

SUPERINTENDENT  
FOR  
FIVE CIVILIZED  
TRIBES

CREEK

VOL. 10

FOREMAN  
TRANSCRIPTS

Copies of  
M A N U S C R I P T S  
In the Office of the  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES  
MUSKOGEE, OKLAHOMA

Creek - Schools  
Creek - Townsites  
Creek - Traders

Compiled from original records  
selected by

GRANT FOREMAN



CREEK - SCHOOLS

Muscogee (Creek) Nation  
AN ACT

TO PROVIDE FOR THE SUPPORT OF THE COWETA NATIONAL BOARDING SCHOOL

- - - - -

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSCOGEE NATION

That there be and is hereby appropriated out of the School funds of the Muscogee Nation the sum of Forty five hundred Dollars \$4,500.00 for the support of the Coweta National Boarding School for the Scholastic year ending November 15, 1900.

Said sum to be paid out in accordance with such rules and regulations as may be prescribed by the Secretary of the Interior.

Lee McNevins  
Clerk of the H of K

Adopted Dec. 11th, 1899  
T. W. Perryman

A. P. McKellop  
Clk. H. of W.

Concurred in Dec. 11th, 1899  
Amos McIntosh  
Sp. H. of Warriors

J. E. Tiger  
Private Secretary

Approved Dec. 12, 1899

P. Porter  
Principal Chief of the  
Muscogee Nation.

APPROVED:

Wm. McKinley  
Jany. 13, 1900.

DEPARTMENT OF THE INTERIOR,  
Office of U.S. Indian Inspector  
For  
Indian Territory

Muscogee, Ind.T., Jan. 26, 1900.

Hon. Pleasant Porter,  
Principal Chief, Creek Nation,  
Muscogee, Indian Territory.

Sir:

You are respectfully advised that the Act of the National Council of the Creek Nation, approved by yourself on December 12, 1899, and entitled:

"An Act to provide for the support of the Coweta National Boarding School",

was submitted by the Honorable Secretary of the Interior to the President of the United States for executive action on January 12, 1900, and was duly approved on the 13th instant, and has been placed on file in the Office of Indian Affairs at Washington.

Very respectfully,

J. Geo. Wright,

U.S. Indian Inspector, for  
the Indian Territory.

(Endorsed) Union Agency, Muskogee, Oklahoma. No. 24. Pleasant Porters general letters.



DEPARTMENT OF THE INTERIOR.  
Office of School Supervisor of Creek Nation,  
Muskogee, Ind. Ter.

October 31, 1901

Hon. J. George Wright,

U. S. Indian Inspector for the Indian Territory,  
Muskogee, Indian Territory.

Sir:

I have the honor to report that a non-citizen, a Mr. Blackborne-has rented certain allotments of citizens for purposes of pasturing sheep and goats in the vicinity of the Coweta boarding school. The flock of goats is both large and unruly and has not only destroyed the grass inside the school fences which was to have been used for hay but is rapidly killing the fruit and shade trees on the place. The trees are young and easily killed. I called the attention of this man to the facts last May and he promised to pay for the damage done. The superintendent of the school informs me that he refuses to do this. With the heavy expenses of the schools this year when food stuffs are so high it will be impossible for us to replace trees and the loss of the hay is a serious matter.

I trust that there may be some way of protecting the interests of this school.

Very respectfully,

Alice W. Robertson

Supervisor.

Through the Superintendent of Schools for Indian Territory.  
Respectfully forwarded:

John D. Benedict, Supt. of Schools in I. T.

(Endorsed) Union Agency # 302, received Nov. 1, 1901. Office of U. S. Indian Inspector for I.T. Muskogee, I. T., Oct. 31, 1901. Alice M.(sic) Robertson, Supervisor Creek Nation. Reports that a herd of goats belonging to Mr. Blackborne are injuring the fruit trees(Sic) and grass at Coweta boarding school, and wants to know if Mr. Blackborne can be made to pay for damage done.

Muskogee, I.T. Nov. 6, 1902

Mr. Samuel J. Checote.

Supt. Coweta National Boarding School,  
Coweta, I.T.

Dear Sir:-

Please acknowledge receipt of the enclosed school warrants issued by me in payment of indebtedness incurred by the Coweta National Boarding School for Quarter ending September 30, 1902, as follows:

1366	Samuel J. Checote, Supt. to use for school purposes	\$150.00
1268	Western Investment Co., Supplies,	332.14
1269	Turner Hdw. Co., Supplies,	134.55
1270	S.J. Checote, Supplies,	41.32
1271	J.R. Price, Teacher,	25.00
1272	Ballie Maxey, Teacher,	20.00
1273	Annie Checote, Matron,	12.50
1274	Fannie Haynia, Cook,	12.50
1275	Alma Allen, Work,	46.00
1276	J.W. Allen, Laborer,	40.00
1277	James Saffey, Laborer,	9.00
1278	Harrison Butterine Co., Supplies,	18.75
1279	Amanda Davis, Matron,	10.00

-2-

Please deliver these warrants to the proper parties, taking their receipts therefor.

Respectfully,

P.Porter,

Prin.Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 321. Muskogee, Oklahoma.



6

## DEPARTMENT OF THE INTERIOR,

Office of School Supervisor for Creek Nation,

Muskogee, Ind.Ter.

August 30, 1904

Hon. John D. Benedict,

Superintendent of Schools  
in Indian Territory.

Dear Sir:

I respectfully request that the following protest may receive your careful consideration.

The requirement of attending the summer normal and taking examinations for certificate has been extremely distasteful to teachers. A small minority of our teachers really do not need the extra training but obviously it is impossible to discriminate. To all the teachers alike I have pledged my official faith that I would recommend appointment upon the grades made at the normals. This was in accordance with my understanding of the principles of civil service. There have been instances in which I have been over-ruled and appointments made without examination. These instances are having the effect of making it felt that my recommendations are of very little avail. Such a condition places me in an official position of extreme embarrassment and laying aside all personalities so nearly as I am able I desire either that I may have my position clearly defined as one wholly free from responsibility or else that I may be upheld.

The employees of the Eufaula High School seem tacitly to understand that that particular school is not under my supervision.

Upon my visits there, whether intentionally or not I cannot say, but I am willing to concede that it has been unintentionally, I have been treated as one who merely made a visit, not as one who went with power of inspection or supervision. This attitude has made it a difficult matter for me to go there and I confess to have made the fewest possible visits to the school, another reason for this, however, has been that you have quite often visited the school. Where other superintendents make reports and requests to me the superintendent at Eufaula has taken them over my head to you. I have been stung by this official discourtesy but because of the peculiar conditions, the superintendent being an elderly man and a close personal friend of yourself and your family, I have borne it without protest. The management of the superintendent has been good and I have been always ready to give him the hearty commendation I felt.

So much by way of preliminary.

For some time I have felt that there should be a change in the arrangement of affairs at the school so far as the supervision of the girl's dormitory was concerned. The experience of many years shows that young girls in a boarding school, whether white or Indian, need to have an older woman near them. For the past two years the wife of the principal teacher has been matron for the girls. Her room is on the boy's dormitory side of the house and on the first floor, two flights of stairs and a double set of locked doors separating her from her duties as matron. While I have never heard of any trouble arising from this condition I do not know that there never has been any as I have never made especial inquiry to elicit information along this line. I do say,



however, that I believe it to be a dangerous condition and one which should not longer exist.

The wife of the principal teacher who has been matron did not think it necessary, nor did the superintendent of the school, to inform me that her condition of health was of so delicate a nature that she would necessarily be laid aside from duty. My first knowledge of the birth of a child to the matron came from the announcement in the public prints. No permission was asked for the employment of a substitute nor was any payment for board of a nurse reported. When I made inquiry as to the manner in which the work was done I was informed that the Principal teacher had performed his wife's duty in the care of the girl's dormitory. This was not right, in my judgment, for there is no lesson which demands greater emphasis in an Indian school than the separation of the sexes. The effect of having a man to look after the work of the girl's matron is, I believe, unqualifiedly bad. The girl's matron is a frail young woman of great culture and refinement, one who should not have the heavy burden of doing the work of caring for the girls of that school as they ought to be cared for, especially now that she is further burdened with the care of an infant seven months old. In my judgment she should not be re-appointed.

These circumstances were all laid before yourself and Mr. McIntosh, the Creek Superintendent, and were so fully concurred in by both of you that you both agreed to and signed the appointment of a single man as principal teacher and of a widowed lady as girl's matron at Eufaula. You also both of you signed appointments for the principal teacher and his wife at a smaller



-4-

school, Coweta, where the girl's matron would be because of a different arrangement of the building, so near both to her work and at the same time to her baby, with a smaller number of girls to care for-better able to perform the duties in spite of being burdened with the child. The appointment of the single man as teacher, a man whom you personally recommended for the place, was held so long upon your desk that he, concluding he was not to receive it, accepted a position elsewhere. The matron appointed for the girls accepted the position. The principal teacher and his wife returned the appointments to Coweta with no word as to any reason for declining. In the meanwhile the superintendent, Mr. Lester, who had resigned to take other employment re-considered his resignation and was re-appointed. At once plans were made by him to set aside appointments as they had been made and to secure the return of the former principal and his wife as before. In order to arrange this it is necessary that the matron appointed for the girls at Eufaula should be transferred to Coweta where she was last year. The superintendent at Coweta is a single man. No one enters more sympathetically into the joyous confidences of happy lovers than I or is willing to do more to make the course of true love to run smooth, but a co-educational boarding school is not the place for lovers. For this reason I do not think the transfer should be made.

The conditions at these two schools are in no degree changed since both Superintendent McIntosh and yourself signed appointments as you did. If I was right then I am right now. If I was wrong, still so long as you were, in that case, equally wrong, and as

-5-

the real burden of work in connection with the schools comes upon me it would seem that even the personal sympathies of yourself for the Eufaula superintendent and of Mr. McIntosh for the Coweta superintendent might be sacrificed to the consistency of adhering to the appointments as made by you. The statement is made that all this is mere whim upon my part, if this be so then my whim should have been promptly disposed of when the appointments were originally made. It was at that time accepted as satisfactory reasoning. As those who are subordinate, as I understand it, to me, appeal with seeming success, over my official head to you, it seems to me that your action makes it no discourtesy for me to ask that your decision may if adverse to me in this matter be sent for review by the Department in Washington.

In making this request it is with the same feeling of official subordination which I realize is necessary in the position which I hold. Every step of my action in this matter had been fully placed before you before it was taken. There has been on my part a determination do what seemed right but in doing it always to act in accordance with your instructions.

As you know I have waived several objections which I felt very strongly against the Principal teacher at Eufaula. I object to his purchase of an Indian farm, I object to his absence without excuse from the summer normal, as these objections were not considered of any importance by you they were dropped. The young baby is, in my judgment, an insuperable obstacle.

Again assuring you of my earnest desire to be guided by you and with sincere determination to be more faithful to every duty of



-6-

my position, but with the hope that you may realize the humiliating position in which I have been placed, I am,

With sincere respect,

Alice M. Robertson,

Supervisor.

(Endorsed) Union Agency No. 8 August 30, 1904. Alice M. Robertson  
Muskogee, I.T.----Protests against reappointment of Mr. and Mrs.  
McKinley at Eufaula.----



Muscogee (Creek) Nation

AN ACT

TO PROVIDE FOR THE TRANSFER OF THE NUYAKA INDIAN BOARDING SCHOOL OWNED AND CONTROLLED BY THE PRESBYTERIAN BOARD OF HOME MISSIONS

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BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSCOGEE NATION that there be and is hereby appropriated out of the School Funds of the Muscogee Nation the sum of Ten Thousand (\$10,000.00) Dollars in favor of A.Grant Evans agent of the Presbyterian Board of Home Mission to be paid in installments as follows \$5,000.00 Five Thousand Dollars January 1,1900 \$2500.00 Two Thousand Five Hundred Dollars January 1,1901 for all their right title and interest in and to all buildings and improvement known as the Nuyaka Indian Boarding School and situated about 15 miles west of Okmulgee Creek Nation in accordance with the terms of an agreement a copy of which is appended to this act Said sums to be paid under such rules and regulations as may be prescribed by the Secretary of the Interior for the disbursement of Creek funds.

Lee McNevins  
Clerk H.of Kings.

Adopted Dec.16th,1899

T.W.Perryman  
Pres.H. of Kings.

A.P.McKellop  
Clerk of H. of W.

Concurred in Dec.16th,1899  
Amos McIntosh  
Speaker H. of Warriors.

J.E.Tiger  
Private Secretary

Approved Dec.16th,1899

Approved: by Wm.McKinley  
January 13,1900.

P.Porter  
Principal Chief of Muscogee Nation.

--P.Porters general letters. No.6.--

DEPARTMENT OF THE INTERIOR,  
Office of U.S. Indian Inspector,

For  
Indian Territory,

Muscogee, Ind.T., January 26, 1900.

Hon. Pleasant Porter,  
Principal Chief, Creek Nation,  
Muscogee, Indian Territory.

Sir:

You are respectfully advised that the Act of the National Council of the Creek Nation, approved by yourself on December 16, 1899, and entitled:

"An Act to provide for the transfer of the Nuyaka Indian Boarding School owned and controlled by the Presbyterian Board of Home Missions,"

was submitted by the Honorable Secretary of the Interior to the President of the United States for executive action on January 12, 1900, and was duly approved on the 13th instant and has been placed on file in the Office of Indian Affairs at Washington.

Very respectfully,

J. Geo. Wright

U.S. Indian Inspector, for  
the Indian Territory.

(Endorsed) Union Agency, Muskogee, Oklahoma. No. 6. Pleasant Porters general letters.



Washington.

January 12, 1900.

The President,

Sir:

I have the honor to submit herewith for executive action, under the provisions of the act of Congress approved June 7, 1897 (30 Stat., 62-84), an act of the National Council of the Creek Nation entitled "An Act To provide for the transfer of the Nuyaka Indian Boarding School owned and controlled by the Presbyterian Board of Home Missions," which was approved by the Principal Chief of said nation December 16, 1899.

Said act appropriates out of the School Funds of said nation the sum of \$10,000, in favor of A. Grant Evans, agent of the Presbyterian Board of Home Missions, to be paid in installments as follows: \$5,000 on January 1, 1900; \$2,500 on July 1, 1900; \$2,500 on July 1, 1901, "for all their right title and interest in and to all Buildings and Improvement known as the Nuyaka Indian Boarding School and situated about 15 miles west of Okmulgee Creek Nation in accordance with the terms of an agreement a copy of which is appended to this act."

The United States Indian Inspector for the Indian Territory states that the buildings of said school were erected by said Presbyterian Board, and that the Creek Nation now desires to purchase the same; that he is informed that the purchase price is reasonable and just, and recommends that the act be

-2-

approved. The Commissioner of Indian Affairs concurs in said recommendation. I have, therefore, to recommend that said act be approved.

The letter of the United States Indian Inspector for the Indian Territory and copy of the report of the Commissioner of Indian Affairs are enclosed herewith.

Respectfully,

E.A.Hitchcock.

Secretary.

Ind.Ter.Div.  
149-1900.  
3 enclosures.

(Endorsed) Union Agency No.573 Received Jan 23, 1900 Office of U.S.Indian Inspector for Indian Territory. Washington, Jan. 16, 1900. Secretary.----Creek Act to purchase Nuyaka School APPROVED.----



December 16, 1899 16

Muscogee (Creek) Nation.

A N A C T.

To provide for the transfer of Nuyaka Indian Boarding School owned and controled (Sic) by the Presbyterian Board of Home Missions.

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION:

That there be and is hereby appropriated out of the School funds of the Muscogee Nation the sum of Ten Thousand (\$10,000.00) Dollars in favor of A. Grant Evans, Agent of the Presbyterian Board of Home Missions, to be paid in installments as follows: \$5,000.00 January 1, 1900; \$2,500.00 July 1, 1900; \$2,500.00 January 1, 1901, for all their right, title and interest in and to all buildings and improvements known as the Nuyaka Indian Boarding School, and situated about 15 miles west of Okmulgee, Creek Nation, in accordance with the terms of an agreement, a copy of which is appended to this act.

Said sums to be paid under such rules and regulations as may be prescribed by the Secretary of the Interior for the disbursement of Creek funds.

Approved and signed by P. Porter, Principal Chief of the Muscogee Nation, on the sixteenth day of December, 1899; and approved by the President of the United States on January thirteenth, 1900.

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(Endorsed) Union Agency, Muskogee, Oklahoma--a-47--Pleasant Porters general letters.

## AN ACT

APPROPRIATING \$380.65 TO BE USED IN BUYING FURNITURE ETC FOR COWETA  
MISSION.

- - - - 0 - - - -

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION:- That Three Hundred (\$380.65) and Eighty and 65/100 Dollars, balance left of the appropriation of March 1899, for the repairing of Coweta Mission be and the same is hereby converted into a special appropriation to be used in payment of so much of the bill of furniture etc bought of the Turner Hardware Co. as has been delivered to the Coweta Mission. Provided, the said sum shall be paid out under rules and regulations of the Secretary of the Interior prescribed for the disbursement of Creek funds.

Adopted, Dec. 16th, 1899.

Lee McNevins  
Clerk.

T.W. Perryman  
President House of Kings

Concurred in, Dec. 16th, 1899.

A.P. McKellop  
Clerk.

Amos McIntosh  
Speaker House of Warriors.

Approved, Dec. 16th, 1899.

J.E. Tiger,  
Private Secretary.

P. Porter  
Principal Chief, M.N.

APPROVED by  
Wm. McKinley  
Jany. 13, 1900.



DEPARTMENT OF THE INTERIOR,  
Office of U.S. Indian Inspector,

For

Indian Territory,

Muscogee, Ind.T., January 26, 1900.

Hon. Pleasant Porter,

Principal Chief, Creek Nation,

Muscogee, Indian Territory.

Sir:

You are respectfully advised that the Act of the National Council of the Creek Nation, approved by yourself on December 16, 1899, and entitled:

"An Act appropriating \$380.65 to be used in buying furniture etc. for Coweta Mission",

was submitted by the Honorable Secretary of the Interior to the President of the United States for executive action on January 12, 1900, and was duly approved on the 13th instant, and has been placed on file in the Office of Indian Affairs at Washington.

Very respectfully,

J. Geo. Wright,

U.S. Indian Inspector,  
for the Indian Territory.

(Endorsed) Union Agency, Muskogee, Oklahoma. No. 15. Pleasant Porters general letters.

## A N A C T

To provide for an additional appropriation of \$2700. for  
the support of the Euchee Boarding School for  
the year 1900-1901.

- - - - -

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION:

That there be and is hereby appropriated, out of the school  
fund, the sum of Two Thousand Seven Hundred Dollars, (\$2700)  
in favor of the Euchee Boarding School, being the sum neces-  
sary in addition to the \$4,500.00 appropriated at this  
session of the Council for the support of said school.

Said sum to be paid out in accordance with such rules and  
regulations as may be prescribed by the Secretary of the In-  
terior for the disbursement of school funds.

Adopted November 5th, 1900.

Lee McNevins  
Clerk.

T.W. Perryman  
Pres. House of Kings.

Concurred in November 5, 1900.

A.P. McKellop  
Clerk.

Amos McIntosh  
Speaker House of Warriors

Approved November 5, 1900.

P. Porter  
Principal Chief.

ATTEST:  
W.S. Fears  
Acting Private Secretary.



DEPARTMENT OF THE INTERIOR,

United States Indian Inspector  
For

D-1429-'00  
Act No.39.

Indian Territory,

Muscogee, Ind.T., Dec.8,1900.

Honorable P. Porter,  
Principal Chief,

Muskogee,Indian Territory.

Sir:

You are respectfully advised that the act of the National Council of the Creek Nation, approved by yourself on November 5,1900, and entitled -

"An act to provide for an additional appropriation of \$2700 for Euchee Boarding School, for the year 1900-1901."

- was submitted by the Honorable Secretary of the Interior to the President of the United States on November 26,1900, was duly approved on November 27,1900, and has been placed on file in the Office of Indian Affairs at Washington,

Very respectfully,

J.Geo.Wright,

U.S. Indian Inspector  
for Indian Territory.

(Endorsed) Union Agency,Muskogee,Oklahoma--a-68--Pleasant Porter's general letters.

October 16, 1902

21

## A R E S O L U T I O N

To propose continuance of contract now existing between the Muskogee Nation and the Presbyterian Board of Home Missions.

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BE IT RESOLVED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION:

That Hon. P. Porter, Principal Chief, T.W. Perryman, President House of Kings, and Amos McIntosh, Speaker House of Warriors, be and are hereby authorized and directed to submit, to the Presbyterian Board of Home Missions, such proposition for the continuance of the contract under which the Nuyaka Boarding School has heretofore been operated, as in their judgment would be to the best interest of the school.

BE IT FURTHER RESOLVED, That the Principal Chief be and is hereby authorized and directed to enter into contract with the said Presbyterian Board of Home Missions, for the continuance of said contract as heretofore.

BE IT FURTHER RESOLVED, That the said contract shall, when entered into by and between the Principal Chief, on behalf of the Creek Nation, and the Presbyterian Board of Home Missions, continue in full force and effect only until March 4th, 1906, or until the dissolution of Tribal Government.

Adopted October 16, 1902.

Lee McNevins  
Clerk.

T.W. Perryman  
President House of Kings.

Concurred in October 16, 1902.

A.P. McKellop  
Clerk.

Amos McIntosh  
Speaker House of Warriors.

Approved October 16, 1902.

P. Porter,

(Endorsed)

Principal Chief Muskogee Nation.

Union Agency, Muskogee, Oklahoma.--Pleasant Porters general letters.--

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Muskogee, I.T., Dec. 16, 1902

Mr. T. W. Perryman,  
Tulsa, I.T.

Dear Sir:-

I am in receipt of a letter from George McAfee, Supt. of Board of Home Missions, N.Y., a part of which is as follows: "I have to say, that the Board authorized the appointment of a committee consisting of Rev. A. Grant Evans, Muskogee and Mr. John M. Robe, Supt. of Nuyaka School, to consult with the Council and negotiate for the extension of the contract if deemed advisable." So soon as the Board makes such appointment, I will communicate with such Board to operate the Nuyaka Mission School until 1906.

Respectfully,

P. Porter,

Prin. Chief.

Muskogee, I.T., Dec. 18, 1902.

Mr. A. D. Kennedy,  
Okmulgee, I.T.

Dear Sir:

I enclose herewith, by registered mail, the warrant of Timmie Fife, as per order on file in this office. Please acknowledge receipt.

Yours truly,

P. Porter,

Prin. Chief.

