I had received to maintain the *status quo*, I issued the order of July 15, as follows:

"THE COMMANDING OFFICER, TROOPS AT OKLAHOMA:

"SIR: The commanding general directs that in any matter of violence directed against the city government of Oklahoma, with a view to its overthrow, you will use

the troops in the maintenance of peace. This order applies to any disorders growing out of the efforts of the civil authorities of Oklahoma to suppress measures tending to the destruction of the city government.

"In other matters the general course heretofore pursued is approved and will be vigorously persisted in. This especially applies to the suppression of liquor traffic and the prevention of its introduction into the Territory in any form however disguised."

I also took the precaution to order additional troops to the scene, in pursuance of the general proposition of preventing disturbance by a show of force. On the day fixed for the election, there were at Oklahoma four companies of infantry and two troops of cavalry. The consequence was that the city authorities carried out the orders of the mayor without the intervention of the troops.

Since that time efforts have been made by the local government, including the leading business men, to heal the breaches in the community and to satisfy those who were complaining. Among other attempts in this direction, a committee of the representative citizens was appointed to draught a charter for the town.

This was done, but when the new charter was submitted to the people at an election called by the mayor, it was defeated, mainly it is said by the agitators because it did not vacate the offices of the members of the city government.

In the mean time to my understanding the matter was settled and everything was quiet and I expected it to remain so, but it appears that the malcontents were merely waiting their opportunity. After the troops had been ordered to the autumn encampment and the force at Oklahoma reduced, on my recommendation, to one small company of infantry, the disaffected citizens of Oklahoma precipitated an attempt at an election without due notice, and the first I heard of it was in a telegram from the local commander, Lieutenant-Colonel Snyder, Tenth Infantry, as follows:

"I report for information of the department commander that another attempt was made to-day to hold an election for purpose of voting upon adoption of proposed city charter of last July. Mayor Couch issued proclamation forbidding election, and applied to me for military assistance. I sent Captain Stiles's company into town and troops were actively used in preventing election and dispersing the crowd; all appears to be quiet now. Upon complaint of Mayor Couch a number of leading Kickapoos have been arrested by United States marshal."

This telegram I received just as I was on my way to the railroad station to attend the department camp of instruction. Of the matter thus reported I will say nothing at this time because it is to be investigated. If, however, due notice of this new attempt to unsettle affairs had been received, I should have taken the precaution to have had such force on the ground as to have prevented the possibility of violence from any source.

It may not be improper to add a word as to the character of the people making all the disturbance in the town of Oklahoma. While it can not be denied that there are reputable people among them, it is certainly true they comprise all the roughs, gamblers, liquor dealers, and less law-abiding elements of the community. Every man who has been interfered with by the military in violating the law, besides a large element who fear this interference, is in the ranks of the malcontents, constantly doing what is possible to foment trouble. These, with the leadership spoken of, are the cause of all the trouble.

It will be noticed that the only difficulties the military authorities have had to contend with have been confined to the town of Oklahoma, and yet the Territory is under the same general control and like military commanders. It is also to be remarked that the officers at Oklahoma have been more active in suppressing lawlessness than at any other point in the Territory, and have had more of it to do, and the wonder is not that there are complaints, but that there are not more of them.

I have the honor to be, very respectfully, your obedient servant,

W. MERRITT,
Brigadier-General, Commanding.

The ADJUTANT-GENERAL OF THE ARMY,
Washington, D. C.
(Through Headquarters Division of the Missouri.)

No. 46.

CAMP AT OKLAHOMA CITY, IND. T.
November 7, 1889.

CAMP ADJUTANT:

SIR: In compliance with sixth indorsement on communication dated House of Representatives, Washington, D. C., October 22, 1889, I have the honor to submit the

following, which is an extract from a report to the department commander on this case, forwarded October 21, 1889:

"On October 12, McCord, who has the homestead filing on a claim 1½ miles from Norman, reported that he wished to go on his claim, and that a contestant named Bishop had threatened him with bodily harm if he attempted to do so, etc. I sent Corporal Bowman to Norman to ascertain the facts and to try and arrange the difficulty. He found Bishop a very tough customer, and was unable to settle the difficulty amicably. He informed Bishop that he had no legal right on the claim as a contestant, and told McCord that he could go on and make his improvements. He also told Bishop that he must keep the peace and not do anything to molest his neighbor. McCord was also given similar instructions in reference to Bishop. Bishop was very excited and angry, and said McCord could not go on, unless over his dead body. Corporal Bowman suggested to Bishop that he come up here and see me in regard to the matter, and he agreed to do so, but after going to town and meeting (T. E.) Berry, he became very abusive and declined to come here. Corporal Bowman informed him that he would have to behave himself or get off the claim. No attempt was made to remove Bishop, and nothing further was done in the matter."

It will be observed by the foregoing that A. C. McCord is the entryman and has the homestead filing on this claim, and although Bishop has no legal right on the land, he being a contestant, he admits in his own letter that he was "ast [asked] to get off" the claim, and that he "refused to get off" by his [Corporal Bowman's] order." No such an order was given. The fact is Bishop is trying to bulldoze McCord out of his claim, and in order to do so, by threats, intimidates him so that he is afraid to go on the claim. While on the claim the matter was discussed and at the suggestion of Corporal Bowman, Bishop readily agreed and consented to come and see me in order to arrive at some amicable settlement of the case, but after coming to town and meeting the man Berry, who claims to be an attorney, he declined to do so.

No order was given to Bishop to report to me at Oklahoma or to do anything else. The entire action of the military was in the interest of peace and harmony and with a view to prevent a serious breach that would in all probability have resulted in bloodshed, for Bishop had sworn that McCord could not go on the claim except "on his dead body."

Very respectfully, your obedient servant,

D. F. STILES,
Captain, Tenth Infantry.

No. 47.

CAMP AT OKLAHOMA CITY, IND. T., November 8, 1889.

SIR: I have the honor to submit the following statement. On or about the 15th of October, 1889, I was ordered by Capt. D. F. Stiles, Tenth Infantry, provost marshal, to accompany McCord to his claim, one half mile south of Norman, to arrange the difficulty between him and one named Bishop, contestant. When I arrived there I found Bishop to be a tough customer and very abusive, and I was unable to settle the difficulty amicably. I informed Bishop that he had no legal right on the claim as a contestant, and told McCord that he could go ahead and make improvements. I told Bishop that he must keep the peace and not molest his neighbor, and McCord was given similar instructions. Bishop was very excited and angry and said McCord could not go on except over his dead body. I suggested to Bishop that he come up and see Captain Stiles in regard to the difficulty, and he agreed to do so, but after going to town and meeting Berry he became very abusive and declined to come here. I informed him that he would have to behave himself or get off the claim. I gave Bishop no orders of any kind, but simply advised him what was best to do in the matter in order that he and McCord could live in peace, but he said that McCord could not come on the claim any way, and that it would be very disagreeable for two men to be on the claim, and that he could not live there if McCord lived there also. I think if Berry had not interfered I could have finally settled the matter so that both parties could occupy the claim until the land-office could decide the case, but seeing that Berry was determined to make trouble concluded to say nothing more, and returned and reported the facts to Captain Stiles.

Very respectfully, your obedient servant,

MILTON BOWMAN,
Corporal Company G, Tenth Infantry,

Lieut. Col. SAMUEL SNYDER.

OKLAHOMA CITY, IND. T., *November 7, 1889.*

SIR: In compliance with the instructions of the department commander in the first indorsement on a telegram of the major-general commanding the Army, of October 5, directing the investigation of the employment of United States troops in the city of Oklahoma, I have the honor to make the following report:

The Territory of Oklahoma was opened by Presidential proclamation pursuant to act of Congress, at noon April 22, 1889. In anticipation of this event United States troops were collected April 18, in camp on the east side of the railroad station and opposite the site selected for the city. Brig. Gen. W. Merritt, the department commander, was directed to be present in person, so as to give such orders to the troops as any emergency might require (Exhibit 1). General Merritt was also directed to make such disposition of his troops as would enable him to enforce order when directed by the President, to use the troops in the execution of the power conferred by law on him, and also when it might be necessary under the provisions of paragraph 853, of the Army Regulations, which provides for the use of troops in cases of emergency (Exhibit 2). He was also directed by the President, through the major-general commanding the Division of the Missouri, to act, in conjunction with the United States marshals, to preserve the peace, and to aid them in executing warrants, making arrests, and quelling riots or breaches of the peace, to use his influence to promote peace and good order, and to take every proper measure to avoid any conflict of arms between or with the settlers. He was directed to see that the laws relating to the introduction of ardent spirits into the Indian Territory were enforced (Exhibit 3).

Pursuant to these instructions General Merritt proceeded to Oklahoma and assumed personal direction of the military force. He issued a circular of April 21, informing the settlers that the object for which the troops had been assembled was to protect Government property, the United States mails, and to guard the people from lawlessness and disorder. He cautioned them to conduct their affairs in a quiet, orderly manner, deferring to the courts the settlement of all controversies and conflicting claims (Exhibit 4). The same day he issued Field General Order No. 1, announcing that the troops had been ordered to act in conjunction with the United States marshals of the courts having jurisdiction, to preserve the peace, and in executing warrants, making arrests, and quelling riots or breaches of the peace. The officers with the troops were enjoined to use every effort to promote the peace, to execute the laws, and to exercise forbearance by every proper measure before resorting to force, to avoid conflicts, and to prevent difficulties between settlers. Special attention was called to the laws forbidding the introduction of ardent spirits into the Indian Territory, which were ordered to be strictly enforced (Exhibit 5).

April 22, at noon, a large crowd of people, estimated at 12,000, collected on what is now the site of Oklahoma City, and the scramble for lots commenced. The crowd was composed of people from all parts of the country, and embraced, among many honest settlers seeking homes, a class of dangerous lot-jumpers, land speculators, gamblers, and sharpers, having no interest in the city or country beyond successful ventures in swindling the confiding and unwary, and in pursuing their ordinary vocation as law-breakers. Of the truth of this there is ample evidence. From April 22 until May 6 the troops had entire charge of the city of Oklahoma, and performed all duties necessary to the maintenance of order in the city. This was partly due to the inability of the two deputy United States marshals, then present, to control such a concourse of people, and partly to the solicitations of the provisional city officials, who were chosen April 27. Meanwhile, realizing the necessity of some form of self-government for the protection of their rights and property, a call was issued April 26 by a number of settlers for a mass meeting, to be held the following day, for the purpose of electing a temporary mayor and city recorder, to hold office until their successors could be chosen by ballot, said election to be held within five days from and after the election of said temporary mayor and recorder. April 22 the second mass meeting was held, and five resolutions were adopted, under which the present city government was organized. These resolutions provided for the election of the temporary mayor and recorder before mentioned, who were to hold office for five days. It was made the duty of the temporary mayor to call for May 1, by proclamation, an election for mayor, city recorder, police judge, city attorney, city treasurer, and six councilmen, the proclamation to be posted in three public places at least two days before the election, and stating the time, manner, and places of holding the same. By the same resolutions the mayor and councilmen were to constitute the legislative power of the city government, with authority to provide by ordinance such rules and regulations as they might deem best for the welfare of the city, and all the city officials were to hold office, when elected, for one year. It may be stated here that one of the ordinances thus authorized and subsequently passed prescribed the manner in which all future elections should be held. Pursuant to these resolutions, which the record states were adopted without a dissenting voice, the temporary mayor and recorder were elected, and the

mayor issued the proclamation for the election of the permanent city officers, as prescribed in the resolutions. May 1 the election took place, and was by ballots, which were deposited at regular polling-places, were counted by judges duly appointed, and resulted in the election of the persons now holding office (Exhibit 6).

This brief account of the first election and the action taken by the settlers is necessary to a clear understanding of the attitude assumed by the civil and military authorities of the Government in dealing with questions which subsequently came up. It will be noticed that while there was no authority in law for these proceedings, they grew out of the actual necessities of the situation, and were supposed to have been deliberately and fairly carried out, and the result was accepted at that time in good faith as an expression of the will of the people; whether it was so or not I have no means of knowing. There are certainly a number of people who do not think so.

The city government was duly installed May 2, but it did not enter actively upon its duties until the 6th, when it took charge of the affairs of the city, but found itself powerless to preserve order without the aid of the military. From that day until August 5, a guard of from five to fourteen men was daily sent to town as occasion required; and from August 5 to October 21, from two to four men have been on duty in town every day. With a view to assisting the civil authorities and in repressing the liquor traffic, Capt. D. F. Stiles, Tenth Infantry, was designated provost marshal by Colonel Wade, Fifth Cavalry, commanding the troops. In this capacity he acted until recently, and his report, and that of Lieutenant-Colonel Snyder, now and for some time in command, herewith (Exhibits 7 and 8) embrace nearly all the occasions when troops have been used. By referring to these reports and the correspondence herewith, it will be observed that the difficulties most frequently experienced were with gamblers, liquor dealers, claim jumpers, and town-siters. The first were soon quieted, the last three have not been entirely suppressed, and still continue operations whenever there is a favorable opportunity.

The commanding officer, Lieutenant-Colonel Snyder, having some doubt as to the duty of the military in regard to contests between settlers and others over lots, claims, and town sites telegraphed, June 5, for instructions (Exhibit 9), and on June 8 addressed a letter to department headquarters on the same subject (Exhibit 10). In reply he was directed, June 6, by telegram, to use the troops as heretofore to preserve the peace, but that all claims must be settled according to law (Exhibit 11). His letter of June 8 was acknowledged June 12, and he was instructed at some length to use the troops only in case of forcible entry, to preserve the peace; that they could have nothing to do with transfers peaceably made, and that all property interests must be decided by the Interior Department and the courts; in short, that the Army was to have nothing to do with property disputes beyond what was necessary in the performance of the duties imposed on it (Exhibit 12). Meanwhile, the department commander had requested to be informed from the War Department whether the troops should be used to prevent persons from ousting homestead claimants for the purpose of establishing town sites, or for other purposes (Exhibit 13). He received in reply a copy of a letter addressed to the Secretary of War by the Secretary of the Interior, to whom the question had been submitted, that "in his judgment the troops should be used when necessary to preserve the peace and prevent disorder and lawlessness, and to preserve the status peaceably established by actual settlers." The Secretary also declared that "the existing state of affairs ought not to be permitted to be disturbed by force or violence." These views were concurred in by the Secretary of War under date of June 26, and duly communicated to the commander of the Department of the Missouri (Exhibit 14).

Meanwhile matters continued about as usual in Oklahoma, and from the reports of Lieutenant-Colonel Snyder and Captain Stiles it appears that the troops were frequently employed to prevent acts of injustice, violence, and bloodshed, and in making the arrests of liquor dealers, the local authorities not being able to meet the emergencies continually arising. This was due, and is still due, in some cases, to want of legal authority, and in some cases to a lack of effective civil force.

July 11, persons other than those connected with the local government issued a call for an election to be held July 16 to vote upon the question adopting a new charter for Oklahoma City. Learning of this, and fearing the consequences of the movement Lieutenant-Colonel Snyder, under dates of July 11 and 12, reported the facts by telegram and requested the presence of the department commander (Exhibit 15). The latter proceeded promptly to Oklahoma, and after listening to all the parties interested advised them to preserve the status then existing, to keep the peace, and avoid agitations which might, and no doubt would, prove injurious to the interests of the city. Before leaving he issued Orders No. 24 (Exhibit 16) and addressed a letter, through his aid-de-camp, to the commanding officer of the camp, to use the troops in the maintenance of peace and to suppress measures tending to the destruction of the city government (Exhibit 17). The letter and Order No. 24 embodied the instructions of June 27 received by the department commander from the War Department, and gave practical effect to the opinions of the Secretary of the Interior,

concurred in by the Secretary of War, in regard to maintaining "the status peaceably established by the settlers." July 16, the proposed election, having in view the overthrow of the city government, was attempted contrary to the proclamation of the mayor, who thereupon seized the ballot-boxes and suppressed it. This was done by the city officials without the intervention of the troops. (See Exhibit 18.)

Under date of July 23 the instructions of the department commander were repeated to the commanding officer of the troops at Oklahoma, coupled with a caution not to use the military force as merely a city police (Exhibit 19). As there appeared to be a desire on the part of the citizens for a charter, an election was held August 29, called by the mayor for the purpose of voting on a charter submitted by the city officials and drawn up by a committee composed of three members of the city council, three members of the board of trade, and three members of the citizens' or business men's committee. The election passed off quietly; 190 votes were cast for the charter and 516 against it. No troops were in town, though held in readiness should any disturbance take place. (Exhibit 20.)

