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INVENTORY OF
OKLAHOMA-TEXAS BOUNDARY DISPUTE
1919-1923



The Oklahoma-Texas Boundary Dispute, 1919-1923

A treaty with Spain, signed in 1819 and ratified in 1821, fixed the south bank of the Red River as the United States border but failed to give a precise definition of this boundary. This lack of demarcation became an increasing source of conflict after Texas joined the Union and with the influx of settlers into the Oklahoma Territory. The dispute was brought to a head when oil was discovered in the river bed in the Big Bend area in 1918. The resulting oil boom led to incidents of violence and lower court litigation over land ownership, involving early settlers on both sides of the river, Indian tribes and prospectors rushing to stake placer claims.

When the issue could not be resolved by talks between the governors of both states, Oklahoma brought suit against Texas in the United States Supreme Court. The following year the United States entered the case as intervener to protect Indian lands and Texas filed a countersuit. The boundary dispute was submitted to the U. S. Supreme Court in its October term of 1920. Aside from legal considerations, evidence was presented based on the history, physical geography, geology, plant ecology and hydrology of the Red River.

The settlement of the boundary case involved three separate decisions. The first, rendered on January 11, 1921, affirmed that, in accordance with the Adams-De Onis Treaty of 1819, the south bank of the Red River is the boundary, rather than the medial line as claimed by Texas. Because it did not consider the river to be navigable, the Court in its second decision on May 1, 1922, ruled that the title to the river bed did not pass to Oklahoma upon statehood but was retained by the riparian owners on the northern bank whose rights, however, extended only from the north bank to the medial line of the river. Finally, on January 15, 1923, the southerly "cut" bank was designated the official boundary between Texas and Oklahoma. The decision also established federal ownership of a narrow shifting strip of land in the river bed between the medial line and the southerly cut bank of the Red River. Boundary Commissioners were appointed to carry out a survey where necessary for setting the actual boundary in line with the Court's decision. The final report of the Commissioners on the completion of the survey was accepted by the U. S. Supreme Court on April 25, 1927.

The records described in this inventory are a part of the Attorney General's Civil Case files, Records Group 1-2, and have been singled out for detailed description because they were accumulated by Attorney General S. P. Freeling who brought the original suit on behalf of the State of Oklahoma. Although not a complete record of the case, these documents shed light on the various aspects of the boundary dispute.

In addition to the treaty with Spain of 1819, Attorney General Freeling also submitted excerpts from the memoirs of President John Quincy Adams, describing the negotiations, while Texas lawyers cited correspondence between the President and the Spanish Minister De Onis in support of their countersuit.

The records also include transcripts of testimony dealing with geographic changes due to erosion or avulsion, and with the question whether the Red River could be considered a navigable stream. The witnesses came from both sides of the river and included surveyors, geologists and local inhabitants. In addition to their testimony, there are photographs to illustrate the physical and ecological changes in the area associated with the shifting river bed.

Finally, the records include the reports of the Boundary Commissioners, charged by the U. S. Supreme Court with carrying out a survey of the boundary as defined in the Court's decision, together with maps made in conjunction with this survey.

Marietta Malzer
Chief Archivist

Vol. 1: Not present in case file.

Vol. 2: August 16, 1921

Testimony of: J. C. Chisum
Cage Beach
B. F. Flowers
M. J. Pruitt
T. D. Wilson
J. F. McClearen
W. I. Kincannon
J. W. Humphreys
J. H. Drury
T. W. Yates

Vol. 3: August 17, 1921

Testimony of: B. M. Probasco
F. W. Donahue
J. D. Laney
W. C. Hamrick
Sam Finley
C. D. Ferguson
J. G. Bills
W. A. Gregg
J. H. Bowman
T. F. Sandefer

Vol. 4: August 18, 1921

Testimony of: S. F. Cannon
Tom Testerman
J. F. Sutherland
J. C. Eversole
C. T. Cunningham
C. R. Dyer
G. A. Chadwick
J. H. Sharrock
A. L. Willis
E. B. McLain
E. Hatcher
R. H. Smith

Vol. 5: August 19, 1921

Testimony of: J. P. Eubanks
John C. Nowlin
W. H. Campbell
Dr. R. J. Dice
Cleve Hooper
J. H. White
A. L. Henderson
F. D. O'Neill
R. V. Cofield
J. N. Hooper
J. T. Morrison

Box 41 (cont.)

Vol. 32: September 29, 1921
Testimony of: David F. Fuller
A. Henry
Hugh Henry
D. D. Thorne
A. K. Badgett
J. W. Fawcett
W. C. Hatfield
B. Messenger

Vol. 33: October 1, 1921
Testimony of: W. O. Davis
Miss Lillian Gunter
H. C. Ware
S. J. Young
Ben Pybas
J. R. Howell
J. C. Cox
S. L. Gunter

Vol. 34: October 3, 1921
Testimony of: W. A. Morris
N. W. Crain
C. C. Hughes
Lee Crenshaw
J. C. Briant
Sam Howard
J. W. Stewart
W. W. Jones
J. W. Rowland

Box 42:

Vol. 35: October 4, 1921
Testimony of: J. W. Douthitt
T. H. Harrison
H. D. Stine
W. B. Frey
R. P. Grogan
S. I. White
Charles Wolf
George Hellen

Vol. 36: October 5, 1921
Testimony of: S. B. Burnett
W. T. Waggoner
D. P. Taylor