



LEGEND & STORY FORM  
WORKS PROGRESS ADMINISTRATION  
Indian-Pioneer History Project for Oklahoma

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Field worker's name Linnaeus B. Ranck

This report made on (date) October 4 1937

story E.C. Gray, Higgins, Texas

1. This ~~legend~~ was Frank Ewing, Higgins, Texas, O. E. Null, Arnett,  
secured from (name) Oklahoma.

Address \_\_\_\_\_

This person is (male or female) White, Negro, Mexican,

If Indian, give tribe \_\_\_\_\_

2. Origin and history of legend or story Some history of old Day  
County, Oklahoma Territory.

3. Write out the legend or story as completely as possible. Use blank  
sheets and attach firmly to this form. Number of sheets  
attached 12

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Linnaeus B. Ranck,  
Interviewer,  
October 4, 1937.

An Interview with Mr. E.C. Gray et al,  
Higgins, Texas.

Doubtless it cannot be gainsaid that old Day County's history is unique in Oklahoma annals. Its establishment was provided for in the act opening the vast Cheyenne-Arapaho Reservation to settlement by white men. It was carved out of the extreme northwest corner of the Cheyenne-Arapaho Indian lands. Its northern boundary line was the Cherokee Outlet and on the west it was bounded by the state of Texas. The first county seat of old Day County was by proper authority located at the old town of Ioland, well to the east side of Day County and on the north banks of the South Canadian River. At the time Day County was established and when the Cheyenne-Arapaho Country was opened in 1892 I am quite sure that Ioland was the only town in Day County, if town it could be called. In the course of a few years after the opening Day County attracted quite a number of settlers- nearly all of them from Texas who after locating in Day County established

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cattle ranches and went into the cattle business on a larger or smaller scale.

Along Pack-Saddle Creek and at its mouth settled the Alcorns from Texas, a veritable clan of hardy-pioneer people. They became ranchmen. Packsaddle Creek is several miles east of where old Grand used to be and flows into the South Canadian River from the north. Living in and around Higgins, Texas, at the time of the Cheyenne-Arapaho opening was a family of Walcks. The father was Adam Walck. He had a number of boys, two of them named H. I. Walck called "Hi" and E. D. Walck respectively. These Walcks were to figure prominently in Day County history, especially H. I. Walck and his brother, E. D. Walck. The Walcks all came to Day County and located after the opening. Adam Walck homesteaded on a quarter of land upon which the famous old town of Grand was soon founded. Those of his family who managed to qualify for filing on land homesteaded too in the locality of their father's claim.

The little frontier town of Grand once safely founded on the homestead of Adam Walck which was situated on the north banks of the South Canadian in a beautiful little valley,

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agitation became rife to move the county seat of Day County to the new town of Grand. At this time too, we find H. I. Walck County Clerk of Day County and his brother, E. D. Walck, the duly authorized County Surveyor of Day County. Both of these county officials had settled in the locality of old Grand and had very special and personal reasons for wanting the county seat at Grand. The town was building on the homestead of their father, Adam Walck. Not many miles east of Grand lived Robert Alcorn, an old Texan who was Probate Judge of Day County at this time. It seems, however, that the Walcks were most intent on re-locating the county seat of Day County at Grand. An election on the proposition evidently was not considered desirable nor necessary. It soon followed and the allegation still persists, that a small group of men, some mounted on swift saddle horses and one driving a "buckboard" journeyed to Ioland from Grand and vicinity and with the County Clerk of Day County, Mr. H. I. Walck as leader of the group took possession of all the county records and returned to Grand and there depositing and arranging them in a temporary and improvised court house declared Grand the county seat of Day County.

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This epochal event in the history of Day County occurred early in 1894. The old timers in this section who know most about it or all about it, even to the details, are quite reluctant to discuss the affair and, as a matter of fact, those who got along the best during the real early day period were those who talked the least. It was good policy in those days to tell very little of what one knew and to ask fewer questions. The old timers of those early days in old Day County who were a part of it and who loomed prominently in its turbulent history and who have survived down through the years are of that stock which learned well the lesson of the pioneer days that keeping one's own counsel was the first and most necessary law of personal well being. These old fellows who are still with us today who knew most about the moving of the county seat of Day County to Grand and who knew most of the burning of the court house at old Grand a few years later are little inclined even to this day to talk of those historic events in Day County. H.I. "Hi" Walck now living some six or eight miles northwest of

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old Grand is most prominent among those still left in this section who figured most, it seems, in the controversies of early day life in Day County, Oklahoma Territory.

Law and order and submission to regularly constituted authority were at a very low ebb in western Oklahoma and Day County during that period. Old Ioland was away to the east side of the County and, therefore, those who opposed the "stealing" of the county seat from Ioland were in the main only those who lived in the town of Ioland and its vicinity. Taking the county as a whole the opponents of the move were decidedly in the minority and consequently they could scarcely do anything but submit. There were threats and counter threats but little or no actual violence followed as a result of the peculiar theft. Grand, of course, did not at that time become the legal county seat of old Day County and in fact never did become its legal county seat. It was and continued to be the center of county government for Day County from the time when Ioland was robbed of the county seat, allegedly by H. I.