September 20 certain citizens of Oklahoma, calling themselves "The committee of fifteen," issued a call for a charter election to be held in the city September 21. The subject had been agitated for some time, and two or three days beforehand speeches were made in the streets by those favoring the election, and the committee aforesaid, or certain members of it, had requested the mayor and council the evening of the 19th to call the election. This they decided not to do, on the ground that "it would be in violation of the city ordinances in regard to such elections." This same evening, and on the night before the election, many speeches were made, and I have been informed by several officers and other persons who heard them that they were violent in expression, and conveyed in unmistakable language the intention to hold the election and to resort to force, if necessary, in order to do so. This alarmed the mayor, who accordingly addressed a letter to the commanding officer of the troops, stating that a proclamation had been issued by him forbidding the election as unlawful, and requesting such assistance from the United States troops in enforcing the proclamation and preserving the peace and good order of the city as might be deemed proper (Exhibit 21). In compliance with this request and the instructions he had received, Lieutenant-Colonel Snyder, the commanding officer, on the following morning sent Captain Stiles and twenty-five men to the city, where they assisted the mayor to suppress the election, and where, from some accounts, they were instrumental in preventing a serious riot and bloodshed. This is not, however, the opinion of the "committee of fifteen," or of those who sympathized with the movement, who assert that the only breach of the peace was committed by the troops in clearing the streets. The peaceable intentions now claimed are hardly compatible with the tone of the speeches made beforehand, the attitude of the crowd when ordered to disperse, or the resistance then offered. It has been stated to me by several reputable citizens that it was the intention to kill both the mayor and Captain Stiles on this occasion, and that threats to that effect were known to have been made. Be this as it may, and leaving the troops out of question, no one familiar with the facts and the character of the men concerned can doubt that a bloody riot would have followed had the election been persisted in. The city officials and their supporters were as determined as their opponents, and would have resisted with arms any attempt to oust them from their positions. If this be true, it follows that the troops were instrumental in keeping the peace, even if they prevented the election. In truth it appears to have been the only way in which peace could have been preserved at that time. I have not seen the charter on which the election was called, but I have been reliably informed that it contained a provision which, if carried, would have removed all the city officers. The employment of the troops on this occasion was duly reported by the commanding officer September 21 (Exhibit 22), and was the first intimation received by the department commander of the disturbance. The final written instructions given by the department commander to the commanding officer of the camp will be found herewith, as Exhibits 23, 24, and 25. Other instructions have since been received by him from the department commander to the effect that the posse comitatus laws must be literally complied with; that hereafter the troops as a body must be kept in camp and will interfere only when called on by the United States marshals, and only then to prevent violence and bloodshed. It is claimed by the officers now here that thus far they have only been used for this purpose, excepting in criminal cases. Since September 21 the city has been quiet.

The foregoing account covers all the instructions and orders of importance which have been issued since the Presidential proclamation opening the Territory, and explains the employment of the troops in connection with elections. I have not been able to discover that they have ever been used to prevent any public meeting held by the citizens of Oklahoma to redress grievances. The election of September 21 was undoubtedly prevented by the troops.

Turning now to the reports of Lieutenant-Colonel Snyder and Captain Stiles (Exhibits 7 and 8) and to the statements of Corporals Jerome and Bowman of the pro-

most guard appended thereto, the employment of the troops in other cases will be seen. From their reports it appears that the troops have been used as follows: (1) To suppress the liquor traffic; (2) to remove criminals from the city and enforce proper sanitation; (3) to eject town-siters from homestead claims; (4) to settle disputes between homestead claimants.

(1) For the arrest of liquor dealers there was believed to be full authority of the United States laws, apart from the orders of the Interior Department and department commander. By referring to the accompanying letters of the United States commissioners Harvey, Somers, and Cramer (Exhibits 26, 27, and 28) the action taken will be understood. It appears that the troops made eleven arrests, and the United States marshals twenty-two arrests, and that of the total number arrested by the military eight were held to answer before the United States courts. In a number of instances the arrests of the marshals were made on information given by the military. The cases discharged were generally for lack of sufficient evidence or because the liquor seized was not considered to come under the statutes, or because it was intended for private use and not for traffic or sale. It is probable that some mistakes were made in this matter and that an interpretation of the laws and orders not quite so literal would have answered every purpose; nevertheless, the latter were emphatic and from the highest authority, and under the circumstances left but little to the discretion of the military. If, however, the latter went too far, it appears that the United States commissioners and marshals were with them.

Whether legal or illegal, it is now and always will be a cause of gratitude on the part of the people of this city that the vigilance of the military has prevented the wholesale introduction of liquor to benumb the sensibilities and inflame the passions of a very reckless class of people, and while some relaxation, as far as reputable citizens are concerned, would no doubt be advisable, no serious modification of the course heretofore followed should be permitted until the city has organized on a basis recognized by all classes to be lawful.

Attention is invited to the views of the United States commissioners on the action taken by the military in this matter; I may add that the views of the commissioners are those of all respectable citizens here.

(2) Under this head are embraced proper sanitary measures and the criminal class generally, which is reported to have been fully represented by gamblers, confidence men, thieves, and a few prostitutes. In this connection attention is invited to Exhibits 29 and 30, which will illustrate the action taken by the military. In every case interference by the provost-marshal appears to have been necessary to prevent crimes, which, in a community like this, not uncommonly end in bloodshed. It should be remembered that the United States marshals are frequently absent and that the city has had at no time more than five or six policemen, and generally not more than two or three, and that they were entirely unable to cope with such dangerous criminals, especially by night in the dark streets and alleys of the city.

(3) The correspondence (Exhibits 9 and 10) and reports herewith explain the course generally taken in dealing with town siters. Owing to the large number of people who made attempts to oust homestead settlers for the purpose of establishing town sites, the force employed was large at times, United States marshals and local police, even if disposed to act, would have been, it is said, utterly unable to prevent these outrages, which would have ended in riot and bloodshed if not disposed of on the instant.

(4) Disputes between homestead claimants have occupied very much of the attention and time of the officers who have been, and still are, appealed to daily for advice and assistance in settling these contests. There is no authority short of the court at Muskogee which can determine the respective rights in question, and the people are too poor to make appeals which involve long journeys and greater expense than they can undergo. In truth, for either of two or more claimants to go away would result in his being ousted by his rivals ere he returned; hence they turn to the only representatives of the Government in this section who will, or can, afford them the least assistance. The action thus far taken is believed to be covered by the instructions received, which have in view the preservation of the peace and the protection of property. Were such arbitration as contestants have received at the hands of the military denied them, they would, without doubt resort to their Winchesters to settle their disputes. As it is they submit to the suggestions made them, with the understanding that their legal rights are in no wise prejudiced thereby. Captain Stiles, by whom a majority of these cases have been settled, reports that no force has been used except in one instance. The exception referred to is the case of McMichael, reported by Captain Stiles (Exhibit 7). I have talked with Mr. McMichael and he feels that he was unjustly and improperly removed. He stated that there were three rival claimants on the homestead when he went on, May 28, who, he claims, went on before noon, April 22. June 3 he put up a notice to the effect that he claimed the homestead. At this time the other claimants were contesting the claim before the agent of the Land Office at Guthrie, who, July 19, decided they were not in lawful possession,

but allowed them thirty days in which to appeal the case. This decision, in the opinion of McMichael, made him the only legal occupant of the homestead, so he concluded to remain. The rest of the story is told in the report of Captain Stiles, with which McMichael takes issue.

Whether the services rendered by the military be approved or not, it is certain that they are appreciated by the settlers who come here from distant points to state their grievances. That they have prevented in many instances, acts of lawlessness and crime, I think there is no question.

PUBLIC SENTIMENT.

I did not consider it necessary to call publicly or generally for an expression of opinion from the citizens of Oklahoma in regard to the use of the troops. I have sought the views of many prominent business men and am not without some information as to public sentiment on this point. Those who come within any of the classes referred to in these reports as gamblers, liquor dealers (or as they are called here "boot-leggers"), lot jumpers, and thieves, whose operations have been checked by the troops, do now, and will hereafter, unhesitatingly denounce them. They want no government, civil or military, which they can not control, and are now to be found in the opposition. The body of reputable citizens is divided into two, parties which do not follow the lines of the two great parties of the country, but along the lines of local interests. They are distinguished by the names of two rival town site companies organized before the opening of Oklahoma to locate town sites and secure town lots. They are the survivors of five such companies on hand at the opening, and are known as Seminoles and Kickapoos; the latter in opposition to the military and civil government. As distinguished from the Kickapoos, I believe that every prominent business man in Oklahoma is either neutral or on the Seminole side. They have confidence in the military and desire to retain it here, with its sphere of duties undiminished (see Exhibit 31). These men are not enamored of the city government, but they wish no change until after Congress has acted and the titles to their lands are perfected. So evident is the purpose and so complete is the distrust of each of these parties towards the other, that I do not believe a change possible without serious disturbance. That an election, even if peacefully conducted, would remove existing difficulties, I can hardly believe unless it was evident that the motive, which now appears to actuate both sides was replaced by something better. No principle of our political system worth mentioning, except the right to life and property, is involved at all in the troubles here, and no danger to the rights of American citizens or the sacredness of the ballot from the use of the troops need be apprehended. Meanwhile, the latter as a buffer between contending mercenary factions seems only likely to suffer. Their task has been, and still is, disagreeable, difficult, and one of great delicacy, and can not be fully appreciated by those far removed from the scene. That mistakes have been made there is probably no doubt, but they have resulted in no case, I am sure, from a want of patriotism or professional spirit, but rather from a lack of experience in dealing with a problem heretofore unknown in the history of the country.

Very respectfully, your obedient servant,

J. P. SANGER,
Major and Inspector-General.

The ASSISTANT ADJUTANT-GENERAL,
DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., December 3, 1889.

Respectfully forwarded, through Headquarters Division of the Missouri, to the Adjutant-General of the Army. The within report is exhaustive and nothing is necessary to be added. While there has been complaint of the conduct of affairs in Oklahoma, it is not difficult to see that if any other course had been pursued there would have been quite as much complaint and possibly more cause for it. As it is, the people have been protected from violence, and no case of bloodshed has occurred which might not have occurred under the best civil government anywhere. This is a valuable commentary on the wisdom of the action heretofore taken in this country, filled with a mixed population containing some of the worst elements known to American frontier settlements.

W. MERRITT,
Brigadier-General, Commanding.

[Second indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,
ASSISTANT ADJUTANT-GENERAL'S OFFICE,
Chicago, December 8, 1889.

Respectfully forwarded to the Adjutant-General of the Army.

GEORGE CROOK,
Major-General, Commanding.

[Third indorsement.]

ADJUTANT-GENERAL'S OFFICE,
Washington, December 10, 1889.

Respectfully submitted to the major-general commanding the Army.

In telegram of October 8, 1889, the commanding general Department of the Missouri is advised by the major-general commanding the Army that the Interior Department is of the opinion that the military authorities were proceeding further and less guardedly than they should in maintaining peace in the Territory of Oklahoma, especially in preventing an election or other public meeting that may be held by the citizens for redress of grievances, having reference especially to action under orders from the Department of the Missouri, dated July 15 last; also that the Secretary of War desired an immediate investigation and report.

In a preliminary report of the commanding general Department of the Missouri, dated October 16, 1889, that officer stated that the telegram of the 5th of October from the major-general commanding the Army, and other papers in the matter, had been referred to the inspector-general of the department for investigation and report, which report would be forwarded as soon as made.

The report is now forwarded with remarks by the commanding general Department of the Missouri.

J. C. KELTON,
Adjutant-General.

[Fourth indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, December 17, 1889.

Respectfully submitted to the Secretary of War.

Considering the extremely difficult and delicate nature of the service required of the troops in Oklahoma, I think it a subject of congratulation that the service was performed so well and with so few mistakes. If the officers erred in some instances in their judgment as to the limits of their lawful authority, they did not fail in their estimate of the necessities of the extraordinary situation in which they were placed, nor in the courage and coolness to do, with firmness and due forbearance, what seemed to be necessary.

J. M. SCHOFIELD,
Major-General, Commanding.

(Exhibit 1, see No. 18; Exhibit 2, see No. 20; Exhibit 3, see No. 25.)

[Exhibit 4.]

CIRCULAR.

To the Settlers in Oklahoma:

General Merritt, in command of the military department of which this Territory constitutes part, wishes all law-abiding people to know that the United States troops are here: (1) For the protection of Government property and the United States mail; (2) to guard the people from lawlessness and disorder.

He desires to impress on the settlers the necessity of conducting their affairs in a quiet and orderly manner, deferring to the courts the settlement of all controversies and conflicting claims. It is hoped that wise counsels and due respect for the law will prevail without necessity for invoking its power, civil or military, which is ample for all purposes of protection to law-abiding settlers and for the due control of those who seek to take the law into their own hands.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
In the field, April 21, 1880.

[Exhibit 5.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI (IN THE FIELD),
*Oklahoma, Ind. T., April 21, 1889.*FIELD GENERAL ORDERS, {
No. 1. }

1. The troops in this Territory are hereby ordered to act in conjunction with the marshals of the United States court having jurisdiction in the country to preserve the peace, and officers in command of troops are hereby directed, upon the request of such marshals or duly authorized deputies, to use the troops under their command to aid in executing warrants, making arrests, and quelling riots or breaches of the peace.

Officers and men are enjoined to use every effort to promote the peace, and in executing the laws they will exercise forbearance, and by every proper measure, before resorting to force, avoid conflicts with and prevent difficulties between the settlers.

2. The laws forbidding the introduction of ardent spirits into the Indian Territory will, as heretofore ordered from these headquarters, be strictly enforced. No liquors for purpose of traffic can be introduced into the Territory without violation of law, and all that is offered for sale is contraband under the law.

By order of General Merritt.

C. H. DODGE, JR.,

First Lieutenant Twenty-fourth Infantry, Aid-de-Camp.

Official.

[Exhibit 6.]

Synopsis of the settlement of the lands occupied by the people on the afternoon of April 22, 1889, and laid off, platted, and called Oklahoma City, Ind. T.

Under and by virtue of the proclamation of the President of the United States of America opening to settlement the certain portion of lands bought from the Creek and Seminole Indians and called familiarly Oklahoma, which proclamation permitted settlement on and after 12 o'clock noon on the 22d day of April, A. D. 1889.

There were assembled on the afternoon of the said 22d day of April, 1889, several thousand people on the southeast quarter of section 33 in township 12 north, of range 3 west, for the purpose of occupying the land for a city.

Realizing the insecurity of rights and property and the total absence of any law applicable to a community so large and varied in their habits and vocations it was at once apparent that some form of self government should be instituted for the government of the people congregated for the purpose of dwelling together at this place. Accordingly the following call was made and signed and circulated :

OKLAHOMA CITY, April 26, 1889.

We, citizens of the city of Oklahoma, request the meeting in mass convention of all citizens of the city for the purpose of nominating a temporary mayor and city recorder to hold their offices until such time as there may be elected by ballot their successors, which election shall be held within five days from and after the election of said temporary mayor and recorder. Such mass meeting to be held April 27, 1889, at the hour of 6.30 o'clock p. m., and every citizen of said city shall be entitled to a voice. The election of said temporary mayor and recorder shall be by the voice and shall vest in them the power to appoint police to preserve the order of said city and the power to call said election for permanent mayor, recorder, and prescribe the manner of holding said election. Said mass meeting to be held at the corner of Main and Broadway.

(Signed :) Ledra Guthrie, J. B. Weaver (not a citizen of the city but living near the same), John B. Banks, S. Lum Biedler, W. P. Easton, J. E. Carson, J. D. Drake, T. B. Riley, G. A. Biedler, p. m., O. H. Violet, Sidney Clarke, Blueford Wilson, D. A. Harvey, W. P. Shaw.

OKLAHOMA CITY, IND. T., April 27, 1889.

At a mass convention of the citizens of Oklahoma City held pursuant to the foregoing petition and call, the Hon. Ledra Guthrie was chosen chairman and O. H. Violet secretary. The chairman having explained the purpose of the meeting, Hon. Blueford Wilson moved the adoption of the following resolutions, which were unanimously adopted:

Whereas we, the people of Oklahoma City, in the Indian Territory, for the more

adequate protection of property and for the better preservation of order and to form more perfect union, do ordain these resolutions to be in force and effect.

First. That there shall be elected one temporary mayor, who shall hold his office for the term of five days or until the successor is duly elected and qualified.

Second. That there shall be elected one temporary recorder, who shall be elected for five days or until a permanent provisional successor is duly elected and qualified.

Third. It shall be the duty of the temporary mayor to call an election for the 1st day of May, 1889, for mayor, for recorder; for police judge, for city attorney, and city treasurer, for six councilmen, which call shall be by proclamation signed by said temporary mayor and attested by said temporary recorder and shall be posted in three public places in said city at least two days before the day of said election, and shall proclaim in the manner, the time, and the places of holding the same. He shall be ex-officio chief of police, and shall have power to appoint such additional persons to act as police as he may deem necessary to preserve good order; he shall have the power to designate and appoint three judges for each voting place, who shall have charge of the ballot-boxes and the counting of said ballots.

Fourth. The temporary recorder shall make a complete record of this article in a book for that purpose, together with the proclamation by the mayor, and shall perform such other duty as may be imposed upon him by the mayor or council before his successor is elected and qualified.

Fifth. Said permanent mayor and councilmen shall constitute the legislative power of said city government, and shall have power to provide by ordinance such rules and regulations as they may deem best for the public welfare of said city.

Sixth. The temporary mayor, recorder and police appointed under said temporary mayor shall each receive the sum of \$1 for their services.

