

HOW THE COWS CAME HOME...AS DINNER:
THE ECONOMIC SURVIVAL OF THE OSAGE INDIANS CONCERNING THE
DEVELOPMENT THEIR GRASS LEASING BUSINESS
IN THE 1870s AND 1880s

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It was a sad song they sang that year as they tramped, grudgingly, out of their Kansas homelands. But this unhappiness was understandable since, for the Osage Nation, the last century was a harrowing history that included ceding nearly eight million acres of their sacred land to the haughty, relentless United States government. Even after their removal from the Sunflower state was completed by the early 1870s, newly appointed Indian agent Cyrus Beede remarked that the Osages were still not “ready to give up their war dance and . . . scalping knife;”¹ as if stealing their property was supposed to transform them into more evolved, more ‘civilized’ human beings.

But in the process of negotiations between Osages and the federal government, the tribe finally recognized that the survival of their people depended on mastering certain concepts of American politics and using them to their advantage. This was just the first scene in those treaties to remove the Osages from Kansas. Despite intimidation from the government, upon realizing that Congress would eventually obtain their Kansas lands, the Osages decided to accept withdrawal in exchange for certain stipulations. They submitted three overlying guidelines for the sale: to pay the tribe for their land, build railroads on it which could benefit the Osage economy in the future (the government believed it would be through agriculture), and allow them to remain physically close to their Kansas homeland. Thankfully Congress accepted the agreement and paid the tribe a handsome \$1.25 per acre for their region. The transaction allowed the Osages to finance land directly across the border in northern Oklahoma territory for their new home.²

¹ George Rainey, *The Cherokee Strip* (Guthrie, Ok.: Co-Operative Publishing Co., 1933), 30; T.F. Morrison. *The Osage Treaty of 1865: An Address by Hon. T.F. Morrison of Chanute, Kansas* (St. Paul, Ks.: St. Paul Journal, 1925), 1-8; Department of the Interior, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs, Cyrus Beede, to the Secretary of the Interior, 1876*. (Washington, D.C.: GPO, 1876), 54; In contrast to this 1876 incident, the first formally recorded engagement between the Osages and the U.S. government was found on a beautiful silver medal with the face of then President Thomas Jefferson on one side and two hands clasped on the other side with the word “Friendship” over the engraving. It was dated 1800. Ponca City Chapter of the Daughters of the American Revolution, *The Last Run: Kay County, Oklahoma, 1893* (Ponca City, Ok.: The Courier Printing Co., 1939), 344.

²Louis F. Burns, *A History of the Osage People* (Tuscaloosa, Al.: University of Alabama Press, 2004), 368; What is fascinating about this exchange is that decades before the Osages were pushed off of their Kansas lands, they had lived in the northern half of Oklahoma territory freely. In 1803, when President Thomas Jefferson made the unforeseen Louisiana Purchase from France, the Osages, autochthonous to the Midwest, still claimed all lands north of the Canadian River in Oklahoma while the neighboring Quapaw tribe claimed such land south of the river. About fifteen years after these Indian assertions came the Treaties of 1818 and 1825 which relinquished Osage entitlement to the region in exchange for desperately needed cash, merchandise and a plot of land near their claim in southern Kansas. The Quapaws did the same in their 1818, 1820 and 1830 treaties with the government, thereby giving the United States whole ownership of what was later known as the Cherokee Strip. These treaties coerced the Osages into

Yet this sale, too, was an arduous task for the Osages since available land in northern Oklahoma was now in the possession of the Cherokee Nation-- a tribe known for its politically savvy nature when dealing with the capitalistic American government. For the Osages this translated into endless negotiations with the Cherokee over what amount of money was appropriate to sell each acre of land. Researched survey papers of the desired prairies determined its value to be anywhere from twenty-one cents to nearly three-quarters of a dollar per acre. Not surprisingly, in 1873 President Grant involved himself in the matter and sold the Osages 1,470,559 acres of land for the hefty price of seventy cents an acre.³ At the same time, approximately eight and a half million dollars was to be put in the U.S. Treasury for the Osage Nation after the sale of their Kansas lands with an interest rate of five percent.⁴ In the pursuit of mending old wounds, the Osages also bought a section of land adjacent to their reservation for the Kaw tribe to payback without government pressure.⁵ The Kaws originally were part of the Osage Nation, though disputes, probably over

abandoning all rights to their lands in Oklahoma Territory, instead living on a Kansas reservation about one quarter of its size. Three years after the last agreement was signed, the government yielded former Osage lands to the Cherokees. Clear negotiations for the removal of the tribe back to Oklahoma were not in progress until the Osages' Treaty of 1865. George Rainey, *The Cherokee Strip*, 30; Morrison, 1-8; Irene Strum Lefebvre, *Cherokee Strip in Transition: A Documentary by Irene Strum Lefebvre* (Enid, Ok.: Cherokee Strip Booster Club, 1992), 22; "Kansas Railroads: Official Statement Showing the Increased Mileage has been Underrated," *Vinita (Indian) Chiefstain* (Vinita, OK), 16 February 1881; Beguilingly, nearly one century later, the terms and specifications of the Osage Treaty of 1865 were still being disputed. On August 13, 1954 the Indian Claims Commission awarded the Osages almost one million dollars that should have been given to them in 1865 (3 344). In September of that year the Commission again heard from the Osage Nation, only to be asked for additional funds rightfully the tribe's in exchange for the "deduction of 25, 843.92 acres" of Osage land ceded to the U.S. government. Though they were "glad" (3 345) to investigate the Osages' petition, both Associate Commissioners Louis J. O'Marr and William M. Holt "overrule[d] the petitioner's motion" (3 351) on September 27, suddenly crushing any hope the Osages had of being paid for the territory Washington pilfered from them. *The Osage Nation of Indians v. The United States of America*, September 27, 1954," *Indian Claims Commission Decisions, vol. 3, doc. 9* (Boulder, Co.: Native American Rights Fund, Inc., n.d.), 3 344-3 351; The Osages' Treaty of 1868 had even more of an impact on government-Indian relations than the Treaty of 1865. The 1868 treaty sparked a heated debate in the House of Representatives over the benefit of turning over Osage-Kansas lands to a railroad corporation instead of making the area public domain. Such opposition led the House to completely halt United States-Amerindian treaty making from 1871 forward. Francis Paul Prucha, ed., *Documents of United States Indian Policy*, 3rd ed. (Lincoln, Ne.: University of Nebraska Press, 2000), 113-114.

³ Other than remaining near their ancient homeland, another contributing factor as to why the Osages chose to bid for land on the Cherokee Strip was because since the Treaty of July 19, 1866, the Cherokee Nation had made a formal declaration of having no problem with other 'friendly' Indians settling on the Strip west of the ninety-sixth meridian so long as legal stipulations were met. Rainey, *The Cherokee Strip*, 41,75; Burns, *A History of the Osage People*, 342-343.

⁴ When Osage ranching flourished, money from the accrurement of this interest rate coupled with grazing fees paid for by cattlemen afforded the Osages about \$200 in annual per capita income until the discovery of oil on their land at the turn of the century. Department of the Interior, Bureau of Indian Affairs. *The Osage People and their Trust Property—A Field Report of the Bureau of Indian Affairs, Anadarko Area Office, Osage Agency*, 83rd Cong., 1st sess. (Washington, D.C.: G.P.O., 1953), iv.