--P. Porter press book. ltr. 349.--



-2-

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 349. Muskogee, Oklahoma.

Okmulgee, Ind. Ter.  
Feb. 10, 1904.

Mrs. Ella A. Boole,  
156 Fifth Ave  
New York City

Dear Mrs. Boole:

Your letter of the 27th. ult., requesting a dietary of our school for a week, came some ten days ago. As requested we have made a list of provisions at each meal for a week, and it is enclosed herewith.

The teachers board in the school, eating with the pupils at their tables. They have the same food from the same dishes, that the pupils have. But they almost always have butter, and sometimes other extras which the pupils do not have. The lists show the extras at each meals that the teachers had. During a part of the time, the pupils have butter also.

The average per capita cost per week is one dollare and twenty cents. We include in the cost of providing, the salary of our teamster, dining room matron and three cooks.

Trusting this is satisfactory, I am

Sincerely yours

Superintendent

Note: This letter is from Nuyaka. The dietary list may be found attached to the original of this letter in the file.

Copied by G. B. D.

3/26/34

Typewritten letter unsigned

Monday Feb. 1st, 1904  
Breakfast

Rolled oats & cream  
Ground beef patties  
Fried mush  
Bread  
New Orleans molasses  
Coffee

Extra for teachers  
Cakes and butter

### Dinner

Baked meat  
Turnips  
Tomatoes  
Pork and beans with tomato sauce  
Stewed apples  
Gravy  
Bread

Extra for teachers  
Butter

### Supper

Cold beef  
Beans  
Turnips  
Bread  
Molasses  
Evaporated apples  
Tea

Extra for teachers  
Butter  
Pickles  
Cranberries

Tuesday Feb. 2, 1904  
Breakfast

314

Rolled oats & cream  
Beef hash  
Bravy  
Fried hominy grits  
Molasses  
Bread  
Coffee

Extra for teachers  
Butter

### Dinner

Vegetable soup  
Roast beef  
Beans  
Rice  
Turnips  
Bread

Extra for teachers  
Butter and Pickle

### Supper

Chili con carne  
Cold beans  
Molasses  
Fruit  
Bread  
Tea

Extra for teachers  
Potatoes



Wednesday 2/3/04

Thursday 2/4/04

## Breakfast

Rolled oats and cream  
 Fried meat with gravy  
 Fried mush  
 Molasses  
 Bread  
 Coffee

Extras for teachers  
 Butter

## Dinner

Roast beef with gravy  
 Dressing  
 Mashed potatoes  
 Beans  
 Bread  
 Cream pie

Extra for teachers  
 Butter

## Supper

Cold Meat  
 French toast  
 Rice  
 Molasses  
 Beans  
 Bread  
 Fruit  
 Tea

Extra for teachers  
 Butter

## Breakfast

Rolled oats and cream  
 Baked beef hash  
 Fried potatoes  
 Molasses  
 Bread  
 Coffee

Extras for teachers  
 Butter

## Dinner

Soup  
 Steak  
 Gravy  
 Baked beans  
 Rice  
 Bread

Extras for teachers  
 Chess pie  
 Butter

## Supper

Cold sliced meat  
 Fried rice cakes  
 Cold beans  
 Molasses  
 Bread  
 Tea

Extras for teachers  
 Butter  
 Cranberries

Friday, 2/5/04

Breakfast

Rolled oats & cream  
Steak  
Gravy  
Fried mush  
Molasses  
Bread  
Coffee

Extras for teachers  
Butter

Dinner

Roast beef  
Gravy  
Baked beans  
Spinach  
Bread  
Cottage pudding with  
Brown sauce  
~~Butter~~

Extras for teachers  
Butter

Supper

Cold sliced meat  
Fried rice cakes  
Cold beans  
Molasses  
Bread  
Tea  
Fruit

Extras for teachers  
Potatoes  
Butter

Saturday 2/6/04

Breakfast

Rolled oats & cream  
Baked hash with potatoes  
Fried hominy  
Molasses  
Bread  
Coffee

Extras for teachers  
Butter

Dinner

Hamburger steak  
Baked beans  
Turnips  
Rice with gravy  
Bread

Extras for teachers  
Butter  
Mince pie

Supper

Chili con carne  
Fried rice cakes  
Cold beans  
Turnips  
Bread  
Molasses  
Tea

Extras for teachers  
Butter  
Cranberries  
Pickle

Sunday 2/7/04

Breakfast

Rolled oats & cream  
Meat & gravy  
Fried mush  
Molasses  
Bread  
Coffee

On Sunday evenings the teachers  
eat together while the pupils  
have lunch in their sitting  
rooms.

Extras for teachers  
Butter

Teachers' Sunday supper

Dinner

Roast beef  
Lima beans  
Mashed potatoes  
Gravy  
Bread  
Evaporated peaches & cream

Salmon  
Potato salad  
Cranberry sauce  
Spiced fruit  
Pickles  
Bread  
Butter  
Cake  
Canned fruit  
Tea

Extras for teachers  
Butter

Lunch

Cold meat sandwiches  
Ginger cookies  
Mince pie



DEPARTMENT OF THE INTERIOR,  
Washington.

29

I.T.D.15926-1905.

December 4, 1905.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

The resolution of the Creek National Council relative to the Nuyaka Boarding School, approved by the Principal Chief October 27, 1905, transmitted with your letter of November 16, 1905, for the information of the Department, is returned herewith, as it does not require executive action.

You state that notwithstanding the desire of the Creek Council as expressed in this resolution, relative to the tribal schools, it is important that some arrangement be made for the continuation of the tribal schools until some other provisions is made for their maintenance.

You are advised that this matter will receive due consideration.

A copy of the Indian Office letter of November 22, 1905, submitting your report, is also inclosed.

Respectfully,

Thos. Ryan

Through the Commissioner  
of Indian Affairs.  
2 inclosures.

First Assistant Secretary.

(Endorsed) Union Agency No. 12929 Received Dec. 9, 1905 Office of U.S. Indian Inspector for Indian Territory, Washington, Dec. 4, 1905. Secretary.-----Returning Resolution of the Creek National Council rel. to the Nuyaka Boarding School, advising that same does not require executive action; also stating that the matter of continuation of the tribal schools will receive due consideration.-----

THE BOARD OF HOME MISSIONS  
of the Presbyterian Church  
of the U. S. A.

156 Fifth Avenue, New York.

D. Stuart Dodge, D. D.,  
President.

Charles L. Thompson, D. D.,  
Secretary.

John Dixon, D. D., Assistant  
Secretary.

John Willis Baer, Assistant  
Secretary.

Harvey C. Olin, Treasurer.

George F. McAfee, D. D., Super-  
intendent School Work.

WOMAN'S BOARD OF HOME  
MISSIONS

of the Presbyterian Church.

156 Fifth Avenue, New York.

Mrs. Darwin R. James, Pres-  
ident.

Mrs. Ella Alexander Boole,  
Secretary.

Miss V. M. White, Assistant  
Secretary.

Miss S. E. Lincoln, Treas-  
urer.

Miss M. Josephine Petrie,  
Young People's Sec-  
retary.

Miss D. E. Finks, Editor  
Home Miss Monthly.

NUYAKA PRESBYTERIAN MISSION,

John M. Robe, Superintendant.  
-----

Okmulgee, Ind. Ter. May 21, 1906.

Hon. John D. Benedict,

Superintendent of Schools in Ind. Ter.

Muskogee, Ind. Ter.

Sir;

Your letter of the 17th. inst., in which you ask  
my opinion as to how much it actually costs per month for  
each pupil for provisions and medical attendance in our  
school, did not reach us till Saturday night.

The average cost per month for each pupil for the six months ending March 31st, 1906, for provisions (we bought a little medicine, but had no doctor bills during this time) was \$3.75.

You know we raise the meat we use. Had we bought the meat used instead of buying corn to feed what we raised, I estimate that it would have cost us forty cents per month for each person more than it did.

We have been running a little closer this year than usual I think. Am enclosing a copy of our menu for the week ending Feb. 7, 1904 which is a fair sample of what has been provided the past year.

Respectfully yours,

(Signed) John M. Robe

Superintendent.

Endorsed on back: Muyaka.



Tallahassee April 4th 1872

Hon. John R. Moore,

I have just read your's to me of the 29th ult. for which many thanks. I hope before this reaches you you will have learned of the reasons which made your brother & Mr. P. feel that they could not without injury to the school ask Mr. R. to do otherwise than to send the boys home, and write to the friends of the girls, intending to take further action, in their meeting of last week. It was a sad, sad time for us, we had been so very anxious to keep every one of them through the year at least. I never saw Mr. Robertson feel anything so much. I think you are right in regard to the influence of associates, at least to this extent, that if they had used their influence with us, instead of against us, the scholars would have felt more the need of keeping rules. It came very hard on me, because I had wanted to try all those scholars another year so much, and had persuaded Nancy Jane's Uncles to send her back, when they had made up their minds not to do it.

The influences against us have taken three more boys from us now. Douglas Bemo I think will teach his Aunt's school and perhaps he would have left without these influences but the other two Dorsey & James Fife I am sure would have done well but for such influences. I tried every motive I knew how to present in vain. I can tell you all about it when you come. I told

2.

Dorsey when I bade him Good-bye, that I did not blame him as I should had I not known that there were influences to prevent his seeing things in a true light. I wish you would learn before your return, if possible, whether the Board is really keeping Mr. G. here now, or not. Letters seem so slow in bringing answers. Our school goes much more comfortably now that some are gone who did not want to obey rules. Your boy was in general circumspect in his conduct, and a real comfort to Mr. R. It seemed though that that one rule was too strict for him.

I heard yesterday that Dr. L. had written to Mr. G. to leave. Nothing to that effect has been written to us. If our Board is not responsible for a man's being kept here who, with his wife, are pulling down at the expense of the Nation who are furnishing them a home, it ought to be known. I write this simply in the cause of justice to your people, the cause to which we long ago consecrated our lives, and not with bitter feeling towards any one.

Hoping to see you before long.

In greatest haste

Sincerely

A. E. W. R.

Regards to the Chief & Mr. Porter

Enclosed in envelope: "Hon. John R. Moore

Postmark blurred.

Washington City, D. C."



## A N A C T

MAKING APPROPRIATION IN FAVOR OF J.M.RENTIE.

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION:

That there be and is hereby appropriated, out of the General fund of the Muskogee Nation, in favor of J.M.Rentie, the sum of one hundred dollars, being for services rendered as teacher, Tallahassee Mission, second quarter, 1895-1896.

Said sum to be disbursed under direction and in accordance with such rules and regulations as may be prescribed by the Secretary of the Interior.

Adopted December 3, 1901.

Lee McNevins  
Clerk

T.W.Perryman  
President House of Kings.

Concurred in December 3, 1901.

A.P.McKellop  
Clerk

Amos McIntosh  
Speaker House of Warriors.

Approved December 3, 1901.

P.Porter  
Principal Chief.



DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector

For

D 3417-1902

Indian Territory,

Muskogee, Ind.T., Jan.28,1902.

Honorable P.Porter,

Principal Chief, Creek Nation,

Muskogee, Indian Territory.

Sir:-

There is respectfully returned herewith the act of the  
National Council of the Creek Nation, approved by yourself on  
December 3,1901, and entitled -

AN ACT making an appropriation in favor of J.M.Rentie.

This act was approved by the President on January 20,1902,  
as shown by his endorsement thereon.

Very respectfully,

J.Geo.Wright,

U.S.Indian Inspector  
for Indian Territory.

## EXECUTIVE OFFICE,

Muskogee Nation.

Okmulgee, Indian Territory,

December 7, 1901.

I.P.Porter, Principal chief of the Muskogee Nation, do hereby certify that the foregoing is an act of the National Council of said Nation, passed at its regular session of October, 1901, and approved by me in my official character on December 3, 1901, and I do hereby submit the same for the approval of the President of the United States, under the provisions of an act of Congress of March 1, 1901, and of the Creek National Council of May 25, 1901, entitled "An Act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes."

Inasmuch as the Muskogee Nation has no Officer known as the "National Secretary," I have signed my name to this certificate, and caused the same to be attested by the Private Secretary.

In witness whereof I have hereunto signed my name as Principal Chief of the Muskogee Nation this 7th day of December, 1901 and have caused the Great Seal of the Muskogee Nation to be affixed.

P.Porter  
Principal Chief of the  
Muskogee (Creek) Nation.

Attest:

W.S.Fears  
Acting Private Secretary.

WHITE HOUSE.

Approved, January 20, 1902.

T.Roosevelt.

--Pleasant Porters general letters.--ACTS.--

## A N A C T

Making appropriation in favor of G.C.Kindly.

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION:

That there be and is hereby appropriated, out of the School fund of the Muskogee Nation, the sum of twenty-eight dollars and sixty-seven cents (\$28.67) in favor of G.C.Kindley, being for services rendered as teacher, Wealaka Boarding School, 1898-1899.

Said sum to be disbursed under such rules and regulations as may be prescribed by the Secretary of the Interior.

Adopted November 29, 1901.

Lee McNevins  
Clerk

T.W.Perryman  
President, House of Kings.

Concurred in November 29, 1901.

A.P.McKellop  
Clerk

Amos McIntosh  
Speaker, House of Warriors.

Approved November 30, 1901.

P.Porter,  
Principal Chief.



DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector,

For

D 3416-1902

Indian Territory,

Muskogee, Ind.T., Jan.28,1902.

Hon.P.Porter,

Principal Chief,Creek Nation,

Muskogee,Indian Territory.

Sir:-

I have to respectfully advise you that the act of the National Council of the Creek Nation, approved by yourself on November 30,1901, and entitled -

AN ACT making an appropriation in favor of G.C.Kindley.  
- was submitted by the Department to the President for executive action on the 17th instant, and was duly approved January 20,1902.

The said act bearing the approval of the President is respectfully enclosed.

Very respectfully,

J.Geo.Wright,

U.S.Indian Inspector  
for Indian Territory.

## EXECUTIVE OFFICE.

Muskogee Nation.

Okmulgee, Indian Territory,

December 7, 1901.

I.P.Porter, Principal Chief of the Muskogee Nation, do hereby certify that the foregoing is an act of the National Council, of said Nation, passed at its regular session of October, 1901, and approved by me in my official character on November 30, 1901, and I do hereby submit the same for the approval of the President of the United States under the provisions of an Act of Congress of March 1, 1901 and of the Creek National Council of May 25, 1901, entitled "An Act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes."

Inasmuch as the Muskogee Nation has no Officer known as the "National Secretary," I have signed my name to this certificate, and caused the same to be attested by the Private Secretary.

In witness whereof I have hereunto signed my name as Principal Chief of the Muskogee Nation this 7th day of December, 1901, and have caused the Great Seal of the Muskogee Nation to be affixed.

P.Porter  
Principal Chief of the  
Muskogee(Creek) Nation.

Attest:

W.S.Fears  
Acting Private Secretary.

WHITE HOUSE.  
Approved, January 20, 1902.

T.Roosevelt.

--Pleasant Porters general letters.--ACTS.--

## AN ACT

Appropriating \$100.00 in favor of Tookah Ross, being for services rendered as teacher at Wealaka Boarding School, during the scholastic year 1895-1896.

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION:

That there be and is hereby appropriated the sum of One Hundred dollars in favor of Tookah Ross for services rendered as teacher in the Wealaka Boarding School in the scholastic year 1895-1896.

Said sum to be paid out of the General Fund of the Muskogee Nation, and under such rules and regulations as may be prescribed by the Secretary of the Interior.

Adopted October 16, 1901.

Lee McNevins  
Clerk

T.W. Perryman  
President, House of Kings.

Concurred in October 16, 1901.

A.P. McKellop  
Clerk.

Amos McIntosh  
Speaker, House of Warriors.

Approved October 17, 1901.

P. Porter  
Principal Chief.

WHITE HOUSE.

Approved, Dec. 2, 1901.

Theodore Roosevelt.

--P. Porters general letters.--ACTS.--



## EXECUTIVE OFFICE.

Muskogee Nation.

Okmulgee, I.T.,

October 17, 1901.

I, P. PORTER, Principal Chief of the Muskogee Nation, do hereby certify that the foregoing is an act of the National Council of said Nation, passed at its regular session of October, 1901, and approved by me in my Official character on October 17, 1901, and I hereby submit the same for the approval of the President of the United States under the provisions of an Act of Congress of March 1, 1901, and of the Creek National Council of May 25, 1901, entitled "An Act to ratify and confirm an agreement with the Muskogee of Creek Tribe of Indians, and for other purposes."

Inasmuch as the Muskogee Nation has no Officer known as the National Secretary, I have signed my name to this certificate, and caused the same to be attested by the Private Secretary.

In Witness Whereof, I have hereunto signed my name as Principal Chief of the Muskogee Nation this 17th day of October, 1901 and have caused the Great Seal of the Muskogee Nation to be affixed.

P. Porter  
Principal Chief of the Muskogee  
Nation.

ATTEST:

W. S. Fears  
Acting Private Secretary.

December 3, 1903.

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION:

That there be and is hereby appropriated the sum of \$272.71 in favor of H.C.Hall & Co., for supplies furnished the Wealaka National School, the sum to be paid out of the general fund under such rules and regulations as the Secretary of the Interior may prescribe for the disbursement of the Creek funds.

Adopted Dec.3,1903.

A.P.McKellop

Amos McIntosh

Clerk

Sp.House of Warriors.

Concurred in Dec.3,1903.

Lee McNevins

Roley McIntosh

Clerk.

Pres.House of Kings.

Approved Dec.4,1903.

P.Porter,

Prin.Chief.

(Endorsed) Union Agency, Muskogee, Oklahoma--a-121--Pleasant Porter's general letters.

Be it enacted by the National Council of the Muskogee nation,  
That there be and is hereby appropriated the sum of \$272.71 in  
favor of H. C. Hall & Co. for supplies furnished the Wealaka  
National School, the sum to be paid out of the general fund under  
such rules and regulation as the Secretary of the Interior may  
prescribe for the disbursement of the Creek funds.

Adopted-Dec.3d, 1903

A.P.McK.  
Clk.

Alex Davis  
Sp. H. of W. pro tem.

Concurred in Dec.3rd,1903

Lee McNevins  
Clk.

Roley McIntosh  
Pres.H. of Kings.

Approved Dec.4,1903

P.Porter,  
Principal Chief.



Committee Room

Dec. 2, 1903.

To the Hon. National Council of  
the Muskogee Nation.

Gentlemen:-

We your committee on Education to whom was re-referred the claim of H. C. Hall & Co. against the Wealaka National School, for the sum of \$272.71 beg leave to report.

After careful investigation we find that the claim is just and due. We therefore recommend your Hon. Body to make an appropriation to pay this account in the adoption of the accompanying act. We are,

Very respectfully,

Chas. Coachman,

Chairman.

S.S.  
Clerk.

Cheesie McIntosh,  
Attorney-at-Law.

Superintendent Creek Schools.

Checotah, I.T.  
December 1st, 1904.

Hon. J. D. Benedict,  
U.S. Supt. Schools, Ind. Terr.  
Muskogee, I. Territory.

Dear Sir:-

Inclosed I send you an un-sealed letter to Mr. John E. Reasonover of the Wealaka School; if you think the advice therein given is the proper course for him to pursue, please indorse and forward to him; if you think the course I have suggested is not the proper one, please write him such instructions as you deem necessaary.

yours very respectfully,

Cheesie McIntosh.

Supt. Creek Schools.

(Endorsed) Union Agency No. 12 December 1, 1904 Cheesie McIntosh,  
Checotah, I.T.-----Sends letter of instructions to Supt. Reasonover,  
for approval.-----

Muskogee, I.T., Jan. 19, 1903

Hon. Cheesie McIntosh,

Supt. Public Instruction, Checotah, I.T.

Dear Sir:-

Complaint is made by Lambert Scott that the manner of conducting the Wetumka Boarding School is very unsatisfactory and that quite a number of the parents have withdrawn their children from the school. The cause of complaint as stated by him is that the rooms have never been properly cleaned up during this session, and that fires are not kept in a good many of the rooms and children suffer much on account of cold; that children are not kept under proper control for the reason that the Superintendent is a young man and does not seem to have the capacity of controlling.

I would request that you and Miss Robertson investigate this matter and if the charges are true, take such steps as will render the school more satisfactory to its patrons.

Respectfully,

P. Porter,

Prin. Chief.



Muskogee, I.T., Jan. 19, 1903

Miss Alice Robertson,

U.S. Supervisor of Schools, Muskogee, I.T.

Dear Madam:-

I have just written a note to Hon. Cheesie McIntosh, Supt. of public instruction, to look into the conduct of the Wetumka School as reports have come to me that its operation is quite unsatisfactory to the patrons. I think it proper that you and Mr. McIntosh look into the matter and if the complaints are well founded, correct them so as to render the school more satisfactory.

Respectfully,

P. Porter,

Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 391. Muskogee, Oklahoma.

Muskogee, I.T.

June 22, 1899

Hon. John D. Benedict

Supt of Schools for Ind. Ter.

Dear Sir:

According to your instructions of May 30, advising me to make a visit to the various Boarding Schools of the Creek Nation and to act in concert with the school Supt. of the Creek Nation and the Supt. of the respective Boarding schools in inspecting the several schools with reference to the necessary improvements needed, and to make an estimated cost of material and labor for making these improvements, I beg leave to say that I have complied with your instructions, and therefore I have the honor to submit to you the following report of the several boarding schools; namely, Colored Orphan Home, Tallahassee, Coweta, Nuyaka, Euchie, Wealaka and Eufaula.

Colored Orphan Home

At this place the Dormitories need repairing; the walls of the rooms are in bad condition, the plastering in a great many places, has fallen off. The committee recommended that several of the rooms be papered, and that others, in which the plastering is in bad condition, be ceiled.

The several porches around the buildings need repairing.

The approximate cost to make these necessary repairs is, for material, \$300.00 and for labor, \$260.00, a total cost of \$560.00.



Tallahassee

Owing to the condition of the plastering on the walls of the rooms at this Mission it was decided by the committee that all the old plastering be removed and the walls and ceiling be ceiled and painted.

It was recommended that the large porch in front of the main building be repaired. The approximate cost of the above repairs is for material, \$500.00 and for labor, \$325.00, a total cost of \$825.00.

The committee also recommended that it is necessary to erect two new buildings at this place. A smoke house and wash house combined, a bath room, a wash room and laundry room combined. Size of the first house, 20 x 20 x 10 ft and the size of the second 18 x 38 x 10 ft.

The approximate cost of these two buildings is, for material \$600.00 and for labor \$275.00 a total cost of \$875.00.