Pursuant to the resolutions, which were adopted without any dissenting voice, Hon. David T. Littler, of Illinois, put in nomination William L. Couch, esq., for the temporary mayor, which nomination was duly seconded. William P. Shaw was put in nomination for temporary recorder. No further nominations being made the chairman declared the nominations closed and proceeded to a vote on the nominations. A rising vote having been taken, the chair decided that W. L. Couch had received a majority of the votes cast. Whereupon on motion of William P. Shaw the election was declared unanimous. Motion was made and duly seconded that William P. Shaw be declared the temporary recorder by acclamation. Carried.

No further business appearing for consideration the meeting adjourned *sine die*.

LEDRA GUTHRIE, *Chairman*.
O. H. VIOLET, *Secretary*.

In pursuance of the spirit and intent of the election, Mayor-elect W. L. Couch at once issued the following:

A PROCLAMATION.

Whereas by authority vested in me by certain articles adopted by the citizens of Oklahoma City, Ind. T., at a mass-meeting held by them in said city on the 27th day of April, 1889, authorizing the calling of an election for permanent officers therein designated to be held on the 1st day of May, A. D. 1889, and for the designation of the manner and time and places of holding the same; and

Whereas by section 2 it is provided that at said election to be held under said articles there shall be elected one person who shall be designated and termed mayor and one person as recorder and one person as police judge and one person as city attorney and one person as city treasurer and six persons to act as councilmen, who shall hold their offices for the term of one year; and

Whereas by section 2 it is provided that the temporary mayor shall appoint three suitable persons to act as judges of each election precinct to be named by the mayor, who shall have charge of the ballot-boxes and of the counting of the ballots, and shall report the result of the same to the mayor and recorder, who shall declare said persons receiving the highest number of votes elected, who after taking and subscribing to the oath of office required generally of such officers as they may have been elected to fill:

Now, therefore, I. W. L. Couch, temporary mayor of the town of Oklahoma City, do proclaim that a general election for one person as mayor, for one person as recorder, for one person as police judge, for one person as city treasurer, for one person as city attorney, and for three persons for councilmen from each ward shall be held in the town of Oklahoma City, Ind. T., on the 1st day of May, A. D. 1889, which election shall be by ballot, either printed or written, and each citizen of lawful age of said town shall be entitled to vote for said officers, and that the places for voting shall be opened at 8 o'clock a. m. and shall close at 6 o'clock p. m., and that there shall be two voting precincts dividing said city into two wards as follows: All per-

sons residing north of Clark street shall be entitled to vote at the place designated in said ward, which is at the junction of Main and Broadway. All persons residing south of Clark street shall be entitled to vote at the place designated in said ward, which is at the junction of California avenue and Broadway.

The following persons are designated to act as judges of the election in the ward north of Clark street, viz: J. W. Gibbs, George S. Chase, and Moses Niel, and those to act as judges in the ward south of Clark street, O. H. Violet, John A. Blackburn, and James Murray, who shall count and return the ballots to the temporary recorder, who shall canvass said return and make announcement of the result as soon as can be done.

WILLIAM L. COUCH,
Temporary Mayor.

Attest:

WM. P. SHAW, City Recorder.

OKLAHOMA CITY, IND. T., May 2, 1889.

Upon personal notice being given by William L. Couch, mayor *pro tempore* of the provisional government of the city of Oklahoma City, Ind. T., there assembled at 4 o'clock, p. m., on May 2, 1889, at the office of Ledro Guthrie, the following named persons, to wit: William L. Couch, mayor *pro tempore*, Wm. P. Shaw, secretary *pro tempore*, Mr. Sidney Clarke, Mr. E. G. Hudson, Mr. J. E. Jones, Mr. John Wallace, Mr. W. C. Wells, Mr. C. T. Scott, Mr. Ledro Guthrie, Mr. O. H. Violet, Mr. F. C. Quinton, Mr. John A. Blackburn.

Mr. Wm. P. Shaw, secretary *pro tempore* of the provisional government of the city, announced the result of the canvass made by the qualified judges of the election held in the city of Oklahoma City for mayor, city recorder, city attorney, city treasurer and police judge, and six councilmen, to have resulted in the selection of William L. Couch mayor, John A. Blackburn city recorder, Ledro Guthrie city attorney, Frank C. Quinton city treasurer, O. H. Violet police judge, Sidney Clarke councilman, E. G. Hudson councilman, J. E. Jones councilman, John Wallace councilman, W. C. Wells councilman, C. T. Scott councilman.

The above candidates were duly elected at the city election held on May 1, between the hours of 8 o'clock a. m. and 6 o'clock p. m.

After the announcement made by the secretary *pro tempore*, Mr. Wm. P. Shaw, of the provisional government, of the result of such election, the duly elected officials for the city government of Oklahoma City took the following oath of office, administered by United States Commissioner C. F. Sommers:

"We, _____, do solemnly swear that we will support the Constitution of the United States, and that we will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

After which certificates of election were given to each official, respectively.

Mayor W. L. Couch called a meeting of the council at once, and on motion of E. G. Hudson, properly seconded and carried, a committee of three was appointed by the chair to confer with the city attorney, to prepare the organic act for the government of the city.

The chair appointed Councilmen Clarke, Hudson, and Jones as such committee to advise also with city attorney.

A motion was made by Councilman Wallace, seconded by Councilman Clarke and carried unanimously, that the mayor appoint a mayor *pro tempore* to act as mayor in his (the mayor's) absence.

Councilman Sidney Clarke was appointed as such temporary mayor. Motion prevailed unanimously to adjourn, pending the preparation of the organic act, until 4 o'clock p. m.

JOHN A. BLACKBURN, City Recorder.

A true extract copy from the records of Oklahoma City, Ind. T.

D. F. STILES,
Captain, Tenth Infantry, U. S. Army.

[Exhibit 7.]

CAMP AT OKLAHOMA CITY, IND. T., November 6, 1889.

Maj. J. P. SANGER,

Inspector General, Department of the Missouri, Fort Leavenworth, Kans. :

SIR: I have the honor to report as follows in regard to the use of troops from this command.

From the opening of the Territory, April 22, 1889, until May 6 the military had entire charge of the town of Oklahoma City and had to perform all duties required for

Officers Okla. City

the maintenance of order in the city. (By order of the commanding officer, Col. J. F. Wade, Fifth Cavalry.)

On May 6 the city government took charge of affairs, but was powerless to enforce order without the aid of the troops. From that date until August 5 a guard of from five to fourteen men was daily sent to town as occasion required, and from August 5 to the present date from two to four men have been on duty in town every day. These men have been used in the suppression of the liquor traffic, in the arrest of robbers and gamblers, and in the preservation of peace and good order. (By order of the commanding officer, Col. J. F. Wade, Fifth Cavalry.)

Troops have been used in the country for similar purposes, but principally to prevent violence and bloodshed over contested claims. (By order of commanding officer, Col. J. F. Wade, Fifth Cavalry.)

May 6, 1889, J. D. Brough and M. A. Thompson, dispute over lots in Oklahoma City. Brough drew fire-arms on Thompson and threatened to shoot. Parties quieted and order restored.

May 10, 1889, drunken half-breed named Joe arrested in Oklahoma City for beating negro over head with revolver and threatening to shoot. Confined in guard-house over night and released.

May 10, 1889, at the request of City Marshal Koonce, two prisoners named J. H. Saunders and Jackson, who were arrested for raising a disturbance about a lot claimed by C. F. Sommer, were taken to camp and kept in the guard-house until next day, when they were turned over to Mayor Couch.

On May 14 a party of town-siters numbering some two hundred and fifty attempted to jump the claim adjoining the city on the north. Some fifty of the party were armed and they were opposed by eight or ten armed men on the claim; a serious conflict was prevented by the troops dispersing the crowd. (By order of commanding officer, Col. J. F. Wade, Fifth Cavalry.)

May 19, 1889, Jacob Beckler was arrested for violation of liquor law and turned over to the United States deputy marshal.

On May 21 the same party of town-siters, but then numbering some five or six hundred, made a raid on the claim adjoining the town on the west and staked almost the entire claim in town lots. This party was ejected by a guard of a dozen men. The next day at 10 a. m. the claim was again covered by the same town-site party and were ejected by a company of infantry. At 2 p. m., same day, a third raid was made on this claim, when they were removed by a company of infantry and a troop of cavalry. (By order of commanding officer, Col. J. F. Wade, Fifth Cavalry.)

In June it was learned that another attempt would be made to locate a town site, and in order to prevent further trouble a guard of three mounted men was posted on this claim and maintained there from that time until September 8. (By order of commanding officer, Lieut. Col. S. Snyder, Tenth Infantry.)

On June 14 the city council of South Oklahoma removed the city marshal, who then made an attack on the city officials and shot and killed City Marshal Howard, who had been appointed that day. A number of persons were engaged and several shots fired. Two companies of infantry were sent to town and restored order. (By order of commanding officer, Lieut. Col. Snyder, Tenth Infantry.)

July 5, S. S. Penair and L. B. Farrow arrested for violation of liquor law and turned over to United States deputy marshal.

On July 6 a dispute arose in town over some lots and a building that was at the time in possession of the United States Marshal at Muscogee. A deputy marshal who had immediate charge of the property was temporarily absent, and taking advantage of this two men, Harrell and Butler, took the building down and attempted to get possession of the lots. A large crowd collected and serious trouble was feared by both parties. A company of infantry was sent to town, the crowd dispersed, and further destruction of property prevented. The ring-leaders were arrested and released in an hour, upon the return of the marshal. (By order of commanding officer, Lieut. Col. S. Snyder, Tenth Infantry.)

July 14, C. B. Boyle and E. W. Barnes arrested for violation of liquor law and turned over to United States deputy marshal.

On July 16 an attempt was made to hold an election contrary to the city ordinances. Serious trouble was apprehended, and the command was re-inforced by a troop of cavalry from Guthrie, making four companies of infantry and two troops of cavalry. A platoon of infantry was sent to town and the troops in camp were kept under arms the entire day. The infantry in town were stationed a block away from the voting places and were not used at all, the election being prevented by the city officials. A number of attempts were made to create a riot by one G. W. Adams, an opposition leader, but all without avail, owing to the presence of the troops. The disturbance continued during nearly the entire day, and the troops were not withdrawn until after sunset. (By order of commanding officer, Lieut. Col. S. Snyder, Tenth Infantry.)

August 6, M. Q. Couch, homestead entry, April 24, southeast quarter section 4,

township 11, range 3 west. Contestants, R. J. Lee and Patterson. Lee cutting timber and selling some, and also sand; ordered to cease cutting timber and selling sand and not to break the peace or injure claim.

August 10, Joseph Couch, homestead entry, April 25, southwest quarter section 4, township 11, range 3 west. Contestants, Thompson, Case and Franklin. Thompson plowing and building inside of entryman's fence, also cutting timber and breaking fence and turning stock in on crop. Thompson was required to move house onto another part of claim, to cease cutting timber, etc., and to keep the peace. (By order of Captain Forbush, Fifth Cavalry).

August 10, Lewis Rockwood, entered April 22; filed homestead May 1, southwest quarter section 5, township 11, range 3 west. Contestant, Halstead. Entryman claims that one Christianson, living on claim, has cut 100 acres of hay, and threatens to kill his stock; also threatens him with personal violence. Action: Christianson has offered no filing and is moved off claim. (By order of Captain Forbush, Fifth Cavalry).

NOTE.—Collins appears on claim October 30, establishes tent in timber, and commences cutting timber and hauling some off. Action: Ordered to stop cutting timber.

August 13, Joseph Patterson, contestant, on southeast quarter section 4, township 11, range 3 west, made an attack on another contestant named Lee; beat Lee with club and run him off claim with shot-gun. All parties required to keep the peace.

August 14, Wm. P. Moore, homestead entry, April 30, southwest quarter section 2, township 11, range 3 west. Contestant, J. M. Murphy. Complaint against Moore that he is cutting hay and plowing claim; complaint against Murphy that he is cutting and selling timber. Ordered that neither party cut any green timber except to fence claim, both to occupy and improve claim pending decision of land office.

August 14, M. W. Weeks, homestead entry, May 2, southeast quarter section 2, township 11, range 2 west. Contestant, G. W. Hart. Complaint that Hart is cutting timber, building house, and threatening Weeks with personal violence. Contestant ordered to keep the peace, and failing to do so that he must leave the claim until decision of land office.

August 15, Jesse H. Jones, homestead entry, April 26, southwest quarter section 33, township 12, range 2 west. Contestant, A. M. Debalt. Complaint against Debalt that he does not reside on claim and comes on occasionally with armed men and threatens Jones with personal violence. Ordered that each occupy one-half the claim until land office decides case.

August 16, Asa Coleman, homestead entry, April 27, southwest quarter section 25, township 12, range 3 west. Contestants, G. W. Strouse and Provenge. Dispute and threats over timber and building site. Amicably settled, and all to remain on claim until land office decides case.

August 16, John M. Couch, homestead entry April 25, northeast quarter section 9, township 11, range 3 west. Contestants, Mouck, Howard, Thompson, and Pryor. Mouck cut 160 cords of wood, burnt 80 cords in brick-kiln, and sold 80 cords.

Thompson cutting timber and building fence. Pryor digging well and building house. Ordered that operations cease and that everything remain *in statu quo* until land office can decide case.

August 17, W. D. Earl filed S. D. S. May 31 southwest quarter section 35, township 13, range 2 west. Contested by Solomon, who filed homestead entry June 1. Earl wants one-half the lay and Solomon wants the whole of it. Ordered that the hay be equally divided.

August 19, Thos. T. Harwood, homestead entry May 10, northwest quarter section 10, township 11, range 8 west. Contested by James McFadden and Harry Stafford. Complaint by Harwood against McFadden that he cuts wire fence and tries to stop work on claim. Harwood ordered to make a gate 12 feet wide near McFadden's house and a similar gate below Stafford's dug-out, and that no one cut fence again.

August 20, Biedler filed S. D. S. April 24, northeast quarter section 28, township 12, range 3 west; Thos. Winans filed homestead entry August 5 subject to S. D. S. Complaints jointly in regard to building and fencing. Ordered that both keep the peace and remain *in statu quo* until decision of land office.

August 22, C. Parker, homestead entry April 24, southeast quarter section 32, township 12, range 3 west. Contestants, V. Radcliff, Fowler, and Abi Couch. Dispute over possession of claim, etc. All parties to keep the peace, and each to live on claim until land officers can decide otherwise.

August 24, James Lanceford entered May 6, filed homestead May 14, southeast quarter section 13, township 13, range 2 west, contested by Jay Hartsell, who entered May 16. Entryman desires to improve and fence claim and is prevented by contestant, who makes threats of violence. Action advised to go on claim and warn contestant to keep the peace and report if he has any further trouble.

NOTE.—Entryman reported November 4 that contestant has again commenced bulldozing, and is now destroying what little timber there is on claim; not yet investigated.

August 24, J. Kohler, arrested for violation of liquor law. Third offense. Stock destroyed and Kohler sent out of town.

On August 29 an election was called by the city government. A few men were sent to town to preserve order, but no outbreak occurred and they were not used. (By order of commanding officer, Capt. W. C. Forbush, Fifth Cavalry).

September 14, James A. Debose arrested for violation of liquor law. Liquor destroyed and Debose released next day.

On September 21 another election was attempted by those in opposition. At this time there were only thirty men in camp, the balance of the command being at the fall maneuvers at Camp Schofield. Twenty-five men and three officers were sent to town with orders to uphold the regularly constituted city government, to preserve peace and order and to prevent the holding of an election in violation of the proclamation of the mayor of the city. The troops arrived in the city at 7.30 a. m., and at 8.30 those in opposition attempted to hold an election. The proclamation of the mayor and the order of the camp commander had previously been posted in prominent places and the leaders of the movement informed that no election could be held in violation of the proclamation and orders, but notwithstanding this an attempt was made to vote. A few ballots were cast, when the mayor and city marshal attempted to stop the voting. This being unsuccessful and a serious disturbance being imminent, the troops were called upon and the crowd promptly dispersed. The attempt was repeated several times and incendiary speeches were made. On each occasion the crowd—some two or three hundred—was driven back by the troops and the election prevented. Some two or three persons were slightly injured by bayonet thrusts and by being struck by the butts of the muskets, but none seriously. In about an hour the crowds had been all dispersed and order restored. Twelve arrests were made by a deputy United States marshal. (By order of commanding officer, Lieut. Col. S. Snyder, Tenth Infantry).

September 28, Wesley A. Bruce, homestead entry, April 26, southwest quarter section 28, township 12, range 2 west. Wm. H. Johnson, contestant. Complains that Johnson forbid him to plow and threatened to burn his house down. Several shots were fired through side of house and into his bed. Ordered both parties to live on claim and keep the peace. Each to fence and cultivate 80 acres.

October 3, William Lee, filed homestead May 1 on southwest quarter section 2, township 7, range 1 west. Contested by M. Ellsworth. Complaint of entryman against contestant, bulldozing, etc. Both parties to remain on claim and keep the peace until the land office can decide to whom the claim shall belong.