⁵ It is quite correct for the reader to be suspicious of the Osages' ability to actually own their own land while still representing themselves as an Indian nation and not a community of individual Americans negotiating with certain wards of the government (the Cherokees). But upon closer examination, the Osages' control of their land appears to be valid. As Burns notes,

decisions to go to war, separated the groups long before this removal process. The word “Kaw” in the Osage language translates to *coward*. In the end, total purchase price for the Osages was a strapping \$1,029,041.30—quite the sum for any tribe to be given by the government.⁶

Perhaps the reason why the Osages assisted their Kaw acquaintances is because of their own long and negative experience with the U.S. government concerning Indian relations, specifically Indian removal. Garrick Alan Bailey’s *Changes in Osage Social Organization: 1673-1906* speaks to the fact that the Osages recently had experienced the subjective power held in Washington in 1859, when the tribe found themselves impoverished once their steady stream of annuity payments from prior treaties finally ran out; Congress failed to renew them in the wake of the slavery debate before the Civil War. When treaties were created with the Amerindians just after interstate combat ceased in America, the Osages, like many other tribal nations, had no choice but to move according to Congress’s demands in 1865 in order to receive food and shelter they desperately required. Simultaneously, post-Civil War reconstruction sparked throngs of white settlers to pour into Kansas borders, even on lands that the government supposedly designated as wholly the Osages’. Reports from the Office of Indian Affairs state how “for every one [settler] leaving five come in,” indicating that even the small effort made by federal troops to assist the Osages’ territorial situation was fruitless at best. Marred with such an atrocious event in their memories, it would be much more plausible to question why the Osages would have turned a blind eye and not aided the Kaw in obtaining land since negative consequences were an accepted reality when dealing with the American government.⁷

To support the Osages’ positive treatment of their fellow Kaw tribe, it must be said that poor Indian-United States relations were the norm since the presidency of Andrew Jackson. Following Jackson’s Indian Removal Treaty of 1830, the Five Civilized Tribes, including the Cherokees now in Oklahoma Territory, were forced to cede their sacred southern lands east of the Mississippi River and settle in barren lands west of that divide. For the Cherokees, the policy was so damaging that it climaxed in 1838 with the Trail of Tears in which the nation was forced, at bayonet

“since the Cherokee title [to their lands in Oklahoma] was recognized by the United States in the unratified Treaty of 1868 and to the sale to the Osages, we must assume the title was legitimate. Insofar as the Osage title to the present reservation is concerned, it is as sound as the United States and over a century of occupation can make it. The Osages hold possession in fee simple from the United States’ support of the Cherokee title. This fee simple document is held in trust by the United States government,” Burns, *A History of the Osage People*, 342; much the same argument is reiterated in William T. Hagan, *Taking Indian Lands: The Cherokee (Jerome) Commission: 1889-1893* (Norman: OK, University of Oklahoma Press, 1993), 93-95, and is also found in Jeffrey Burton, *Indian Territory and the United States, 1866-1906: Courts, Government, and the Movement for Oklahoma Statehood* (Norman, Ok.: University of Oklahoma Press, 1995), who states that “Since the Osage lands were patented to the tribe, . . . sovereignty was not an issue” 111; Concerning the land the Osages possessed in Kansas that was sold to the government, it, too, appears to be a solid agreement: “When Congress in the 1860s granted to the state of Kansas for railroad purposes a tract that included some land the Osages still held by right of occupancy, the Court found the Osages’ land implicitly exempted from the grant. ‘The perpetual right of occupancy, with the correlative obligation of the government to enforce it, negates the idea that Congress, even in the absence of any positive stipulation to protect the Osages, intended to grant their lands.’ A majority of the justices held. ‘For all practical purposes, they owned it.’ . . . as a legal matter, the only way the government could acquire the Indians’ land was to purchase it,” Stuart Banner, *How the Indians Lost their Land: Law and Power on the Frontier* (Cambridge, Ma.: Belknap Press of Harvard University Press, 2005), 237.

⁶ Burns, *A History of the Osage People*, 342-343; Department of the Interior, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1872* (Washington, D.C.: G.P.O., 1872), 246; Burrill, Robert M. “The Establishment of Ranching on the Osage Reservation,” *Geographic Review*, 62 no. 4 (October 1972): 543.

⁷ Garrick Alan Bailey, *Changes in Osage Social Organization: 1673-1906* (Eugene, Or.: University of Oregon Press, 1973), 71-72.

point, to trek to their new, unwanted home. Women were raped, disease was rampant, and nearly twenty-five percent of those making the journey died along the way.⁸ Thus, the Osages' personal familiarity with federal Indian removal was not nearly as shocking as it could have been had they resisted their white neighbors intrusions more passionately. This may be because by 1870, Congress had put forth enough attention on the Osages to create for the tribe their own Removal Act, uniquely developed for the deletion of their singular nation from Kansas lands, instead of writing an ineffective, blanket document with many tribes in the region.⁹ And perchance the Osages may have even heard Cherokee tales of removal and took it upon themselves to prevent the gravity of the Trail of Tears from being repeated with their own wives, children, and friends, like the Kaws.

What completely sets apart the Osages in the Reconstruction Era from other Indian nations in the removal process is that their knowledge of federal politics and American capitalism permitted them to *buy* land from the government both legally and successfully. Unlike other tribes, such as the Cherokees, whose land usually was bestowed to them by the government through a series of complicated leases, the Osages had much more autonomy to utilize the assets of their land and make a profit from it without the government's watchful, disapproving eye. To secure these rights, the Osages demanded the formal deed specifying this land was wholly theirs soon after the agreement was made.¹⁰ Now all they had to do was identify a profitable crop to harvest on their prairies and ship it through the network of railroads being built in southern Kansas.

But as the years passed the Osage came to the somber conclusion that no profitable crop could grow on their "broken, rocky, sterile"¹¹ grounds for a number of reasons. Wheat first planted during their move in 1872 was stolen by "a Cherokee named Joseph Bennett [who] had taken possession of the crop and was threshing and wasting it."¹² No other produce was planted that year due to the severity of its destruction, forcing the Osages to hunt animals and gather fruit and nuts from wild plants for food. Neither of these options was viable due to game depletion in the area that had occurred for many years prior to the Osages' immigration into northern Oklahoma.¹³ So

⁸ Glyndon G. Van Deusen, *The Jacksonian Era 1828-1848* (Evanston, Il.: Harper & Row, 1959), 48-50; Rainey, *The Cherokee Strip*, 34-36.

⁹ Burns, *A History of the Osage People*, 244.

¹⁰ Though the Osages demanded this deed in the 1870s, it was not physically transferred until June 14, 1883 when Cherokee Chief Dennis W. Bushyhead deeded the said lands in trust for the Osages to the federal government. The reason for the delay had nothing to do with the Osages, but rather to the fact that at the time of the Osages' sale of their Kansas lands to the federal government, the U.S. Treasury did not have sufficient funds set in the Osages' account to pay the Cherokees for the Osages' new territory. As implausible as that may seem, it must also be remembered that this was the era where, in 1895, President Cleveland had to ask private business tycoon, J.P. Morgan, for sixty-two million dollars, as the U.S. Treasury barely maintained forty-two million in the account, let alone the agreed upon one hundred million dollars at all times. Rainey, *The Cherokee Strip*, 76-77; Burns, *A History of the Osage People*, 345; *Brief and Argument on Right of Osage Allottees and Purchasers—Mineral Trust* (Tulsa, Ok.: Osage Oil and Gas Lessees Association, December, 1920), 2.

¹¹ Department of the Interior, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1871* (Washington, D.C.: G.P.O., 1871), 490.

¹² Department of the Interior, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs, Isaac T. Gibson to Enoch Hoag, Report of the Commissioner*, September 1873 (Washington, D.C.: G.P.O., 1873), 215.

¹³ Burns, *A History of the Osage People*, 347; An extensive contributing factor in the swift, severe economic decline of the Osages during the 1870s correlates to an acute lack of allocating promised annuities to the Osages during that decade. In reality, it would take the federal government another eighty years and numerous court battles to hand over guaranteed Osage funds. In 1955 the total promised for Osage survival in 1870s came to a disturbing \$864,107.55. *The Osage Nation of Indians v. The United States of America*, March 1, 1955," *Indian Claims Commission Decisions*, vol. 3, doc. 9 (Boulder, Co.: Native American Rights Fund, Inc., n.d.), 3 334-3 343.

without much capital left after the sale of their new home, the Osages braced themselves for the worst American life had to offer them.