Coweta

The plastering on the walls of a great number of the rooms at this place is in a fairly good condition; in some of these, however, the plastering should be removed; the committee therefore recommended that the walls in good condition be papered, and the others be ceiled. For the preservation of the buildings it was recommended that the Boys and Girls Dormitories be painted on the outside.

The estimated cost of improvements at this Mission is, for



-3-

material, \$800.00 and for labor, \$700.00; total cost \$1500.00.

### Nuyaka

The inside of the buildings at the Nuyaka Mission is in very good condition, and, therefore, no inside improvements were recommended.

There are a great many leaks in the roofs of the various buildings, and the paint at a number of places is coming off. The committee therefore, for the preservation of the buildings, recommended that the four large buildings be re-painted and re-roofed, at an approximate cost of for material, \$900.00 and for labor \$775.00; total cost \$1675.00.

### Euchie

The repairs needed at this Mission consist in the enlargement of the sleeping apartments and the dining room. The committee recommended that these necessary repairs be made by removing some petitions. The estimated cost of said repairs is \$175.00.

The committee also recommended that an addition to the school building be made and that a new two story frame building 28 x 36 ft. be erected; said new building to be used for a hospital, Superintendents office and family rooms. The addition to school building to be 34 x 40 ft.

The approximate cost of said new buildings is for material, \$1700.00 and for labor \$1100.00, total cost \$2800.00.

### Wealaka

The plastering on the walls at this Mission is in very bad

-4-

condition, especially on the lower part, and the committee recommended that the walls be wainscoted four feet, and that the remainder of the walls and ceiling be papered. Much repair work is needed around the buildings in the way of repairing the porches and the various out-buildings, and the work is recommended to be done.

The committee also thinks it necessary to have a new building erected, to be used for dining room, kitchen and pantry; said building to be connected with the Girls Dormitory. For the preservation of the building the committee thought it advisable to repaint all the principal buildings, and so recommended.

The estimated cost of all the improvements at this Mission is for material \$1500.00 and for labor \$1400.00 total cost \$2900.00.

#### Eufaula

The appropriation for improvements at this place is not sufficient to make all the necessary repairs; hence the committee recommended that the most needed repairs were on the large three story brick building. We recommended that nearly all of the rooms be papered; a few of the rooms in which the plastering is in bad condition to be ceiled and painted. Several large porches need re-flooring and new banisters around them are needed.

The approximate cost of the improvements at this place is, for material \$500.00 and for labor \$450.00; total cost \$950.00.

#### SUMMARY

Name of School	Material	Estimated Cost	
		Labor	Total
Colored Orphans Home	\$300.00	\$260.00	\$560.00



-5-

Tallahassee	\$1100.00	\$600.00	\$1700.00
Coweta	800.00	700.00	1500.00
Nuyaka	900.00	775.00	1675.00
Euchie	1700.00	1175.00	2875.00
Wealaka	1500.00	1400.00	2900.00
Eufaula	500.00	450.00	950.00
Total	\$6800.00	\$5360.00	\$12160.00

Respectfully submitted

Calvin Bullard

School Supervisor of Creek Na.I.T.

(Endorsed) Union Agency No. 33 Calvin Bullard----Submits a report  
on the boarding schools of the Creek Nation.----



DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector  
For

Indian Territory,

D 1408-'00

Muscogee, Ind. T., December 7, 1900.

Honorable P. Porter,

Principal Chief, Creek Nation,

Muscogee, Indian Territory.

Sir:

You are respectfully advised that an act of the National Council of the Creek Nation, approved by yourself on October 27, 1900, and entitled -

"An Act providing for the support of boarding schools,"  
- was submitted by the Honorable Secretary of the Interior to the President of the United States for executive action on November 26, 1900, and was duly approved on the same date, and has been placed on file in the office of Indian Affairs at Washington.

Very respectfully,

J. Geo. Wright,

U.S. Indian Inspector,

for Indian Territory.

ACT PROVIDING FOR SUPPORT OF  
BOARDING SCHOOLS

Be it enacted by the National Council of the Muskogee Nation:

That there be, and is hereby, appropriated out of the School Funds of the Muskogee Nation the sum of Sixty Thousand

---Pleasant Porters general letters.---v---

-2-

Six Hundred (\$60,600.00) Dollars for the support of the National Boarding Schools and Orphan Asylums for the scholastic year ending November 14, 1901 as follows:

Tallahassee Boarding School. . . . .	\$9,000.00
Eufaula High School. . . . .	9,000.00
Wetumka Boarding School. . . . .	9,000.00
Wealaka Boarding School. . . . .	4,500.00
Pecan Creek Boarding School. . . . .	4,500.00
Euchee Boarding Schools. . . . .	4,500.00
Creek Orphan School. . . . .	6,666.66 2/3
Colored Orphan Asylum. . . . .	3,333.33 1/3
Coweta Boarding School. . . . .	4,500.00
Nuyaka Boarding School. . . . .	5,600.00
	<hr/> \$60,600.00

Said amounts to be paid out in accordance with such rules and regulations as may be prescribed by the Secretary of the Interior for the disbursement of Creek funds.

A D O P T E D October 25th, 1900.

A.P. McKellop  
Clerk.

Siah Gray  
Speaker, House of Warriors,  
Pro Tem

C O N C U R R E D I N October 25th, 1900

Lee McNevins  
Clerk.

T.W. Perryman  
President, House of Kings.

A P P R O V E D October \_\_\_\_, 1900.

Pleasant Porter  
Principal Chief.

ATTEST:

W.S. Fears  
Acting Private Secretary.

(Endorsed) Union Agency, Muskogee, Oklahoma.--Pleasant Porters  
general letters.--v--



## A N A C T

Making appropriation for the repairs of the National  
Boarding School.

BE IT ENACTED by the National Council of the Muskogee Nation:  
That there be and is hereby appropriated, out of the general  
fund of the Muskogee Nation, the sum of Two Thousand Four  
Hundred & Fifty dollars for the repairs of the National Boarding  
schools, as follows:

Wetumka Boarding school.....	\$300.00
Pecan Creek Boarding ".....	800.00
Creek Orphan Home.....	250.00
Wealaka Boarding School.....	800.00
Colored Orphan Home.....	300.00

Said sums to be paid in accordance with such rules and  
regulations as may be prescribed by the Secretary of the Interior  
for the disbursement of Creek funds.

A D O P T E D Nov. 5, 1900.

A. P. McKellop  
Clerk.

Amos McIntosh  
Speaker, House of Warriors.

C O N C U R R E D I N Nov. 5, 1900.

Lee McNeVins  
Clerk.

T. W. Perryman  
President, House of Kings.

A P P R O V E D Nov. 5, 1900.

P. Porter

ATTEST:  
W. S. Fears  
Acting Private Secretary.

Principal Chief.

(Endorsed) Union Agency, Muskogee, Oklahoma. ---a-41---Pleasant  
Porters general letters.



DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector

For

D-1435-'00  
Act No. 37

Indian Territory,

Muscogee, Ind. T., Dec. 8, 1900.

Honorable P. Porter,  
Principal Chief,  
Muskogee, Indian Territory,

Sir:

You are respectfully advised that the act of the National Council of the Creek Nation, approved by yourself on November 5, 1900, and entitled -

"An act making appropriation for the repairs of the  
National Boarding School,"

- was submitted by the Honorable Secretary of the Interior to the President of the United States on November 26, 1900, was duly approved on November 27, 1900, and has been placed on file in the office of Indian Affairs at Washington.

Very respectfully,

J. Geo. Wright,

U.S. Indian Inspector,  
for Indian Territory.

## D E P A R T M E N T   O F   T H E   I N T E R I O R .

Washington.

March 13, 1901.

The United States Indian Inspector  
for the Indian Territory,  
Muskogee, I. T.

Sir:

With his letter of February 25, 1901, the Commissioner of Indian Affairs transmitted your communication of February 15, 1901, submitting a letter from the Superintendent of Schools in the Indian Territory "concerning the matter of the pending agreement with the Creek Indians providing for 160 acres of land to be reserved for each boarding school in the Creek Nation, instead of 40 acres, as now provided by said agreement".

You are advised that your letter and accompanying papers came too late for the Department to take any action thereon prior to action by Congress on the agreement.

Respectfully,

Thos. Ryan.

Acting Secretary.

Ind.Ter.Div.  
808-1901.

(Endorsed) Union Agency # 1939 received Mar. 19, 1901. office of U.S. Indian Inspector for I. T. Washington, March 13, 1901. Secretary. Supt. Benedict's letter rel. to reserving 160 instead of 40 acres of land at each Boarding School in Creek Nation came too late to lay before Congress.

DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector  
For  
Indian Territory,

D 2982-'01

Muskogee, Ind.T.,

Nov.12,1901

Hon.P.Porter,

Prin.Chief Creek Nation.

Sir:

I have to respectfully advise you that the act of the National Council of your Nation, approved by yourself on October 7,1901, and entitled, -

"An Act making appropriation for the support of the  
National Boarding schools and orphan asylums  
of the Muskogee Nation,"

was submitted by the Department to the President of the United States for executive action on October 31,1901, and was duly approved on November 1,1901; and the said act, bearing the approval of the President, is inclosed herewith.

Very respectfully,

J.Geo.Wright,

U.S.Indian Inspector  
for Indian Territory.

--P.Porters general letters.--ACTS.--



Muskogee, I.T., Sept. 15, 1902.

Mr. H. C. Fisher,  
Checotah, I.T.

Dear Sir:

Enclosed please find Warrant #1237 in favor of John M. Robe for \$1400.00, salary of teachers and repairs, etc., of Nuyaka Mission; also warrant 1236 in favor of Grunawalt & Thomas for \$228.00, repairs to Eufaula High School. Please audit these and return to me and oblige.

Yours truly,

P. Porter,

Prin. Chief.

October 20th, 1904

Be it resolved by the National Council of the Muskogee Nation;

That the Superintendent of Public Instruction be and is hereby directed to make a thorough investigation of all accounts held by Turner Hardware & Co., against the nation for supplies represented to have been furnished the boarding schools of the Creek Nation.

Be it further resolved, that the said superintendent in carrying out the purpose of this resolution shall demand access to all books or papers at the boarding schools mentioned in the claim of the said Turner Hardware & Co., and to do all other things that may be necessary to arrive at a just settlement in the matter.

Be it further resolved, that the said Superintendent shall make a report of his findings to the next session of the annual Council together with his annual report for further action of the National council.

Adopted Oct. 20th, 1904.

James Smith,

Presdt. H. Kings.

G.W.Grayson,  
actg.-Clk.

Concurred in Oct. 20th, 1904.

Mr. Tiger,  
Clk. Pro Tem,

Alex Davis,

Sp. H. of Warriors.

(Endorsed) Union Agency, Muskogee, Oklahoma--Pleasant Porters  
--general letters.--i--



DEPARTMENT OF THE INTERIOR,  
Office of School Supervisor for Creek Nation.

Muskogee, Ind.Ter.

November 9, 1904.

Hon. John D. Benedict,

Superintendent of Schools,  
in Indian Territory.

Sir:

I have the honor to present the following report as directed in your letter of October 29th.

Eufaula High School.

The main building of this school is of brick, three stories, and containing nineteen rooms. It was built thirteen years ago at a cost of eleven thousand dollars. It is in fairly good repair. Outside buildings are one cottage of four rooms, two of two rooms, store room, laundry and barn, the barn being in a very poor condition indeed. The location of the school within the limits of the town of Eufaula gives to the fifteen acres of land on which it stands a value it would not otherwise have as it is very poor and rocky. Twenty-five acres of land lying in the bottom near the North Fork of the Canadian, added to the above improvements would, in my judgment, bring the total value of the Eufaula High School property up to about fifteen thousand dollars. I believe that would be a liberal valuation to place upon it.

Wetumka Boarding School.

This school is located in the fertile bottom of the North Canadian about four miles from the town of Wetumka. The main



-2-

building of wood (frame) was originally built in 1880, additions having been tacked on from time to time. It is two stories in height, has fourteen rooms and is in very poor condition. A cottage of four rooms built at the same time is in like condition. The Boys' Dormitory of eighteen rooms built about ten years ago is in fairly good condition as is a stone two story building of four rooms erected a little later for a hospital or infirmary. One two room cottage, laundry, and store room are in poor condition. Two barns are also in bad shape. It is very hard to tell how to place a valuation on this property but I think that not more than eight thousand dollars should be put upon it.

#### Tallahassee Boarding School.

This school was originally established for Indian pupils in 1849. The once fine orchard has largely died out. The cultivation of most of the ground belonging to the school for nearly a half century has made it of less value. The principal building was erected about thirteen years ago at a cost of five thousand dollars. It is two stories, of frame and contains twenty rooms. It is in reasonably good repair. Another two story frame building erected in 1882 cost at that time thirty-five hundred dollars but was very badly built. It contains thirteen rooms and is in bad condition. A smaller two story frame building erected in 1882 cost at that time thirty-five hundred dollars but was very badly built. It contains thirteen rooms and is in bad condition. A smaller two story frame building erected about fourteen years ago has been badly abused and is in poor condition. Laundry, store room and shop are wooden buildings of little value. It is very difficult to fix any valuation but eight thousand dollars would

-3-

in my judgment be a liberal estimate.

Euchee Boarding School.

The location of this school immediately adjoining the town of Sapulpa adds greatly to the value of the property.

Its buildings are girls' dormitory and boarding department, two story frame building of ten rooms, and boys' dormitory two story, frame, seven rooms, both built about thirteen years ago at a cost of about six thousand dollars, hospital building two story frame of eight rooms costing twenty-five hundred dollars, with laundry, store room, two room cottage and barn of little value. I should value the property at about twelve thousand dollars.

Creek Orphan Home.

This school is a little over a mile from the town of Okmulgee. The main building of brick, two stories in height, was erected in 1892 at a cost of thirteen thousand dollars, the expense of building being greatly increased by remoteness from the rail road, it being at that time thirty-five miles to the nearest railway station. It contains sixteen rooms and is in very fair condition. Other buildings are some small wooden structures of little value;-laundry, store room, cottage for hired help, all in only fair condition and a barn built three years ago. The forty acres of prairie upland are probably of much greater value because of nearness to Okmulgee but I do not believe ten thousand dollars would be too small a valuation to place upon this property.

Nuyaka Boarding School.

This school was established in 1884, the two story frame buildings at that time costing about fourteen thousand dollars.



-4-

These buildings are two cottages for girls of eleven rooms each, boys' dormitory of eleven rooms and school building of four rooms. Wooden buildings of little value are laundry, storeroom, smoke house, chicken house and barn. Fences, etc., are well kept up, the orchard is of some value as also an artificial pond in the grounds. The great drawback to the value of this place is its remoteness from the railroad. I should not estimate its value at more than eight thousand dollars.

#### Wealaka Boarding School.

This school has good farm land in a beautiful location, and very recently a railway has been built with a station quite near the school. Should a town spring up there the value would, of course, be greatly enhanced. The two story frame buildings erected in 1891 are as follows: Girls' dormitory and boarding department, ten rooms, and boys' cottage, seven rooms. The school building is a one story frame of two rooms. Laundry, smoke house, store room and small box house for hired man are buildings of little value. The large barn is old. Fences are in good condition and there is an orchard which adds to the value of the place. The buildings of the school cost eight thousand dollars and probably that would be a good valuation to put upon the place.

#### Coweta Boarding School.

The school property immediately adjoins the new town of Coweta and is only a short distance from the railway station. The land is good prairie upland and there is a small orchard of young trees. The buildings are two frame two story cottages for boys and girls each containing seven rooms, a two story "box house" for kitchen and dining room of five rooms, frame school house of one large room divided by a temporary partition, with outside



-5-

laundry, store room and coal house of little value. The barn is poor. The buildings cost eight thousand dollars and the value of the place I do not think would be in excess of that amount.

#### Pecan Creek Boarding School.

The buildings of this school are Girls' cottage and boarding department of sixteen rooms and boys' cottage of eleven rooms, these being two story frame buildings. The school building is a one story frame structure of one large room. An outside laundry and office are small "box houses" of little value and there is a reasonably good barn. Two wells of most excellent water add very much to the value of this place and its location is one of great beauty. The land is good prairie upland. The place is well kept up. The buildings cost about eight thousand dollars and including the forty acres of land belonging to the school I should estimate the property to be worth ten thousand dollars.

#### Colored Orphan Home.

The main building of this school is of stone, erected by the U. S. Government for a residence for the Indian Agent nearly thirty years ago. Poor materials were used in floors, stairs, etc., and the building is in bad shape. It contains ten rooms and is two stories in height. A one story frame building with temporary partitions is used for sleeping quarters for the boys and there is an outside laundry and store room, wooden buildings of little value. The small barn is in good condition. Fifteen acres of the school property are on the crest of a hill two and a half miles from Muskogee, overlooking the town and the intervening valley and with a magnificent view in every direction of the surrounding country. Land immediately adjoining has been bought at 4.

-6-

from seventy-five to a hundred dollars an acre with a view to fancy residence property. Twenty-five acres in the valley on the other side from Muskogee would probably be valued at twenty to twenty-five dollars an acre. My best judgment would be an estimate of from four to five thousand dollars.

In making this report I have too little knowledge of land values to claim any degree whatever of accuracy. I have purposely refrained from any effort to acquaint myself with such values because of my official position. Such questions are always received with more or less of suspicion.

Very respectfully,

Alice M. Robertson,

Supervisor.

(Endorsed) Union Agency No. 4 November 9, 1904. Alice M. Robertson, Muskogee, I.T.-----Submits report on value of Creek School property.-----



Muscogee, I. T.

January 14th, 1898.

To the Dawes Commission,

Dear and Honored Sirs:

The undersigned, on behalf of the Blue Creek School, a branch of the Sisson Industrial School, being located about twenty miles from Muscogee, I. T. under the direction of the African M. E. Church, would most respectfully beg of your honorable body the consideration of the following claim, which the officers of said school believe to be a just and lawful claim.

The foundation of said claim arises from the following grounds, to-wit:

During the year 1887, the aforesaid African M. E. Church was invited by the citizens of the Creek Nation, and authorized and encouraged by L. Perryman, the then Chief of the Creek Nation, and also by the Board of Education then in force, to build said school. That upon said invitation and relying upon the authority granted them by the said Chief and the said Board of Education, a school was built during the years 1888 and 1889, known as the "BLUE CREEK SCHOOL," and that under the laws of the Creek Nation said school was entitled to have and to hold unto itself for such purposes as it may see fit for the running and management of said school, 100 acres of land adjoining and surrounding said building.

That the officers of said school, at the time that the said Daniels commenced to build the fence around the 100 acres mentioned

41.

in the main body of the petition, went to the Judge of the District in which the school is located, and protested against the building of said fence, and said Judge ordered that it be not built. That the same protests were made to the Chief, Council and Board of Education of the Creek Nation at least five or six times, but that no reply to said petitions has ever been received by the officers of said school. That the said Daniels, as soon as he was ordered by the Judge not to build, laid out a boundry which left clear the lands belonging to the school, but that as soon as he commenced to build his fence, he over-run said boundries and completed the fence as it now stands. That in addition to the building of said fence on said lands, the said Daniels has attempted in several ways to discourage the people of the neighborhood from sending their children to said school, and harassing the school in every manner possible.

That about two years after the building of said school, the Daniel Pasture Company built a pasture, the boundaries of which enclosed said school and school lands. That in the year 1895, one Robert Daniels, who was a member of the pasture Company which has built the aforesaid pasture, fenced in one hundred acres immediately surrounding said school thus depriving said school from using their 100 acres to which under the Creek law they were entitled. That they being in no condition financially to contest the building of said fence or the occupancy of said land by the said Daniels, have allowed the matter to stand in the shape it now is in.

That at this time, the said Daniels makes a demand upon the officers of said school for the sum of \$500.00 for the wire and



-3-

posts composing said fence, claiming also that he is the owner of the land enclosed by said fence, and that unless said sum of \$500.00 is paid him he will not turn over to said school the land so enclosed.

WHEREAS, We as officers of said school, considering that said land belongs to said school under and by virtue of said Creek laws mentioned in the foregoing, and feeling that we do not need to pay unto the said Robert Daniels the said sum of \$500.00 in order to obtain possession of the said lands, and being in no condition to stand the expense of legal proceedings in the matter, we have taken the liberty to present the matter to your honorable body for your due consideration, and would respectfully ask of you that you give the matter your careful consideration, and use such efforts as you may deem right and proper, in restoring us to our rightful possessions.

Respectfully submitted, by

G.A.L.Dykes  
President and General Manager

of BLUE CREEK SCHOOL  
On behalf of it and its officers.

(Endorsed) Union Agency No.41. Relative----Petition of the BLUE CREEK SCHOOL, re. its land being claimed by a Robert Daniels.----

J.M.HALL & CO.  
DRY GOODS & GROCERIES

Boots, Shoes, Hats & Caps  
Clothing & Gents Furnish-  
ings, Hardware & Furniture.  
Coffins, Doors, Windows,  
Lumber, Etc., Etc.

Tulsa, Ind.Ter.  
Jan.13,1899.

Hon.A.B.McKennon

Muskogee

Dear Mr. McKennon:

I wont bother you but just one moment.

Please see that the Tulsa Presbyterian School has in your  
Treaty the same protection as other Mission Schools.

The Home Mission Board has one block of land. School  
Building on same cost them about 1700.00 including some little  
donation by the town. They low the school has been carried on  
by this Mission Board about (12) years at a cost to the Board from  
8000.00 1000.00. Did not see L.E.Perryman before he left.He  
lives about (10) miles in the country.

Very truly yours,

J.M.Hall.

(Endorsed) Union Agency No. 2100 Commission to Five Tribes.Recd.  
Jan.20,1899 J.M.Hall,Tulsa,I.T. 7/20/99 ----Rel. to the Presby-  
terian mission School.----



## DEPARTMENT OF THE INTERIOR,

## Office of Indian Affairs.

Washington, April 15, 1899

Refer in reply to the following:

Land  
14704-99  
17107-99

The Honorable

The Secretary of the Interior.

Sir:

Under date of April 5, 1899, the office transmitted a report of March 28, 1899, from Inspector Wright, who enclosed an Act of the Creek Council, appropriating \$77,930.61 for the support of schools in the Creek Nation, for the present year, to be paid out under rules and regulations of the Secretary of the Interior.

Inspector Wright in forwarding that document called attention to the fact that it was apparently written and signed by one party, all of the signatures being in the same handwriting as the body of the Act.