October 3, Alfred S. Allen, entered April 22 and filed homestead April 30 on northeast quarter section 7, township 11, range 2 west. Samuel E. Bartel, contestant, entered April 22, offered filing May 25. Dispute over claim, breaking of ground and hay-cutting. Amicably settled and both parties living peaceably on claim.

October 5, Anthony Caho, entered April 22, filed homestead April 25, northwest quarter section 12, township 11, range 5 west. Contestants Sawyer and Booth. Complains that contestants are destroying crop and trying to bulldoze him off claim. Attention called to this case four times and finally settled by all parties agreeing to occupy claim peaceably pending decision of land office.

October 5, J. Divis, entered April 22, filed homestead April 25, southeast quarter section 2, township 11, range 5 west. Contestant W. E. Banks. Claims that contestant is ruining his place by herding cattle on his place and ruining his crop. Amicably settled; all parties to keep the peace and remain on claim pending contest.

October 10, K. A. Woodruff, entered April 22, filed homestead April 23. Contestants, Lawrence and Legg. Lawrence entered April 22 and claims to be prior settler. Legg entered later. Woodruff and Lawrence make complaint that Legg is cutting timber and destroying claim. Serious threats made of shooting, etc. Legg ordered to cease cutting timber and to keep the peace. No further trouble.

October 15, A. C. McCord, who has homestead entry on northeast quarter section 5, township 8, range 2 west, adjoining the town of Norman on the south, made complaint against contestant, James M. Bishop, that Bishop was bulldozing him and would not allow him to go on his claim, etc. Ordered Bishop to keep the peace and not interfere with McCord, who was advised to go on the claim and not to pay any attention to his contestant.

October 16, C. W. Andrew, who has homestead entry on a claim near Noble, made complaint against a contestant named Davis, that Davis has threatened him with bodily harm and would not allow him to go on his claim, etc. Ordered that both parties live upon and jointly occupy the claim until land office can decide matter.

October 17, G. Trasper, entered June 18, bought out two contestants and filed homestead June 28, northeast quarter section 1, township 11, range 3 west. Contestant, Frenchman, entered April 22. Entryman claims that contestant drives his stock off claim and threatens to kill same. Contestant claims that entryman breaks down fence and drives stock over his crop. All parties ordered to keep the peace and both to remain on claim until land office can settle case.

October 17, George W. Koffman, entered April 27, filed homestead May 1, northeast quarter section 33, township 11, range 3 west. Morgan Wright, contestant, entered April 22. Offered soldier's declaratory statement May 1; claims prior settlement. Ellis, also a contestant, claims that Koffman is cutting timber and selling it, and will not allow him (Ellis) to live on claim. Ordered that no timber be cut or sold off claim and that all parties live on claim peaceably until land office can decide case.

October 17, Clement Missick, entered May 7, filed homestead July 9, southwest quarter section 4, township 10, range 3 west. Contestant, S. Clarkson, entered April 27. Quarrel over claim; amicably settled, both to remain on claim pending settlement.

October 22, H. F. Meloy, entered April 23, filed homestead May 4, northwest quarter section 9, township 11, range 2 west. Contestant, T. J. Adams, entered contest May 20. Contestant claims that homesteader has not lived on land and now appears at eleventh hour and attempts to build house in yard of contestant. Line drawn between dwellings and by mutual agreement Meloy to occupy north and east part of claim and Adams south and west part pending contest.

October 29, W. M. Snyder, homestead entry, May 1, southwest quarter section 23, township 13, range 2 west, contested by E. B. Hager. Entryman has been having trouble with Hager for months. Brought suit at Muscogée court at great expense, to restrain him from cutting timber, and had him notified by United States marshal, but all to no effect. Ordered to stop cutting timber at once and not to interfere in any way with entryman. (By order of commanding officer, Lieut. Col. S. Snyder, Tenth Infantry.)

October 30, J. W. Coil, who has homestead entry on the south of the town of Frisco, makes complaint against the town authorities that they are occupying a portion of his claim as a part of the town. Counter complaint made that Coil is claiming a part of the town site as part of his homestead. This case has been the cause of much trouble and attention has been called to it several times. On this date orders were given that for the present matters remain *in statu quo* until the case can be amicably arranged.

November 2, J. F. Ferris, homestead entry. May 1, southeast quarter section 5, township 11, range 3 west. Contestant, John Laughlin. Laughlin complained of for cutting and selling timber. Ordered to stop doing so.

On numerous occasions, not mentioned in the foregoing, small bodies of troops have been used to quell rows and fights where the city officials were powerless and when United States deputy marshals were absent. They have also been used on a number of occasions to arrest gamblers, thugs, and whisky peddlers, and have escorted many of these classes out of town, and some out of the Territory. In many of these cases no record was kept and the facts can not be given. The troops acted in support of United States deputy marshals, when present, and when not present or indifferent, acted as necessity compelled. (By order of the several commanding officers.)

On the date of the last attempt at an election, September 21, the troops acted in a prompt and decisive manner, and since that time the city has been remarkably quiet and free from agitation. The disturbance in the country, however, is on the increase; and hardly a day passes but from two to four complaints are made by homesteaders or contestants of threats, violence, and intimidation.

The land officials and United States marshals have repeatedly been appealed to by me to regulate these matters, but have invariably failed to do so, either on account of indifference or want of authority; the military have therefore been compelled to act.

The honest settlers are absolutely without protection, except such as is afforded by the military. The difficulty in regard to claims is aggravated by a lot of unprincipled lawyers who make it a business to locate new comers and agree to furnish evidence to remove parties on claims already located or entered.

The majority of these cases are settled by having all parties come to town, where a peaceable, if not an agreeable, arrangement is made by each party taking a certain part of the claim which they are to occupy until the land office can decide to whom it shall belong. In some of these cases a good deal of friction has occurred and on several occasions small bodies of troops have been sent out to quiet the parties. In a great many cases, when little trouble was experienced, no record was kept.

In some instances, in order to preserve the peace, a contestant has had to be ejected. An example is given: On a valuable claim 1 mile northeast of town, there are living a homesteader and two contestants, peaceably. In June a man named McMichael asked permission to camp on the claim; said he did not want to and had no intention of making any claim to the land. He finally became very troublesome and was ordered off, but would not go. Application was made to the military for aid. On July 3 an investigation was ordered, when it was ascertained that McMichael was absent and his wife said he had gone down the river 8 miles to look at a claim and said as soon as he came back they would get ready to move, and would be off in a day or two. Time was granted him to move, and the officers started to return to camp, but did not go 20 yards before he came across a shingle on a tree, dated that

day, and put up by McMichael, claiming the land. McMichael was ordered to move at once, but on account of sickness, and one excuse and another, was not put off at the time. He became more and more abusive and troublesome until August 3, when he was removed by force, by order of the commanding officer, Capt. W. C. Forbush, Fifth Cavalry. Although McMichael was ejected as stated, he was informed that the military did not pass in any way on his legal rights as a contestant, and that under the rules of the land office the homesteader was the only one who had any right to occupy the claim. If the case should be decided adversely to him, then the first contestant had the right to occupy the land if no appeal was taken, etc.

All orders under which troops acted were verbal except one issue July 15, 1889. Copy inclosed. I also inclose extract copy from record of city council of Oklahoma, City.

Very respectfully, your obedient servant,

D. F. STILES,
Captain, Tenth Infantry

OKLAHOMA CITY, IND. T., November 7, 1889

Maj. J. P. SANGER,

Inspector-General, U. S. Army, Camp at Oklahoma City, Ind. T.:

SIR: In reply to your inquiry of this date, I have the honor to report that on April 23, 1889, the day following the opening of Oklahoma, a gambler from Chicago, named G. W. Cole, took possession of the only pump in town and sold water at 5 cents a drink. The man sat near the pump and was armed with a revolver, which he kept in his lap part of the time. He collected the money himself and had a man to pump the water. There were over 12,000 people camped on the site of Oklahoma at the time, and besides this pump there were only two other places where water could be had—one a well with a bucket where there was but little water, and the other at the railroad tank, and here the supply was limited.

The people were suffering for water and appealed to me to remove Cole, saying if I did not do so they would hang him. Upon inquiry I found that Cole had no right to the pump or water, and at once removed him and placed a guard over the pump with orders to allow each person to have one bucket of water. My action in this case was at once reported to the commanding officer, Col. J. F. Wade, Fifth Cavalry, and approved by him.

On July 28, 1889, a young man named Arnaire Pearce, from Harper, Kans., was enticed into a club house by one Alex. McKenzie, a bunco steerer, where Pearce was robbed of \$540. The following-named parties, concerned in the affair, were arrested and sent out of town by order of the commanding officer, Capt. W. C. Forbush, Fifth Cavalry, viz: Dave S. Sharp, John Wilson, Seth Mills, Alex. McKenzie, and Robert Donnell.

The night previous to this robbery a man was sand-bagged and robbed in the same place, and then run out of town by the robbers.

Action in this case was reported to the department commander, General Wesley Merritt, who approved and commended the same.

Through inadvertence I omitted to state that in the case of Couch, homesteader, against Pryor and others, that at my suggestion Pryor discontinued building his house and concluded to live in town until the land office could decide as to the right of Couch to the land. Pryor was not rejected or removed, neither was he ordered off the land; his lawyer, however, was anxious to have it appear so.

In May it was reported to me that a man named George Lent had jumped a lot and sold it and the house upon the lot to a stranger and was going to leave town. I advised the party to get a marshal and have him attend to the case, but none could be found. A number of citizens then started to find Lent, and in about half an hour he was arrested by the citizens and brought before me while I was on Main street. Lent acknowledged that he had sold the lot and house and said that he had no right to it and had only rented it; that he was poor and wanted to raise money to get out of the country so as to return to his family in Newton, Kans. He said he had the money in his pocket, and took it out and gave it back to the man to whom he had sold the lot. I tried to find a marshal and the mayor, but failing to do so, got a pass for Lent and sent him to his home in Kansas on the afternoon train.

In the liquor case of John McKee, a man named Wright, who had served as a posseman under a deputy United States marshal, was a witness. He went out of the commissioner's court and induced three out of four witnesses to swear that they had no knowledge of McKee selling liquor. The fourth witness swore to this in open court. He was at once removed as a posseman, but persisted in wearing his revolver and belt. As I was instrumental in causing the arrest of McKee and in the removal of Wright he swore vengeance against me and persisted in wearing his belt and pistol, although they had been previously taken away from him by the United States deputy marshal. The marshal was absent and I took the revolver and belt from Wright and turned them over to the marshal (Bickford) on his return.

Wright's conduct with boot-leggers and thugs was such that I had to finally send him out of town by rail. He returned, and then I sent him out again.

A man named J. B. Jones was the leader of the gang of sharpers who made a business of pretending to sell claims to new-comers. They would show a claim in the absence of the homesteader and offer to sell it, and in case the homesteader put in an appearance would agree to furnish evidence that he was a "sooner" (a man in before 12 o'clock noon on the 22d of April), and would get members of the gang to swear to this. The papers in the cases would be prepared by a number of unprincipled lawyers in town, and the money divided. I warned Jones to discontinue the business and to break up his gang, and he did so. At the advice of the lawyers in town he again commenced the business, when I told him if he did not stop I would put him out of the Territory. He was living in the brush, on a claim in which he had no interest, and I told him he would have to move or behave.

Nearly all the trouble east of here is due to this man Jones and the lawyers associated with him, who are also the principal agitators in town.

Very respectfully, your obedient servant,

D. F. STILES,
Captain, Tenth Infantry.

CAMP AT OKLAHOMA CITY, IND. T., November 5, 1889.

Maj. J. P. SANGER,
Inspector-General, Department Missouri:

SIR: I have the honor, in reply to your request, to state that I have been corporal in charge of provost guard (since?) July 6, 1889, and serving in that capacity at present.

Since that date I have placed the following-named persons in arrest, for offenses set opposite their names, by order of the provost-marshal, viz: July 6, 1889, John Farrow, violation liquor law; July 19, 1889, J. H. Saunders, violation liquor law; July 20, 1889, Joseph Wilson, violation liquor law; Peter Sage, violation liquor law; September, 1889, John McKee, on request of Deputy United States Marshal Lowe, of Pursell, Ind. T.

The above-named persons were held by the United States commissioner for trial.

July 29, 1889, David C. Sharp, Seth Mills, Robert Donnell, John Wilson, accessories to the robbery of one Armine Pearce of \$540, at the Texas Club House on July 27, 1889. These people were gamblers and sharpers. August, 1889, Mary McLuth *alias* Pete, reported body diseased; September, 1889, man named Wright, a thug.

The last named six persons were put out of town.

Very respectfully, your obedient servant,

JOSEPH D. JEROME,
Corporal, Company G, Tenth Infantry.

CAMP AT OKLAHOMA CITY, IND. T.,
November 5, 1889.

Maj. J. P. SANGER,
Inspector-General, Department of the Missouri:

SIR: I have the honor, in reply to your request, to submit the following-named persons, whom I placed under arrest for the following offenses, viz: D. L. Herman, July 19, 1889, introducing whiskey; Alexander McKenzie, accessory to the robbery of one Armine Pearce on July 28, 1889, at Texas Club House; Brennan, personating a deputy United States marshal; six men arrested and run out of town for soap faking and running shell games on July 4, 1889.

Very respectfully, your obedient servant,

MILTON BOWMAN,
Corporal, Company G, Tenth Infantry.

[Exhibit 8.]

CAMP AT OKLAHOMA CITY, IND. T.,
October 26, 1889.

SIR: I have the honor to submit the following statement in response to your letter of the 17th instant.

The records of the camp do not furnish a great deal of information regarding the use of troops in Oklahoma City, but the following is a statement of the facts as near as I can present them:

From April 22 to about May 6, the military had sole control in preserving the peace. About May 6 a provisional city government was organized and took charge of affairs,

but from that time on, by request of Mayor Couch, as I am informed, to early in the month of August, detachments of from four to fourteen men were on duty in town from day to day, as circumstances required.

These detachments were kept on duty in Oklahoma City solely in the interest of peace, and in order that they might be upon the ground in case their services should be required in maintenance of good order.

They were first placed on duty in the town by order of Colonel Wade, Fifth Cavalry, the then commanding officer. I continued there from June 1, the date I fell in command, up to July 19, when I relinquished command to take advantage of a leave of absence. Captain Forbush, Fifth Cavalry, who succeeded me as commanding officer, withdrew them about August 5, except two men who are still on duty in connection with the suppression of the liquor traffic. In addition to the regular guard sent into the town there were a number of special details ordered. On May 14 an attempt was made by a large armed party to forcibly take possession for town-site purposes of a quarter section of land north of the town. Troops were sent to the scene by order of Colonel Wade, the crowd was dispersed and serious trouble averted.

On May 21, a party of several hundred attempted to locate a town-site on the claim immediately west of the town and against the wishes of the claimants. Almost the entire quarter section was staked off in town lots when the crowd was ejected by about a dozen soldiers by direction of Colonel Wade. About 10 o'clock a. m., May 22, this claim was again occupied by the same parties as the day before, and ejected by a company of infantry, and again at about 2 o'clock p. m., the same day (May 22) another attempt was made by these parties to occupy the ground for town-site purposes.

This time it required a company of infantry and a troop of cavalry to remove the "Jumpers." All this was by order of Colonel Wade, commanding.

About June 5, learning that a more determined effort to occupy this quarter section was about to be made, I telegraphed to the department commander for instructions, and upon receipt of his orders to use troops "in maintaining the present situation," placed a guard of three mounted men upon the claim with orders to keep off all intruders. This guard was withdrawn about September 8.

June 14, about 4 o'clock p. m., a shooting affray occurred in South Oklahoma, resulting in the death of the city marshal and the wounding of two other persons. By request of Mayor Fagan I sent two companies of infantry into the town for the purpose of dispersing the crowd collected about the place of shooting and also to prevent further trouble. These troops were withdrawn to camp by the following morning. By request of the deputy United States marshal I placed a guard over the buildings in which those arrested for complicity in the above-mentioned affray were confined. This guard was continued until the prisoners were removed to the prison in Wichita.

On July 6, about 8 o'clock a. m., Mr. Bickford made complaint that Messrs. Harrel and Rutter were tearing down his house and demanded protection. I ordered Captain Stiles with his company (G, Tenth Infantry) into the town to stop further work upon the building, pending investigation. Harrel and Rutter were arrested and confined in the city lock-up for about an hour and a half, when I ordered their release and turned the case over to the deputy United States marshal, in whose hands I understood the building in question to be.

July 16 an attempt was made to hold an election for the purpose of overthrowing the duly-elected city government or to organize a dual city government. The mayor of the city had issued a proclamation forbidding the holding of the election and applied for military assistance to prevent it. By authority of the department commander I sent a detachment of infantry into the town under the command of Captain Stiles to render such assistance to the re-organized local authorities as might be necessary. The mayor succeeded in preventing the election without the intervention of the troops.