As poverty came knocking on their doors, the Osage Nation noticed a particular problem on their unarable land: cattle. Apparently during the Civil War longhorn cattle in Texas went wild, greatly multiplied in number, and wandered around Indian lands at length. Their stockmen and ranchers had desperately run to the southeastern portion of America to help Confederate soldiers fend off Union attackers. Especially towards the end of the war, Texas ranchers had no time to saunter across the Midwest looking for their grazing cattle, let alone ship them off to slaughterhouses after fattening up on grasslands during the trek to Kansas rails.¹⁴ After all, preventing the slaughter of soldiers was inherently more important to cowboys than preventing the slaughter of mangy, low-priced cattle.

In the same span of history, more homesteading families began settling in the Midwest, forcing the demand for, and price of, beef to skyrocket. In pre-Civil War days pork was by far the meat of choice among hungry Americans but due to its need to be prepared properly in a timely manner and wartime shortages of it, the distant second choice, beef, slowly rose to the top of foods found sumptuous to American palates. The problem with cattle however was that it was best raised in the Southwest—nowhere near its most desired markets back East. Since railroads at the time only went as far south as Kansas, it was obvious a new strategy for raising and shipping the heifers became a necessity. While pondering such a question on their journey up north to slaughterhouses, returning cattlemen noticed a significant change in the appearance of their stock after grazing in northern Oklahoma. Upon examination they concluded that it was the rare, nourishing fields which grew between destinations—that of bluestem grass.¹⁵

Indeed, bluestem became very desirable to Texas ranchers due to its ability to bulk up herds of cattle quickly, many of which had been severely malnourished by endlessly wandering, returning to Texas, and marching off to slaughterhouses in the chaos of restructuring the South. Obviously for the rancher, bigger cows meant a bigger pocketbook so with time these 'layovers' in Osage territory expanded into permanent ranches. After assurance that the government now controlled pillaging Indians, and harsh winters appeared to be a memory of the 1860s past, Texas ranchers began transforming 'the long drive' to northern railroads into deliberate, longstanding stopovers in northern Oklahoma.¹⁶ Surprisingly, it was more profitable to graze in that single area of Oklahoma known as the Cherokee Strip¹⁷ or Cherokee Outlet than the entire Southwest region.¹⁸

¹⁴ Burns, *A History of the Osage People*, 368-369. Miner and Unrau clearly showed the significance of the Osage's ability to find a profitable business on lands given to them because those lands were undesired by other Americans. Miner and Unrau explain that following the Osage Treaties of 1865 and 1868, the Osages, now forced to leave Kansas for Oklahoma, "expressed a clear desire" (31) that their lands be sold to specific, nearby railroad companies so that they could "obtain ready cash to care for starving Indians who were not particularly interested in pretending to be yeomen farmers" (32). These words support the notion that, by the history of their culture, the Osage people were not apt at learning the techniques of western agriculture and would most likely starve on their Oklahoma lands if farming was their only alternative to death. Thus, the Osage's ability to lease land for tribal profit proved vital to their existence in America. Craig H. Miner and William E. Unrau. *The End of Indian Kansas: A Study of Cultural Revolution, 1854-1871* (Lawrence, Ks.: Regents Press of Kansas, 1978).

¹⁵Burns, *A History of the Osage People*, 368-369.

¹⁶ For an illustrated look into those driving cattle along Osage lands, see Appendix A.

¹⁷ To put Osage lands and the Cherokee Strip into a visual perspective, see Appendix B.

¹⁸Burrill, 527; Please note that the name given to this prosperous section of land is known, collectively, as the Cherokee Strip or Cherokee Outlet, though the actual grazing lands given to the Cherokee nation are only a portion of that Strip. Many other tribes, such as the Kaws, Pawnees, and Poncas, also live in the Strip, though the Osages are the most successful and largest of nations other than the Cherokee to lease to ranchers in this region. They are also the only ones to independently own their land and live on it concurrently; the Cherokees have a separate section

Contrary to popular belief, Osage ranching lands in Oklahoma were actually of better quality and more in demand than those in neighboring Cherokee ranching areas. According to James C. Malin's work "An Introduction to the History of the Bluestem-Pasture Region of Kansas: A Study in Adaptation to Geographical Environment," the most pristine grazing region in the Southwest was located on a vertical strip of grass between Pottawatomie county, Kansas and Osage county, Oklahoma. Cherokee land is located to the *west* of this region. On this beloved vertical plane, precipitation falls around thirty-five inches per year with a long period of frost-free days so that grass can absorb needed nutrients from soil, such as calcium from underground limestone, growing tall within a few, short months to bulk up cattle rapidly.¹⁹ Naturally, most ranchers would drive their cattle northward through the Strip during the Spring and early Summer months when grass swells with nutrients so that cattle can rest on the rich prairies during May, June and July when the grass is most wholesome.²⁰

In any event, by the time the Osages realized the demand cattle ranchers had for their prairies, the tribe quickly generated a plan to profit from this unexpected business: grass leasing. Instead of attempting to steal a few heads of cattle to survive on for the week, the Osages finally took the advice of their white American neighbors and entered into the capitalistic cattle industry.²¹ However clever the concoction, the Osages' idea to profit off Texas ranchers was not new to the area. Several attempts were made by other surrounding Indian nations in the past, especially the Cherokees, though most of them were not lucrative ventures. In 1867 for example many tribes invoked a head tax on cattle passing through their reservations. It was the faulty, poorly written administrative procedures of the Indians that toppled the enterprise since collecting the head tax from each rancher was virtually impossible. According to Robert M. Burrill, author of "The Establishment of Osage Ranching," Texas cattlemen were aware of Indian bluestem even *before* the Civil War.²² Perhaps once the war ceased, cattlemen, already familiarized with the topography of Oklahoman land, including off-beat, unmapped trails, managed to avoid Indian tax collectors before shipping their cattle off to rails. The lengths these ranchers were willing to go in order to sell their beef in Kansas City markets cannot be underestimated either. By 1870, what sold for a meager three dollars a head in Texas eagerly was snatched up in Kansas City for *ten times* that amount.²³

of land east of the ninety-sixth parallel designated entirely for their day-to-day living since ranching is conducted west of the ninety-sixth parallel and west of those other nations engaging in leasing and living on their specified section of land. Lefebvre, 73.

¹⁹ James C. Malin, "An Introduction to the History of the Bluestem-Pasture Region of Kansas: A Study in Adaptation to Geographical Environment," *Kansas Historical Quarterly*, 11 no. 2 (February 1942): 3; Within this area of the Southwest, two major types of Bluestem exist: Big Bluestem (*Andropogon furcatus*) best seen in lower, wide, gaping regions and Little Bluestem (*Andropogon scoparius*) seen in higher elevations such as uplands. Due to its sweeping, long stemmed shape, many still refer to Bluestem as "Tallgrass." *Ibid.*, 3, 7.

²⁰Malin, 4.

²¹Burrill, 527.

²²Burrill, 527, 525; The most known of these Civil War age cattle routes was that of Jesse Chisholm's Chisholm Trail, which sought to create a means for Texas ranchers to stop off in southern Kansas for last minute feedings before being shipped off to Northern markets through the ever-developing Kansas railroad system. The trail also helped to cut down a rancher's disregard for farmers in Oklahoma and Kansas since, before the trail's creation, cattle on a cattle drive would stomp over growing agriculture and ruin a farmer's crop yield for the year. In 1866, the formal Chisholm Trail was open to driving cattle ranchers. In a five-year span, nearly three million cattle trod the trail from their Texas homes up to their Kansas shipping docs. John W. Morris, Charles R. Goins, and Edwin C. McReynolds, *Historical Atlas of Oklahoma* (Norman, OK: University of Oklahoma Press, 1976), 46; Louise and Fullen Artrip, *Memoirs of Daniel Fore (Jim) Chisholm and The Chisholm Trail* (Topeka, Ks.: Artrip Publications, 1949), 6-12; Geo. Rainey, *The Cherokee Strip, Its History* (Stockton, CA: Gaylord, 1925), 13.