In reporting on the matter, the office suggested that the delay which would be necessary in returning the papers to be properly engrossed and signed would more than consume the time allowed by the Act of 1897, for the President to consider Acts of this Nation, and the Act would, therefore, fail; and it was recommended that in view of all the circumstances of the apparent misunderstanding of the Creek authorities of the intention of the government, in instructions heretofore given them with respect to the engrossing and signing of Acts to be presented to the President, that paper be treated as an Act of the Nation and be submitted to the President for his approval, and that Inspector

Wright be instructed to forward other Acts in similar shape, which he said he had on file in his office to be forwarded to the President, but to inform the Creek authorities that this action is taken only on account of the apparent misunderstanding of instructions, and that hereafter all Acts must be signed by the officers of the legislative bodies and the Executive of the Nation themselves.

There is now enclosed herewith a report of April 8, 1899, from Inspector Wright, transmitting the said Act properly engrossed and signed by the proper officers. This is forwarded by him with the recommendation that it be given your favorable consideration, and be treated in place of the other paper herinabove referred to. It is presumed that inasmuch as the Department acted promptly on the former recommendation of this office concerning the copy forwarded, in writing to Inspector Wright, giving him substantially instructions in accordance with office recommendation, that the Act in question has been approved by the President by this time, but the properly engrossed and signed act is transmitted herewith for the information of the Department. The office believes, however, that no necessity exists for any action on this paper if the other document referred to has been treated and approved as an Act of the Council.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner,

K.S.M.(G)



## Muscogee (Creek) Nation.

## RESOLUTION

RELATIVE TO A DIS-CONTINUED NATIONAL SCHOOL IN THE TOWN OF  
EUFULA

Whereas the Muscogee citizens in the town of Eufaula represent that they have enjoyed the benefits of a neighborhood school in that town for many years, but that this school has been discontinued to their inconvenience and detriment and earnestly desire and request the re-establishment of said neighborhood school, therefore,

BE IT RESOLVED BY THE NATIONAL COUNCIL OF THE MUSCOGEE NATION, That the council sympathizes with the Muscogee citizens of the town of Eufaula in their loss of the neighborhood school lately discontinued by the Honorable J.D.Benedict, and hereby respectfully but earnestly him to re-establish for the Muscogee citizens of the town of Eufaula, the neighborhood school lately discontinued with a competent teacher therefor together with all the rights and privileges of other neighborhood schools of the Nation; and the Principal Chief is hereby requested to present to said J.D. Benedict and urge him to favorable consideration of the object of this resolution.

A.P.McKellop  
Clerk of House of Warriors.

Adopted Dec.14th,1899.

Amos McIntosh  
Speaker of House of Warriors

Concurred in Dec.15th,1899

Lee McNevins  
Clerk of House of Kings.

T.W.Perryman  
Approved: Dec.15th,1899

J.E.Tiger  
Private Secretary

---Pleasant Porters general letters.--n--

P.PORTER

Prin.Chief,M.N.

Received copies of the above resolution this 18th day of  
December 1899.

J.D.Benedict,

Supt.

(Endorsed) Union Agency, Muskogee, Oklahoma.--Pleasant Porters  
general letters.--n--



D-548, '00

DEPARTMENT OF THE INTERIOR,  
Office of U.S. Indian Inspector,

For

Indian Territory,

Muscogee, Ind.T., January 26, 1900.

Hon. Pleasant Porter,

Principal Chief, Creek Nation,

Muscogee, Indian Territory.

Sir:

You are respectfully advised that the Act of the National Council of the Creek Nation, approved by yourself on December 15, 1899, and entitled:

"An Act to provide for the support of the National Boarding Schools and for other purposes,"

was submitted by the Honorable Secretary of the Interior to the President of the United States for executive action on January 11, 1900, and was duly approved on the same day, and has been placed on file in the Office of Indian Affairs at Washington.

Very respectfully,

J. Geo. Wright,

U.S. Indian Inspector, for  
the Indian Territory.

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Muscogee (Creek) Nation

AN ACT

TO PROVIDE THE SUPPORT OF THE NATIONAL BOARDING SCHOOLS

AND FOR OTHER PURPOSES

---Pleasant Porters general letters.---a-32----

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSCOGEE NATION:  
That there be and is hereby appropriated out of the School funds  
of the Muscogee Nation the sum of Sixty four thousand five hundred  
twenty five and 10/100 Dollars (\$64.525.10) for the support of  
the National Schools for the Scholastic year ending November 15,  
1900 and for other purposes as herein after mentioned  
Said sum to be paid out in accordance with such rules and regula-  
tions as may be prescribed by the Secretary of the Interior

Tallahassee Boarding School- - - - -	\$ 9.000.00
Eufaula High School- - - - -	9.000.00
Wetumka Boarding School- - - - -	9.000.00
Wealaka Boarding School - - - - -	4.500.00
Pecan Creek Boarding School- - - - -	4.500.00
Euchee Boarding School- - - - -	7.200.00
Creek Orphan School- - - - -	6.666.66
Neighborhood School- - - - -	14.329.25
C.G.Moore for supplies furnished the Neighborhood School- - - - -	329.19

In all Sixty four thousand five hundred twenty five  
and 10/100 Dollars.

A.P.McKellop Clerk of the H. of W.	Adopted Dec.15th,1899 Amos McIntosh Spk. H. of Warriors
Lee McNevins Clerk of H. of K.	Concurred in Dec.15th,1899 T.W.Perryman Pres.H. of K.
J.E.Tiger Private Sec.	Approved Dec.15th,1899  P.Porter-Prin.Chief of the M.N.

Approved by Wm.McKinley Jany.11,1900.

(Endorsed) Union Agency, Muskogee, Oklahoma.--Pleasant Porters  
general letters.--a-32----



Appropriation in favor of American  
Book Co., and Goldsmith Book &  
Stationary Company.

Be it enacted by the National Council of the Muskogee Nation:

That there be and is hereby appropriated, out of the  
General Fund of the Muskogee Nation, the sum of One Thousand &  
Fifty (\$1,050.00) Dollars in favor of the American Book Company,  
of Chicago, Illinois, being payment for books furnished the schools  
of the Muskogee Nation in 1898;

Also the sum of \$300.00 in favor of the Goldsmith Book  
& Stationery Company, being payment for slates, pencils, tablets  
and other supplies furnished the schools of the Muskogee Nation  
in 1898.

Said sums to be paid out in accordance with such rules  
and regulations as may be prescribed by the Secretary of the In-  
terior for the disbursement of Creek funds.

A D O P T E D    October 25th, 1900

A.P. McKellop  
Clerk.

Siah Grey  
Speaker, House of Warriors,  
Pro Tem

C O N C U R R E D    I N    October 25th, 1900.

Lee McNevins  
Clerk.

T.W. Perryman  
President, House of Kings.

A P P R O V E D    October 25, 1900.

P. Porter,  
Principal Chief.

ATTEST:

W.S. Fears,  
Acting Private Secretary.

--P. Porter general letters, No. 13.--

DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector  
For

Indian Territory,

D 1538-'00

Cr. Act No. 9

Muscogee, Ind. T.,

November 22, 1900.

Honorable P. Porter,

Principal Chief, Creek Nation,

Muscogee, Indian Territory.

Sir:

You are respectfully advised that the act of the National Council of the Creek Nation, approved by yourself on October 25, 1900, and entitled -

"Appropriation in favor of American Book Company and Goldsmith Book and Stationery Company,"

- was submitted by the Honorable Secretary of the Interior to the President of the United States for executive action on November 12, 1900, was duly approved on the 13th instant, and has been placed on file in the office of Indian Affairs at Washington.

Very respectfully,

J. Geo. Wright,

U.S. Indian Inspector,  
for Indian Territory.



D-1430-'00

DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector  
For  
Indian Territory,

Muscogee, Ind. T.,

December 8, 1900.

Hon. P. Porter,

Prin. Chief Creek Nation,

Sir:

You are respectfully advised that the Act of the National Council of the Creek Nation, approved by yourself on October 31, 1900, and entitled,

"An Act Regulating the Conduct of the Schools in  
the Creek Nation,"

was submitted by the Department to the President of the United States for Executive action, on November 26, 1900, was disapproved on November 27, 1900, and has been placed on file in the office of Indian Affairs at Washington.

In submitting this act to the President, the Honorable Secretary of the Interior called attention to the provision which declares that no school property shall be sold without written instructions from the superintendent of public instruction. He states that this would appear to authorize the Creek superintendent to sell or dispose of school property without the approval of the Supervisor or General Superintendent, and calls further attention to the fact that the pending (Creek Agreement) makes provision for the conduct of schools in the Creek Nation, and should the same be ratified, this act would be without any

----Pleasant Porter-a-69----

validity. And in view of this fact, the Honorable Secretary of the Interior recommended that the Act be disapproved.

Very respectfully,

J. Geo. Wright,

U.S. Indian Inspector,  
for Indian Territory.

A N A C T

Regulating the conduct of the schools in the Creek Nation.

---

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION:

That from and after the first day of January, 1901, the compensation of teachers of neighborhood schools shall be at the rate of forty (\$40.00) dollars a month, but teachers now holding appointments may be required to take an additional examination before being re-appointed at this rate.

The average number of citizen pupils required shall be uniform, and shall be fifteen.

Be it further enacted that in localities where the number of citizens is not great enough to keep up the required average, upon the petition of responsible citizens of said neighborhood, a school may be organized to which non-citizen children shall be admitted upon the payment of one dollar a month tuition, the balance of the teacher's salary to be paid from the school fund. This arrangement shall be made only in such cases as the superintendent of Public Instructions and the supervisor



shall determine and only when the appropriation for the neighborhood schools shows a sufficient surplus to warrant such expenditure.

Be it further enacted that the district court houses of the Creek Nation located in the six districts shall be and are hereby set apart and turned over to the superintendent of Public Instructions to have and to hold and use them for neighborhood schools, together with the fixtures and furniture thereunto belonging.

Superintendents of the various boarding schools shall be required to give a bond in twice the amount of funds handled by them in any one quarter. All property belonging to the various boarding schools shall be invoiced and placed on a permanent record, and all purchases shall be taken up on this record of property. No school property shall be sold, exchanged or otherwise disposed of without written instructions from the Superintendent of Public Instructions. All property shall be marked or branded with the name of the school. An itemized property return shall in every case accompany the quarterly accounts of the superintendent of each school.

Be it further enacted that superintendents of boarding schools shall send in their cash and property accounts to the Superintendent of Public Instructions within twenty days of the expiration of each quarter.

Be it further enacted, that so far as the same can be made applicable the "Rules for the Indian School Service," issued by the Indian Office at Washington, shall be used in the day and boarding schools of the Creek Nation. The Indian Office and Civil Service requirements in the examination of teachers and

other employes of the Government Indian Schools shall be complied with as nearly as possible. All salaries paid to employes of boarding schools shall be fixed upon the basis of salaries paid in the Government Indian Schools.

Be it further enacted that from and after the first of January, 1901, no matron, seamstress or other employe shall be appointed or continued in the boarding schools without first taking such examination as may be determined upon by the Superintendent of Public Instructions and the Supervisor to show the competence of the person for the position to be filled. No person under twenty-one years of age shall be employed as a principal teacher in any of the boarding schools, nor shall any one be appointed as principal who has not had at least three years' experience as a teacher.

Be it further enacted that at any time when a boarding school shall be found to have failed for any reason other than contagious disease to have kept up an average of sixty per cent. of its authorized number of students the said schools shall be suspended by the superintendent of Public Instructions and the Supervisor. But if, after careful investigation of the circumstances, the Superintendent of Public Instructions and the Supervisor deem it advisable to reorganize and re-open the school they may do so, otherwise the school property shall be placed in the care of a proper curator and the school discontinued until the beginning of the next school year.

Be it further enacted that after the first of January, 1901, the boarding school at Eufaula shall be made a High School, known as Eufaula Academy. An entrance grade shall be determined upon by the Superintendent of Public Instructions and the

----P.Porter--a-69----



Supervisor and announced together with the time and place of holding examinations therefor. Students now at Eufaula school who cannot pass this examination shall be transferred to such of the other boarding schools as they may prefer. Students of other schools who have reached the grade required for entrance to the high school shall be transferred upon certificate of the principal of the school.

Be it further enacted that after the first of January, 1901, the Colored Orphan Home, near Muskogee, shall be made a high school for the colored citizens, the appropriation for said orphan school shall be used for the support of the school as a high school. The orphans in the school who cannot take the required examination for entrance to the high school shall be transferred to the Pecan Creek School, and the high school thus established shall be called the Muskogee Academy. The entrance requirements shall be the same as at the Eufaula High School.

Be it further enacted that hereafter the boarding schools shall be opened on the Wednesday nearest the first day of October and shall close on the Wednesday nearest the last day of June.

Be it further enacted that the Principal Chief be and is hereby authorized and directed to inquire into the management of the National Boarding Schools, and the acts of the several superintendents as to their conduct of the schools and the expenditures that have heretofore been made by said superintendents of boarding schools, and in any case where he finds that they have embezzled any of the property of the school, or converted any of the funds appropriated for the support of the school to their own use, or otherwise appropriated the same, and report

-6-

such cases to the United States district attorney in order that criminal prosecution may be instituted in the United States court.

Adopted October 29, 1900.

Lee McNevins  
Clerk.

T.W.Perryman  
President, House of Kings.

A.P.McKellop  
Clerk

Concurred in October 31, 1900  
Amos McIntosh  
Speaker, House of Warriors.

Approved October 31, 1900.  
P.Porter  
Principal Chief, Musk.Na.

ATTEST:  
W.S.Fears  
Acting Private Secretary.

(Endorsed) Union Agency, Muskogee, Oklahoma.--a-69--Pleasant Porter's general letters.



## A N A C T

Appropriating \$25,000 for the support of  
Neighborhood Schools, 1900-1901.

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION:

That there be and is hereby appropriated, for the support  
of the sixty-five neighborhood schools for the scholastic year  
1900-1901, the sum of Twenty-five Thousand (\$25,000.00) Dollars,  
as follows:

Out of the school fund. . . . .	\$15,868.40
Out of the unexpended balance of the appropriation for the repairs of the National Boarding Schools, passed April 18, 1899. . . . .	3,342.15
Out of the general fund. . . . .	5,789.45
	<hr/> \$25,000.00

Said sum to be paid out in accordance with such rules and  
regulations as may be prescribed by the Secretary of the Interior  
for the disbursement of Creek funds.

A D O P T E D November 2, 1900

A.P. McKellop  
Clerk

Amos McIntosh  
Speaker, House of Warriors.

C O N C U R R E D I N November 2, 1900

Lee McNevins  
Clerk

T.W. Perryman  
President, House of Kings.

A P P R O V E D November 2, 1900.

P. Porter

Principal Chief.

ATTEST:

W.S. Fears  
Acting Private Secretary.

## A N A C T

Appropriating \$25,000 for the support of  
 Neighborhood Schools, 1900-1901.

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION:

That there be and is hereby appropriated, for the support of the  
 sixty-five neighborhood schools for the scholastic year 1900-  
 1901, the sum of Twenty-five Thousand (\$25,000.00) Dollars, as  
 follows:

Out of the School fund,.....	\$15,868.40
(Unexpended Balance of appropriation of 1899-1900,.....	3,342.15
Out of the general fund,.....	5,789.45
	<u>\$25,000.00</u>

Said sum to be paid out in accordance with such rules and  
 regulations as may be prescribed by the Secretary of the Interior  
 for the disbursement of Creek funds.

A D O P T E D      October 25, 1900.

A.P. McKellop  
 Clerk.

Siah Gray  
 Speaker, House of Warriors,  
 Pro Tem.

C O N C U R R E D      I N      October \_\_, 1900

Lee McNevins  
 Clerk.

T.W. Perryman  
 President, House of Kings.

A P P R O V E D      October \_\_, 1900.

P. Porter  
 Principal Chief.

ATTEST:

W.S. Fears  
 Acting Private Secretary.

--Pleasant Porters general letters.--q--



Committee Room

October 25, 1900.

The National Council  
of the Muskogee Nation.

Gentlemen:

We, your Committee on Education, herewith submit a Bill making appropriation for the Neighborhood Schools for the scholastic year of 1900-1901, and earnestly recommended its passage.

Respectfully submitted.

Charles Coachman

Chairman.

Sue. M. Rogers  
Clerk.

DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector

For  
Indian Territory,

D-1385-'00  
Act No. 14.

Muscogee, Ind.T., Dec.1,1900.

Honorable P.Porter,

Principal Chief Creek Nation,  
Muskogee Indian Territory,

Sir:

You are respectfully advised that the act of the National Council of the Creek Nation, approved by yourself on November 2,1900, and entitled -

"An act appropriating \$25,000 for the support of neighborhood schools, 1900-1901,"

- was submitted by the Honorable Secretary of the Interior to the President of the United States for executive action on November 21,1900, was duly approved on the 22nd ultimo and has been placed on file in the Office of Indian Affairs, at Washington.

For your information I would respectfully state that this act was the second or corrected one submitted by you and makes the following appropriations:

"Out of the school fund, . . . . .	\$15,868.40
Out of the Unexpended balance of the appropriation for the repairs of the National Boarding Schools, passed April 18,1899. . .	3.342.15
Out of the general fund. . . . .	5.789.45
	<u>\$25.000.00</u>

Very respectfully,  
J.Geo.Wright,  
U.S.Indian Inspector,  
for Indian Territory.

(Endorsed) Union Agency, Muskogee, Oklahoma.--Pleasant Porters  
general letters.-----a-4-----



November 1, 1900

WHEREAS it is currently reported that pupils are admitted to all the rights and privileges of a Creek citizen in some of the schools of the nation who are not bona fide citizens thereof, and WHEREAS it is contrary to the purpose and policy of the nation for others than Creek citizens to participate in the benefits accruing from the funds appropriated by the nation for the support of its public schools, therefore,

BE it enacted by the national council of the Muscogee nation, that the Superintendent of Public Instruction be, and is hereby empowered and instructed to make a careful examination of the pupils of all the schools of the nation as to the nationality of each, and their title to school privileges therein, and discontinue at once the further attendance of all such if any, as shall by him be found to be citizens of other nations than the Creek, and report the result of his investigations and action to the next annual session of the national council.

Adopted, Nov. 1, 1900

Amos McIntosh

Sp. H. of W.

A.P. McKellop.  
Clk.

Concurred in 11/2/1900

T.W. Perryman  
Pres. H. of K.

L. McN.  
Clk.

Approved Nov. 2nd, 1900  
P. Porter,

Principal Chief.

(Endorsed) Union Agency, Muskogee, Oklahoma.--Pleasant Porters  
general letters.--a-11----

Nov. 5, 1900

## A N A C T

Making Appropriations in favor of Louvina Landrum,  
Tella Wadsworth, Hannah Roper & W. E. Gentry.

BE IT ENACTED by the National Council of the Muskogee Nations:  
That there be and is hereby appropriated, out of the general  
fund of the Muskogee Nations, sums as follows, to-wit:

Louvina Landrum, services rendered as teacher of New Paradise School, year 1896, in lieu of Warrant misplaced in Executive office-----	\$75.00
Stella Wadsworth, in lieu of school warrant issued to her and delivered to the Board of Education and by them misplaced, and never paid to her-----	75.00
Hannah Roper, services rendered as teacher, Tallehasse Boarding School, 2n quarter, 1895-6,-----	100.00
W.E.Gentry, pay on account of Merchandise supplied Wealka Boarding School, 1st quarter, 1898, in lieu of warrant issued May 26, 1899,-----	252.78

A D O P T E D Nov. 5, 1900.

A.P. McKellop  
Clerk.

Amos McIntosh  
Speaker, House of Warriors.

C O N C U R R E D I N Nov. 5, 1900

Lee McNeVins  
Clerk.

T.W. Perryman  
President House of Kings.

A P P R O V E D Nov. 5, 1900.

P. Porter,  
Principal Chief.

ATTEST:

W.S. Fears---Acting Private Secretary.

---Pleasant Porters general letters.--r--



DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector

For  
Indian Territory,

Muscogee, Ind.T., December 7, 1900.

D 1410-'00  
Act No. 23

Honorable P.Porter,  
Principal Chief, Creek Nation,  
Muscogee, Indian Territory.

Sir:

You are respectfully advised that an act of the National Council of the Creek Nation, approved by yourself on November 5, 1900, and entitled -

"An Act making appropriations in favor of Louvina Landrum, Stella Wadsworth, Hannah Roper and W.E.Gentry,"

- was submitted by the Honorable Secretary of the Interior to the President of the United States for executive action on November 27, 1900, and was duly approved on November 28, and has been placed on file in the Office of Indian Affairs at Washington.

In connection with the claims of Louvina Landrum and Stella Wadsworth, and also Mr. W. E. Gentry, it appears that this appropriation was made in lieu of warrants which had heretofore been issued, and which had been either lost or misplaced, and in order to prevent duplicate or fraudulent payments, in view of the fact that the original warrants might still be outstanding and a subsisting liability against the Creek Nation, and might be presented for payment at any time, the Honorable Secretary of the

--P.Porters general letters.--r--

-2-

Interior, in submitting this act for approval, stated that the duplicate warrants to be issued thereunder to Louvina Landrum and Stella Wadsworth and Mr. Gentry, should be presented to the Commissioner of Indian Affairs for payment, accompanied by affidavits as to the loss of the originals, and that also a bond of indemnity in twice the amount involved, to secure the Government against loss in event of the original warrants being presented for payment; and you should, therefore, instruct these parties, when the warrants issued under this act were delivered to them, to present their warrants to the Commissioner of Indian Affairs, through this office and refer to the correspondence concerning the approval of this act.

Very respectfully,

J. Geo. Wright,

U.S. Indian Inspector,

for Indian Territory.

(Endorsed) Union Agency, Muskogee, Oklahoma.--Pleasant Porters  
general letters.--r--



May 10th, 1901

An Act making appropriation in favor of C. G. Moore,  
Mary Marshall, J. W. Sanders and C. H. Tully.

Be it enacted by the National Council of the Muskogee Nation:  
That there be and is hereby appropriated, out of the general  
fund of the Nation, the following sums, to-wit:

In favor of C.G.Moore the sum of Five Hundred Twenty-three  
dollars and seventy-six cents (\$523.76), being for books and  
supplies furnished the Muskogee Nation during the years of  
1897 and 1898;

In favor of Mary Marshall the sum of seventy dollars and  
twenty-five cents, being in lieu of two warrants issued to her  
for school work, which she submitted to the warrant committee  
for registration, and which were misplaced and not returned;

In favor of J. W. Sanders the sum of Two hundred and  
forty dollars and thirty-five cents (\$240.35), being payment  
for scholastic year of 1897 and 1898;

In favor of C. H. Tully the sum of four hundred seventy-one  
dollars and nine cents (\$471.09), being for merchandise fur-  
nished the Eufaula High School in preparation for the opening  
of the school for the first quarter of 1899.