On August 29 an election was called by the city government, and troops were held in readiness for the preservation of order, but no trouble occurred. Captain Forbush, Fifth Cavalry, was in command at this time. September 21 another attempt was made to hold an election for the same purpose as that of July 16. The mayor of the city issued his proclamation forbidding this election, and made application for military assistance in preventing it. Acting under the instructions of the department commander of July 15, 1889, I ordered Captain Stiles, with his company, into the city, with orders to preserve the peace and render the mayor every assistance in preventing the election. It was necessary to use considerable show of force in this instance in dispersing the crowds, but, so far as I know, no one was seriously injured.

I am, sir, very respectfully, your obedient servant,

SIMON SNYDER,

Lieutenant-Colonel, Tenth Infantry, Commanding Camp.

Maj. J. P. SANGER,
Inspector-General, Department of the Missouri.

[Exhibit 9.]

Telegram.]

OKLAHOMA, IND. T., June 5, 1889.

ASSISTANT ADJUTANT-GENERAL,
Fort Leavenworth, Kans. :

There appears to be a determination to occupy the quarter section immediately west of and adjoining Oklahoma City proper for town-site purposes. Town to be called West Oklahoma. The quarter section in question is occupied by five different homestead claimants, who refuse to treat with the town-site parties and claim our protection. The troops have been used to remove town-site parties or jumpers on three previous occasions, but a more determined effort to take possession of the land in question is about to be made. I respectfully request to be informed whether troops shall be used to prevent further occupation, and, as there will probably be more cases like this one, I urgently request immediate definite instructions.

SNYDER,
Lieutenant-Colonel, Commanding.

[Exhibit 10.]

CAMP AT OKLAHOMA, IND. T., June 8, 1889.

SIR: The inclosure was brought to me by the committee whose names are signed thereto. The tract in question is the one referred to by me in my telegram of the 6th instant to the Assistant Adjutant-General of the Department. I informed the committee that the troops would maintain the present situation, and that no outside parties would be permitted to enter upon the land in question for any purpose whatever until all questions in dispute are legally settled. I have placed a small guard upon the land, with orders to allow none but the claimants to occupy it. At the present time, however, there are negotiations pending with the claimants for the relinquishment of their claims, or for some other amicable adjustment, and I would respectfully request instructions as to the course I am to pursue in the event of the successful termination of these negotiations. All appears to be quiet here now, and I anticipate no immediate trouble.

Very respectfully, your obedient servant,

SIMON SNYDER,
Lieutenant-Colonel, Tenth Infantry.
OF THE MISSOURI,
Fort Leavenworth, Kans.

ASSISTANT ADJUTANT-GENERAL, DEPARTMENT

To Colonel SNYDER, *Commander in charge :*

We, the undersigned, a committee selected by the board of trade, desirous of communicating to you such facts regarding certain complications in municipal affairs in Oklahoma City as we think should be in your possession as commander of the military forces stationed here, beg leave to submit the following statement, with the premise that we are business men and property owners here, and represent, as we sincerely believe in what is hereinafter stated, the virtually unanimous sentiment of the substantial business portion of the city.

There is at the present time a movement on foot to lay off and enter as a town site the tract of 160 acres of land immediately adjoining the town site of Oklahoma City on the west; this land is occupied at present by five persons, claiming the same as a homestead.

The parties now most prominent in the effort to effect an entry of this tract for town purposes have on one or two occasions previously endeavored to enter upon the tract in large numbers to stake it into town lots, ignoring the claims of contesting homestead occupants, and have only been prevented by the presence of military force under Colonel Wade. They recently at a public meeting appointed a committee to wait upon the contestants to see if they could negotiate for a relinquishment of their rights, but have reported that they were unable to negotiate with said claimants, and are now proceeding to register for the lots preparatory, as we think, to effecting an entry upon said land.

However that may be, we are assured that if a committee representing the business men of Oklahoma City take the matter in hand and approach these contestants the matter may be amicably adjusted. We therefore ask that, pending these negotiations, the military force be made available if necessary to prevent a forcible entry upon

said land in case it should be attempted. Without presuming to decide as to the merits of the controversy between the homestead claimants to this land or as to their claim, as against the right of town-site entry, we can see nothing but strife and confusion arising from a forcible entry upon said land, a state of things so deplorable and dangerous that we think military aid may properly be invoked to prevent it; and, further, in the event successful negotiations with said claimants by this committee it will become necessary to raise a fund sufficient to settle with the contestants and pay for the surveying of said land into town lots, which expense will have to be met by the parties taking the lots; therefore it will be necessary for the military to protect the parties in surveying and allotting said lots. It is our understanding that those who have now registered are men without lots or claims, and it is our desire and intention that said registry be respected, and that said land, if opened for a town site, be occupied by settlers who are now without realty.

If after settling with said contestants and paying for the surveying and other necessary expenses there should be any surplus money, we would recommend that it be paid into the city treasury and used for grading streets in said town site.

All of which is respectfully submitted.

Oklahoma City, Ind. T., June 7, A. D. 1889.

G. W. ADAMS.
B. N. WOODSON.
C. W. PRICE.
J. L. BROWN.
C. P. WALKER.

OKLAHOMA CITY, IND. T., June 5, 1889,

This is to certify that Messrs. J. L. Brown, C. P. Walker, C. W. Price, B. N. Woodson, and Judge Adams were regularly elected at a meeting of the Oklahoma City Board of Trade, on the evening of June 5, 1889, to negotiate with the claimants on the southwest quarter of section 33, township 12, north of range 3, west of the Indian meridian, with a view to opening up the same for town-site purposes.

A. B. HAMMER, *President.*
W. H. EBEL, *Secretary.*

[Exhibit 11.]

Telegram.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., June 5, 1889,—2.25 p. m.

COMMANDING OFFICER TROOPS,
Oklahoma Station, Ind. Ter.:

Dispatch received. Use troops to preserve the peace as heretofore directed in maintaining the present situation. The claims of parties must hereafter be settled according to law, and their rights will suffer no detriment pending such settlement.

By command Brigadier-General Merritt :

GREENE, *Assistant Adjutant-General.*

[Exhibit 12.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
ASSISTANT ADJUTANT-GENERAL'S OFFICE,
Fort Leavenworth, Kans., June 12, 1889.

SIR: I am directed by the department commander to acknowledge receipt of your communication of June 8, and in reply to say: The instructions heretofore given as to the forcible entry for town-lot purposes by citizens of Oklahoma City of property occupied by bona fide homestead claimants contemplated only the maintenance of peace in enforcing the situation as it obtained after the settlement of the Territory. The military force can have nothing to do with transfers made without violation of the peace, nor can it enforce or protect these transfers. All property interests must finally be decided by the Interior Department and by the civil courts, and the Army must confine itself to enforcing peace and protecting the lives of the people under the peculiar conditions now existing in Oklahoma Territory. In this connection I am directed to say it is believed that the good judgment which has prevailed up to this time in your conduct of affairs at Oklahoma will continue, and that you will not allow your command to become involved in the details of property disputes beyond what is necessary to perform the delicate duty which the Army finds imposed upon it under the unusual circumstances. Referring to the paper you inclosed, which speaks

of an amicable adjustment of the dispute heretofore referred to, it is remarked that if such adjustment is arrived at, it is not discovered how the assistance of the military force will be necessary, and it is advised that no intervention on your part be had, as it may lead to complications with a town-site organization in which it is not intended the Army should have any hand. Also, the collection for moneys for any purpose under the protection of your force is clearly not contemplated by the orders stationing troops in Oklahoma.

Very respectfully, your obedient servant,

O. D. GREENE,
Assistant Adjutant-General.

Lient. Col. SIMON SNYDER,
Tenth Infantry, Commanding Troops at Oklahoma City, Ind. T.

(Exhibit 13, see No. 38; Exhibit 14, see No. 39.)

[Exhibit 15.]

Telegram.] CAMP AT OKLAHOMA, IND. T., July 11, 1889.
ASSISTANT ADJUTANT-GENERAL, DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans.:

Parties here other than those connected with the city government elected May 1, and organized May 2, have called an election to be held July 16, to vote upon the question of adopting a proposed new charter for Oklahoma City. Mayor Couch has issued a proclamation forbidding the proposed election. Please inform me whether troops shall be used to prevent this election if called upon to do so by the mayor.

There is now and has been for some time quite a good deal of town-lot jumping in Oklahoma City, but so far the local municipal authorities have not appealed to me for assistance in making ejectments. Lot-jumpers here ever appear to be growing bolder, and threats of armed resistance are freely indulged in, and although I have heard nothing from the city authorities upon the subject, very many of the best citizens and business men think bloodshed will soon ensue. In truth I believe matters have assumed a very serious outlook, and in order that the department commander may have a clear understanding of the situation in all its bearings I respectfully and urgently recommend that he come here in person at the earliest practicable moment.
SNYDER, *Lieutenant-Colonel, Commanding.*

Telegram.] CAMP AT OKLAHOMA, IND. T., July 12, 1889.
General MERRITT,
Fort Leavenworth, Kans.:

Dispatch received. I think your presence necessary to thoroughly understand the situation regarding the proposed organization of what will prove to be a dual city government, and also that you may understand all the complications connected with lot jumping.

SNYDER, *Lieutenant-Colonel, Commanding.*

[Exhibit 16.]

Orders No. 24.] CAMP AT OKLAHOMA CITY, IND. T., July 15, 1889.

The following is published for the information of all whom it may concern:

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Camp at Oklahoma City, Ind. T., July 15, 1889.

THE COMMANDING OFFICER TROOPS AT OKLAHOMA:

SIR: The commanding general directs that, in any matter of violence directed against the city government of Oklahoma, with a view to its overthrow, you will use the troops in the maintenance of peace.

This order applies to any disorders growing out of the efforts of the civil authorities of Oklahoma to suppress measures tending to the destruction of the city government.

In other matters the general course theretofore pursued is approved and will be vigorously persisted in. This especially applies to the suppression of liquor traffic and the prevention of its introduction into the Territory in any form, however disguised.

Very respectfully,

EBEN SWIFT,
Aide-de-Camp.

[Exhibit 17.]

Telegram.]

CAMP AT OKLAHOMA, IND. T., July 11, 1889.

ASSISTANT ADJUTANT-GENERAL, DEPARTMENT OF THE MISSOURI,

Fort Leavenworth, Kans. :

Parties here, other than those connected with the city government elected May 1, and organized May 2, have called an election, to be held July 16, to vote upon the question of adopting a proposed new charter for Oklahoma City. Mayor Couch has issued a proclamation forbidding the proposed election. Please inform me whether troops shall be used to prevent this election if called upon to do so by the mayor.

There is now and has been for some time quite a good deal of town-lot jumping in Oklahoma City, but so far the local municipal authorities have not appealed to me for assistance in making ejectments. Lot-jumpers here ever appear to be growing bolder, and threats of armed resistance are freely indulged in, and although I have heard nothing from the city authorities upon the subject very many of the best citizens and business men think bloodshed will soon ensue. In truth, I believe matters have assumed a very serious outlook, and in order that the department commander may have a clear understanding of the situation in all its bearings I respectfully and urgently recommend that he come here in person at the earliest practicable moment.

SNYDER, *Lieutenant-Colonel, Commanding.*

Telegram.]

CAMP AT OKLAHOMA CITY, IND. T., July 12, 1889.

General MERRITT,

Fort Leavenworth, Kans. :

Dispatch received. I think your presence necessary to thoroughly understand the situation regarding the proposed organization of what will prove to be a dual city government, and also that you may understand all the complications connected with lot jumping.

SNYDER, *Lieutenant-Colonel, Commanding.*

[Exhibit 18.]

Telegram.]

CAMP NEAR OKLAHOMA CITY, IND. T., July 16, 1889.

ASSISTANT ADJUTANT-GENERAL,

Fort Leavenworth, Kans. :

I respectfully report that the city authorities suppressed attempt to hold election to-day without active intervention on the part of the troops.

I think another attempt to hold election will be made to-morrow.

SNYDER, *Lieutenant-Colonel, Commanding.*

[Exhibit 19.]

Telegram.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,

ADJUTANT-GENERAL'S OFFICE,

Fort Leavenworth, Kans., July 23, 1889.

Captain FORBUSH,

Commanding Camp at Oklahoma City, Ind. T. :

Your report of July 19 is received and is satisfactory. Recognition of the only civil government now in Oklahoma is approved and military force must be used if necessary in suppressing violence against it. Care should be taken, however, not to use the military force as merely a city police. Its presence in the Territory is to suppress violence from whatever source it arises. Your judgment, guided by the instructions of the Interior Department and from these headquarters, must govern in each case.

By command General Merritt.

GREENE, *Assistant Adjutant-General.*

[Exhibit 20.]

Telegram.]

OKLAHOMA STATION, IND. T., August 29, 1889.

ASSISTANT ADJUTANT-GENERAL, DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans. :

Vote of charter election held to-day in Oklahoma City was very light. For charter 190 votes were cast; against charter, 516 votes. The election was one of the most orderly I ever saw. No troops were in town, though they were held in readiness at camp for use if necessary to quell disturbance whenever the mayor should call for them.

FORBUSH, *Commanding.*

[Exhibit 21.]

MAYOR'S OFFICE, CITY OF OKLAHOMA CITY,
Oklahoma City, Ind. T., September 20, 1889.

The COMMANDING OFFICER,

Camp United States Troops, Oklahoma City, Ind. T. :

The undersigned would respectfully represent that certain persons calling themselves the "committee of fifteen" have called an election (on a charter) to be held in this city on Saturday, September 21, 1889, in violation of the ordinances of the city, and in defiance of the city authorities. I have issued a proclamation, which was published in the Journal of this city this morning, forbidding the election and requesting all law-abiding citizens to refrain from participating in said election or giving countenance to the same in any manner whatever. The election will be held on to-morrow in violation of the city ordinances and in defiance of the proclamation, unless prompt measures are taken to prevent it. I am unable, with the police force at my command, to meet the emergency, and earnestly request and call upon you for such action on your part and such assistance from the United States troops as you may deem proper to assist me in enforcing the terms of the proclamation and preserving peace and good order in the city. I herewith inclose paper containing copy of the proclamation.

I have the honor to be your obedient servant,

W. L. COUCH, *Mayor.*

A PROCLAMATION.

MAYOR'S OFFICE, OKLAHOMA CITY, IND. T., *September 19, 1889.**To the people of Oklahoma City :*

Whereas on the 27th day of April, A. D. 1889, the people of this city, in their primary capacity, did organize a government and adopt for themselves a charter, providing for an election of municipal officers, deferring that there should be elected a permanent mayor and six councilmen, who should constitute the legislative power of the city government, and granting to the same the power to provide by ordinance rules and regulations as they might deem best for the public welfare; and

Whereas on the 1st day of May, A. D. 1889, a general election was held in said city, under the provisions of said charter, for the election of city officers, which resulted in the election of a mayor, councilmen, and other officers for the term of one year; and

Whereas it has come to my knowledge that certain persons calling themselves the "committee of fifteen," under the direction and control of one G. W. Adams and one J. L. Brown, are engaged in a lawless and seditious movement to overthrow the authority of the government aforesaid, thereby threatening the peace and stability of this community, depreciating values, destroying business, and rendering the rights of persons and property insecure; and

Whereas the persons calling themselves the "committee of fifteen," under the direction and control of the said G. W. Adams and J. L. Brown, have, without authority, assumed to call a pretended election to be held in this city on Saturday, September 21, 1889, for the purpose of carrying out their seditious plans and purposes. Now therefore,

I, W. L. Couch, mayor of Oklahoma City, Ind. T., by virtue of the obligations resting upon me to protect the city from disorder, and the persons and property of its citizens from molestation, do hereby request and warn all law-abiding citizens to

refrain from participating in the lawless proceedings aforesaid and to abstain from giving said proceedings countenance or support. I further declare it to be my unalterable purpose to suppress said lawlessness by all power at my command, and I call upon all law-abiding citizens to aid me in so doing.

W. L. COUCH,
Mayor.

[Exhibit 22.]

Telegram :

CAMP NEAR OKLAHOMA CITY, IND. T., *September 21, 1889.*

ASSISTANT ADJUTANT-GENERAL,
Fort Leavenworth, Kans. :

I report for information of the department commander that another attempt was made to-day to hold an election for purpose of voting upon adoption of the proposed city charter of last July. Mayor Couch issued proclamation forbidding election and applied to me for military assistance. I sent Captain Stiles's company into town and troops were actively used in preventing election and dispersing the crowd. All appears to be quiet now.

Upon complaint of Mayor Couch, a number of leading Kickapoos have been arrested by United States marshal.

SNYDER,
Lieutenant-Colonel Commanding.

[Exhibit 23.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., October 15, 1889.

SIR: I am instructed by the department commander to acknowledge the receipt of the report made by you in reference to the telegram of the 17th ultimo of A. J. Beale, referred to you on the 28th ultimo by indorsement from these headquarters, and in connection therewith he directs me to say :

It is noticed that you have spent much time and labor in investigating the accounts of the city government, etc.

While it is natural, perhaps, that having been in Oklahoma for some time you should feel to an extent implicated in the affairs of its government, you are cautioned that at no time has it been intended that the military at Oklahoma should be involved in the management of city affairs.