²³ *Sodbusters, Sidelinders & Dandies: Two Decades in the Territories* (Tulsa, Ok.: Western National Bank, 1982), 7.

As for the Osages, they decided to *watch* the outcome of Amerindians engaging in unwritten agreements with ranchers before practicing this risky business on their own. Tribes formally charging heads of cattle ran into all sorts of problems with the greedy U.S. government concerning the legality of their trail taxes. At one point Judge I.C. Parker remarked that “a tax imposed by the Creek nation on cattle passing through their country is a burden laid upon commerce between the States, the regulation of which belongs to Congress alone.”²⁴ Though most of this constitutional banter remained empty words, it was a serious, lingering headache for those Indians regulating the headtax system. In spite of this dilemma, stock ranchers paying a head tax of ten cents or more still flourished in the Cherokee’s area of the Strip so well that in 1876²⁵ the Osages and other nearby tribes began contracting their lands independently. The Osages’ business became so successful that by 1880, there was almost no uninhabited land found in the Strip without grazing cattle.²⁶ The Osages’ lands were, serendipitously and unexpectedly, located in an area packed with rich, profitable grass and conveniently on a rancher’s way to the slaughterhouses. These experiences with cattle contracts proved to the Osages and many other tribes that tumultuous, unarable land is not synonymous with poverty; on the contrary it can be associated with considerable wealth.²⁷

Another key reason Osage ranching reached such heights had nothing to do with the quality of land they possessed, but with their own open door policy. During the late 1870s and early 1880s, the vast majority of the booming railroad industry had yet to reach the state of Texas. Mainline, national rails at the time—which connected ranchers to major slaughterhouses in Kansas City, St. Louis, and Chicago—only ran as far south as Colorado and New Mexico. In tandem with the commencement of the Osage’s cattle leasing business, certain branches of the Santa Fe line began to stretch to the southern Kansas border—on the front door of the Osage’s luscious bluestem prairies. Unfortunately for stockmen, when Kansas legislatures were not in session they doubled as local farmers and subsequently passed laws stating that cattle infected with an insidious disease known as “Texas Fever” were no longer permitted to graze within the state. The cause was mysterious at the time, but small Kansas farmers agreed that for some reason, whenever Texas longhorn cattle came

²⁴ Department of the Interior, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs, 1884* (Washington, D.C.: G.P.O., 1884), xxxix.

²⁵ Towards the end of 1875 the Osage’s Indian Agent, Isaac T. Gibson spoke of the happenings of cattle ranchers resting adjacent to Osage land: “I have no doubt it is true, as alleged that, the Osages have killed several head of these cattle. Drovers having authority to herd them should be well paid for such losses. Five horses were also stolen from a rancher on the cattle-trail, which was returned to the owners. This summer three families of thrifless, indigent Osages left the reservation without permission, and located on the Chisholm cattle-trail, to gain a living by collecting tax of the drovers,” Department of the Interior, Bureau of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs, 1875* (Washington, D.C.: G.P.O., 1875), 276-281. This recollection paints a rather unhealthy portrait of the Osage people which may be the result of Osages still starving from a lack of harvested crops for food or money from ranching to buy food from other areas. It may also be Gibson’s response to the longstanding problems/disregard he possessed for the plight of the Osage nation. The year prior to this statement the Osage nation was so upset with Gibson’s ill-treatment of them that they took their petitions directly to Washington, D.C. so that an investigation of the Indian agent would be conducted formally. Everything from distributing rations and money in a discriminatory manner to intruding on religious practices to firing employees who signed petitions against him. Predictably Gibson was absolved of all charges. In 1876 Gibson was promptly replaced with another Indian agent, Cyrus Beede, who was not much better for the Osages than Gibson. Fortuitously, 1876 also marked the beginning of the Osages’ wildly successful grass leasing business. Burns, *A History of the Osage People*, 348-349, 357.

²⁶ “Money in Cattle Ranges: Keeping Hooks in a Skillful Manner to Swell the Profits,” *Arkansas City Republican* (Arkansas City, Ks.), 11 April 1883; Burrill, 527; William W. Savage, Jr., *The Cherokee Strip Live Stock Association: Federal Regulation and the Cattleman’s Last Frontier* (Norman, OK: University of Oklahoma Press, 1990), 19.

²⁷Burns, *A History of the Osage People*, 348-349, 357.

into contact with their own healthy herds, their assets would grow ill and die shortly thereafter. Hence, Texas ranchers sorrowfully accepted an agreement with the state stipulating that Texas cattle could only be *loaded* onto rails in the southern portion of the state and immediately be shipped off to the slaughterhouses so as to avoid unnecessary animal contact.²⁸

A major problem with this quarantine law was many Texas cattlemen's longstanding practice of utilizing bluestem grasses on the *Kansas* side of the vertical bluestem strip to increase the profit margin of their livestock. A favored spot for last-minute feedings centered around Emporia, Kansas which dubbed itself "Bluestem Capital of the World" due to its popularity.²⁹ But now that legislatures banned some of Emporia's most valued customers, Texas ranchers dreamt up a scheme to travel *around* Kansas for driving and grazing purposes in order to reach major railroads like the Union Pacific. With time many states, including Colorado and New Mexico, joined Kansas' precedent, outlawing Texas cattle.³⁰

Now stranded in the Southwest, Texas stockmen reached out their dollars to the Osage Nation who, by the mid to late 1870s, were heading for poverty. Seizing the financial opportunity, Osage Indians accepted Texas longhorns onto their expansive grasslands with a clever way of removing whatever infectious agent was causing them to spread Texas Fever: cattle dipping. As recollected in *History of Chatauqua County* (located across the border from Osage land), before crossing into Kansas, the Osage would team up with ranchers and force stock to pass through a viaduct directly on the state line. One participant remembered that "We drove em' *to* the viaduct, they went *over* the line not *across* it; we made em *swim* to Kansas, just to be sure they were not *driven across*." The statement creates quite the chuckle, but also abides by the Kansas quarantine law quite well. To ensure obedience to the law's requisites, Osages, ranchers, and those living in the border city of Elgin, Kansas, set up cowpens on the border in order to prevent possibly infected cattle from straying into the fields of an angry farmer.³¹ At one point a 'quarantine wall' built of stone was created around the town to enforce stationary movement of the longhorns.³²

For Elgin, Osage ranching had a tremendous impact on the dynamics of the town. Not only did ranching make Elgin a profitable place for railroads to contract with, it also gave numerous unemployed or poorly employed men lucrative jobs. Dipping, driving, and loading cattle all required locals to complete each process since a steady supply of longhorns came to the area, especially in the

²⁸ "Oklahoma," *Arkansas City Traveler*, 15 September 1886; Malin, 12-14; "Cattle Diseases: Mystery Connected with the Appearances and Disappearances of Disease Among Animals," *Arkansas City Republican*, 20 June 1883.

²⁹ Walter M. Kollmorgen and David S. Simonett, "Grazing Operations in the Flint Hills Blue Stem Pastures of Chase County, Ks.," *Annals of the Association of American Geographers*, 55 no. 2 (June 1965): 264; While Emporia was known for its precious grasslands, Wichita was known as a leading center for livestock and grain shipping in the Midwest. For instance, at the height of the cattle season in 1874, two thousand cowboys drove two hundred thousand cattle into Wichita. Cattle driving into Wichita came from a myriad of states—Colorado, New Mexico, and Kansas, though it would still be some time before ranchers in Texas would reach the pique of their success by leasing with tribesmen in the Cherokee Outlet. Dee Brown and Martin F. Schmitt, *Trail Driving Days* (New York: Charles Scribner's Sons, 1952), 86.

³⁰Malin, 14.

³¹ Such sophistication of technique and clarity of the law regarding Elgin's cattle-dipping practice is hard to picture in the mind's eye. To see the event being performed first hand in Elgin, see Appendix C.