Said sums to be paid in accordance with such rules and  
regulations as may be prescribed by the Secretary of the In-  
terior for the disbursement of Creek funds.

Adopted May 10th, 1901.

A.P. McKellop  
Clerk

Alex Davis  
Speaker House of Warriors  
pro tem

Lee McNevins  
Clerk

Thos. W. Perryman  
Pres. House of Kings.

Approved May 10th, 1901--P. Porter-Prin. Chief.

(endorsed) Union Agency, Muskogee, Oklahoma.--a-56--Pleasant Porters  
general letters.

## EXECUTIVE OFFICE

Muskogee Nation

Okmulgee, I.T.,

May 15, 1901.

I, P. Porter, Principal Chief of the Muskogee Nation, do hereby certify that the foregoing is an act of the National Council of said Nation passed at its extra session held May, 1901, and approved by me in my official character on May 15, 1901, and I do hereby submit the same for the approval of the President of the United States under the provisions of the Act of Congress of March 3, 1901, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes,".

Inasmuch as the Muskogee Nation has no officer known as the "National Secretary," I have signed my name to this certificate and caused the same to be attested acting private secretary.

In witness whereof, I have hereunto signed my name as Principal Chief of the Muskogee Nation this the \_\_\_ day of \_\_\_, 1901, and caused the great seal of the Nation to be affixed.

\_\_\_\_\_  
Principal Chief, Muskogee Nation.

Attest:

\_\_\_\_\_  
Acting Private Secretary.

(Endorsed) Union Agency, Muskogee, Oklahoma--a-56--Pleasant Porters general letters.



DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector  
For

D-2322-1901

Indian Territory

Muskogee, Ind. T.,

June 26, 1901

Hon. P. Porter,

Principal Chief, Creek Nation,

Muskogee, I. T.

Sir:

You are hereby respectfully advised that the Act of the  
Creek National Council, approved by you on May 10, 1901,  
entitled:

An Act making appropriation in favor of C. G. Moore,  
Mary Marshall, J. W. Sanders and C. H. Tully"  
was approved by the President of the United States on June  
11, 1901.

Very respectfully,

J. Geo. Wright

U. S. Indian Inspector

for Indian Territory.

MAY Session, 1901.

CREEK NATION.

AN ACT MAKING APPROPRIATION IN FAVOR OF C.G.MOORE, MARY MARSHALL,  
J.W.SANDERS AND C.H.TULLY.

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION:

That there be and is hereby appropriated, out of the General Fund of the nation, the following sums, to-wit:

In favor of C.G.Moore the sum of Five Hundred, Twenty-three Dollars and seventy-six cents (\$523.76), being for books and supplies furnished the Muskogee Nation during the years of 1897 and 1898;

In favor of Mary Marshall the sum of Seventy Dollars and Twenty-five cents, being in lieu of two warrants issued to her for school work, which she submitted to the warrant committee for registration and which were misplaced and not returned;

In favor of J.W.Sanders the sum of Two Hundred and Forty Dollars and Thirty-five Cents (\$240.35), being payment for repairs in and about Tallehassee Boarding School, made in the scholastic year of 1897 and 1898;

In favor of C.H.Tully the sum of Four Hundred, Seventy-One Dollars and Nine Cents (\$471.09), being for merchandise furnished the Eufaula High School in preparation for the opening of the school for the first quarter of 1899.

Said sums to be paid in accordance with such rules and regulations as may be prescribed by the Secretary of the Interior

--P.Porters general letters.--ACTS.--



for the disbursement of Creek funds.

APPROVED BY THE PRINCIPAL CHIEF, P.Porter, May 10,1901;

APPROVED BY THE PRESIDENT, WILLIAM McKINLEY, June 11,1901,

(See D-2322-1901).

Refer in reply to the following:

Education  
45410-1901.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington,

August 22, 1901.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith several communications from the United States Indian Inspector for Indian Territory and the Superintendent of Schools in Indian Territory, relative to certain proposed regulations concerning education in the Creek Nation.

In the agreement ratified May 25, 1901, by the Muskogee or Creek Tribe of Indians, the following item appears:

"The Creek school fund shall be used, under direction of the Secretary of the Interior, for the education of Creek citizens, and the Creek schools shall be conducted under rules and regulations prescribed by him, under direct supervision of the Creek school superintendent and a supervisor appointed by the Secretary, and under Creek laws, subject to such modifications as the Secretary of the Interior may deem necessary to make the schools most effective and to produce the best possible results.

"all teachers shall be examined by or under direction of said superintendent and supervisor, and competent teachers and other persons to be engaged in and about the schools with goodmoral character only shall be employed, but where all qualifications are equal preference shall be given to citizens in such employment."

It will appear from the above section that the Creek fund shall be used under the direction of the Secretary of the Interior for the education of Creek citizens, and the schools to be conducted under rules and regulations prescribed by him, subject to such modifications as he may deem necessary to make the schools most effective, and to produce the best possible results. The best construction placed upon this clause seems to be that the practical control and



## Secretary - 2

the Creek Indian schools are vested in the Secretary of the Interior, with the proviso that existing laws shall receive such consideration at his hands as may be deemed necessary for an effective school system.

The regulations as proposed do not, in the judgment of this Office, carry out the idea above expressed, but in view of the statement made by the Inspector, that existing laws should be recognized and tribal prejudices not controverted any farther than may be absolutely necessary, it is suggested that these regulations be approved, subject to such modifications as I shall suggest.

I would suggest that Section 3 be amended by striking out in lines 3 and 4 these words, "may demand the resignation or removal of," and insert the word, "remove," making the sentence read, "and remove any school employe," etc. The reason for this suggestion is that as the section reads now the superintendent may demand, but there is no power to enforce.

I would recommend that Section 4 be amended by striking out all words commencing with "shall" in the second line, and inserting, "shall be fixed by the Secretary of the Interior," and also amended by providing that the number of all employes shall also be fixed by the Secretary of the Interior. That will make Section 4 read as follows: "That the salaries of superintendents, teachers, and other school employes, shall be fixed by the Secretary of the Interior, and the number of all employes shall also be fixed by the Secretary of the Interior." The reason for this suggestion is that the amounts to be

## Secretary- 3

employes at the different schools have been a subject of considerable controversy in the conduct of these schools, and if the salaries and number of school employes are determined upon by the Department, it will remove criticisms which have heretofore been made concerning the number of unnecessary positions and salaries incident to these schools.

I would further suggest that Section 12 be amended by adding at the close of the same these words, "which shall not take effect until approved by the Secretary of the Interior."

I would recommend that Section 13 be amended by substituting in the last line thereof for the words, "the Principal Chief of the Creek Nation," "the Secretary of the Interior," so as to make the last two lines read as follows: "the amount of said bond to be fixed by the Secretary of the Interior."

The United States Indian Inspector states that the Principal Chief considers that some rule should be adopted, which is not included in those submitted, in reference to the necessary repairs of buildings. He suggests the following:

"That at the end of each scholastic year each of the National boarding schools shall be inspected by a competent architect and should it be found that any of them needed repairing, estimates should be made and plans and specifications should be furnished to the Superintendent of Public Instruction for the Creek Nation, and when approved by the Superintendent of Schools in the Indian Territory, estimates for such repairs shall be submitted by the said Superintendent of Public Instruction to the National Council in order that the necessary appropriations may be made.

"When such appropriations are made the Superintendent of Public Instruction shall let contracts with competent builders and upon satisfactory bids for the making of such repairs.

"When the repairs have been completed and inspected, the Superintendent of Public Instruction shall issue a requisition against the appropriation for such repairs on the Principal Chief, who shall, thereupon, issue warrants in payment of such indebtedness.



## Secretary -4

"Said requisitions to be approved by the Superintendent of Schools in the Indian Territory."

It seems to this Office that the above items should be changed to read as follows:

"That at the close of each scholastic year each of the National boarding schools shall be inspected by a competent architect at a compensation to be agreed upon by the Superintendent of Public Instruction and the Supervisor of the Nation, subject to the approval of the Superintendent of Schools, and should it be found that any of these buildings are in need of repairs or additional buildings are needed, the necessary estimates, including a detailed, itemized estimate of labor and material, together with plans and specifications, if necessary, shall be furnished to the Superintendent of Public Instruction and the Supervisor of Schools, and if approved by the Superintendent of Schools in Indian Territory, estimates for such repairs shall be submitted by the Superintendent of Schools to the National Council, in order that the necessary appropriations may be made.

"When such appropriations are made, the Superintendent of Schools in Indian Territory shall invite bids for the performance of such work, by printed posters publicly displayed or by advertisement in newspapers, and he shall let the contract therefor to the lowest and most satisfactory bidder.

"When the repairs have been completed and inspected, a requisition shall be made in the matter, as indicated in Section 6 of the proposed regulations concerning education in the Creek Nation."

The Inspector refers to a letter to him of date October 18, 1899, in which he was directed by the Department with reference to the issue of Creek warrants, that all warrants issued by the Principal Chief against the general and national fund should be presented to the United States Indian Agent and endorsed by him before circulation, and that "in case of school warrants, after they had been issued by the Chief and properly endorsed by the Auditor, they must be presented to the Superintendent of Schools for Indian Territory, with such evidence of their validity as will authorize him to endorse them, and they must be endorsed by him before they will be susceptible of being paid by a disbursing officer of the United States." The Inspector says it will be observed that Section 6

Secretary- 5

of the proposed regulations provides that all requisitions upon the Principal Chief for warrants in favor of all parties shall be approved by the Superintendent of Schools in Indian Territory before being presented to the Principal Chief and upon which warrants are issued. He does not think it would be necessary to require the Principal Chief to again submit such warrants to his office for the approval of the Superintendent of Schools. In view, therefore, of the fact that warrants will be issued by him, upon requisition approved by the Superintendent, and who will retain the copy of such requisition for the information of the Indian Agent when subsequently paying such warrants, I concur in the Inspector's recommendation that the rules in this respect be approved, and that the instructions of the Department, dated October 18, 1899, above referred to concerning the approval of school warrants be not hereafter required.

Very respectfully,

(Signed) W. A. JONES

Commissioner.

J.H.D.

RCB

(Endorsed) Union Agency No. 2636. Received Sep. 3, 1901. Office of U.S. Indian Inspector for Indian Territory. Washington, D.C., Aug. 27, 1901. Secretary-----Proposed regulations concerning education in Creek Nation approved with certain amendments; also modification of instructions relative to school warrants.



## DEPARTMENT OF THE INTERIOR.

103

Washington.

I.T.D.  
4573-1901.  
File 252-1898.

October 14, 1901.

The United States Indian Inspector  
for the Indian Territory,  
Muskogee, I.T.

Sir:

The Department is in receipt of a report from Acting Inspector Zevely, dated October 1, 1901, upon a communication from Mr. James R. Gregory, Superintendent of Public Instruction of the Creek Nation, complaining about the management of schools in said nation.

The Acting Inspector says that the conduct of the Creek Schools under the regulations which have been promulgated is now satisfactory and there has been no friction between the tribal and federal officials, with the one exception of the appointment of Messrs. Gibson and Alexander, two Indians, whom Mr. Gregory desired be appointed as Superintendents of Indian Schools; that it appears the interests of the nation have been best subserved by the action of the Federal officials, and he recommends that Mr. Gregory be advised by the Department that the action of said officials is sustained.

The Commissioner of Indian Affairs forwarded said report on October 10, 1901, and concurs in said recommendation.

-2-

The Department also approves of said recommendation and has so advised Mr. Gregory.

Respectfully,

E.A. Hitchcock.

Secretary.

(Endorsed) Union Agency No. 2885 Received Oct. 22, 1901 Office of U.S. Indian Inspector, for Indian Territory. Washington, Oct. 14, 1901. Secretary. ---- Approves report on complaint of James R. Gregory concerning management of Creek schools. ----



## A N A C T

To provide for the support of the Neighborhood  
Schools for the Scholastic year ending November 14,1902.

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION:

That there be, and is hereby, appropriated, out of the  
School Fund of the Muskogee Nation, the sum of Thirteen Thou-  
sand Dollars, (\$13,000.00), to be used in defraying the expenses  
incurred in the support of the Neighborhood Schools of the Creek  
Nation for the Scholastic year ending November 14,1902.

Said sum to be disbursed under the direction of the Secre-  
tary of the Interior.

Adopted November 25,1901.

Lee McNevis  
Clerk

T.W.Perryman  
President House of Kings.

Concurred in November 25,1901.

A.P.McKellop  
Clerk

Amos McIntosh  
Speaker House of Warriors.

Approved November 27,1901.

P.Porter

Principal Chief,

Muskogee Nation.

## EXECUTIVE OFFICE.

Muskogee Nation

Okmulgee, Indian Territory,

December 7, 1901.

I.P.Porter, Principal Chief of the Muskogee Nation, do hereby certify that the foregoing is an act of the National Council, of said Nation, passed at its regular session of October, 1901, and approved by me in my official character on November 27, 1901, and I do hereby submit the same for the approval of the President of the United States under the provisions of an Act of Congress of March 1, 1901 and of the Creek National Council of May 25, 1901, entitled "An Act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes."

Inasmuch as the Muskogee Nation has no Officer known as the "National Secretary," I have signed my name to this certificate, and caused the same to be attested by the Private Secretary.

In witness whereof I have hereunto signed my name as Principal Chief of the Muskogee Nation this 7th day of December, 1901, and have caused the Great Seal of the Muskogee Nation to be affixed.

P.Porter

Principal Chief of the (  
Muskogee (Creek) Nation.

Attest:

W.S.Fears  
Acting Private Secretary.

WHITE HOUSE.

T.Roosevelt.----- Approved, January 16, 1902.

--Pleasant Porters general letters.--ACTS.--



DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector

For

Indian Territory,

D 3393-1902

Muskogee, Ind. T.,

Jan. 25, 1902.

Honorable P. Porter,

Principal Chief, Creek Nation,

Muskogee, Indian Territory.

Sir:-

I have to respectfully advise you that the act of the National Council of the Creek Nation, approved by yourself on November 27, 1901, and entitled "An act to provide for the support of the neighborhood schools for the scholastic year ending November 14, 1902," was submitted by the Department to the President for executive action on January 13, 1902, and was duly approved January 16, 1902.

The said act bearing the approval of the President is respectfully enclosed herewith.

Very respectfully,

J. Geo. Wright,

U. S. Indian Inspector  
for Indian Territory.

Muskogee, Indian T., June 21, 1902.

Mr. Charles Gibson,

Eufaula, Indian T.

Dear Friend,-

I am in receipt of your letter of the 15th instant, relative to the matter of schools, and the selection of a proper person for the position of Superintendent of Public Instruction for the Creek Nation.

This office will have to be filled by election at the next October Council. Under the law the Chief does not appoint, but the council electes direct, but as you remark in your letter, it is of the highest importance that a proper person be selected for the position, and I trust such a person will be elected to the position. So far as I am personally concerned I would much prefer that the council elect some energetic person of good business ability in this line. It will require a person of good judgment, business experience and a fair accountant.

I expect to visit Eufaula in a few days and will be glad to have a talk with you about the matter.

I am in receipt of information through the Congressional Record, as well as a telegram through the Dawes Commission, that the supplemental agreement has passed. It will no doubt be signed by the President and a certified copy forwarded for the action of the Creek council. As soon as I receive a certified copy I will

--Press book General letters P.Porter.Ltr.121.--



-2-

call council to convene within ten days thereafter and lay the supplemental agreement before it. As yet I have not a copy of the act as it passed, but believe it to be in pretty good shape. Some features are objectionable, but there are many features that are of great value to our people. Should the council adopt it it will then have to be sent back to the President and be proclaimed by him, after which I shall immediately begin the issuance of deeds. In the event that council does not adopt it, it will still be my duty to begin the issuance of deeds under the agreement of May 25, 1901.

Thanking you for your letter and the kindly interest you have always taken in the public welfare of our people, I am

Very truly yours,

P. Porter.

Muskogee, I.T., Nov. 6th, 1902

Hon. J. George Wright,

U.S. Indian Inspector, Muskogee, I.T.

Sir:-

I herewith transmit to you Act of the National Council making an appropriation for educational purposes. This is for your information and will not require the approval of the President as it comes under the head of appropriations for the necessary expenses of the Nation and is the usual annual appropriation subject to application for school purposes under the direction of the Superintendent of Public Schools and the Supervisor of Schools for the Creek Nation and the Superintendent of Public Instruction, and is paid out on warrants issued upon their requisitions as expenses for the operation of the schools of the Creek Nation.

Respectfully,

P. Porter,

Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 338. Muskogee, Oklahoma.



Muskogee, I.T., Dec. 9, 1902.

C.M.

Miss Hattie D. Alexander,  
Wetumka, Ind. Ter.

Dear Madam:

I enclose, herewith, warrant for your services as teacher of Middle Creek neighborhood school, for quarter ending June 30, 1902.

Please acknowledge receipt of same on the foot of this letter of transmittal and return it to this office.

Yours truly,

P. Porter,

Prin. Chief.

Wetumka, I.T., Dec. 1902.

I hereby acknowledge receipt of warrant for the sum of \$54.00, for services rendered the Creek Nation as teacher of Middle Creek neighborhood school, for the quarter ending June 30, 1902.

---

## D E P A R T M E N T   O F   T H E   I N T E R I O R .

CMR.

ITD 5568, 7910-1902.

December 31, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your report dated November 21, 1902, in regard to the communication from Rev. T. H. Tyson, of Muskogee, Indian Territory, respecting the claim of the Board of Sission Industrial Institute to certain lands in the Creek Nation.

Your report was forwarded by the Commissioner of Indian Affairs on December 18, 1902, and he does not concur in your views. He recommends that you be advised that your "action on May 12, 1900, reserving the five acre tract in question became binding except in the event of reversal by the Department on proper appeal."

The Department desires further information in the premises and that you will report fully concerning the character of the school, how long it has been in operation, who are its patrons--whether Indian citizens or not, and any further information you may secure tending to show whether the members of the Creek Nation have derived any benefit concerning the establishment of said school, the amount of money expended in buildings and the amount expended in the running of the school, and by whom. You are further directed not to allot the tract upon which said school is located until further action by the Department upon your said report when received.



The letter of Mr. Tyson and a copy of the report of the Commissioner are inclosed herewith. You will return Mr. Tyson's letter with your supplemental report.

Respectfully,

Thos. Ryan.  
Acting Secretary.

2 inclosures.

(Endorsed) # 240, Commission to Five Tribes, Muskogee, Okla. Received Jan. 6, 1902. Department, Ryan, Washington, D. C., December 31, 1902. Asks for a supplemental report in regard to a communication from Rev. T. H. Tyson, respecting claim of the Board of Sission Industrial Institute to certain lands in the Creek Nation, The Commission is directed not to allot land on which said school is located.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

January 19, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Acting under your instructions of the 16th inst., I have made a personal investigation of the Sission Industrial School, near Choska in the Creek Nation. I have the honor to report that I found there a two story frame school building, 30 x 50, in charge of a janitor ~~of~~ keeper. Upon Inquiry I was told that the last term of the school closed in June, 1902, and since that date no school has been maintained there.

One of the pupils of the last school year told me that about thirty-five pupils were enrolled, five of whom were Creek citizens; that the school was open for children of the African Race, irrespective of locality, both as a boarding and day school; that a charge of one dollar a month for tuition was made to all students alike.

One teacher, who was paid \$40.00 per month, and a matron, whose pay I could not learn, constituted the active management of the school. Rev. T. H. Tyson, of Muskogee, was the recognized head, but he spent little or not time there.

I was told by a merchant of Choska, also be neighbors that prior to June 1902, a school for Negroes had been conducted there for some time--possibley<sup>(Sic)</sup>/for ten years. I made some inquiry of Hon. John D. Benedict, Superintendent of Schools for Indian Territory, as to his opinion of the character and



-2-

importance of the school. He told me that he had found there a small private school for Negro children, but he did not think that they were benefiting a patronage which could not be as well or better cared for elsewhere. Hon. Pleasant Porter, Principal Chief of the Creek Nation, states that the school was only a private venture which has not been of essential benefit to his people.

The improvements consist of a two story frame building 30x50, of cheap construction, on the first floor of which is the school room, office, dining room, kitchen, etc. The second floor is divided by board partitions into a hall and sleeping rooms. In my opinion, one thousand dollars would be a very liberal estimate of its first cost. There is another old one story frame building, 14 x 30 in bad condition, which might have cost originally one hundred and fifty dollars. These buildings together with a well and an old tumble-down fence represent the improvements.

Very respectfully,

S. W. Benedict.

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

CMR

ITD 5568, 7910-1902.  
1472-1903.

February 16, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your report dated January 24, 1903, relative to the investigation made concerning the claim of the Sission Industrial Institute to a certain five-acre tract in the Creek Nation, in which you recommend that said institution receive the five acres asked for.

The Department concurs in the recommendation and approves your report.

Respectfully,

Thos. Ryan.  
ACTING SECRETARY.

(Endorsed) # 4787, Commission to Five Tribes, Muskogee, Oklahoma.  
Received Feb. 24, 1903. Department, Ryan, Washington, D. C. Feb. 16, 1903. Concurs in recommendation of Com. that certain five acre tract in Creek Nation be set apart for Sission Industrial Institute.



October 17, 1903

Be it resolved by the National Council of the Muscogee Nation --that from and after the passage and approval of their resolutions we non-citizen children shall be permitted to attend school at any of the Public Boarding Schools and neighborhood schools supported by the Nation; and it is hereby made the duty of the Supt. of Public Instruction to inform the terms of these resolutions.

Be it further resolved that all acts or parts of acts in conflict herewith are hereby repealed.

Adopted Oct. 17, 1903.

A.P. McK.  
Clk.

Joseph H. Land  
Sp.H. of W. pro tem.

Concurred in Oct. 17, 1903

Lee McNeVins  
Clk.

Roley McIntosh  
Pres.H. of Kings.

Approved 19th, 1903.

P. Porter,  
Principal Chief.

Oct 21, 1903

118

EXECUTIVE OFFICE.  
Muskogee Nation  
P. Porter, Principal Chief.

Be it Resolved by the National Council of the Muskogee Nation:

That it is the sense of this body that the interests of education in the Creek Nation is sufficiently suberved under the care and management of the National Superintendent of Public Instruction elected by the National Council and the Superintendents of the several boarding schools; that there is absolutely no need of the Supervisor of schools appointed by the Interior Department at a cost to the Nation of over Fifteen Hundred Dollars, (\$1500.00) annually: that the maintenance of the office is an unnecessary waste of our public funds; and that the National Council hereby respectfully protests against the further use and expenditure of any Creek National funds without an act of appropriation by the National Council, in the payment of the salary and expenses of the government supervisor as has been done in years past, and the Secretary of the Interior is hereby requested not to use any Creek funds in the maintenance of said office.