The duties of the military require that they should keep the peace, and on no account assume a partisan position as to any local management. In this connection the military is especially cautioned to avoid any personal or official difficulties which might end in violence. It should be held apart from action by local authority, but continue its efforts in the maintenance of peace and good order. The caution as to violence of any kind is given in view of the persistent attempts by newspapers and others to provoke violence. As the United States marshals are, by your verbal reports, taking care of the liquor traffic, it would be well for Captain Stiles to remain in his camp, attending to his military duties.

Very respectfully, your obedient servant,

O. D. GREENE,
Assistant Adjutant-General.

Capt. D. F. STILES,
Tenth Infantry.

(Through commanding officer, camp at Oklahoma City, Ind. T.)

[Exhibit 24.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., October 19, 1889.

SIR: Referring to your letter of the 17th instant, in regard to action taken by the military authorities at Oklahoma City in case of contestants to claims, etc., I am directed by the department commander to say that it is no part of the duty of the military authorities to settle the disputes between contestants on homesteads except it is done as reported in the cases cited in your letter in the "majority" of instances; that is, "In the majority of these adjustments each party has been allowed to occupy a certain portion of the land in dispute until the Land Office could decide to whom the claim should belong, and all cautioned to keep the peace, and neither one to interfere with the other."

This language is quoted so that it may convey the idea that is intended to be conveyed to the officers involved in keeping the peace in regard to disputed claims.

Anything beyond this, which involves a judicial decision on the part of an officer, in a case however plain, should not be attempted.

The above rule covers the case of town-site claimants of homesteads. The town sites originally located and occupied are to remain for decision of proper authority. It has already been ordered that they shall not be extended, and it is safe to say that no person who has entered a claim in good faith for a farm should be disturbed by any persons, however numerous, who desire to establish a town.

This matter will adjust itself later.

Very respectfully, your obedient servant,

O. D. GREENE,
Assistant Adjutant-General.

The COMMANDING OFFICER,
Camp at Oklahoma City, Ind T.

[Exhibit 25.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Assistant Adjutant-General's Office, October 17, 1889.

The COMMANDING OFFICER,
Troops at Oklahoma City, Ind. T. :

SIR: Referring to the opinion of the Interior Department in telegram from War Department, copy herewith inclosed, I am directed by the commanding general of the department to say that the orders of July 15, under which the troops acted on September 21, must hereafter be so construed as to avoid the charge that the troops interfere with parties meeting to redress grievances. While the position of the citizens in opposition to the local government in July last was so great a menace to the peace of the community as to render it necessary to provide force enough to prevent an outbreak, and to arrest the incipient steps toward the overthrow of the local government, it is now thought that no such danger exists, and therefore a modification of the orders as to the use of the troops at Oklahoma City is justified, as indicated in the dispatch above referred to. At the same time the military will be held as heretofore, to prevent the occurrence of violence, and in maintaining the peace, and the vigilance in the suppression of unauthorized traffic in liquors will in no way be relaxed.

In this connection the commanding general feels justified in referring with commendation to the fact that the troops under your command have thus far so successfully commanded the peace in Oklahoma as to have prevented all bloodshed and violence under circumstances full of danger to this land without commensurate legal safeguards.

Very respectfully, your obedient servant,

O. D. GREENE,
Assistant Adjutant-General.

Telegram.]

WASHINGTON, October 5, 1889.

General WESLEY MERRITT,

Headquarters Department of the Missouri, Fort Leavenworth, Kans. :

Interior Department is of opinion that the military authorities are proceeding further and less guardedly than they should in maintaining peace in the Territory of Oklahoma, especially in preventing an election or other public meeting that may be held by citizens for redress of grievance, having reference especially to action under your order, dated July 15 last. Secretary of War desires immediate investigation and report.

J. M. SCHOFIELD,
Major-General.

Official copies:

O. D. GREENE,
Assistant Adjutant-General.

[Exhibit 26.]

OKLAHOMA CITY, IND. T., November 5, 1889.

DEAR SIR: Since April 22 last there have been twelve arrests by warrants from this office for violations of laws relating to sale of intoxicating liquors. The complaints were all made by the United States marshals, and the military only appeared

in the cases as witnesses for the prosecution. My records show that they so appeared in four of the cases.

In reply to the second interrogation contained in your letter to me, I would say that the military have, in my judgment, exercised proper and wise discretion in making arrests here.

Very truly, yours,

D. A. HARVEY,
United States Commissioner.

Maj. J. P. SANGER,
Inspector-General.

[Exhibit 27.]

OKLAHOMA CITY, IND. T., November 5, 1889.

SIR: Replying to your inquiry of this date, regarding number of liquor cases examined into by me as United States commissioner since the opening of the Oklahoma country to settlement, I have the honor to submit the following report:

Number of arrests made by the military for introducing or selling ardent and intoxicating liquors in the Indian country, contrary to laws of the United States.....		11
Bound over to the United States court for trial	8	
Discharged for want of sufficient evidence	3	
Number of arrests made by United States marshals for introducing liquor into the Indian country, and for selling without having paid the special revenue tax.....		6
Bound over to court for trial.....	2	
Discharged for want of evidence.....	4	
<hr/>		
Total cases examined		17

Two of the cases discharged (when the arrest had been made by the military) were thus disposed of because the amounts of liquor introduced by the defendants were so small that it did not appear that the liquor was introduced for sale or barter, but merely to be used by the parties themselves for medicinal purposes. The third case was dismissed because the liquor the defendant was charged with introducing and selling was found to be cider, which although it bore signs of having been "spiked" or adulterated to some extent with alcohol or other stimulant, did not seem to be sufficiently intoxicating to warrant the binding over of the defendant.

The four cases dismissed, where arrests were made by United States marshals, failed to show any crime. Defendants were arrested for violating the internal-revenue laws and carrying on retail liquor trade without having paid the special tax thereon, but the evidence failed to show that defendants had sold any liquor, but merely that they had been found with a bottle of whisky in their possession.

According to my best judgment, from personal observation and from official investigation into the individual cases, I feel free to state that the military in dealing with the liquor question have shown great discretion, and performed with marked ability, and under many difficulties, a very disagreeable and a very difficult task, and to the vigilance and firmness displayed by them is due, more than to any other cause, the stoppage of unlawful traffic with all its evils.

Very respectfully, your obedient servant,

C. F. SOMMER,
United States Circuit Court Commissioner.

Maj. J. P. SANGER,
Inspector-General, Department of the Missouri,
Fort Leavenworth, Kans.

[Exhibit 28.]

OFFICE OF F. L. CRAMER,
Oklahoma City, Ind. T., November 5, 1889.

DEAR SIR: In reply to your inquiries: No. 1, I have had but four liquor cases since April 22, viz, J. H. Sanders, Christ Haberlee, J. H. Sanders (for second offense), and J. M. Hobson. In every case the complaint has been made by a United States deputy

marshal and arrest made by same. In the first two cases the "stuff" was captured by the military, but complaint and arrest made by Deputy Marshals C. B. Bickford and T. H. East.

(3) The military have spilled spiked cider, hop tea, etc., but have made no arrests that I have any knowledge of.

(4) If it had not been for the authority exercised by the military in suppressing the liquor trade, unorganized as our country is, it would have been impossible for a respectable lady to have lived here; and I can safely say that without the military the town would have been a perfect pandemonium, and that Captain Stiles is deserving of the highest encomiums of praise. I say this knowing that Captain Stiles is provost-marshal.

Yours, respectfully,

F. L. CRAMER,
U. S. C. C. Commissioner, District Kansas.

General J. P. SANGER,
Major, Inspector-General.

[Exhibit 29.]

CAMP AT OKLAHOMA CITY, IND. T., July 29, 1889.

SIR: I have the honor to report there is a vacancy by resignation in the council of Northern Oklahoma and that an election to fill said vacancy is proposed by the existing city government, the call to be issued by legitimate authority.

As I understand it an election called by the existing government is legitimate. I mention this in particular, as I have been informed that in the course of time a charter election will be called by the existing government, a compromise having been made between all of the factions in the city deserving of recognition, and that said charter will be submitted to the people for their decision.

I desire to be informed as to whether the city of Oklahoma have the right to extend the jurisdiction of their police beyond the city limits proper for sanitary purposes only. There are quite a large number of dead cattle lying in the vicinity of the city, having been afflicted with Texas fever, and it is purposed to have the decaying bodies disposed of by the city within a radius of 5 miles and require the owners of cattle to dispose of the bodies themselves in case of future deaths.

On the night of the 28th instant a young Englishman arrived in Oklahoma who was to join a settlement of his people between Oklahoma and Fort Reno. He was introduced to a gambling den by "bunco steerers" and fleeced of about \$540. The prevailing opinion among the better people seemed to be that the young fellow had been robbed, and they advised him to report the facts to the provost-marshal, Captain Stiles, Tenth Infantry, who at once informed me about it, at the same time telling me that a man had been "sand-bagged" in the same place but a short time since, robbed, put on the train, and sent to Texas.

There is no local law to prevent gambling, and the city authorities, as well as United States marshals, fail to take cognizance of these cases.

In the interests of peace and good order I directed Captain Stiles, Tenth Infantry, provost-marshal of the city, to break this gambling den up and see to it personally that the occupant left the city. They have all departed.

Very respectfully, your obedient servant,

W. C. FORBUSH,
Captain Fifth Cavalry, Commanding.

ASSISTANT ADJUTANT-GENERAL, DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans.

A true copy.

CHARLES CRAWFORD,
Second Lieutenant, Tenth Infantry, Camp Adjutant.

[Exhibit 30.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
ADJUTANT-GENERAL'S OFFICE,
Fort Leavenworth, Kans., July 31, 1889.

SIR: Referring to your communication of the 29th instant, I am instructed by the department commander to say that as far as the present city authorities will legally control matters it is the policy of the military to permit them to do so.

Elections ordered by them are, therefore, to be protected; also police regulations enforced to any reasonable distance beyond the city limits for sanitary purposes.

Your course in breaking the gambling den and ordering its keepers out of the Territory is commended. The troops being in Oklahoma to maintain peace and good order and to prevent violence of any description must, as steps for safety in this direction, as far as is possible, suppress and remove the causes which may lead to disorder. A firm rule, it is hoped, will rid the Territory of elements which no law-abiding people will tolerate when it is possible to suppress them.

Very respectfully, your obedient servant,

O. D. GREENE,
Assistant Adjutant-General.

COMMANDING OFFICER,
Camp near Oklahoma City, Ind. T.

Official copy.

O. D. GREENE,
Assistant Adjutant-General.

[Exhibit 31.]

OKLAHOMA CITY, IND. T., November 6, 1889.

Maj. J. P. SANGER,
Inspector-General, U. S. Army, Department of the Missouri.

SIR: The undersigned, citizens of Oklahoma City, deeply interested in its prosperity and in the proper protection of life, liberty, and property, pending the organization of civil government in this Territory by the Congress of the United States, most cordially commend the faithful and efficient administration of military affairs by the officers and troops stationed near this city. Too much credit can not be awarded to the officers in command here for the wisdom they have uniformly displayed in the performance of their duties. It is but simple justice to say that special commendation is due to Capt. D. F. Stiles for the prudence, integrity, and ability he has exercised in suppressing crime and disorder and in protecting the rights of all good citizens. We feel that with a less efficient administration of military affairs here since the 22d of April last the best interests of this city and of the surrounding country would have been seriously impaired, and in view of the fact that the officers in command here are thoroughly familiar with the bad class of men who have so strenuously attempted to destroy the peace of the city, and with all the improper influences that have been used to deceive the authorities at Washington, we earnestly recommend that they be retained here until Congress affords us the necessary relief.

James Richardson, wholesale lumber. Davidson & Case, wholesale lumber. Union Lumber Mills Co., wholesale lumber. Fort Scott Lumber Co., wholesale lumber. Carey Lombard Lumber Co., wholesale lumber. Oklahoma Bank, T. M. Richardson, vice-prest. Bank of Oklahoma City, Wallace, vice-prest. Citizens' Bank, L. A. Gilbert, cash. Merchants' Bank, C. S. Warner, cash. Dowden, McGlinchey Mer. Co., wholesale grocers. W. H. Harper & Co., wholesale lime. Adolph Newman, wholesale flour and feed. Pimm & Banks, wholesale fr't. Winningham Bros., wholesale hardware. Wand, Anckers Co., wholesale druggists. G. A. Biedler, postmaster. Palace clothing house. J. W. Johnson, att'y. Brogan & Son, wholesale produce. J. S. Richardson, M. D. H. Overholser, prest. Board of Trade. Oklahoma Journal. A. W. Dunham, agt. A. T. & S. F. R. E. Victor Sherman. Gilpin & Frick, hardware. Walker Bros., furniture house. C. Hart & Son, produce dealers. O. A. Mitscher, dry goods. I. C. Grater, boots and shoes. J. M. Hobson & Co., druggists. Pettyjohn & Co., dry goods, shoes, and groceries. J. H. Wedemeyer & Co., dry goods, etc. White & Wright, grocers. G. A. Mitchell, dry goods. W. J. Pettee & Co., hardware. E. J. Holmes, h'd'w. Geo. W. Massey, coal dealer. Sidney Clarke, jr., flour and feed. H. S. Summers, flour and feed. Jno. A. Blackburn, city recorder. Sidney Clark, prest. city council. Dr. L. W. Benesse, physician, surgeon. Frank McMaster, editor Daily Gazette (who claims to know the situation and know it well). J. E. Jones, city council. Hulet, police judge. Ledru Guthrie, city attorney. W. C. Wells, city councilman. D. A. Harvey, U. S. circuit court commissioner. W. I. Couche, mayor.

No. 49.

WAR DEPARTMENT,
Washington City, November 30, 1889.

SIR: The Department is in receipt of your letter of the 29th ultimo representing as agent of Albert L. Dunn, and others in Oklahoma City, that their property is about to be forcibly taken by the Choctaw Coal and Railway Company for use as a right of way granted by an act of Congress approved February 18, 1888; that the United States troops are stated to have been ordered to clear the way in case the settlers failed to move, and requesting that interference on the part of the military be not permitted as Congress will soon convene and means may be provided for an amicable adjustment of the matter in question.

In reply I beg to state that there is no ground for apprehension of interference by the military in the matter referred to unless it should become necessary for maintenance of the peace, as under the President's order of April 19, 1889, the United States troops in Oklahoma are to be used only to preserve the peace and to aid the United States marshals or their duly authorized deputies in executing warrants, making arrests, and quelling any riots or breaches of the peace that may occur.

Very respectfully,

REDFIELD PROCTOR,
*Secretary of War.*E. L. DUNN, Esq.,
428 Third street, N. W., Washington, D. C.

No. 50:

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
*Fort Leavenworth, Kans., December 24, 1889.*ADJUTANT-GENERAL ARMY,
Washington, D. C. :

Commanding officer, Kingfisher, Oklahoma Territory, reports large quantities of alcohol in stock in drug stores in that town, and asks for instructions. Instructions requested.

MERRITT,
Brigadier-General, Commanding

No. 51.

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
*Washington, December 26, 1889.*General WESLEY MERRITT,
Fort Leavenworth, Kans. :

Direct commanding officer at Kingfisher, Oklahoma, to inform United States marshal having jurisdiction, of the fact that alcohol is stored in that town. There now being a United States marshal at Kingfisher, having jurisdiction, information in respect to violation of Indian liquor laws should be lodged with him and action taken under his advice.

By order Major-General Schofield.

J. C. KELTON,
Adjutant-General

No. 52.

[Telegram.]

FORT LEAVENWORTH, KANS., *December 26, 1889.*ADJUTANT-GENERAL ARMY,
Washington, D. C. :

Lieutenant-Colonel Snyder in letter 23d reports that situation at Oklahoma City is very critical. United States Marshal Walker who is now there and many of best citizens of town have requested Mayor Beale to recall his proclamation for election

of December 13, but he declines to do so. In event of proposed election being held and newly elected councilmen attempt to take seats believes that bloodshed and destruction of property by fire will result. Also believes that Marshal Walker may try to prevent election and as a matter of course will call upon the military for assistance, and as he is by no means sure how far he, as commanding officer, can respond to the marshal's call for assistance in his efforts to prevent or suppress the proposed election, requests explicit instructions upon that point. In letter of same date city council of Oklahoma say: "The situation is extremely critical. It is the concurrent judgment of a great majority of our law-abiding citizens that the civil and military authorities of the United States should at once assume control of affairs here, to the end that life and property may be fully protected and the present status preserved until Congress affords the necessary relief."

I have directed Colonel Snyder, pending further orders, to respond to all calls for use of troops made by marshals unless such calls are clearly illegal. I have also ordered two troops of cavalry to proceed to Oklahoma. It might appear that the dangers of violence are exaggerated, but in view of the property interests involved in the controversy, I believe Colonel Snyder's statement is within limits. Are there any orders?

MERRITT,
Brigadier-General, Commanding.

No. 53.

[Telegram.]

DECEMBER 26, 1889.

COMMANDING GENERAL DEPARTMENT MISSOURI,
Fort Leavenworth :

By direction of the Major-General Commanding the following is communicated :
The President directs that you send a troop of cavalry to Oklahoma to act in concert with United States marshals to preserve the peace under the instructions to you of April 19 last as follows :

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
Washington, April 19, 1889.