³² Louis F. Burns, "Jim Town: Elgin, Kansas," *History of Chatauqua County*, vol. 1, Chatauqua County Heritage Association (Chatauqua, Co., Ks.: Curtis Media Corporation, 1897), 48; At the time of Elgin's developing cattle industry came Gen. James S. Brisbin's text entitled *The Beef Bonanza or How to get Rich on the Plains* published in 1881. Its wild popularity inspired numerous individuals in the Panhandle to cash in on the cattle trade, especially those driving their stock through the Cherokee Strip. Brisbin's impact on the development of the western cattle trade was substantial to say the least. Brown and Schmitt, 144.

summer months. One train of cattle, for instance, carried thirty cars, which could hold about sixty animals each. Citizen Victor Noe mentions that on a good day his group of men could load up to eighteen trains during night hours and eighteen trains during the day as a standard for them. Elgin was one of the most important cattle towns in Kansas because it was the last stop for railroads before heading back North to the slaughterhouses. Subsequently, Osage ranching transformed the town from a fumbling, agriculturally dependent community to one focused on the rapidly expanding American industries of beef production and railroads.³³

When the Osages realized that their cattle business was extremely profitable, they once again looked towards the government-friendly Cherokee Nation to work out the bugs in this newly organized system of ranching on the Strip. As the Cherokees began negotiations in 1880, perhaps out of jealousy, the U.S. Department of the Interior created regulations for the Indian Department to follow—a good section of which focused on grass leasing. In short, these regulations stated that Indians had no legal authority to lease their lands whatsoever. They also gave a perplexing argument that whites (like Texas cattle ranchers) could use Indian grasses if those cattlemen were granted consent by the specified Indian Agent, the Indian tribe, and provided rent to the agent for the use of the land. The agent would then have to approve a negotiated rate for use of the tribe's land that subsequently needed to be sent to the Commissioner of Indian Affairs for final approval.³⁴ The long-term effect of this runaround basically indicated to cattlemen that they were not permitted to give their American-made dollars to a group of people whose citizenship was in question with the government.

By 1881 the Cherokee Nation, sick of federal games, began talks to try a more businesslike approach to ranching. By 1883 they had chartered the Cherokee Strip Live Stock Association (CSLSA) in Caldwell, Kansas, aiming “to promote ‘improvement of the breed of domestic animals by the importation, grazing, breeding, selling, bartering, and exchange thereof in places most advantageously located.’”³⁵ The society was comprised of ranchers whose assets grazed in the Cherokee's portion of the Strip. Following several negotiations, the CSLSA managed to sign an agreement leasing the entire area of the Outlet owned by the Cherokees—some six million acres—to various stockmen in 1883. The remarkable feat spawned several ‘state of the land’ meetings with CSLSA members. What is so interesting about this process is that less than one year after the six million-acre agreement transpired, ranchers located in surrounding tribes, namely the Osages, began attending the frequent CSLSA meetings. These tribes learned how to emulate the success of the CSLSA and put the structure of this organization into practice within their own reservations. After the shock wore off from the fact that there was no legal way for the government to harass the CSLSA (though they had tried mightily to do so), Osage ranchers formed their own, independent group entitled the Osage Live Stock Association (OLSA) in 1884.³⁶

³³ Burns “Jim Town: Elgin, Kansas,” 48.

³⁴ Given the timing of the Department's tightening restrictions on grass leasing, such jealousy may stem from the notion that in 1880 Washington was still in the process of reorganizing and restructuring the entire United States. The American economy was still healing from the economic affects of the Civil War. Coupled with the embarrassing presidential years of Johnson and the ever-corruptible Grant administration, it is arguable that the stable, prosperous industry of grass leasing along the Cherokee Strip was, according to the government, either an American business which should support America's redevelopment or cease to exist so that some wholly-American version of it can be created in its place. Department of the Interior, Bureau of Indian Affairs, *Regulations of the Indian Department*, (Washington, D.C.: GPO, 1884), No. 532; *Ibid.*, No. 529; Burrill, 528.

³⁵ Savage, Jr., 47-48; Miner, *The Corporation and the Indian*, 126.

³⁶ Les Warehime, *The Osage "Its Ranching Legacy,"* (Tulsa, Ok.: W.W. Publishing, 2005), 153-154; Savage, Jr., 60; Those non member lessee Osage ranches represented at the CSLSA's meeting in 1884 were as follows: Florer and Plock, Hewins and Titus, Crane and Larimer, Wait and King, Carpenter and Leahy, Soderstrom and Shoals, and Osage Brown and Sons ranches. *Ibid.*, 154; *The History of the Cherokee Strip and the Cherokee Strip Museum—Arkansas City, Kansas* (Stockton, Ca: Gaylord, c. 1969), 6-7.

What may have pushed the Osage Nation to create a livestock association more than any other factor was the sharp rise in prices cattle ranchers were willing to pay for premium grasslands between 1881 and 1882. Apparently over the previous ten years, beef vendors noticed the positive reaction of their customers to cattle coming from grasslands on the Strip. When prices rose at meat markets, butchers returned some of their profits to ranchers who then used that money as capital to buy more acres of grass on the Strip.³⁷ The fencing-in of one's cattle became common practice during the summer of 1881, which greatly reduced the hassle of certain Outlet ranchers from relocating fugitive stock that had grazed on into the lands of another leasee in the spring and summer months.³⁸ In conjunction, this period also witnessed the signing of the Osages first organized, written constitution, much in the style of the U.S. Constitution. After December 31, 1881, many Osage landowners felt more at ease with the stability of their tribe, thereby allowing them to direct more attention towards improving the economic state of their people.³⁹

So with these reassurances prosperity, the Osages and their newly created livestock association took shape. Several meetings determined that an OLSA member named Horace Crane of the Crane & Larimer ranch would be president of the association while W.J. Pollock of Florer and Pollack became his secretary. Wisely the OLSA made clear reference to the notion that they would work *in harmony* with other like-minded groups (particularly the CSLSA) and had no qualms about permitting its own Osage people who legally owned cattle to become OLSA members as well. According to Les Warehime, author of *The Osage: "Its Ranching Legacy,"* the principle difference between the structure of these two organizations, the CSLSA and the OLSA, was that the Cherokees' process was a bit more involved. In order to obtain a lease on Cherokee Territory in the Outlet, the CSLSA had to acquire a lease from Cherokee Indians on the desired land and then act as an intermediary to serve the agreement to an associated member for confirmation. Those requesting lands held by other Strip nations, like the Osages, bargained directly with the tribe.⁴⁰

Though the difference in methodology is not specified in the 1884 CSLSA contract with the Cherokees—which is when and where the OLSA formed—it may be inferred that Cherokee people, persuaded by their long, troubled history with American citizens, simply grew tired of broken, undocumented agreements and wanted an explicit organization to deal with citizens for them instead of continuing unproductive direct contact. By employing the CSLSA to negotiate between the owners of land and prospective ranchers, they weeded out unreasonable demands by ranchers so that the Cherokee people would receive only reasonable agreements—accepted for review by those in the CSLSA they knew and trusted. Those agreements were also subjected to a uniform set of standards to which no rancher could manipulate, for instance, by negotiating with a Cherokee land owner who spoke only broken English. If this was the Cherokees' reason for the

³⁷Burrill, 528.

³⁸ Ralph H. Records, "The Round-Up of 1883: A Recollection," *Chronicles of Oklahoma*, 23 no. 2 (December 1945): 119-138. What is unique about Ralph Records' record of fencing on the Cherokee Strip is its firsthand detail of the event. Due to the date of his publication over sixty years ago, and his residence in the Cherokee Strip, Records was able to use many more primary documents than what is available to today's researcher. He later became a Professor of History at the University of Oklahoma where he published and researched many aspects of ranching life in Indian Territory—including the history of formal fencing that commenced, as he recalled, in 1883.