Adopted Oct. 21, 1903

Roley McIntosh

Pres. H. of Kings

Lee McNeVins  
Clk.

Concurred in Oct. 21, 1903

J. H. Land

Speaker House of Warriors, pro-tem

S. Hayes  
Clk. pro-tem

Approved Oct. 22nd, 1903

P. Porter

Principal Chief.

(Endorsed) Union Agency, Muskogee, Oklahoma. --- Pleasant Porters  
general letters --- a-3 ---



## A N A C T

Making appropriations for educational purposes.

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION:

That the following amounts are hereby appropriated for the maintenance and support of the Muskogee National Schools.

Wetumka Boarding School,	\$9,000.00
Eufaula High School	9,000
Tallahassee Boarding School,	9,000
Euchee Boarding School,	7,200
Creek Orphan Home,	6,666.66 2/3
Nuyaka Boarding School,	5,600
Coweta Boarding School,	4,500
Wealaka Boarding School,	4,500
Pecan Creek Boarding School,	4,500
Colored Orphan Home,	3,333.33 1/3
Creek Neighborhood Schools,	<u>\$13,168.40</u>
	<u>\$76,468.40</u>

Said amount of \$76,468.40 to be paid out of the educational funds under the laws governing schools of the Muskogee Nation and such rules and regulations as the Secretary of the Interior may prescribe.

Adopted October 21st, 1903

Lee McNevins  
Clerk.

Roley McIntosh  
President House of Kings.

A.P. McKellop  
Clerk.

Concurred in October 21st, 1903.  
J.H. Land  
Speaker House of Warriors.

Approved October 22nd, 1903  
P. Porter  
Principal Chief Muskogee Nation.

(Endorsed) Union Agency, Muskogee, Oklahoma--a-126--Pleasant Porter's general letters.

CHEESIE MCINTOSH  
ATTORNEY-AT-LAW.

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SUPERINTENDENT CREEK SCHOOLS.

Checotah, I. T., Nov. 11,

Hon. J. D. Benedict,

Supt. of Indian Territory Schools,

Muskogee, I. T.

Dear Sir:- Enclosed I send you some rules and regulations which I have prepared for the government of the Creek Schools, both boarding and day schools. Please read them over carefully and if you approve them, let me know by returning them signed, and I will have numbers of them printed for distribution, or you may have them printed yourself, and send them, and save me this expense if you wish.

Yours respectfully,

(Signed) Cheesie McIntosh

Superintendent Creek Schools.

(Penciled notation)

Miss Robertson: Read these rules and make such suggestions as you deem best concerning them.

(Signed) J. D. B.

(Endorsed on back:)

11-11-1903, Cheesie McIntosh, Checotah, I. T.

Transmits copy of proposed regulations for government of Creek schools.



Foregoing copied by B.E. W., March 26, 1934.

## REGULATIONS FOR CREEK BOARDING SCHOOLS.

Superintendents and principal teachers in charge of boarding schools are the executive officers through whom the affairs of the school are administered.

The superintendent shall have general charge, under the direction of the school officers of the school premises, including buildings and grounds allotted for school purposes, and be responsible for the care and proper protection of the same.

He will also keep an account of all school property that may be in his possession directly or indirectly, in order that proper and accurate returns of the same may be made as directed. Superintendents will be expected to keep themselves fully advised as to the condition of all school property, stores, etc., in their charge.

He shall have the immediate control of the school, be responsible for its discipline, for the character, conduct, and efficiency of the employees, for the graduation, classification, and promotion of pupils, their moral and industrial welfare and progress, and the distribution of labor among the employees.

He shall arrange a programme of school room exercises and industrial work, and assign employees to their duties



and responsibilities in accordance therewith, defining the work of each. He shall decide upon the hours of recitation and industrial work for each pupil and approve the daily details.

As occasion demands, he shall hold meetings with the school employees for consultation as to the general welfare of the school.

He shall issue his orders to the various employees, and hold each one to a strict account for their proper performance.

In cases of controversy or want of harmony, which the superintendent is unable to settle amicably, the entire matter must be referred to the school officers.

The superintendent, when it is practicable, should reside in the school building. He shall personally inspect daily the various departments of the school, and at least twice a week inspect the dormitories and hospital.

The superintendent shall use all proper means within his power to retain pupils in continuous attendance at the school during the entire year, except when the school is closed for vacation. Visits of pupils to their homes should be as brief and infrequent as possible.

The superintendent shall keep on file a full and complete record of all pupils enrolled at the school, preserving

carefully both their Indian and English names.

At the close of each fiscal year he shall submit an annual report, giving a full history, for the year, of the school and of each of its departments. For the preparation of this report he may require written reports from the employees under him.

During the absence of the superintendent of the school his duties shall, for the time being, devolve upon the principal teacher, if there be one for the school; but if there is no principal teacher, then the superintendent shall designate one of the employees to act for him during his absence.

#### PRINCIPAL TEACHER.

In the absence of the superintendent the principal teacher shall act as superintendent of the school. Under directions from the superintendent he shall have charge of the schoolroom exercises. He shall arrange classes, define hours of study and recitation, supervise the literary work, teach classes as the superintendent may direct, and perform the duties of any teacher who may be temporarily absent. He shall assign to each teacher his specific duties.

#### TEACHER.

The duties of each teacher and assistant teacher shall be those assigned by the superintendent or principal teacher



of the school. Where there is but one teacher he shall be secretary of the school. and shall keep the school register. Any teacher may be required by the superintendent to assist in clerical or other work incident to the school.

#### MATRON

The matron, subject to the directions of the superintendent, shall be responsible for the domestic management of the school. She shall have the care and oversight of the dormitories and, either personally or through her assistants, shall see that the beds are properly cared for; that the toilet of the girls is carefully made each morning; that the clothing of the pupils is kept in proper condition, and that care and attention are given the sick pupils.

The matron shall see that the work in the kitchen, laundry, sewing room, dining room, dairy, and other departments of domestic economy is properly performed. She shall make the necessary details of girls for such work and for instruction in these departments.

The matron is expected ordinarily to reside in the girls' building, where she can at all times have supervision over the girls.

The matron shall have charge of assistant matrons, and shall assign to them their various duties.

One of the assistant matrons shall have the care of the boys' buildings, and the small boys shall be specially under her supervision and oversight.

#### SEAMSTRESS.

The seamstress, with the assistance of the girls, shall do the sewing and mending required for the school, and teach the girls to make and mend clothing.

#### LAUNDRESS.

The laundress, with the assistance of the pupils, shall do the washing and ironing required for the school. Laundering for employees may be done in the school by the laundress, if such work will not interfere with the proper discharge of her duties or necessitate the employment of an assistant laundress.

#### COOK.

The cook, with the assistance of the pupils, who shall be regularly detailed for that work, shall prepare all food required for the school, attend to setting the tables, washing the dishes, and cleaning lamps each day; see that everything in the kitchen and dining room is kept in proper order, and that the kitchen and dining room are locked at night, and shall be responsible for all articles in her department.



#### FARMER.

The farmer shall have charge of the farm, garden, and stock, and be responsible for their careful management and condition.

#### APPOINTMENTS, REMOVALS, AND PROMOTIONS.

All appointments, transfers, removals, and promotions in the Indian school service are made by school officers.

(Signed) Cheesie McIntosh.

Supt. Creek Schools.

#### REGULATIONS FOR CREEK DAY SCHOOLS.

During the period of training in day schools, children must be given a thorough course of elementary instruction, special pains being taken to overcome their timidity; to teach them confidence in themselves and their teachers; to speak promptly and clearly when reciting or when spoken to, and to require rapidity of thought and exertion so far as it is consistent with accuracy. Personal cleanliness with neatness of clothing, care of books, and of the school premises, should be constantly inculcated and taught by example as well as by precept.

Each teacher shall prepare and follow a regular programme of exercises, interspersing recitations and study

with singing, calisthenics and intermissions.

Teachers shall open their respective schools with appropriate exercises each day. They are expected to stimulate and encourage pupils, and to use skill and ingenuity in adapting usual methods to the instruction of children who must acquire the language in which they are taught.

A session of a day school begins at 9 o'clock and continues until 4 p. m., unless otherwise authorized, with such intermissions as the age and welfare of the children may require. Sessions must be held on each day of the week, Saturdays, Sundays, and legal holidays excepted.

School rooms are under the control of the teacher, who is authorized to detail pupils to care for the same, but the teacher is responsible for the buildings and public property therein.

(Signed) Cheesie McIntosh.

Supt. Creek Schools.



## DEPARTMENT OF THE INTERIOR

## OFFICE OF SCHOOL SUPERVISOR FOR CREEK NATION.

Muskogee, Ind. Ter. August 30, 1904.

Hon. John D. Benedict,  
Superintendent of Schools  
in Indian Territory.

Dear Sir:

I respectfully request that the following protest may receive your careful consideration.

The requirement of attending the summer normal and taking examinations for certificate has been extremely distasteful to teachers. A small minority of our teachers really do not need the extra training but obviously it is impossible to discriminate. To all the teachers alike I have pledged my official faith that I would recommend appointment upon the grades made at the normals. This was in accordance with my understanding of the principles of civil service. There have been instances in which I have been over-ruled and appointments made without examination. These instances are having the effect of making it felt that my recommendations are of very little avail. Such a condition places me in an official position of extreme embarrassment and laying aside all personalities so nearly as I am able I desire either that I may have my position clearly defined as one wholly free from responsibility or else that I may be upheld.

The employees of the Eufaula High School seem tacitly to understand that that particular school is not under my supervision. Upon my visits there, whether intentionally or not I cannot say, but I am willing to concede that it has been unintentionally, I have been treated as one who merely made a visit, not as one who went with power of inspection or supervision. This attitude has made it a difficult matter for me to go there and I confess to have made the fewest possible visits to the school, another reason for this, however, has been that you have quite often visited the school. Where other superintendents make reports and requests to me the superintendent at Eufaula has taken them over my head to you. I have been stung by this official discourtesy but because of the peculiar conditions, the superintendent being an elderly man and a close personal friend of yourself and your family, I have borne it without protest. The management of the superintendent has been good and I have been always ready to give him the hearty commendation I felt.

So much by way of preliminary.

For some time I have felt that there should be a change in the arrangement of affairs at the school so far as the supervision of the girls' dormitory was concerned. The experience of many years shows that young girls in a boarding school, whether white or Indian, need to have an older woman near them. For the past two years the wife of the principal teacher has been matron for the girls.. Her room is on the boys' dormitory side of the house and on the first floor, two flights of



stairs and a double set of locked doors separating her from her duties as matron. While I have never heard of any trouble arising from this condition I do not know that there never has been any as I have never made especial inquiry to elicit information along this line. I do say, however, that I believe it to be a dangerous condition and one which should not longer exist.

The wife of the principal teacher who has been matron did not think it necessary, nor did the superintendent of the school, to inform me that her condition of health was of so delicate a nature that she would necessarily be laid aside from duty. My first knowledge of the birth of a child to the matron came from the announcement in the public prints. No permission was asked for the employment of a substitute nor was any payment for board of a nurse reported. When I made inquiry as to the manner in which the work was done I was informed that the Principal teacher had performed his wife's duty in the care of the girls' dormitory. This was not right in my judgment, for there is no lesson which demands greater emphasis in an Indian school than the separation of the sexes. The effect of having a man to look after the work of the girls' matron is, I believe, unqualifiedly bad. The girls' matron is a frail young woman of great culture and refinement, one who should not have the heavy burden of doing the work of caring for the girls of that school as they ought to be cared for, especially now that she is further burdened with the care of an infant seven months old. In my judgment she should not be re-appointed.

4.

These circumstances were all laid before yourself and Mr. McIntosh, the Creek Superintendent, and were so fully concurred in by both of you that you both agreed to and signed the appointment of a single man as principal teacher and of a widowed lady as girls' matron at Eufaula. You also both of you signed appointments for the principal teacher and his wife at a smaller school, Coweta, where the girls' matron would be, because of a different arrangement of the building, so near both to her work and at the same time to her baby, with a smaller number of girls to care for- better able to perform the duties in spite of being burdened with the child. The appointment of the single man as teacher, a man whom you personally recommended for the place, was held so long upon your desk that he, concluding that he was not to receive it, accepted a position elsewhere. The matron appointed for the girls accepted the position. The principal teacher and his wife returned the appointment to Coweta with no word as to any reason for declining. In the meanwhile the superintendent, Mr. Lester, who had resigned to take other employment, re-considered his resignation and was re-appointed. At once plans were made by him to set aside appointments as they had been made and to secure the return of the former principal and his wife as before. In order to arrange this it is necessary that the matron appointed for the girls at Eufaula should be transferred to Coweta where she was last year. The superintendent at Coweta is a single man. No one enters more sympathetically into the joyous confidences of happy lovers than I or is willing to do more to make the course of true love



5.

run smooth, but a co-educational boarding school is not the place for lovers. For this reason I do not think the transfer should be made.

The conditions at these two schools are in no degree changed since both Superintendent McIntosh and yourself signed appointments as you did. If I was right then, I am right now. If I was wrong, still so long as you were, in that case, equally wrong, and as the real burden of work in connection with the schools comes upon me it would seem that even the personal sympathies of yourself for the Eufaula superintendent and of Mr. McIntosh for the Coweta superintendent might be sacrificed to the consistency of adhering to the appointments made by you. The statement is made that all this is mere whim upon my part, if this be so then my whim should have been promptly disposed of when the appointments were originally made. It was at that time accepted as satisfactory reasoning. As those who are subordinate, as I understand it, to me, appeal with seeming success over my official head to you, it seems to me that your action makes it no discourtesy for me to ask that your decision may if adverse to me in this matter be sent for review by the Department in Washington.

In making this request it is with the same feeling of official subordination which I realize is necessary in the position which I hold. Every step of my action in this matter had been fully placed before you before it was taken. There has been on my part a determination do what seemed right but in doing it always to act in accordance with your instructions.

6.

As you know I have waived several objections which I felt very strongly against the principal teacher at Eufaula. I object to his purchase of an Indian farm, I object to his absence without excuse from the summer normal, as these objections were not considered of any importance by you they were dropped. The young baby is, in my judgment, an insuperable obstacle.

Again assuring you of my earnest desire to be guided by you and with sincere determination to be more faithful to every duty of my position, but with the hope that you may realize the humiliating position in which I have been placed, I am,

With sincere respect.

(Signed) Alice M. Robertson,  
Supervisor.

L. S.  
Copied by M. P. B.

March 28, 1934.



Committee Room.

October 19, 1904.

To the Honorable National Council  
of the Muskogee Nation:

Gentlemen: We your Committee on Education respectfully submit the following as our report in the matter of an account against the Creek nation by Turner Hardware & Co. at Muskogee, Ind. Ter. This account is for supplies furnished our National schools years ago but the different councils that have been held seem to have been indisposed to make provision for its payment. The Committee on Education have had this account referred to it time and again and this Committee has repeatedly recommended its payment. Last year we had this matter before us and was sent in to your honorable body with a recommendation that the account be paid but the council adjourned leaving it as one of the unfinished business for this present council. We took it up at this term making the same recommendation as before but was returned to us by the House of Kings with the suggestion that we make a report more in detail, showing the amount of appropriations made by the council for the support of the schools during the period covered by the account of the said Turner Hardware & Co.. About that time and before, all our boarding school superintendents were required to make reports of their schools but these reports have not been preserved by our predecessors and consequently there are books or papers at hand by which we can make a report that will conform to the desire of the House referring the matter to the committee. There is no question that the appropriation for

--Pleasant Porters general letters.--i--

support of the schools for the year in which these accounts were made was amply sufficient but this enormous debt resulted in the carelessness and inefficiency of the superintendents to properly look after the schools in their care.

The record of an appropriation for these schools could not vouch-safe the correctness of the accounts but in the absence of any books or papers from which some information can be derived we are of the opinion that the Superintendent of Public Instruction could better make an exhaustive investigation of these accounts than we can and therefore we recommend the adoption of the accompanying resolution.

Respectfully submitted,

Wm. Hill

Chairman pro-tem Educational  
Committee.



November 2, 1904.

A N A C T

Appropriating the sum of \$200.00 for the incidental expenses of the office of the Superintendent of Public Instruction.

BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION:

That there be and is hereby appropriated out of the General Fund of the Nation the sum of Two Hundred Dollars (\$200.00), for the incidental expenses of the office of the Superintendent of Public Instruction, for the fiscal year ending Dec. 5th, 1905, to be paid under the rules and regulations prescribed by the Secretary of the Interior for the disbursement of Creek Funds.

Adopted Nov. 2, 1904.

Sam Grayson

James Smith  
Presd't. H. Kings.

Concurred in Nov. 2, 1904

Alex Davis  
Spk. H. of W.

Mildred Childers  
Clk.

EXECUTIVE OFFICE,  
Muskogee Nation.

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P. PORTER, Principal Chief.

Okmulgee, Indian Territory,

Nov. 2, 1904.

To the

Honorable Members of the Muskogee National Council,

In regular session assembled.

Gentlemen:

I transmit herewith draft of an act appropriating \$200.00 for the incidental expenses of the Office of Superintendent of Public Instruction. Your honorable body appropriated the sum of \$300.00 for these expenses last year. This year our Superintendent only asks for \$200.00.

I would respectfully request that you make the appropriation asked for.

Respectfully,

P. Porter,

Principal Chief, M.N.



## DEPARTMENT OF THE INTERIOR

139 324

## OFFICE OF SCHOOL SUPERVISOR FOR CREEK NATION

Muskogee, Ind. Ter.,  
November 9, 1904.

Hon. John D. Benedict,  
Supt. of Schools in Indian Territory

Sir:

I have the honor to present the following report as directed in your letter of October 29th.

Eufaula High School.

The main building of this school is of brick, three stories, and containing nineteen rooms. It was built thirteen years ago at a cost of eleven thousand dollars. It is in fairly good repair. Outside buildings are one cottage of four rooms, two of two rooms, store room, laundry and barn, the barn being in a very poor condition indeed. The location of the school within the limits of the town of Eufaula gives to the fifteen acres of land on which it stands a value it would not otherwise have as it is very poor and rocky. Twenty-five acres of land lying in the bottom of the Canadian near the North Fork, added to the above improvements would, in my judgment, bring the total value of the Eufaula High School property up to about fifteen thousand dollars. I believe that would be a liberal valuation to put upon it.

Wetumka Boarding School.

This school is located in the fertile bottom of the North Canadian about four miles from the town of Wetumka. The main building of wood (frame) was originally built in

1880, additions having been tacked on from time to time. It is two stories in height, has fourteen rooms and is in very poor condition. A cottage of four rooms built at the same time is in like condition. The Boys' dormitory of eighteen rooms built about ten years ago is in fairly good condition, as is a stone two story building of four rooms erected a little later for a hospital or infirmary. One two room cottage, laundry, and store room are in poor condition. Two barns are also in bad shape. It is very hard to tell how to place a valuation on this property but I think that not more than eight thousand dollars should be put upon it.

#### Tallahassee Boarding School.

This school was originally established for Indian pupils in 1849. The once fine orchard has largely died out. The cultivation of most of the ground belonging to the school for nearly half a century has made it of less value. The principal building was erected about thirteen years ago at a cost of five thousand dollars. It is two stories, of frame and contains twenty rooms. It is in reasonably good repair. Another two story frame building erected in 1882 cost at that time thirty-five hundred dollars but was badly built. It contains thirteen rooms and is in bad condition. A smaller two story frame building erected about fourteen years ago has been badly abused and is in bad condition. Laundry, store room and shop are wooden buildings of little value. It is very difficult to fix a valuation but eight thousand dollars would in my judgment be a liberal estimate.



## Euchee Boarding School.

The location of this school immediately adjoining the town of Sapulpa adds greatly to the value of the property. Its buildings are Girls' dormitory and boarding department, two story building of ten rooms, and boys' dormitory two story, frame, seven rooms, both built about thirteen years ago at a cost of about six thousand dollars, school buildings with subsequent additions, costing about two thousand dollars, hospital building two story frame of eight rooms costing twenty-five hundred dollars, with laundry, store room, two room cottage and barn of little value. I should value the property at about twelve hundred dollars.

## Creek Orphan home.

This school is a little over a mile from the town of Okmulgee. The main building of brick, two stories in height, was erected in 1892 at a cost of thirteen thousand dollars. The expense of building was greatly increased by remoteness from the railroad, it being at that time thirty-five miles to the nearest railway station. It contains sixteen rooms and is in very fair condition. Other buildings are some small wooden structures of little value:- laundry, store room, cottage for hired help, all in only fair condition and a barn built three years ago. The forty acres of prairie upland are probably of much greater value because of nearness to Okmulgee but I do not believe ten thousand dollars would be too small a value to place upon this property.

## Nuyaka Boarding School.

142

This school was established in 1884, the two story frame buildings at that time costing about fourteen thousand dollars. These buildings are two cottages for girls of eleven rooms each, boys' dormitory of eleven rooms and school building of four rooms. Wooden buildings of little value are laundry, storeroom, smoke house, chicken house and barn. Fences, etc. are well kept up, the orchard is of some value as also an artificial pond in the grounds. The great drawback to the value of this place is its remoteness from the railroad. I should not estimate its value at more than eight thousand dollars.

## Wealaka Boarding School.

This school has good farm land in a beautiful location, and very recently a railroad had been built with a station quite near the school. Should a town spring up there, the value would of course, be greatly enhanced. The two story frame buildings erected in 1891 are as follows:- Girls' dormitory and boarding department of ten rooms, and boys' cottage of seven rooms. The school building is a one story frame of two rooms. Laundry, smoke house, store room, and small box house for hired man are buildings of little value. The large barn is old. Fences are in good condition and there is an orchard which adds to the value of the place. The buildings of the school cost eight thousand dollars, and probably that would be a good valuation to put upon the place.



## Coweta Boarding School.

The school property immediately adjoins the new town of Coweta and is only a short distance from the railroad station. The land is good prairie upland and there is a small orchard of young trees. The buildings are two frame two story cottages for boys and girls each containing seven rooms, a two story "box" house of five rooms for kitchen and dining rooms, frame school house of one large room divided by a temporary partition, with outside laundry, store room and coal house of little value. The barn is poor. The buildings cost eight thousand dollars and the value of the place I do not think would be in excess of that amount.

