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them on the property over night. This land was bounded by what is now Walker and Western Avenues and Fourth Street and Reno Avenue.

While the contest was pending in the Department of Interior, the Choctaw-Oklahoma & Gulf Railroad built its line across the property. The right of way subsequently passed to the Rock Island and then to Oklahoma City in 1928.

Doctor Higgins rights to the land were not disputed until March 28, 1891 when he signed a deed to the railroad. Both the United State Supreme Court and the state courts held that Higgins had the rightful claim to the title.

But while Higgins was also an '89er his claim was contested and it was not until October 2, 1896 that his deed was recorded. The property in the meantime was being used by the railroad. Dr. Higgins received \$400 when he signed a deed to the railroad on March 24, 1898. The records showed that R. W. Higgins one of the grantors settled upon this quarter section of land April 22, 1889 across which the railroad right of way was now located. Other settlers thereafter had made entries on the same quarter section of land and a contest developed. The matter was finally appealed to the Secretary of the Interior who awarded the land to Higgins. The final award was made June 29, 1894 and the Homestead patent to Higgins was executed September 19, and recorded on October 2, 1896.

The right of way deed states that the company had used a

portion of the land off of such right of way for a wye ¹⁶¹ from
December 1892 until about the year 1897". In other words the
company had constructed its line and used its right of way and
also the land off the right of way for a wye for more than 4
years prior to the time Higgins's title was established and
without conveyance from him.

Doctor Higgins died about 20 years ago, but his widow Mrs.
Susan Higgins is still living. She does not get around much
but enjoys telling stories about the days when her husband
staked his claim.

(end)