³⁹ This information can be found in the Department of the Interior, Bureau of Indian Affairs, *Annual Indian Report of the Commissioner of Indian Affairs*, 1900 (Washington, D.C.: G.P.O., 1900), 173-174, which not only explains the nature of the constitution from 1881, but also explains reasons for its demise less than two decades later in 1900. The Commissioner gives four basic elements to the Osages' decision to dissolve their own government: caustic disputes over election results between the Big Osages and Little Osages; severe discord between the Osage tribal officers and their Indian agent when managing tribal affairs; selecting unqualified men to hold important offices; and directing money received from the collection of permit taxes for inappropriate, unnecessary uses.

⁴⁰ Warehime, *The Osage "Its Ranching Legacy,"* 154.

structure of their association, it is no wonder that the OLSA and its members ran into fewer disputes over land with its ranchers and, more ominously later on, with the federal government.⁴¹

What was also different about the OLSA was its willingness to work with other Indian nations in the area. When the OLSA had its first formal meeting in September of 1884, member Ed Hewins advocated and passed a decree stating that any Osage Indian, any stock owning Indian, and/or anyone with ranges on Indian territory could become members of the OSLA. All they had to do was pay a fee of \$2 to its treasurer, rancher John Florer.⁴² The CSLSA, on the other hand, was created exclusively for the dealings of ranchers with the Cherokee Indians and their land. In spite of this stipulation, the OSLA still invited the Cherokee nation to join their association and benefit from its network of people.

In addition to maintaining the OLSA's treasury, Florer was also asked to create a book describing, listing, and picturing the brands held by each of its members. The benefits of this publication were two-fold. First, ranchers could identify and keep track of their own stock easily, also reporting which ranchers permitted their wandering cattle to graze in another's territory. The text served as a means of recognizing all possible stock held within Osage land so that fugitive cattle from unregistered ranchers, like the Texas cattlemen whose livestock grazed in leased land in Texas, could be returned quickly. Ranchers in violation of grazing rules could be sanctioned for their lack of attention—inadvertently eating up the potential profits carried within Osage grasses. Second, the text served to identify where unusually nourishing grass existed in Osage land so that beef suppliers, like butchers and market managers, could price meat accordingly for its customers.⁴³ In other words, if a slaughterhouse vendor could recognize that well-received beef came from the Hewins ranch in Osage territory, he could indicate that to an interested butcher easily, based on the brand symbol left on the cow at the time of slaughter. Vice versa, if a particularly poor meat product came from a certain ranch, the vendor could sell it to a customer for less money.

As for the organization of the book, association members had about one and a half months to submit their brand symbols and information to Florer in order to be alphabetized and categorized. In the interest of good faith, Florer also included a list of miscellaneous brands from ranchers who did not pay the \$2 membership fee (and subsequently were not part of the association) but wanted to be listed in the comprehensive volume. The fee for non-members to be included was

⁴¹In regard to the backgrounds of OLSA ranchers, many of them possessed upstanding histories. Ed M. Hewins, one of the most successful of the Osage ranchers, was a Kansas State Senator living in southern Kansas near Elgin and was part of the CSLSA, though he also leased about 75,000 acres from the Osages. Elgin merchant and stock dealer, Louis C. Wait, partnered up with Richard B. King to hold 46,000 acres of Osage land. Another Elgin man, George M. Carpenter was a banker, businessman and rancher simultaneously, even bequeathing land to build Elgin upon. He was so loved by the community and those industries that ran through it that when he died in 1921 the last funeral train to run in America, sent by the Santa Fe line, took Carpenter to Independence to be buried. Together with William T. Leahy they took over 54,000 acres of Osage territory. John Florer traded with the Osages since 1871 while his partner, William J. Pollock served as their Indian agent and mayor of Arkansas City, Kansas. They utilized 75,000 acres of territory. J.M. Hall opened the first store in Tulsa, Oklahoma for the Osages, whose trading license for the establishment was paid for by the inspiring William Larimer. Together Larimer and partner Horrace Crane employed 80,000 acres of Osage territory. Larimer also founded Denver, Colorado (hence Denver's county—Larimer). William Osage Brown and his sons rented 30,000 acres of the Osage region. Brown taught his sons the value of banking, especially when dealing with the American economy. Two of his three sons, Charles and Alpheus became Osage Chiefs. Warchime, *The Osage "Its Ranching Legacy,"* 155-156.

⁴² Warchime, *The Osage "Its Ranching Legacy,"* 156-157; Those Indian nations joining the OSLA soon after its creation were the Osages, Cherokees, Kaws, Nez Perce, and Poncas. *Ibid.*, 157.

⁴³ Warchime, *The Osage "Its Ranching Legacy,"* 157; "Live Stock Letter: Report to the Cattle Market in Kansas City," *Arkansas City Traveler*, 21 October 1885.

double the cost of membership—\$4.⁴⁴ The advantage of allowing these non-registered ranchers into the book was in building an interstate network of stockmen.

Another benefit of being in the OLSA was the information members received about other stockowners residing *throughout* the United States, not just in Texas. Seven delegates of the association were chosen to attend the National Live Stock Association conference held in St. Louis that year. They reported back to Osage ranchers on the state of the livestock industry on a national scale, tried to bring new interest to their lands, and saw what, if any, new developments had been made in the grazing enterprise such as potential railroad paths or new trends in raising and herding cattle.⁴⁵ With all of the advantages ranchers and cattlemen gained by joining the OLSA, it is safe to say that their business ventures would not have been as prosperous had it not been for the help of that special Osage association.

But in the midst of the Osage internal and external tribal reorganization, and the beginning of unforeseen profit from its land, came a quiet storm from Washington. In the early 1880s grass leasing, in some form, by Indian tribes was employed on a national scale so much so that congressmen and leaders of the government began establishing rules based on one tribe's problems with leasing, which eventually applied to the Indian ranching community as a whole. This became the focus of tribal-governmental relations in the Midwest since debates between the Cherokees and Congress had already proven that Indian nations would find some way to profit from their land legally.

By 1883 a man named Edward Felon petitioned the government, especially Secretary of the Interior Henry M. Teller, to uphold his lease agreement with the bellicose Cheyenne and Arapaho Nations. In response to Felon, Sec. Teller explained that "it is not the present policy of the Department to affirmatively recognize any agreements or leases of the character you mention."⁴⁶ Thus indicating to the distraught rancher that the government would not defend him, nor any other rancher leasing in Indian lands, in broken contracts since, according to Sec. Teller, they were created illegally. In juxtaposition to this statement, Sec. Teller went on to say that he saw "no objection to allowing the Indians to grant permission to parties desiring to graze cattle on the reservation to do so on fair and reasonable terms, . . . [And only be] recognized when granted by the proper authority of the tribe, [where] benefits must be participated in by all the tribe, not just a favored few."⁴⁷ In other words, according to the U.S. government, as long as the Indians leasing their grasses were happy with their arrangements with cattle ranchers, they could continue. If those Indians were not pleased with the state of their relations, they could immediately repeal the signed lease agreement without a legitimate reason or process.⁴⁸

Ranchers now clearly understood that they had no protection for their grazing investments either from the government nor from Native Americans. Other stockmen could steal their cattle, re-brand them, or use that rancher's rented land for their own cattle to graze upon, free of charge—and there was nothing they could legally do about it. Technically, small time farmers and squatters, sometimes known as *boomers*, could race into a rancher's land and settle upon it without sanctions taken against them by the rancher or the government.⁴⁹ With this spat between

⁴⁴Warehime, *The Osage "Its Ranching Legacy,"* 157.

⁴⁵ *Ibid.*, 157.

⁴⁶U.S. Congress, Senate, "Letter from the Secretary of the Interior, transmitting in compliance with Senate resolution of December 4, 1883, copies of documents and correspondence relating to leases of lands in the Indian Territory to citizens of the United States for cattle-grazing and other purposes, January 14, 1884," Senate Executive Document 54, 48th Congress, 1st sess. (Washington, D.C.: G.P.O., 1884), 99.

⁴⁷*Ibid.*

⁴⁸Burrill, 529.