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Walck and his cohorts and it was moved to Grand till the coming of Statehood for Oklahoma. Then old Day County passed, a part of it being added to the newly formed County of Ellis to the north and the south part of it being annexed to Roger Mills County to the south with the South Canadian River as the dividing line. Grand was designated as the first county seat of the new Ellis County and remained the legal county seat of Ellis County until there followed much bitterness incident to two elections in Ellis County by which process the county seat was located at Arnett by a necessary majority vote of Ellis County people. After the high-handed moving of the Day County seat to Grand the town of Grand expanded and things thereabout flourished more than ever. There came an era of "good feeling" for those of Grand and vicinity. This was it seems to be of short duration for from the issue of the old Day County Tribune of July 31, 1896, I quote;

"A \$20,000 Blaze"

"Last Sunday night, July 26, at about twelve o'clock the court house and all its contents were consumed by fire. By

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the position of some articles which were found after the fire it is evident it was done with incinerate intent.\*

The fire was not discovered until the house was half burned to the ground and help could not be summoned in time to save anything and all the records of the county since this country opened were burned to ashes. Five gallons of coal oil which was in the house at the time were evidently used to saturate the building and the entrance to prevent anyone going in. No explosion occurred and if the oil had still been in the can there is no doubt but that an explosion would have followed and wrecked the building and scattered fire in every direction. The damage to the county is estimated at about \$20,000.00. Some of the records can never be replaced. The wind blowing from the south is all that saved our office and perhaps our family and ourself from being burned up, our building being the first one south only about sixty feet from the court house and had not the wind held south we would not have published this issue of the Tribune. A reward of \$500.00 is offered for the arrest of the parties or party who fired the building and if he had been captured soon after the fire

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he would have been roughly handled. H. E. Downing was perhaps the heaviest loser of private property in the fire Sunday night, his loss was something over \$300.00"

\* (Field worker's note; "Incendiary" not "incinerate" intent).

"\$500.00 Reward

"To any Sheriff, United States Marshal, Constable or citizen. Take notice! The county commissioners of Day County will pay \$500.00 reward for the arrest and conviction of the party or parties who set fire to the court house at Grand, Sunday night July 26, 1896".

§ " M. F. Word, Chairman County Board"

"Attest, H. I. Alck, County Clerk, Day County, Oklahoma Territory".

The burning of the court house at Grand rekindled some old animosities in Day County. It created more bitter feeling among the people of the county. Suspicion and speculation as to who set the fire ran wild in Day County. Humorously enough, one John Dean, an odd old character then residing in

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Day County, became a self appointed and self styled detective to ferret out the facts. He persisted so diligently in his efforts to find the offender or offenders that he became more or less of a nuisance to the people of the country. After many months, however, a grand jury sat at old Grand and indicted H. I. Walck, County Clerk, E. C. Downing, County Treasurer and C. B. Capps, the County Sheriff of Day County at the time the court house burned, charging each with having been implicated in setting the fire. E. C. Gray, the veteran lawyer of Higgins, Texas, was employed by Downing and Walck to defend them against the charge. They managed to make bond for appearance too. It seems that C. B. Capps, the third party indicted, failed to make bond and was lodged in jail at Woodward for some time awaiting trial. Oddly it seems that Downing and Walck sought the counsel of Lawyer Gray before the sitting of the grand jury which indicted them. At any rate Gray told me he strongly advised Walck against appearing before the grand jury to testify but that Walck was bound to do it and did it and the logical inference would be that once "on the

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spot before the grand jury, Walck evidently gave testimony that was self-incriminating. After Messrs. Walck, Downing and Capps were indicted it appears much bickering in the courts followed. Many continuances by motion of both sides were had. Finally at Woodward the case was called for trial again and the Territory Prosecutor asked for a further continuance because his main witness was sick and unable to attend court. Upon questioning by the judge of the court it developed that the Territorial Prosecutor had not even subpoenaed a single witness for the prosecution. Thereupon the court promptly dismissed the cases and another chapter in the pioneer history of old Day County was closed—legally closed at least. Who burned the court house at Grand? That was never proven. It is not known to this day who set fire to it. Suspicion was strong but it never officially proved anything. Was its burning incendiary? Suspicion that it was deliberately burned was so strong that it crystallized into firm belief. If it was purposely fired, why? The answer to this question I sought

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from several old timers. All except E. C. Gray of Higgins declined to express any decided opinion. Mr. Gray, however, was quite emphatic in declaring that the main reason for its burning was: that as was true of all western towns at that time Grand was noted for its card players. It seems that a certain clique of poker players in Grand believed themselves unbeatable. Finally they met their match by several professionals who happened to visit Grand. The "home team", as Mr. Gray described the event lost all the money they had to the visitors and still were not satisfied. There was no bank in Grand from which to draw more cash so, in desperation the home boys gained access to the coffers of the Day County Treasury and with all the cash they could obtain from this source continued the poker game. The home boys in time wound up flat broke and were entirely unable to reimburse even in part the County Treasury. But one alternative was open to them and immediately the court house was burned. E. C. Gray of Higgins vouches for the truth of his version of the mysterious burning

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of Day County's court house the night of July 26, 1896. Mr. Gray declares that the can of coal oil in the court house immediately before its burning was actually used to make it burn more quickly and that at the time the fire occurred the coal oil which had been bought by the county from a Higgins merchant on credit had not yet been paid for and from this fact much humorous sarcasm resulted.