## Pecan Creek Boarding School.

The buildings of this school are Girls' cottage and boarding department of sixteen rooms and boys' cottage of eleven rooms, these being two story frame buildings. The school building is a one story frame story of one large room. An outside laundry and office are small "box" houses of little value and there is a reasonably good barn. Two Wells of most excellent water add very much to the value of this place and its location is one of great beauty. The land is good prairie upland. The place is well kept up. The buildings cost about eight thousand dollars and including the forty acres of land belonging to the school I should estimate the property to be worth ten thousand dollars.

## Colored Orphan Home

The main building of this school is of stone, erected by the U. S. government for a residence for the Indian Agent nearly thirty years ago. Poor materials were used in floors, stairs, etc., and the building is in bad shape. It contains ten rooms and is two stories in height. A one story frame building with temporary partitions is used for sleeping quarters for the boys and there is an outside laundry and store room, wooden buildings of little value. The small barn is in good condition. Fifteen acres of the school property are on the crest of a hill two and a half miles from Muskogee, overlooking the town and the intervening valley and with a magnificent view in every direction of the surrounding country. Land immediately adjoining has been bought at from seventy-five to a hundred dollars an acre with a view to fancy residence property. Twenty-five acres in the valley on the other side from Muskogee would probably be valued at twenty to twenty-five dollars an acre. My best judgment would be an estimate of from four to five thousand dollars.

In making this report I have too little knowledge of land values to claim any degree whatever of accuracy. I have purposely refrained from an effort to acquaint myself with such values because of my official position. Such questions are always received with more or less of suspicion.

Very respectfully

Alice M. Robertson

Supervisor

Endorsement: 11/9/04 Alice M. Robertson Muskogee I. T.  
Submits report on value of Creek School Property.  
Copied by G. B. D. 3/26/34



DEPARTMENT OF THE INTERIOR,  
Office of School Supervisor for Creek Nation,

Muskogee, Ind.Ter.,

December 20, 1904.

Hon. John D. Benedict,

Superintendent of Schools in Indian Ter.

Dear Sir:

I have the honor to submit the following report for your consideration and such action as may commend itself to you.

When I assumed the duties of my present position I found that the Creek schools were one year behind the appropriations for their support and the question of closing them for a year in order to allow the funds to "catch up" was very seriously discussed. The disaster to schools which such action would cause led to the determination on the part of the Interior Department officials and the Creek Executive to allow the continuance of the schools anticipating the actual availability of the funds. It was also decided that administrative action of this office upon Creek school accounts should conform to the U. S. Government fiscal year from July first to July first of each year. Upon this basis my accounting work has been done without objection until quite recently.

Prior to my incumbency as Supervisor the practice seems to have obtained in the purchase of school books and supplies for the neighborhood schools of their being ordered by the Creek Superintendent without any special fund being available for payment, bills then being presented to the Council and appropriation made to

liquidate the debt so incurred. It was, however, found to be practicable to pay for books from the regular appropriation for neighborhood schools, and this has since been done. With rapidly changing conditions and the constantly improved standard of work required in our neighborhood schools it has been found necessary to increase the pay of teachers. The increased expenditure for salaries has diminished the amount available for purchase of books at the same time that an increase in attendance in the schools has created a need for more money for books. Each summer prior to the opening of the new school year the Creek Superintendent and myself have together gone over the list of books and agreed upon an order which was forwarded to the dealers in time to have the books ready for the opening of the schools. This has been done without reference to any balance of appropriation on hand to pay for such books. The bills for books thus ordered have each year up to the present one been audited and allowed by the joint action of the Creek Superintendent and myself. Although there was not a balance on hand sufficient to pay for these books at the time they were ordered no objection was made by the Creek Superintendent nor by any other official. In August 1903 the order for books was made out and signed by Supt. Cheesie McIntosh and myself although there was not a balance sufficient to pay for them. On December 7th. requisition in payment therefor was signed by Supt. Cheesie McIntosh and myself. Warrants were duly issued and the account was paid. The order for books made in July of this year was not signed by Supt. McIntosh for the reason that on account of the pressure of his private business he wished to return to his home without waiting for a written order to be



-3-

prepared for his signature. He requested me to go on and order such a quantity of the books decided upon as I thought necessary. I therefore prepared the order, submitted it to you for approval as your signature under the Creek law approving my action is sufficient authority even without that of the Creek Superintendent. This was done, not with any thought that Supt. McIntosh would object to the purchase of the books, but that there should be compliance with the regulations.

When in due course of time a requisition for warrants in payment for the books thus ordered was prepared by me as is customary and presented to Supt. McIntosh for signature he refused to sign it on the ground that there was no appropriation available.

I inclose, herewith, the requisition which I have signed and the letter of Superintendent McIntosh refusing to sign the same.

Very respectfully,

Alice M. Robertson,

Supervisor.

(Endorsed) Union Agency No. 17 Dec. 20, 1904. Alice M. Robertson,  
Muskogee, I.T. --- Concerning the matter of Supt. McIntosh refusing  
to sign requisition for warrants in payment of books for neighbor-  
hood schools. ---

Accounts  
5096-7/1905  
8169       "  
9203       "

## DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

E.W.J.

Washington, February 4, 1905

Mr. Walter Falwell,

Muskogee, I.T.

Sir:

You are hereby advised that your official bond dated the 19th ultimo under your appointment to be Supervisor of Schools in the Creek Nation, Indian Territory, has been received and approved, and you are now directed to receipt in duplicate to Miss Alice M. Robertson for all public property shown by her final property return to be on hand, and the date on which these receipts are passed between you will determine the time of your entrance on duty in your position.

As a Disbursing Officer of this department you will be required to render quarterly accounts in duplicate for all cash and property that may come into your hands. Any delinquency in this respect may subject you to serious embarrassment as unless you can show some good reason for failing to render your accounts within the required time the Treasury Department will place no further funds to your credit. In this connection your attention is invited to sections 13 and 14, Office Regulations 1904. Please notify this office the date on which you receipt for the property and assume the duties of your position.

Your commission has this day been forwarded you under separate cover.

Very respectfully,

Through the Inspector.  
10996

C.F. LARRABEE,  
Acting Commissioner.



-2-

(Endorsed) Union Agency No.10996 Received Feb.7,1905 Office of  
U.S.Indian Inspector for Indian Territory.Washington, Feb.4,1905.  
Commissioner.-----Encloses communication to Walter Falwell, advising  
of approval of his bond, and rel.entering upon duty as Creek school  
Supervisor.-----

Cheesie McIntosh,  
Attorney at law.  
SUPT. CREEK SCHOOLS.

Checotah, I.T.,  
March 17, 1906.

Hon. J. D. Benedict,  
Supt. Ind. Ter. Schools,  
Muskogee, Ind. Ter.

Dear Sir:-

In the Muskogee Phoenix of this day's issue, page one, I see a statement published that you have notified the School Supervisors to meet in Muskogee on the 21st inst. to discuss matters pertaining to schools.

I have received no notice of the meeting referred to in said call. If a conference is to be held, which in any manner pertains to Creek Schools, should I not be notified?

Sec. 40, Act of Congress approved March 1st, 1901, has never been repealed as far as I am informed, and if I am correct in my view of the law as it now exists, the Supervisor of Creek Schools and the Superintendent of Creek Schools have joint supervision and are co-equal in authority.

If I am mistaken in my position, will you please inform me, citing the law in the matter?

Very respectfully,

Cheesie McIntosh-Supt. of Creek Schools.

(Endorsed) Union Agency No. 30-----Cheesie McIntosh, regarding meeting of the school Supervisors, to discuss matters pertaining to schools.-----



## THE WESTERN UNION TELEGRAPH COMPANY

RECEIVED at

53Ks. cy. n. 66paid Gov't.

Washington, D. C., Mar. 20, 1906.

Kelsey, Agent and Actg. Inspr.,

Muskogee, I. T.

Answering your telegram nineteenth inst. to Wright inspector advise Supt. Benedict that he is authorized to pay school warrants issued by principal chief for creek outstanding indebtedness when found correct such payment to be made under authority of provisions of section forty of the Creek agreements act of March 1, 1901.

Thos. Ryan

2 2lp.

First Asst. Secy.

(Endorsed) Union Agency No. 13674 Received Mar. 20, 1906 Office of U.S. Indian Inspector for Indian Territory. WIRE: Washington, March 20, 1906. Secretary.----Directs that Supt. Benedict be advised that he is authorized to pay school warrants issued by the Principal Chief for Creek outstanding indebtedness.----

## DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D.11460-1906.  
12844-1906.

August 22, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind. T.

Sir:

Receipt is acknowledged of your letter of July 14, 1906, in which, referring to departmental letter of July 3, 1906, relative to an act of the National Council of the Creek Nation providing means for continuing the schools of said nation up to and including March 4, 1906, you recommend that authority be given Mr. John D. Benedict, Superintendent of Schools in Indian Territory, to pay warrants issued against appropriation made by said act, instead of the Indian Agent.

Forwarding your letter July 23, 1906 (Finance 61447), the Indian Office concurred in your recommendation.

The authority recommended is hereby granted the Superintendent.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency No. 15071 Received Aug. 27, 1906 Office of U.S. Indian Inspector for Indian Territory. Washington, Aug. 22, 1906, Secretary. ---Granting authority for Superintendent Benedict to pay certain warrants referred to in Letter of Jul. 14, 1906, instead of the Indian Agent. ---



## DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D.11456-1906.

September 17, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind. T.

Sir:

With your letter of June 8, 1906, there was submitted an act of the National Council of the Creek Nation approved by the Principal Chief March 30, 1906, appropriating "out of the School fund of the Muskogee Nation the sum of Sixty-two Thousand, Five Hundred Seventy-two and 91/100 Dollars, (\$62572.91), for maintaining the various National School up to and including December 31, 1906 or so much thereof as may be necessary should Tribal Government cease prior to December 31, 1906, to be paid out under such rules and regulations as the Secretary of the Interior may prescribe for the disbursement of Creek funds, in amounts as set opposite the names of the various schools as follows:"

You transmitted a report made to you by the Superintendent of Schools in Indian Territory concerning the act, in which he states that the sum appropriated is somewhat more than was used during the last school year, and he calls attention to the provision in section 10 of the act of April 26, 1906, to the effect that there shall not be used for school purposes in any of the Five Civilized Tribes, in any one year, more than the amount

expended for the scholastic year ending June 30, 1905. He recommends, however, that the act be "approved," provided it does not conflict with the provision of law to which he referred.

As you state, the acts of the Creek Council, making appropriations for the maintenance of schools have not heretofore been submitted for Executive action. (See departmental letter of May 23, 1906, I.T.D.9140-1906).

In view of the provisions in the act of April 26, 1906 (34 Stat., 137), relative to schools in the Indian Territory, you consider the act submitted "unnecessary."

You request to be advised, however, whether any warrants should be drawn by the Principal Chief and paid by the Superintendent of schools under such act or whether the schools of the Creek Nation should be conducted and the expenses thereof paid as provided by section 10 of the act of April 26, 1906.

The act of the National Council having been passed after the joint resolution of Congress extending the tribal existence and government of the Five Civilized Tribes, approved March 2, 1906 (34 Stat., 822), and before the act of April 26, 1906, and being for necessary incidental expenses of the Creek tribal schools, does not require Executive action.

The Indian Office in letter of June 28, 1906, referring to its letter of that date submitting another act of the Creek National Council (I.T.D.11458-1906), recommends that warrants drawn against the appropriation covered by the act of the nation under consideration be honored for the period ending when



-3-

the regulations then pending were promulgated by the Department.  
(See departmental letter of even date relative to I.T.D.11458).

The expenses of each school should be paid from the funds provided in the act of the National Council of March 30, 1906, which is returned herewith, in the manner provided in the regulations for tribal schools among the Five Civilized Tribes, approved July 7, 1906, due regard to be paid, however, to the directions contained in section 10 of the act of April 26, 1906, relative to the amount to be expended in the Creek Nation during any one year. The regulations mentioned provide the manner in which school warrants must be drawn.

Respectfully,

Thos. Ryan

Acting Secretary.

Through the Commissioner  
of Indian Affairs.

1 inclosure.

(Endorsed) Union Agency No.15420 Received Sep.24,1906 Office of U.S.Indian Inspector for Indian Territory.Washington,D.C.Sept.17, 1906.Secretary.-----Directs expenses of various National schools should be paid from funds provided in Act of Creek Council (enclosed) as provided in regulations of July 7,06 in accordance with directions in Sec 10 Act of Apr.26,1906.-----

DEPARTMENT OF THE INTERIOR,  
OFFICE OF SCHOOL SUPERVISOR FOR CREEK NATION.

Muskogee, Ind. Ter. Okla.

June 30--1908.

Sir:

I have the honor to submit the tenth annual report of the schools of the Creek Nation and the fourth annual report of the schools of the Seminole Nation.

-:CREEK NATION:-

The continual increase in pupulation results in ever changing conditions throughout the rural neighborhoods. The advent of statehood and the organization of a system of school districts has divided most of the old neighborhoods or communities that patronized the schools furnished by the Government and, while the system of schools now being established is a necessity, the work entailed by the partial elimination of the old system and the substitution of the new system will result in a large amount of extra work in the office of the Supervisor.

During the fiscal year ending June 30--1908, 284 neighborhood schools were maintained in the Creek Nation. This is an increase of 45 per cent over the number maintained during the previous year.

The attendance at the Indian boarding schools during the year just closed has been the best in the history of these institutions.

The Indian child puts forth greater unreserved effort in the boarding school than in the day school for the reason that he does not feel the embarassement among his own people that he feels among the whites, and the day schools are composed of 90



-:2:-

per cent or more of white children.

The work in agriculture has continued to advance in efficiency in all the schools and I am glad to note that Oklahoma will, in future, require this subject to be taught in all the schools of the state.

The work done in manual training and domestic art in the several boarding schools was particularly gratifying to me. Much of the repair work at these schools was done by the pupils under the direction of the manual training teacher.

Three teachers' normals were held in the Creek Nation during the month of June-two for whites and one for negroes.

The County Superintendents of Wagoner, Muskogee and McIntosh counties and the Supervisor of Creek Schools held a joint normal at Eufaula. There were 102 teachers in attendance.

The Supervisor of Creek Schools also joined with the County Superintendents of Okfuskee and Okmulgee counties in a normal at Weleetka. There were 76 teachers in attendance at this normal.

A normal for colored teachers was held in Muskogee with an attendance of 132.

These normals were all conducted in strict accordance with the laws of Oklahoma and teachers passing the examination at the close of the normals were given certificates by the state of Oklahoma and by the federal school officials.

#### -: SEMINOLE NATION :-

Thirty one neighborhood schools were maintained in the Seminole Nation during the fiscal year just closed as against 19 schools during the previous year. The work was very satisfactory and the conditions here are practically the same as in the

-: 3 :-

Creek Nation.

At Mahaka Female Academy, domestic art and domestic science are made specialites, while at Mehusukey Male Academy agriculture receives particular attention under the direction of the superintendent, G. W. Horton, who is a specialist in this line. Both schools were well attended.

I wish to express my sincere appreciation for the many and never failing courtesies that have come to me from you and from each member of your office force.

Very respectfully,

Walter Falwell.

Supervisor Creek & Seminole  
Schools.

To Hon. John D. Benedict,

Superintendent of Schools.

(Endorsed) # 6 Tenth Annual Report of Schools in Creek and Seminole Nations.



COUNTY OFFICERS      Office of  
H.F.Newblock, Sheriff  
H.J.Gubber,      Wm. SATTGAST  
Co. Judge.

COUNTY COMMISSIONERS.  
W,L.North,Tulsa.  
C.H.Cleveland  
Skiatook  
Geo.McKeehan.  
Broken Ar.

COUNTY SUPERINTENDENT OF SCHOOLS  
MC.Breckinridge,      Tulsa County, Oklahoma  
Co. Attny.  
H.C. Walkely,  
Register of Deeds  
H.T.Richardson,  
Treasurer  
C.F.Rogers, Clerk.  
Wm.Sattgast,  
Supt. Schools.  
A.H.Collins, Surveyor.  
W.W.Stuckey,Dist. Clerk.

Tulsa, Oklahoma.  
Sept. 16, 1909.

Hon. John D. Benedict,  
Muskogee, Oklahoma.

My dear Sir:

Your communication addressed to former Co. Supt. Grimes, relative to Federal aid for the common schools, has been handed me for attention.

The districts for white schools all have valuations above \$100,000. I believe all districts will maintain at least six months of school without aid. Some or all of these would extend their terms is case aid could be gotten. But what districts would accept aid I am not prepared to say at this time.

In this connection I wish to call your attention to the colored schools of the county. You are doubtless aware of the arrangement where district school boards contract with colored teachers and that the county pays teachers salary and all other expenses. Such is the course taken in this county.

At this time there are ten colored teachers in this county receiving from \$50.00 to \$60.00 per month for eight months.

-2-

The county rents one room for colored school, owns four one room houses, and at this time is completing a fifth one room house at a cost of about \$750.00. There is also a modern four room brick building in course of erection in the city of Tulsa, the contract price, without furnace, being \$6600.00.

The county Commissioners are showing a commendable spirit towards educating the colored children but are pressed to meet the financial demands made upon them. Practically all the colored children in the rural districts (not attending the four teachers in Tulsa) are Freedmen, If Federal aid can be gotten for these schools, it will aid the county much towards better equipping these schools.

I wish to call your attention to a small colored community with a view to having you act in the matter if possible, at once.

There are three colored families living in Sections 4 and 9, Town 20 N, Range 14 E. in Tulsa County, having six children, and one family in Section 10, Town 20 W. Range 14 E. in Rogers County having one child.

Three of these families, I am told, are Freedmen. They are too far from any colored school to attend, and too few in number to be given a school, under Oklahoma law. If you can do anything for these children, I am sure the aid will not be improperly directed.

The districts in which Indians are most numerous are:

4,9,10,13,14,15,17,18,21,28. I enclose separate list from which



-3-

you may get the names and addresses of the district officers.

I hope you will give the matters mentioned in this letter due consideration.

Any other information I can furnish you are welcome to call for,

Very truly yours,

Wm. Sattgast

SUPT. PUBLIC INSTRUCTION  
TULSA COUNTY OKLAHOMA

# 5 Relative to Federal Aid for schools.

CREEK - TOWNSITES



## INCORPORATED TOWN OF MUSKOGEE

Recorder's Office

Muskogee, Ind. Ter., March 3, 1899

To the Hon. J. Geo. Wright,

Indian Inspector, Muskogee, I. T.

Dear Sir:-

The Town Council of the Incorporated Town of Muskogee would respectfully ask that you transmit the accompanying letter to the Sec. of the Interior in such a way as in your judgment will insure most prompt and favorable action upon it.

The Meeting at which the letter was unanimously adopted was a large and thoroughly representative one, and the Council feels most strongly and unanimously that the action asked for is of great importance, and if granted that it will be of great benefit to the Town.

The Council would be pleased if you will accompany the letter with such indorsement as you may feel justified in giving it.

Yours respectfully,

(Signed) Patrick J. Byrne,

Mayor.

(Signed) Wm. R. Shackelford

Recorder.

SEAL

Copy of U. S. Ind. Inspector's file No. 156 in office of Superintendent of Five Civilized Tribes, Muskogee, Oklahoma.

Muscogee, I. T., March 1, 1899.

163

To the Hon. Secretary of the Interior,  
Washington, D. C.

Sir:

On behalf of a mass meeting of property holders and citizens of the incorporated town of Muscogee, Ind. Ter., held on Tuesday, February 28, 1899, we have been directed to communicate to you the unanimous request of the people of Muscogee, expressed at said meeting, that you should take steps for the immediate appointment of a Commission to lay out and plat the site of the Town of Muscogee in accordance with the provisions of an act of Congress, approved June 28, 1898, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes", and commonly known as the Curtis Bill.

We would respectfully point out some of the reasons for urgency about this matter at the present time. The town, which now has a population of about 5000, has grown up in the course of the past thirty years, without the existance of any authority by which its growth could be directed along regular lines, and proper sanitary provisions made. The natural result of this is a want of system that is daily felt to be a more serious disadvantage as the town developes, and that makes it constantly more difficult, by proper drainage, sewage, etc. to protect the health of the citizens.

We have just suffered from a terrible calamity by fire, which has entirely destroyed one half of the business part of the town. It may be impossible to say whether a proper disposition of streets and alleys would have enabled us to keep this particular fire within narrower limits, but we know that such a disposition is a very valuable aid in that direction, and is essential to the permanent



## 2.

building up of a town. Many of those whose property was recently destroyed are substantial citizens, who are anxious to rebuild as soon as practicable. They desire, not merely to conform to our Town ordinances by erecting buildings of materials not readily inflammable, but to put up such as will be solid and permanent and will involve considerable cost. Others are desirous of coming in with similar ideas of building substantially. We would respectfully point out that if the Commission can be appointed and surveys made before our burned area is rebuilt, the work of surveying would be considerably simplified and its cost proportionately reduced. Should the ~~new~~ rebuilding be effected before the Commission is appointed and the survey made subsequently involve the demolition of some of these newly erected buildings, it would plainly be at heavy cost and great inconvenience to their owners and occupiers and would involve the town in heavy financial loss as well as a protracted delay in its development. It would also much increase the difficulty and expense of devising a good sanitary system of sewage, etc., for the town.

In addition to this the rebuilding of the Town on plans authoritatively fixed would give to it a feeling of stability which would be a great advantage not to it alone, but also to the whole Territory whose developement is more hindred by its present unstable and uncertain conditions than any anything else.

We would respectfully point out that the agreement entered into on February 1, 1899, between the Dawes Commissioners and the

3.

Creek people is in essential harmony in its provisions for the appointment of Townsite Commissioners with the so-called Curtis Bill, so that, if Congress should ratify the new agreement it would not cause any conflict in this matter. We would suggest, however, that if it is practicable to so arrange, it, it might be well, out of deference to the parties to this agreement, to leave the matter of payment for the land open until Congress has taken action upon it. Then payment could be arranged for under whichever legislation the action of Congress may make in force at the time when the settlement has to be made.

Trusting that you will see in the foregoing reasons, to which others might be added, sufficient grounds for acceding to the request of the people of Muscogee, and taking immediate steps for the appointment of the townsite commissioners as requested, we are,

Yours very respectfully,

(SIGNED)

LEO E. BENNET, Chairman,  
P. PORTER.  
F. B. FITE.  
W. A. MADDIN  
WILL E. LINTON  
A. W. ROBB.

Copy of copy attached to U. S. Ind. Inspector's file No. 156  
in office of Superintendent for Five Civilized Tribes, Muskogee, Okla.



## INCORPORATED TOWN OF MUSKOGEE.

Recorder's Office.