The COMMANDING GENERAL DIVISION MISSOURI,
Chicago, Ill. :

By direction of the Major-General the following is communicated :
The President directs that General Merritt act in conjunction with the marshals of the United States courts having jurisdiction in the country opened to settlement under the President's recent proclamation, to preserve the peace, and will upon the requisition of such marshals or their duly authorized deputies use the troops under his command to aid them in executing warrants, making arrests, and quelling any riots or breaches of the peace that may occur. He will use his influence to promote peace and good order, and will take every proper measure to avoid any conflict of arms between or with the settlers.

He will also see that the laws relating to the introduction of ardent spirits into the Indian country are enforced. A careful enforcement of these provisions will do very much to promote good order.

J. C. KELTON,
Assistant Adjutant-General.

No. 54.

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
Washington, December 27, 1889.

General WESLEY MERRITT,
Fort Leavenworth, Kans. :

By direction of the Major-General Commanding the following is communicated with the approval of the Secretary of War :

Your orders to Colonel Snyder are approved, and are entirely in accord with the order sent you yesterday by direction of the President, but which you had probably not received when you telegraphed.

J. C. KELTON,
Adjutant-General.

No. 55.

[Telegram. Official business.]

ADJUTANT-GENERAL'S OFFICE,
Washington, December 30, 1889.

Brig. Gen. WESLEY MERRITT,
Commanding the Department of the Missouri, Fort Leavenworth, Kans. :

By direction of the Major-General Commanding, the following instructions from the Secretary of War are communicated :

Telegrams have passed between the Secretary of the Interior, representing the President, and the mayor of Oklahoma City, and the mayor has been strongly advised not to hold an election, and from his replies it is probable that the election will be deferred.

Commanding officers, however, will omit no precautionary measures nor relax their vigilance. The Attorney-General has instructed the marshal as to his duties, and you will be authorized to aid him at his request in the dispersion of crowds and in the preservation of order. The President, however, desired that the extremest caution and forbearance should be exercised in the use of arms, and that this extreme measure should only be taken when, in the judgment of the commanding officer, as well as of the marshal, it can not be avoided.

J. C. KELTON,
Adjutant-General.

No. 56.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., December 30, 1889.

ADJUTANT-GENERAL ARMY,
Washington, D. C. :

Commanding officer at Oklahoma reports proposed election is not being held. Everything is quiet, but a feeling of intense anxiety prevails. Troops have not been called on to act in any way.

MERRITT,
Brigadier-General, Commanding.

No. 57.

[Telegram.]

CHICAGO, ILL.,
January 25, 1890.

ADJUTANT-GENERAL U. S. ARMY,
Washington, D. C. :

General Merritt telegraphs following report from Captain Cavanaugh, Thirteenth Infantry, Commanding Company, at Guthrie, date 24th instant, "City authorities attempted to eject an unauthorized lot claimant when crowd assembled creating disturbance. United States deputy marshal called on troops for assistance which was given and street cleared. All quiet now and no further disturbance expected."

GEORGE CROOK,
Major-General, Commanding.

No. 58.

CAMP AT OKLAHOMA CITY, IND. T., December 20, 1889.

SIR: In reply to third indorsement on communication dated Headquarters of the Army, Washington, D. C., December 9, 1889, I have the honor to report as follows :

(1) As to whether my action, in certain cases in Oklahoma, was based "upon the previous request or with the knowledge and approval of the United States marshal, or his deputies."

Upon April 22, I was directed by the commanding officer to go to town and to preserve order. I was also directed to render such assistance to the United States marshals or their deputies as might be called for. I established a guard at the railroad depot shortly after 9 a. m., and at about 2 p. m. found United States Marshal Jones, with whom I conferred in regard to the situation. Colonel Jones gave me the names of some half dozen deputies and it was understood they were to keep the peace and that the military was to assist them. I reported these facts to the commanding officer, Col. J. F. Wade, Fifth Cavalry, but as the day progressed the crowd increased and the marshals disappeared. Colonel Jones, I was informed, went to Guthrie and his deputies could not be found. Owing to the immense crowd about the depot and post-office great confusion and disorder prevailed. Everywhere people were staking lots and many were quarreling and fighting about the same.

The streets originally laid out were time and again staked and occupied as lots. This was repeated as each succeeding train arrived or as parties came in on horseback or in wagons. There were but two buildings in town and these were used as eating-houses. The day was warm and water scarce, and the only well in town was taken possession of by a gambler from Chicago named Cole, who sold the water at 5 cents a drink. Many gamblers plied their vocation openly in all its various forms, and many people were swindled and robbed. Drunken men began to appear and a perfect pandemonium prevailed. The civil officers were either indifferent or unable to preserve order in the immense crowd. I reported the state of affairs to the commanding officer, who directed me to take charge and to do the best I could to preserve order. I was also directed to remove gambler Cole and to put a guard over the pump so that the people could get water. From the 22nd until the city government was organized, May 6, the city was virtually under military control and I had immediate charge of the guard in town, which consisted of from twelve to fifteen men. As soon as it was found that the military was to keep order a change came over the scene and peace and order prevailed. The worse element, the gamblers, were moved from the streets and made to confine themselves to their booths or tents, and the sale of intoxicating liquor was stopped. Prompt and immediate action was necessary in many instances. When a deputy marshal could be found the facts were reported to him, but as it was apparent that some of the marshals sympathized with the disorderly and criminal class, and even when information was given failed to act, it was necessary for my guard to proceed without them, or to witness, without interference, breaches of the peace and acts of crime. This they could not do in view of the general instructions received to preserve order. I should state in this connection, however, that, with the exception of Marshal Needles, whom I had never met but once and with whom I had no chance to talk, I had an understanding in regard to the use of my guard in preserving order with United States marshal R. L. Walker and his brother, Deputy United States Marshal George Walker, who has made frequent visits to Oklahoma. My action has met with the approval of Marshal Jones, Marshal Walker, and all of the deputies in good standing; also Judge Foster, of the United States court for the Kansas district, the Hon. W. C. Parry, late United States district attorney for said court, and all the United States commissioners at this place.

I am not able to reply explicitly to the query concerning the use of my guard in every case, as to whether it acted before or after such knowledge and approval by the United States civil authorities. My first understanding was with Marshal Jones, April 22, when he requested me to act in conjunction with his deputies and without them if necessary. At different times since then I have had similar understandings with Marshal Walker and his deputies, and inasmuch as none of the marshals have ever criticised my action, but expressed entire satisfaction therewith, I have assumed that my course was correct.

(2) "That he (Captain Stiles) practically ruled the city (Oklahoma) by force of arms, acting in a harsh and arbitrary manner."

From April 22 until May 6 the military "practically ruled the city," but upon the latter date the regularly elected city officials took charge, and the military was relieved and thereafter acted upon the requests of the city officials or marshals. I deny that I acted "in a harsh and arbitrary manner;" and for a confirmation of this assertion refer to any and all good citizens in Oklahoma and to the officers, civil and military, stationed here. That my manner in dealing with knaves was sometimes severe and emphatic there is, perhaps, no doubt, but I think no more so than circumstances warranted.

(3) The title of "provost marshal" was not assumed by me as stated, but originated as follows: En route to Oklahoma on April 19 we passed through Guthrie and there met Captain Cavenaugh, Thirteenth Infantry, who stated that he was on duty as provost marshal. This was reported casually to Colonel Wade, who, in placing me on duty in the town, remarked that I would perform the duties which he understood Captain Cavenaugh at Guthrie was performing, viz, suppressing the liquor traffic, keeping order, etc. It very soon became the general practice to speak of me as the provost marshal, and I was so addressed officially by the commanding officer on a few

occasions. August 1, for the convenience of those persons who wished to confer with me, I shared an office in the city with United States Marshal Bickford and United States Commissioner Somers, and put up a sign bearing my name and the title "provost marshal." I occupied this office for about two months and then removed to the reservation.

On various occasions I attended public meetings, as did other officers, in consequence of the orders I received to do so and to report my observations to the commanding officer, but no attempt was ever made by me or those under my control to interfere with or disperse any public meeting.

(4) "That the people were prevented from holding an election for action on a charter framed by them by the city authorities and Captain Stiles with his soldiers, some few being slightly injured in a charge made by Captain Stiles with fixed bayonets."

The election of September 21 was forbidden by the mayor as a violation of the city ordinances, and he called on Colonel Snyder, the commanding officer of the camp, to aid him in preventing it, not only on that account but because a riot was feared. Colonel Snyder directed me to proceed with my company to the city and if necessary to assist the municipal authorities in preventing the election and preserving the peace. This I did, acting under the mayor and in strict conformity with the orders I had received. A charge was made to clear the streets and a few persons were slightly injured; this would not have occurred but for the defiant and violent conduct of the crowd, which refused obedience to the repeated commands of the mayor, given in person, to disperse. Had I not acted as promptly as I did I believe a serious loss of life would have resulted, for I was reliably informed by those in a position to know that it was the intention of the leaders of the crowd not only to resist the authorities, but to take advantage of any disturbance which might follow to kill both the mayor and myself. Any attempt of this kind would have been resented instantly by my men and with fatal consequences, no doubt, to many persons.

The assertion that "the people" were prevented from holding an election is not correct. The call for the election was made by a self-constituted committee of discontents, known as the "Committee of Fifteen." It represented no large or stable element of the city and was prompted by no good motive. The ostensible object was a "charter," the real object the ousting of the city officials, thereby gaining control of the affairs of the city and the complication or extermination of all possessory titles to land and a general crusade of plunder before Congress had acted. Such was, and is now, in my opinion, the purpose of this faction led on and controlled by the Kickapoo Society.

(5) "That at the request of Captain Stiles, Deputy United States Marshal Thornton was removed from office without any good reason or cause, he being a popular and efficient officer; also that a number of citizens were arrested and placed under bonds, as disturbers of the peace, while attempting to hold an election on said charter."

I made complaint against Deputy United States Marshal Thornton, as Exhibits A and B herewith will show, and partly for the reasons therein stated. I had, and still have, evidence within reach on which my opinion of Marshal Thornton was based, and which I am prepared to furnish should it be necessary to do so. For the present it seems sufficient to say, in reply to this accusation, that Marshal Thornton has been engaged in transactions which, if not criminal, scandalized his position, and which in my judgment rendered him untrustworthy and unfit for his office, and as commanding officer of the troops at that date and liable to act under or in conjunction with him, I deemed it my duty to give to his superiors my official opinion of his conduct, and the danger of allowing him to remain in office. In response to my telegram Marshal Walker took prompt action by sending an officer, Deputy United States Marshal George L. Walker, here to investigate. To him I offered to substantiate my charges, but he informed me that it was not necessary, for since his arrival in town he had learned enough from other sources to justify him in removing Thornton, which he accordingly did. Although Marshal Needles promised to make a similar investigation (Exhibit C) I have not learned that he has done so, and Marshal Thornton still remains his deputy; he is also marshal of the city a dangerous combination when the state of affairs here is considered. Whether popular or unpopular, efficient or inefficient, Marshal Thornton is a very bad man, in my judgment, and should not be permitted to call on the United States troops for any purpose, more especially now that he is an official of the city. My accusations against him undoubtedly led to Marshal Walker's investigation; but to charge Thornton's removal entirely to me, in the face of Marshal Walker's statement that he had sufficient evidence to warrant Thornton's removal without reference to what I said, is certainly unjust.

The citizens referred to in this specification as "arrested and placed under bonds," etc., were arrested by a deputy United States marshal upon warrants duly issued by a United States commissioner, not "as disturbers of the peace," but as conspirators in violation of the United States Revised Statutes; and with this I had nothing to do except as a witness.

(6) That I "heard evidence of different claimants for the same tract of land about Oklahoma City, and determined who should move and who should remain."

In November I prepared and submitted to Maj. P. J. Sanger, inspector-general of the Department of the Missouri, a list of cases on which I have acted since I have been here. The action taken by me was in consequence of the orders I received to preserve the peace between homestead claimants and numerous contestants, who naturally came to the camp for assistance in settling these disputes, as neither the United States commissioners, marshals, or the officers of the land office at Guthrie would act. I conferred with these officials on this subject, and it was their opinion that the military alone could render any assistance. But in this there was no attempt on my part, or, as far as I have heard, on the part of any other officer here, to exercise, as is intimated, legal authority. The decisions rendered by me and other officers were in the nature of arbitrations, to which the parties in interest usually submitted amicably, with the distinct understanding that no claims were prejudiced thereby. Action in important cases was deferred for consultation with the commanding officer, who decided who should move and who should remain. In this the troops had no interest beyond the preservation of the peace in the absence of laws applicable to the situation; that they met with a fair measure of success is evident, as up to this time no dispute over homestead claims adjusted by the officers here has resulted in bloodshed, although this was frequently imminent.

I wish to say in this connection that I am aware of the source of the accusations now before me; and while they are not entirely without foundation in so far as the incidents to which they refer are concerned, I am prepared to prove that the latter have been colored and exaggerated so as to conceal or distort the truth, and create an impression as unjust as it is false. These accusations did not originate with, nor are they approved by good citizens here; on the contrary, they have come in every instance from dangerous, desperate, and unscrupulous men, criminals at heart if not in law, who have been a curse to this city and who will yet occasion it and the General Government serious trouble unless overawed by the troops. I do not make this assertion by way of retaliation, but deliberately and officially of my own knowledge after many months of close observation, and for the information of those who have been led to believe otherwise.

In conclusion, I wish to make a general denial of all accusations made against me in so far as they reflect on my official character or the discharge of my duties. Except for a brief period the latter have been performed under the direction of my military superiors, in conjunction with the civil officers, for the preservation of peace and the protection of the law-abiding people of this community, and to their judgment, separately and jointly, I am perfectly willing to leave the verdict.

Very respectfully, your obedient servant,

D. F. STILES,
Captain, Tenth Infantry.

The POST ADJUTANT.

A.

OKLAHOMA CITY, IND. T., September 23, 1889.

RICHARD L. WALKER,
United States Marshal, Topeka, Kans. :

The presence here of Deputy United States Marshal George E. Thornton, can not be tolerated any longer. His unwarranted interference with myself and the United States commissioners is the cause of much trouble. I had to put one of his posse men out of town as a thug, and another was arrested on Saturday after the election riot and is now under bond. Thornton's conduct to-day is unaccountable. I refer you to Commissioners Summer, Harvey, and Cramer, and to Deputy Marshals Bickford and East. He sides with the disturbing element in this city, and should be removed at once. Can not you come here at once?

Answer immediately.

D. F. STILES,
Captain, United States Army, Commanding.

B.

OKLAHOMA CITY, IND. T., September 23, 1889.

THOMAS B. NEEDLES,
United States Marshal, Muscogee, Ind. T.

The presence here of Deputy United States Marshal George E. Thornton can not be tolerated any longer. His unwarranted interference with myself and the United

States commissioners is the cause of much trouble. I had to put one of his posse men out of town as a thug, and another was arrested on Saturday after the election riot and is now under bond. Thorntons conduct to-day is unaccountable. I refer you to Commissioners Somers, Harvey, and Cramer, and to Deputy Marshals Bickford and East. He sides with the disturbing element in this city, and should be removed at once. Can not you come here at once?

Answer immediately.

D. F. STILES,
Captain, United States Army, Commanding.

C.

[Telegram.]

D. F. STILES,
Captain U. S. Army, Oklahoma, Ind. T. :

Sorry you have trouble; will investigate your charge against Thornton; have wired him not to interfere; any further complaints let me know. Impossible to come at present.

T. B. NEEDLES, *Marshal.*

No. 59.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 28, 1889.

SIR: I have the honor to transmit herewith a letter from the collector of internal revenue of the district of Kansas, dated the 18th instant, to the Commissioner of Internal Revenue, relating to the sale of spirits in Oklahoma, which is referred to your Department at the suggestion of the Commissioner.

Respectfully, yours,

W. WINDOM,
Secretary.

The SECRETARY OF WAR.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF KANSAS,
Leavenworth, December 18, 1889.

SIR: Some days since I ventured to say to you that in my opinion there were five hundred places in Oklahoma where liquors are sold and that the military officers commanding at various points in that country must be cognizant of what is going on.

I am frank to say that the situation in that section has been a source of no little concern to me because I was satisfied the condition was most unsatisfactory. At my suggestion Deputy Collector Yates is now here and from him I learn that he has nearly two hundred cases either in or ready to put into the courts, which goes far in confirmation of my former estimate. In addition I submit the inclosed letter from W. H. Whiteside, giving an account of the condition of things at El Reno, which, as you will note, is only 2 miles from Fort Reno. In further explanation I desire to say that the "Glick" mentioned is ex-Governor Glick of this State, and "Crittenden" is ex-Governor Crittenden of Missouri, and further, that I have instructed Deputy Yates to go to the rescue.

Respectfully,

N. F. ACERS,
Collector.

HON. JOHN W. MASON,
Commissioner, Washington, D. C.