⁴⁹ Perhaps Sec. Teller's perplexing remarks concerning ranching were said in protest to having white Americans enter into a lucrative business with individuals (Indians) who were not American citizens and did not have to give back to the economy to the same extent as citizens. Thus, Sec. Teller's view on the enterprise may have been an attempt to make ranchers realize a better investment of their cattle could be found in leasing with other

boomers/farmers and cattlemen, many Indians, including the Osages, seized this opportunity to increase their annual income even more. As boomers and ranchers argued, the Osages came to realize that ranchers with large cattle herds could best deliver rent quickly by paying relatively large portions of the total lease price since they had the money kept in secure, interstate banks and readily dispensable. Small ranchers and farmers boomers did not have this financial advantage to pay in full or when asked, leaving the Osages to carve out liberal portions of their land to a few wealthy cattlemen with large herds.

And so in September of 1883, five months after Felon's disconcerting correspondence with Sec. Teller, the Osage began signing lease agreements to large cattle owners. In total six ranchers were permitted formal use of Osage grasses, absorbing some 380,000 acres of land for ranching.⁵⁰ Their Indian agent, Laben J. Miles,⁵¹ was known to fight vehemently for the rights and privileges of the nations he represented; his character in the early-mid 1880s was no exception. When giving his report to the Commissioner of Indian Affairs in 1885, Miles, a government agent, clearly supported the use and legality of grass leasing in order to build Osage revenue. In his 1883-1884 report, he announced to the commissioner that the Osages made over *ten times* the amount of money initially brought in from utilizing the land before grass leasing was permitted. Furthermore, the pesky problem of stray cattle never bothered Osage ranchers because, upon signing the agreement, ranchers were required to set up fences along the exterior borders of their rented lands. Since leased grass was located on unused portions of Osage land, most leases lined up against the borders of their reservation where, without fences, fugitive cattle could have become a serious problem, probably pushing away cattle drivers instead of luring them into the territory.⁵² So for varying amounts, each of the original six rancher's leases' were eligible for renewal after five years of grazing on the Osages' contracts.⁵³ Yet as cattlemen began to see the rewards of their Osage leases after the first year, federal threats of closing down Indian grass leases, permanently, were upon them.

As if the state of grass leasing could not reach a new low, by the winter of 1885, Mother Nature came around to prove otherwise. This time, she brought friend Jack Frost to do the damage with one of the worst blizzards in history. Some areas went to thirty-one degrees below zero while others took the brunt of snow drifting down from south from Montana and east from the Colorado Rockies. By January of 1886, snow and wind became so violent, coupled with temperatures like "21-degrees below zero" in mid-morning that trains were literally stopped in their tracks. It would take emergency trains at least twenty-four hours to dig out of the icy mess they had found themselves in at numerous times during this harsh winter. To the Southeast of the Osage reservation, a distressing tale unfolded where nine people and four horses were frozen to death after getting lost in the snowdrifts around them. They were only twenty miles from their destination. Even the tropical

American citizens owning similar prairies in the Midwest. "Oklahoma," *Arkansas City Republican*, 14 July 1886; "Favored Oklahoma: Ninety Miles Through Its Grasses," *Kansas City Evening Star* (Kansas City, Ks.), 31 July 1885; "Leasees In Council: The Secret Meeting of Cattlemen," *Kansas City Evening Star*, 28 July 1885; "The Boomers," *Kansas City Evening Star*, 8 May 1885.

⁵⁰ Burrill, 535.

⁵¹ As an interesting side note, during the economic prime of the Osages on the Strip, Agent Miles decided to bring his nephew along one summer to show him the prosperity, sophistication, and intelligence of Indians in an ubiquitous fashion. The visit arguably influenced the young boy's positive views of Native Americans which may have lessened government-Indian friction in the early twentieth century. The reason for the far-reaching conclusion is that the young boy grew up to become the thirty-first president of the United States—Herbert Hoover. Rainey, *The Cherokee Strip*, 88.

⁵² Department of the Interior, Bureau of Indian Affairs, *Annual report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1885* (Washington, D.C.: G.P.O., 1885), 90.

⁵³ Burns, *A History of the Osage People*, 374.

climate of south Florida reported millions upon millions of fresh fruit frozen and inedible by daybreak.⁵⁴

The typical pattern of this winter revolved around several days of a deep, penetrating snow following by an even longer period of sleet, freezing rain, and in severe cases, huge sheets of ice covering nearly the entire reservation. Combined with the established Outlet problem of lands being overstocked and overgrazed, the winter of 1885-1886 was unpredictably atrocious. According to Les Warehime's *History of Ranching the Osage*, the Osage nation did not suffer nearly as badly as other neighboring tribes, though cattle losses were no less appalling. Osage rancher Ed Hewins, for instance estimated that about 15,000 of his 75,000 heads of Osage cattle would make it through the winter. When the snow melted and the ice cracked away, only sixty-two were left standing. Other ranchers reported that they found numerous heads of cattle all huddled together in knee-deep snow when, suddenly, rain and sleet turned to massive sheets of ice so stiff that it literally locked the cattle in place as they froze to death like popsicles. Part of the problem of mortality was the ranchers' foolish belief that the undergrowth of the bluestem grass (cured stems) would be enough to stabilize their stock until spring—assuming that the undergrowth would not be covered with a thick sheet of ice. Though it was a cold, hard lesson to learn, cattlemen largely stopped this practice after the winter of 1885 and supplemented the stem-cured grass with feed enriched with a high protein content.⁵⁵

The impact of the severe 1885-1886 winter was significant to the prosperity of the Osage Nation, regardless of its unprecedented success in the ranching business for years. According to the *Osage Red Book*—the Osage standard in important records and statistics for its tribe, from 1880 to 1885, a consistent increase in profit allocated to Osages was found to be at least twenty-five to fifty percent of the previous year's earnings—from \$10.50 recorded in 1880 to \$107.75 recorded in 1885. Published earnings for the 1885-year (released in 1886) reveal no increase in revenue, but rather a sharp decrease to less than sixty-three dollars per person—roughly half of expected earnings for the previous year. George Rainey's *The Cherokee Strip* documents this immense hardship by commenting on how many ruined cattlemen and families in 1885 began picking up the bones of those animals scattered along the Strip, dead and decaying from the horrid winter, and depositing them to the nearest railroad so that they could be sold as fertilizer in the East.⁵⁶

In spite of these losses and hardships, through hard work and an increase in leasing, expected revenue for the 1886 shot up to a remarkable \$157.85. In 1887 this number skyrocketed to an incredible \$243.35, though credit for this sudden hike in revenue can, once again, be traced back to the federal government.⁵⁷ To complicate the lives of many Amerindians even more, in 1887 the Dawes Act sailed through Congress demanding Indian tribes break up their mutual land holdings and reorganize them into allotted, individual plots owned by singular members as private property. In short this policy radically changed the way in which most Indians passed on land to their families in a selfish attempt by Congress to compel them to acculturate into the American lifestyle. It also narrowed a tribe's ability to freely lease land to ranchers, who were on a tight, annual schedule to produce profitable cattle and had no time to sort out new grazing issues with affected nations.

⁵⁴ "Snow Bound," *Kansas City Star*, 22 January 1886; "The Boss Blizzard," *Kansas City Star*, 3 February 1886; "A Cold Job," *Kansas City Star*, 23 January 1886; "Nine Rovers Frozen," *Kansas City Star*, 28 January 1886; "Hazen, The Blizzard Agent," *Kansas City Star*, 22 January 1886; "Another Blizzard," *Kansas City Star*, 19 January 1886; "Frozen Fruit," *Kansas City Star*, 22 January 1886.

⁵⁵ Les Warehime, *History of Ranching the Osage* (Tulsa: Ok., W.W. Publishing, 2000), 30-31; Rainey, *The Cherokee Strip*, 173; U.S. Congress, Senate, "Report of the Select Committee on Transportation and Sale of Meat Products," Senate Report 829. 51st Congress, 1st sess. (Washington, D.C.: G.P.O., 1889).; Department of the Interior, Bureau of Indian Affairs, "Letter From L.J. Miles Osage agent to T.J. Morgan Commissioner of Indian Affairs, Dated January 6, 1892," found in Osage Agency Archives, Pawhuska, Ok. (Washington, D.C.: G.P.O., 1892), 1; Burns, *A History of the Osage People*, 374-375; Warehime, *The Osage "Its Ranching Legacy"*, 156-157.

⁵⁶ "Osage Head-right History (Per Share)" *Osage Red Book* (Pawhuska, Ok., 2006); Rainey, *The Cherokee Strip*, 174-175.

⁵⁷ *Ibid.*

What negatively impacted other tribes' ability to remain financially stable while respecting the Dawes Act revolved around two conditions. First, only 160 acres could be given to each Indian *head of household* which later would be divided up into continuously smaller plots of land for descendants to own . . . until land was sectioned into areas too small to be given to the next generation. Secondly, the act stated that any surplus land resulting from the new allotment process would be sold away—a clever idea given the numerous land speculators and homesteaders on the front door of the open territories in the Midwest. The key here between the Dawes Act of 1887 and the Osage's spike in revenue by the end of that year is that there were only two groups of Amerindians in the Outlet area exempt from having to abide by the new allotment procedures—the Five Civilized Tribes (Choctaws, Chicasaws, Seminoles, Creeks, and Cherokees) and the Osages. Hence, ranchers who were either locked out of existing agreements with other tribes or simply did not wish to go through the hassle of new Dawes Act stipulations began ranching with those few nations exempt—only two of which settled on the prized bluestem grass in Oklahoma Territory.⁵⁸ Compounded by the recent influx of Cheyenne-Arapaho ranchers who were now recovering from the 1885-1886 winter, the upsurge in Osage revenue was almost an expected event.

Consequently, one of the major contributions of the Osage Nation to the American economy correlates with the development of the American cattle industry. According to Osage expert and mixed-blood, Louis F. Burns, with the implementation of the Dawes Act, actual prairie lands available for leasing located off Osage or Cherokee territory were severely reduced due to the invasion of homesteaders and restrictions placed on other tribes. Thus, Osage and Cherokee lands “were about the only available grass between Texas and the packing plants at Kansas City and Chicago”⁵⁹ to plump up ranchers' profits. In point of fact, if Texas ranchers wanted to venture northward past the Osages' preferred cuisine in Oklahoma, they would have no place making a home for themselves in Kansas since the Sunflower state enforced their strict quarantine laws against Texas livestock. In part because of their strategic location in the Midwest and their favorable feeding grounds, the Osage Territory was destined to expand the American cattle industry substantially.

Likewise, while most Amerindians were sorting out the impact of the Dawes Act on their leasing businesses, the Osages also managed to tap into very important advances in American transportation systems. It was during this time of Osage grass leasing that the American railroad industry was booming and building at an exponential pace. The Santa Fe, Midland Valley, Missouri, Kansas, Katy (from Texas) and even Frisco rail lines all served Osage cattle ranchers from afar—perhaps touching Oklahoma Territory in order to dip into the rising meat market in Osage lands.⁶⁰

⁵⁸ “General Allotment Act (Dawes Act) February 8, 1887” found in Prucha, 170-173; Burns *A History of the Osage People*, 384; H. Craig Miner, *The Corporation and the Indian: Tribal Sovereignty and Industrial Civilization in Indian Territory, 1865-1907* (Columbia, Mo.: University of Missouri Press, 1976), 116. As Miner concludes, a major reason as to why the Dawes Act did not initially apply to the Five Civilized Tribes nor the Osages was “because of the fear of tribes there that allotment would ratify the railroad land grants” (116). A noteworthy observation of the Osages' exclusion from the Dawes Act is that the event serves as a reminder of the bitter debate between Indians and the government over their control and removal, stemming from the presidency of Andrew Jackson in the 1830s. Whether they were foreign peoples, recognized citizens, or wards of the government, it is clear that Congress's determination to obtain complete control over Native Americans would be achieved by any means necessary, however long it took. Miner also points out that in 1893, some six years after the Osages and Five Civilized Tribes' original exclusion from the Dawes Act, came the Dawes Commission developed by Congress “to negotiate with [the said tribes] to accomplish allotment. . . . [since] allotment was terribly central to the plans of the U.S. for the Indian Territory” (116). After all, the breaking up of communal lands inherently created social, political, and cultural rifts among tribal members—where disunity and commotion only encouraged the government and its economically significant businesses, like cattle slaughtering and railroad building, to thrive and expand.

⁵⁹Burns, *A History of the Osage People*, 384; “Railroads for Kansas,” *Weekly Kansas Chief* (Troy, Ks.) 14 February 1886.

⁶⁰Burns, *A History of the Osage People*, 386-387.

Like a domino effect, railways were drawn up to drive cattle through Texas, Oklahoma, and Kansas in order to feed the citizens of America and increase the population of the West since the voyage, via the railroad, was now easier, faster, and more affordable to settlers.

Arguably, without Osage grass leases, Oklahoma's modern economy may not have reached its admirable level since fewer homesteaders and businesses would have been able to settle there due to a lack of available transportation. In order to accommodate the relatively large size of the Osage reservation, and therefore its widespread ranches, major rail lines began to stop off at the northern and southern borders of the reservation. The northern, Kansas border, as mentioned previously, permitted cattle shipment via the Santa Fe line in Elgin, and sometimes Hewins, Kansas (named after the prominent Osage rancher). For ranches located in the southern portion of the reservation, Tulsa, Oklahoma, served as the drop-off point for the Pacific and Atlantic lines to transport cattle. Realizing the profitable nature of grass-leasing on the Strip, the Pacific and Atlantic rail lines finished their first productions to Tulsa by August of 1882—a full two years before the Osages even created the OLSA.⁶¹ Though railroads going directly into Osage land were eventually built, the steady flow of people and goods stemming from rail traffic significantly boosted Tulsa's status as a developing, prosperous town to reside in and boosted Oklahoma's revenue and population during those pivotal years when it was slowly preparing to apply for statehood.

With respect to the growth of railroads, the expansion of the cattle industry, and their own necessity to overcome poverty, the development of Osage grass leasing of the 1880s was a necessary business venture for the Osage nation in hopes of preventing their economic downfall. Their success as businessmen was unremarkable by Amerindian standards and became even more extraordinary at the peak of their annual leasing revenue when, in 1896, they discovered what was making the water on their land taste so bitter . . . oil.⁶²

⁶¹Warehime, *History of Ranching the Osage*, 30; Cattle buyer for Chicago packing houses, Joseph McCoy, realized the importance of railroad assistance for Texas ranchers in Oklahoma long before the success of the Cherokee was known nationally. In 1867 he convinced the Kansas Pacific railroad to build a switchline in Abilene, Kansas, though the line refused to help McCoy fund a cow town or even shipping pens for that matter. Nevertheless, McCoy soon went to talk with the Chisholm family and direct ranchers up to Abilene for national distribution. By the time McCoy completed such talks, Chisholm Trail had only been open for one complete year. With time Abilene did develop into a known cattle depot for western transportation of livestock. By 1871, Abilene's feat as a prosperous cow town was still said to be mild at best. In spring of that year the Santa Fe line took over cattle shipping to Kansas City and opened a port in Newton, Kansas, since Newton was some sixty-five miles closer to Texas than Abilene. Likewise, as Newton's prosperity declined Ellsworth, Kansas became yet another cow town with a focus not on the Santa Fe line but that of the Kansas Pacific again. Brown and Schmitt, 22-24, 80; Henry B. Jameson, *Miracle of Chisholm Trail* (Stockton, Ca.: Tri-State Chisholm Trail Centennial Commission, 1967), 6-10.

⁶² Burns, 417-418; It was the brilliant success of grass leasing coupled with the discovery of oil which made the Osages the richest Native Americans alive and some of the richest individuals in the entire United States of America. Ponca City Chapter of the Daughters of the American Revolution, 343.