KANSAS CITY, MO., *December 16, 1889.*

DEAR NELSE: Our attorney, Mr. Freeman, of Wyandotte, has just returned from El Reno (which is situated 2 miles east of Fort Reno) and he says the toughs of the town are making it very lonesome for good citizens by getting drunk on whisky

sold over the bar there and the settlers have not even taken out Government license. At a meeting held here I was requested by "Glick," "Crittenden," and others to notify you and ask your interference in the matter.

Yours,

W. H. WHITESIDE.

[Second indorsement.]

Respectfully referred through headquarters Division of the Missouri to the commanding general, Department of the Missouri, in connection with previous papers on the subject referred to him on the 31st ultimo.

By command of Major-General Schofield:

J. C. KELTON,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *January 3, 1890.*

[Third indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,
ASSISTANT ADJUTANT-GENERAL'S OFFICE,
Chicago, January 8, 1890.

Respectfully referred to the commanding general, Department of the Missouri.
By command of Major-General Crook:

H. C. CORBIN,
Assistant Adjutant-General.

[Fourth indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., January 10, 1890.

Respectfully referred to the commanding officer, Fort Reno, Ind. T., for investigation and report.

By command of Brigadier-General Merritt:

O. D. GREENE,
Assistant Adjutant-General.

[Fifth indorsement.]

FORT RENO, IND. T.,
January 14, 1890.

Respectfully referred to Lieut. F. W. Foster, Fifth Cavalry, who will proceed to El Reno and make investigation and report as to whether or not whisky is or has been at any time sold openly "over the bar," as charged by Mr. Freeman.

By order of Colonel Wade:

C. H. WATTS,
Lieutenant and Adjutant, Fifth Cavalry, Post Adjutant.

[Sixth indorsement.]

FORT RENO, IND. T., *January 15, 1890.*

Respectfully returned to the post adjutant.

As directed by the fifth indorsement, I proceeded to El Reno and made the investigation as directed. I questioned a number of the inhabitants and all agreed that whisky had been openly sold "over the bar" by Stanley & Jacobs for several months. Some knew of it only by hearsay or observation, while others stated that they had bought and drank whisky in Stanley & Jacobs's place; some had bought each of these parties and others of a man (name unknown) who had worked for these parties, but who had now left the place.

All the persons questioned said that for a time they refrained from speaking of this whisky selling from prudential or other reasons; but things had now come to such a pass (in one instance to the loss of life) that they regarded it as the duty of all law-abiding citizens to break up the traffic, and stated that they could and would furnish the evidence necessary to convict the parties mentioned. The impression seems to be that the United States commissioner and marshal at El Reno can not be relied on to act in this matter, as both have been regular customers at Stanley & Jacobs's.

The following is some of the evidence as to the sale of whisky:

J. P. Scales stated that he had seen whisky sold over the bar by the bar-tender and had bought and drank it. Frank Fischer stated that he had seen it sold by J. E.

Stanley, and had bought and drank it. C. L. Seruy stated that Stanley, in his presence, handed a bottle over the bar to Mr. H. L. Bickford, saying it contained Kentucky whisky. Mr. Bickford took a drink and paid 15 cents for it. I forward a list of witnesses furnished me as men who could and would testify that they had bought whisky in Stanley & Jacobs's place.

F. W. FOSTER,
First Lieutenant, Fifth Cavalry.

[Seventh indorsement.]

FORT RENO, IND. T.,
January 21, 1890.

Respectfully returned to the adjutant-general, Department of the Missouri. Attention invited to the report of Lieutenant Foster, sixth indorsement hereon. El Reno is a small town, 4 miles east of this post (not 2 miles as stated within), and until within a few weeks has had an excellent reputation. The town is located and is controlled by the Oklahoma Homestead and Town Company. (I inclose a letter head giving names of members of company.) The trouble there now is due to the fact that part of the inhabitants support the town company, while others, it is said, wish to make it what they call a Government town site.

The "toughs" referred to in Mr. Whiteside's letter are those who oppose the town company. The United States commissioner and United States deputy marshal, reported to Lieutenant Foster as being unreliable, were appointed at the request of the town company. The man Stanley, now accused of keeping a bar, is the "city marshal," and was elected to this office by the citizens of the town only a short time ago. I have at all times been ready to assist the United States marshals in suppressing the liquor traffic, but have not been called upon, and I have not considered it the duty of the United States troops to take charge of a town and search it for liquor. Lieutenant Foster reports that all the persons questioned agree that whisky has been openly sold over the bar for several months, but I do not think this statement is strictly correct, having frequently heard it said that any man who was known to be "all right" could get a drink in El Reno, but the information was that the sale was by no means open, and, in my opinion, those who now seem so anxious to furnish evidence to convict Stanley and Jacobs are those who, through their patronage, have been largely responsible for the illicit traffic, and that the matter never would have been made public but for difference in regard to town site policy and the fact that the liquor sellers and their patrons found themselves on opposite sides.

J. F. WADE,
Colonel Fifth Cavalry, Commanding.

No. 60.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 20, 1889.

SIR: I have the honor to inclose herewith a copy of a letter dated the 12th instant, from the internal revenue collector of Kansas to the Commissioner of Internal Revenue, in relation to the sale of liquors in Oklahoma, and calling attention to the fact that such sales are known and permitted by military officers commanding the various points in that Territory.

Respectfully yours,

The SECRETARY OF WAR.

GEO. S. BATCHELLER,
Acting Secretary.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, DISTRICT OF KANSAS,
Leavenworth, December 12, 1889.

SIR: From information furnished this office by deputy collectors and others I do not hesitate to say that there are 500 places in Oklahoma Territory where liquors are sold, and to say further that the present condition of things is known and permitted by military officers commanding the various points in Oklahoma.

Respectfully,

N. F. ACERS, *Collector.*

Hon. JOHN W. MASON,
Commissioner, Washington, D. C.

List of witnesses : C. L. Severy, J. P. Scales, bought of bartender (name unknown), Frank Fischer, bought of J. E. Stanley, A. C. Springs, bought of James Jacobs, W. W. Pardon, H. L. Bickford, G. D. Williams, W. B. Barker, Joseph Newell, Hughes Bros., Posey Burnett, John Murphy, Robert Fraser, Frenchy Thilo, Mr. Clayton, Mr. Nutt, Mr. Carstine.

[First indorsement.]

WAR DEPARTMENT, *December 24, 1889.*

Respectfully referred to the Major-General Commanding the Army for report.

REDFIELD PROCTOR,
Secretary of War.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, December 28, 1889.

By the Major-General Commanding to the Adjutant-General for reference to the Department commander for report.

THOMAS M. VINCENT,
Assistant Adjutant-General.

[Third indorsement.]

Respectfully referred through headquarters division of the Missouri to the commanding general Department of the Missouri for report.

To be returned.

By command of Major-General Schofield.

CHAS. BRECK,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
December 31, 1889.

Received back Adjutant-General's Office, February 5, 1890.

[Fourth indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Assistant Adjutant-General's Office, Chicago, January 2, 1890.

Respectfully referred to the commanding general Department of the Missouri.

By command of Major-General Crook.

H. C. CORBIN,
Assistant Adjutant-General.

[Fifth indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., January 29, 1890.

Respectfully returned through headquarters Division of the Missouri to the Adjutant-General of the Army, with the reports of the commanding officers of each of the camps in Oklahoma Territory and the report of the commanding officer Fort Reno regarding liquor selling in El Reno, a town 4 miles distant from the post. The reflection cast upon officers of the Army by Internal Revenue Collector Acers is unfair. While the Army was charged with the duty of preventing the introduction or sale of liquor in Oklahoma the officers acted efficiently and faithfully. Now, as it is understood, the Army is relieved from that duty, except to inform the civil authorities in cases of violations of the law which are detected.

I had communication some time since with Mr. Acers on the subject of the sale of liquor in Oklahoma, and informed him, among other things, that while the Army would do all in its power as to violations of the law against alcoholic liquor in the Territory, I thought there were cases which might escape the scrutiny of the most efficient, though they might come to the notice of his agents, in which case the law and penalties should be enforced by his department. At that time he was advocating the legislation of the traffic, to which I objected.

H. MERRITT,
Brigadier-General Commanding.

[Sixth indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, February 1, 1890.

Respectfully returned to the Adjutant-General of the Army:

GEORGE CROOK,
Major-General, Commanding.

[Seventh indorsement.]

ADJUTANT-GENERAL'S OFFICE, *February 5, 1890.*

Respectfully submitted to the Major-General commanding the Army.

C. MCKEEVER,
Assistant Adjutant-General.

[Eighth indorsement.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, February 10, 1890.

Respectfully returned to the Secretary of War with reference to the remarks (fifth indorsement) by the commanding general, Department of the Missouri, covering reports from camp commanders and the commanding officer of Fort Reno.

J. M. SCHOFIELD,
Major-General, Commanding.

[Ninth indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., February 20, 1890.

By the Major-General commanding to the Adjutant-General, that the commanding general, Department of the Missouri, may be duly advised of the action by the Secretary of War.

THOMAS M. VINCENT,
*Assistant Adjutant-General.*POST OF GUTHRIE, IND. T., *January 9, 1890.*

Respectfully referred to Second Lieut. W. S. Biddle, jr., Thirteenth Infantry, who occupied quarters in the city of Guthrie until about December 10, and whose orders and duties were to make frequent inspections of the city for the purpose of arresting and bringing to trial any persons found selling liquors, and to destroy any found in the possession of any parties, for report, and whether, to his knowledge, any liquors are being sold, excepting by two druggists for medicinal purposes.

By order of Captain Cavanaugh:

J. H. H. PESHINE,
First Lieutenant, Thirteenth Infantry, Post Adjutant.

[Second indorsement.]

POST OF GUTHRIE, IND. T., *January 10, 1890.*

Respectfully returned to the post adjutant, Post of Guthrie, Ind. T.

In accordance with the instructions of the post commander I have made frequent and careful inspections of the city for liquors while I occupied quarters there and since then to date.

In a house kept by one Marcum I found whisky was being sold; I arrested him and took him before the United States commissioner at Guthrie, Ind. T., by whom he was placed under bonds to appear later for trial, at Wichita, Kans.

I have made strong efforts to find places in the city where liquors are being sold, but I know none, except the two drug-stores, which sell liquors for medicinal purposes.

WM. S. BIDDLE, Jr.,
Second Lieutenant, Thirteenth Infantry.

[Third indorsement.]

POST OF GUTHRIE, IND. T., *January 11, 1890.*

Respectfully returned to the Assistant Adjutant-General Department of the Missouri, attention respectfully invited to second indorsement of Lieut. W. S. Biddle Thirteenth Infantry, and to further say that I do not know that any liquors in Oklahoma territory are sold, except by two druggists for medicinal purposes.

In this connection I would state, that there have been more than 98 persons in the city of Guthrie and in the immediate vicinity arrested, and the majority of them are now under bond for appearance before the United States courts for violation of the liquor laws.

H. G. CAVENAUGH,
Captain, Thirteenth Infantry, Commanding.

CAMP WADE, KINGFISHER, IND. T., *January 9, 1890.*

SIR: Referring to your indorsement of the 7th instant, or copy of letter from the office of the Secretary of War, dated December 20, 1889, calling attention to the fact that alcoholic liquors are sold in Oklahoma, Ind. T., I have the honor to report that on the 23d day of December, 1889, under the requirements of section 2140, Revised Statutes, United States, 1878, Company G, Thirteenth Infantry, stationed at this camp, under my direction as commanding officer, searched suspicious places in Kingfisher, Ind. T., and found whisky, wine, and alcohol. There being no United States marshal present at the time, after consulting the United States commissioner at this place, and upon his advice, the whisky and wine was destroyed. The alcohol (about 20 gallons, in all, found at different drug stores) was subsequently turned over to the United States marshal by me.

The foregoing was reported to the Assistant Adjutant-General's headquarters, Department of the Missouri, and under date of December 27, 1889, the following telegram was repeated for my information:

"WASHINGTON, D. C., *December 26.*

"General WESLEY MERRITT,
Fort Leavenworth, Kans.:

"Direct commanding officer at Kingfisher, Oklahoma, to inform United States marshal having jurisdiction of the fact that alcohol is stored in that town, there now being a United States marshal at Kingfisher having jurisdiction. Information in respect to violation of Indian liquor laws should be lodged with him and action taken under his advice.

"By order of Major General Schofield:

"J. C. KELTON,
Adjutant-General.

"Beyond this you will not go in any case.

"Report receipt and action.

"By command of Brigadier General Merritt:

"O. D. GREENE,
Assistant Adjutant-General.

"These instructions answer your letter of December 23, asking for copies of all orders, etc., in regard to introduction and sale of liquors into the Territory."

Above remarks on copy of telegram furnished me by mail. Under date of December 28, I asked the Assistant Adjutant-General of the Department if the foregoing telegram relieved me from responsibility under section 2140, Revised Statutes, and received the following from the Assistant Adjutant-General dated December 31, 1889:

"I am instructed by the Department commander to inform you that, as matters stand in Oklahoma, you are relieved from responsibility under section 2140, Revised Statutes, and that you will be guided strictly by instructions in telegram of December 27 from these headquarters."

In this connection I would respectfully state that having reason to believe that liquor was being sold by several parties in violation of the law at this place, I have so informed the United States marshal and offered the services of my command, but have not been called upon by him to assist him in this way.

Very respectfully, your obedient servant,

P. C. HARRIS,
Second Lieutenant Thirteenth Infantry, Commanding Camp Wade.

The ASSISTANT ADJUTANT-GENERAL,
Headquarters Department of the Missouri, Fort Leavenworth, Kans.

[First indorsement.]

CAMP AT OKLAHOMA CITY, IND. T., *January 10, 1890.*

Respectfully returned to the assistant adjutant-general, Department of the Missouri, with report that I know of but one place in the territory of Oklahoma where liquors are sold. The place referred to is the drug store of Wand, Aucker & Co.,

Oklahoma City, at which place, with approval of the department commander, liquors in small quantities are sold for medical purposes, but only upon the written prescriptions of reputable physicians, when duly approved by the camp surgeon.

That spirituous liquors to a very considerable extent are introduced into the territory, there is to my mind no doubt, but by whom introduced or where, or by whom sold, I have no knowledge. I have questioned every officer on duty at this camp, all of whom deny any knowledge of where liquors are sold except as above stated.

SIMON SNYDER,
Lieutenant-Colonel Tenth Infantry, Commanding Camp.

[First indorsement.]

FORT RENO, IND. T., *January 31, 1890.*

Respectfully returned to the assistant adjutant-general, Department of the Missouri. I do not, of my own knowledge, know of a place in Oklahoma where liquor is sold, but from common report I believe it is to be obtained very generally in the Oklahoma towns, and that this has been the case since the country was opened. So far as the charge of permitting these sales is concerned, my understanding is and has been that the military stationed in and near Oklahoma is only expected or authorized to take action when called upon by the proper civil officers, unless in a case where prompt action is required to prevent bloodshed. I have not been called upon for assistance in suppressing the illicit liquor traffic by any United States marshal or deputy, and have no power to compel the United States deputy marshals to do their duty. The towns near this post are El Reno, 4 miles east, and Reno City, 4 miles northeast; both are small towns. I have heard no complaint in regard to Reno City. A communication on this subject in relation to El Reno was returned with report on the 21st instant. I know of only two ways in which the liquor traffic can be suppressed: one is to find some means to compel the United States deputy marshals to perform their duties; the other to authorize and direct the military authorities to act independently in the matter. In the latter case it could only be done by constant search and destruction of liquor when found, there being no authority to make arrests.

J. F. WADE,
Colonel Fifth Cavalry, Commanding.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., February 4, 1890.

Respectfully forwarded through Headquarters Division of the Missouri, to the Adjutant-General of the Army. Attention invited to the first indorsement as stated in an indorsement forwarding a paper of like character to this. It is unfair to accuse officers of the Army of neglect of duty in the matter of the sale of liquor in Oklahoma, while they were charged with preventing it. The enforcement of regulations as to this traffic now rests with the civil authorities.

W. MERRITT,
Brigadier-General, Commanding.

HEADQUARTERS DIVISION OF THE MISSOURI,
Assistant Adjutant-General's Office, Chicago, February 6, 1890.

Respectfully forwarded, in the absence of the major-general commanding, to the Adjutant-General of the Army.

R. WILLIAMS,
Assistant Adjutant-General.

Respectfully submitted to the major-general commanding the Army, with copy of the report of the commanding general Department of the Missouri, prepared for the Treasury Department and in connection with correspondence relating to the subject, submitted on the 6th inst.

J. C. KELTON,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *February 10, 1890.*

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 17, 1890.

SIR: I have the honor to acknowledge the receipt of your letters of December 20 and 23, 1889, stating that the collector of internal revenue for Kansas has reported the selling of liquor in the Oklahoma country, and that the same is known to the military authorities.

In reply I invite your attention to the inclosed copies of reports which have just been received from the commanding general of the Department of the Missouri and his subordinate officers stationed within the limits of Oklahoma, showing that while the liquor traffic prevails to some extent, the military have done their utmost to prevent it, and if any cause of complaint exists, it does not rest with the officers of the Army, but rather with the civil officers of the Government.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

The SECRETARY OF THE TREASURY.