Muskogee, Ind. Ter., March 3, 1899

To the Hon. J. Geo. Wright,

Indian Inspector, Muskogee, I.T.,

Dear Sir:-

The Town Council of the Incorporated Town of Muskogee would respectfully ask that you transmit the accompanying(Sic) letter to the Sec. of the Interior in such a way as in your judgment will insure most prompt and favorable action upon it.

The Meeting at which the letter was unanimously adopted was a large and thoroughly representative one, and the Council feels most strongly and unanimously that the action asked for is of great importance, and if granted that it will be of great benefit to the Town.

The Council would be pleased if you will accompany the letter with such indorsement as you may feel justified in giving it.

Yours respectfully,

-- Wm. R. Shackelford --  
Recorder.

-- Patrick J. Byrne --  
Mayor.

(Endorsed) Union Agency No.156. Received Mar.6,1899. Office of U.S. Indian Inspector for Indian Territory. Muskogee, I. T., March 3,1899. Patrick J. Byrne, Mayor. Encloses letter to Secretary, by mass meeting of town citizens, requesting immediate appointment of Townsite Commission.

Muscogee, I. T., March 1, 1899.

To The Hon. Secretary of the Interior,

Washington, D. C.

Sir:

On behalf of a mass meeting of property holders and citizens of the incorporated town of Muscogee, Ind. Ter., held on Tuesday, February 28, 1899, we have been directed to communicate to you the unanimous request of the people of Muscogee, expressed at said meeting, that you should take steps for the immediate appointment of a Commission to lay out and plat the site of the Town of Muscogee in accordance with the provisions of an act of Congress approved June 28/ 1899, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes", and commonly known as the Curtis Bill.

We would respectfully point out some of the reasons for urgency about this matter at the present time. The town, which now has a population of about 5000, has grown up in the course of the past thirty years, without the existence of any authority by which its growth could be directed along regular lines, and proper sanitary provisions made. The natural result of this is a want of system that is daily felt to be a more serious disadvantage as the town develops, and that makes it constantly more difficult, by proper drainage, sewage, etc. to protect the health of the citizens.

We have just suffered from a terrible calamity by fire, which has entirely destroyed one half of the business part of the town. It may be impossible to say whether a proper disposition of streets and alleys would have enable us to keep this particular fire within narrower limits, but we know that such a disposition is a very valuable said in that direction, and is essential to the permanent building up of a town. Many of those whose property was recently destroyed are substantial citizens, who are anxious to rebuild as soon as practicable. They desire, not merely to conform to our town ordinances by erecting buildings of materials not readily inflammable, but to put up such as will be solid and permanent and will involve considerable cost. Others are desirous of coming in with similar ideas of building substantially. We would respectfully point out that if the Commission can be appointed and surveys made before our burned area is rebuilt, the work of surveying would be considerably simplified and its cost proportionately reduced. Should the rebuilding be effected before the Commission is appointed and the survey made subsequently involve the demolition of some of these newly erected buildings, it would plainly be at heavy cost and great inconvenience to their owners and occupiers and would involve the town in heavy financial loss as well as a protracted delay in its developement. It would also much increase the difficulty and expense of devising a good sanitary



- 2 -

system of sewage, etc. for the town.

In addition to this the rebuilding of the Town on plans authoritatively fixed would give to it a feeling of stability which would be a great advantage not to it alone, but also to the whole Territory whose developement is more hindered by its present unstable and uncertain conditions than by anything else.

We would respectfully point out that the agreement entered into on February 1, 1899, between the Dawes Commissioners and the Creek people is in essential harmony in its provisions for the appointment of Townsite Commissioners with the so-called Curtis Bill, so that, if Congress should ratify the new agreement it would not cause any conflict in this matter. We would suggest, however, that if it is practicable to so arrange it, it might be well, out of deference to the parties to this agreement, to leave the matter of payment for the land open until Congress has taken action upon it. Then payment could be arranged for under whichever legislation the action of Congress may make in force at the time when the settlement has to be made.

Trusting that you will see in the foregoing reasons, to which others might be added, sufficient grounds for acceding to the request of the people of Muscogee, and taking immediate steps for the appointment of the townsite commissioners as requested, we are,

Yours very respectfully,

(SIGNED.)

LEO E. BENNET, Chairman.  
P. PORTER.  
F. B. FITE.  
W. A. MADDIN.  
WILL E. LINTON.  
A. W. ROBB.

Union Agency,

Muscogee, I.T., March 23rd, 1899.

Mr. Thos. J. Fariss,

Holdenville, I.T.

Dear Sir:-

Yours received in which you state that the town of Holdenville is incorporated and that one John Jacobs, an Indian, proposes to make quit claim deeds for town lots, and you ask if he has authority to do so.

In reply I will say that if Mr. Jacobs was the original owner of the claim or piece of ground on which the town is located, that he has a right to quit claim any part or portion of it to whomsoever he may sell; at least that is the custom, that in order to obtain title to a town lot in the first instant, you must acquire it by some kind of purchase from the original owner, that is to say, the Indian who occupied it at the time the town was incorporated or surveyed even before the act of incorporation was secured from the U.S. Court. In other words, some way must be resorted to by non-citizens to get rid of the Indian's title before he himself can acquire any title.

Very respectfully,  
D.M. Wisdom,  
U.S. Indian Agent.

Approved;

J. Geo. Wright,  
U.S. Indian Inspector.

(Endorsed) Union Agency Press book no. 1-letter 335. Muskogee, Okla.



JAMES S. McALLISTER, B.S.M.D.  
LOCAL SURGEON OF 'FRISCO R.R.

Sapulpa, Ind.Ter.

April 15, 1899.

To the Hon. J. George Wright,

U.S. Indian Inspector.

Muskogee,

Dear Sir:-

Your petitioners, mayor and town council of the incorporated town of Sapulpa, I.T., respectfully, pray: That you use your influence with the secretary of Interior to cause a townsite commission to be appointed for said town to act with commissioners from the Creek Nation and the town of Sapulpa, I.T., in order to get the street question permanently settled,--We having had a fire which destroyed about 2/3 of the business portion of the town believe that now is the only time this matter could be settled without serious conflictions. We therefore earnestly pray that you give this matter your immediate attention as new buildings are being erected in the streets according to the existing survey.

Very Respectfully,

James S. McAlester,  
Mayor.

Chas. Whitaker  
C. M. Williams  
J. J. Smith      --Council  
J. S. Meuffer  
A. E. McEllop

(Endorsed) Union Agency # 764 Received April 18, 1899. Office of U.S. Indian Inspector for Indian Territory. Sapulpa, I.T. April 15, 1899. James S. McAlester, Mayor. Petition of town of Sapulpa for appointment of townsite commission.

Refer in reply to the following:

Land.

18,300-1899.

(Copy)

171

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

Washington,

April 21, 1899

The Honorable

The Secretary of the Interior.

Sir:

Enclosed, herewith, is a report, of April 15, 1899, from Inspector Wright, transmitting the appointment by Patrick J. Byrn, Mayor of the town of Muscogee, of John Adams, of Muscogee, to be the town-site commissioner on behalf of the town under the provisions of section 15 of the Curtis Act.

Inspector Wright also transmits a communication, of April 14, 1899, in which the Principal Chief of the Creek Nation declines to make the appointment on behalf of the Nation. In his report Inspector Wright discusses the action taken by him and the conference had with the Principal Chief with a view to securing the appointment by him of the Commissioner for the Nation.

In view of the fact that Mr. Tuttle is now on duty and is awaiting the appointment of his colleagues to proceed to the Indian Territory after he shall have received his instructions, the office believes that the situation with respect to the appointment of a commissioner on behalf of the Creek Nation is such as would warrant the Department in exercising its prerogative and appoint the third



-2-

commissioner to act in place of the one which should have been appointed by the Principal Chief, and I therefore recommend that this third commissioner be appointed by you so that the commissioners may be enabled to enter upon their duties in the near future.

Very respectfully,  
Your obedient servant,

W. A. Jones,

Commissioner.

(K.S.M.)

P.

## DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 24, 1899.

J. George Wright,  
U. S. Indian Inspector  
for the Indian Territory,  
Muscogee, I. T.

Sir:

I am in receipt of your communication of the 15th instant relative to the action of the Principal Chief of the Creek Nation in declining to appoint a townsite commissioner under the provisions of Section 15 of the Act of Congress approved June 28, 1898, (30 Stat., 495), in which you report that on the 6th instant, in reply to your request, the Principal Chief advised you:

"Will say that this office at any time be ready to appoint one member of the Muskogee Nation to act as Commissioner in laying and platting the town of Muskogee. Please advise this office at once when the appointment is made by the Secretary of the Interior."

You further state that said Chief failed to designate the appointee from the tribe, and on the 10th instant you wrote asking that he make an appointment not later than the 13th, and that said Chief advised you in writing "that the party he had selected had declined the appointment," and that he would visit you to confer on the subject. You further state that on the 13th instant you had a conference with the Principal Chief, (in the presence of his attorney), at which time he informed you that he would make the appointment provided "he was assured no appraisement of lots would be made until after the treaty was ratified or confirmed, which assurance was given." You



further state that his said attorney advised the Chief "not to make the appointment, and thereupon the Chief declined," and you transmit his letter containing said declination.

In the letter of the Principal Chief dated the 14th instant, he requests that action be deferred "until after the ensuing election on the treaty recently made by the Commission to the Five Tribes and the Commission duly appointed in behalf of the Creek people." He further states:

"Permit me, therefore, to decline to appoint a townsite Commissioner at this time, and I would respectfully request that no action be taken by you in the matter until after our election on the Treaty, which as you know, we hold on the first day of May, next.

"After the result of the election on said Treaty is known, either its ratification or rejection, I will be ready to make the appointment."

The Commissioner of Indian Affairs, in reporting upon your said communication and enclosures, states:

"In view of the fact that Mr. Tuttle is now on duty and is awaiting the appointment of his colleagues to proceed to the Indian Territory after he shall have received his instructions, the office believes that the situation with respect to the appointment of a commissioner on behalf of the Creek Nation is such as would warrant the Department in exercising its prerogative and appoint the third commissioner to act in place of the one which should have been appointed by the Principal Chief,"

and he recommends that said third commissioner be appointed so that the commissioners may be enabled to enter upon their duties in the near future.

The objection made by the Principal Chief to the appointment of a commissioner at this time is without great force, for the reason that the Department decided, under the peculiar circumstances attending the condition of affairs in Muscogee, that

-3-

the townsite commissioners should be appointed under section 15 of said act, and proceed as soon as practicable to perform the duties imposed upon it by law under rules and regulations prescribed by the Secretary of the Interior. Besides, should the agreement recently made with the Creek Nation be ratified at the election to which reference is made by the Principal Chief, the agreement would still require legislative ratification by Congress before its provisions would become final.

I have, therefore, to advise you that Mr. Benjamin Marshall has this day been appointed, the Principal Chief having declined and refused to appoint a townsite commissioner, as required by said section 15.

A copy of the report of the Commissioner of Indian Affairs is enclosed herewith.

Respectfully,

Thos. R. Ryan

Acting Secretary.

Ind.Ter.Div.  
1193-99.  
1 enclosure

Through the

Commissioner of Indian Affairs.

(Endorsed) Union Agency NO. 158. Received May 1, 1899. Office of U. S. Indian Inspector for Indian Territory. Washington, April 24, 1899. -Secretary---Benjamin Marshall appointed Twosnite (Sic) Commissioner, for Muscogee.



Bristow, I.T. April 25th, 1899.

To-

Hon. J. Geo. Wright.

Indian Inspector.

Muskogee, I.T.

--We understand by reading of the "Curtis Bill" that we have the authority of appointing one of the commissioners to serve on and connection with the town site commission for the appraisement of the same in the town of Bristow, Indian Territory.

By the authority so invested in me, I hereby appoint Mr. Benjamin Young as townsite commissioner for and in the town of Bristow, I.T. and respectfully petition your honor to appoint or cause the said Mr. Benjamin Young to serve us on this commission; he being a citizen of the town, not interested in any property other than his individual residence within the town, and is fully competent to attend to any duties entrusted or placed upon him.

(Signed) R. W. Flynn  
MAYOR.

Attest A. B. Allen.  
RECORDER.

APPROVED:

H. H. Adams

A. H. Purdy

F. M. Miles

D. C. CANTWELL  
COUNCIL.

Petitioners names.	Occup'n	Petitioners names	Occup'n
C. O. Crane	Merchant	H. H. Bogle	Merchant
Fred Cook	Carpenter	R. L. Higgins	M.D.

-2-

Petitioners names	Occup'n	Petitioners Names	Occup'n
H. S. Miles	City Marshal	A. R. Bogle	Merchant
C. F. Rigneg	Clerk	R. Dowoon	Clerk
M. L. Goodman	Teamster	L. Weiner	Merchant
W. G. Earl	Hotel	Leon Karpe	Do
Chas Saeger	Asst. P. M.	Brewster Muly	Do
J. D. Rigneg	Clerk	P. A. H. Parker	Mar.
N. H. Hilderbrand	Carpenter	J. P. Guthrie	Gardener
R. J. S. Nidmere	Carpenter	John Case	L Stable
Jas. Mackin	Miller	J. E. Mershon	Sculpter
		A. B. Cooper	Dairyman

(Endossed) Union Agency # 858 Received April 27, 1899. Office of U.S. Indian Inspector for Indian Territory. Bristow, I.T. April 25, 1899. Mayor and Council. ---- Appoints Benjamin Young to be townsite commissioner.



## MAJ. JOHN FOREMAN DEAD.

Founder of El Reno and Former Indian Fighter.

El Reno, Okla., July 14.--Major John A. Foreman, founder of El Reno and one of the pioneers of Oklahoma and Indian Territory, died here today. In 1861 he enlisted at Lawrence, Kas., as a captain and afterwards was made a major. He engaged in many battles and was wounded a number of times.

In 1864 he was commander of Fort Gibson, I. T., and gained quite a reputation as an Indian fighter. At the opening of Oklahoma proper in 1889 he secured the land upon which El Reno is built.

(Copied from The Times-Record, Blackwell, Okla., July 20, 1899, p. 2, col. 2

.....

## MAJOR FOREMAN EXPIRES.

Last Friday morning Major John A. Foreman, one of El Reno's prominent citizens, departed this life at his home in this city at the ripe old age of eighty years. The G. A. R. had charge of the funeral services which took place Saturday afternoon, Rev. Monroe officiating. Major Anderson, commanding officers at Fort Reno, sent over a firing squad and trumpeter to attend the funeral which was largely attended by old soldiers and many other friends of the deceased.

Personally we never knew a more energetic old gentleman than Major Foreman. He was always engaged in work that would result in the betterment of the city, and up to the time of his last illness, which was of only twenty-four hours dura-

tion, he was looking after the public's interests. He lived in the northeast part of town on forty acres which is a position of the quarter section now occupied by the city, and which he filed on several years ago, but was defeated after three years agitation. He was one of the pioneers of Oklahoma and an early settler of this city.

(Copied from El Reno Democrat, July 20, 1899, p. 5, col. 2

.....

#### MAJOR FOREMAN DEAD.

Last Friday morning, Major John A. Foreman, one of the founders of El Reno and one of the pioneers of Indian and Oklahoma territories, died, after a short illness, at his home in this city.

Major Foreman was born in the state of New York in 1825. He resided in Canada during his boyhood days and later in Kansas, but prior to the war of the rebellion, he located in Indian Territory, and at the outbreak of the war, entered the Union army as captain and afterward was made major. He engaged in many battles and was wounded a number of times.

In 1864 he was commander of Ft. Gibson, I. T., and gained quite a reputation as an Indian fighter. At the opening of Oklahoma proper in 1889 he secured the land upon which El Reno is built. His widow and his only child, Miss Gertrude still reside upon a portion of the claim.

Major Foreman has been identified with every enterprise for the advancement of El Reno and Oklahoma, and will be greatly missed in business and social circles.

He was one of the charter members of the Presbyterian



## 3.

church and contributed the first \$100 toward its erection.

He loved his fellow men and had a helping hand.

Funeral services were conducted in the Presbyterian Church, Saturday, and his mortal remains laid to rest in South Hill cemetery, by the G. A. R. of El Reno.

He was followed to his last resting place by a large concourse of friends.

(Copied from El Reno Weekly Globe, July 21, 1899, p.5 col. 4

....

## MAJOR JOHN A. FOREMAN.

A sketch of El Reno that did not include proper mention of Major Foreman would be like presenting a play with the principal character left out. Where the city now stands was once the major's claim, and with the growth of the town the enterprise and public spirit of the major has always been associated. The subject of our sketch was born in Lewiston, near Niagara Falls, N. Y., on January 9, 1825, and received most of his early education at St. Catharines, across the river in Canada. His father was an Englishman, and his mother came from the hardy Scotch race. On the first steamer that sailed on Lake Ontario, his father held the position of mate. Young Foreman adopted the life of a sailor and progressed steadily in his career until he was master of his own vessel, his experience being confined to the lakes and northern waters generally. At the age of 26 years he abandoned his seafaring life and went west, settling at Davenport, Iowa. Here he was engaged in mercantile business until 1857, when he removed to Ottawa, Franklin county, Kansas, and became a farmer. This peaceful part of his career was abruptly cut short when Fort Sumter was fired upon, and seven days afterward--April 22, 1861--he was commissioned by Governor Robinson of Kansas as captain of Company A, 3rd Infantry. He was immediately ordered into active service and was kept busy in warfare on the borders of Missouri, Arkansas and Kansas. On July 11, 1862, he was detached from his old command, promoted to the rank of major, and assigned to the 3d Indian (Cherokee) regiment. From this time up to the close of the war Major Foreman was constantly engaged in repelling the rebel encroachments, and almost continuous fighting was the result of the operations of his command. During the numerous



engagements that occurred between Leavenworth, Kas., and Helena, Ark., the major was three times severely wounded, at one battle being shot three times while his horse received five bullets. The official history of the war of the rebellion, published by order of the war department, gives this gallant soldier a record that few officers can boast of. The writer has found no less than twenty places where Major Foreman receives honorable mention. He remained in service until the end of hostilities and was finally mustered out in June 1865. We next find the major located near Fort Gibson, in Indian Territory, occupied in stock raising and milling. At Muskogee he was for ten years president of the Indian International fair, and while filling this office he sent a variety of products to the Paris exposition in 1878, the corn samples attracting special attention; so much so that the Paris officials sent Major Foreman a diploma in which he was personally complimented. Becoming interested in railroad work, the major went to Wichita Falls, and for some time was engaged in the early surveys of the Rock Island road. He continued in this work until the opening of Oklahoma for settlement, on the 22d of April, 1889, when he took the claim already mentioned and has since been known as the father of El Reno. Major Foreman has always been intimately associated with every movement that had for its object the welfare of his city and county, and his efforts secured the approval, by the Secretary of the Interior, of a plat of El Reno, under section 22 of the Organic act. The approval took the land on which the city now stands out of the Homestead act and gave the proceeds to the schools. Eight months later

## 3.

the Secretary of Interior canceled the homestead entry and deprived the schools of the \$10 per acre. A town site board was afterwards appointed, which took possession of the site and deeded direct to the owners of the land, thus settling the question of title satisfactorily. Although now in his 71st year, Major Foreman still retains unusual vigor of mind and body. He is fond of reminiscences, and certainly no man in the Territory has had a more varied experience or more honorable record. Of rugged stock and strong character he represents that class of men who in early days were the pioneers of the country and who were always equal to any emergency.

(Copied from El Reno Daily Eagle, Aug. 1, 1895.



## UNITED STATES INDIAN SERVICE,

184

Union Agency,

Muskogee, 7-25, 1881.

Hon. Saml. Checote,

Prin. Chief Creek Nation.

Sir:

I have the honor to report that license has been granted to J. A. Foreman to do business at Muskogee from July 27, 1881, until July 27, 1882.

Very respectfully

Jno. Q. Tufts

U.S. Ind. Agent.

(Copied from Creek-Traders, in archives OHS)

Maj. John Foreman left Friday for the East, via St. Louis, preposing, we understand, to take in Washington, Philadelphia, and New York before returning. The Major is the worthy and efficient President of the International Agricultural Society of the Indian Territory, and is fully posted in regard to affairs among the Indian people.

(Copied from The Indian Journal, June 29, 1876, p. 3, col. 3

.....

Mrs. Fannie Lacy was a Commissioner from Muskogee to secure the best possible display of ladies' work, such as spinning, etc., at the International Fair in Oct. 1876  
See The Indian Journal Sep. 14, 1876, p. 3, col. 6

, , ,

The steam mill of Maj. Foreman will begin work this week. Corn and wheat will be ground and cotton ginned.

See Indian Journal, Sep. 21, 1876, p. 3, col. 4

.....

See <sup>✓</sup>cotton is worth from 2 to 2½ cents per pound at Maj. Foreman's gin.

Maj. Foreman received his first load of cotton this season, from Mrs. Coody, Wednesday last, 20th inst.

The new stock yard at this place, of Maj. Foreman, will be possessed of ample conveniences for penning, watering and feeding cattle, and for loading twenty cars per day.

Maj. Foreman's mill is now ready for making first-class flour and corn meal. His new forty horse power engine, with a boiler of forty-eight inches by fifty feet, five flues,



Todd's three feet burrs, fine bolting cloths, elevator, and Vandergrift's separator for cleansing and dusting wheat, are all of the best quality.

(See Indian Journal, Sept. 28, 1876, p. 3, col. 4.

.....

#### Closing of the Fair.

The International Fair of the Indian Territory, closed its third annual meeting, Friday, the 20th instant. Taken as a whole, it was a decided success. ... the untiring and determined spirit of Maj. John A. Foreman the president, is largely due the success of the Fair. ...

(See Indian Journal Oct. 26, 1876, p. 2, col. 2

....

J. A. Foreman received ~~xxxx~~ribbon at International Fair of 1876, for best yearling bull, ribbon for best Chester white swine, ribbon for Cotswold ram, ribbon for best grade sheep, ribbon for cotton gin,

See Indian Journal Oct. 26, 1876, p. 2, col. 5

...

Maj. J. A. Foreman placed on the ground for inspection, by the public, a Needle Cotton Gin, manufactured by the Remington Machine Works and which he is now placing in his mill. It looks to be an excellent machine and we shall soon see how it works, as it will be in operation next. Week.

See Indian Journal Oct. 26, 1876, p. 3, col. 7.

Mr. Dresback, lately with J. A. Foreman, has set up a new mill one mile from Muskogee, and is prepared to grind corn /not legible/ as offered. The toll for grinding / / that provided by the Creek Nation / / now filling a contract for the Nation/ / saw will be in place this week, / / will be prepared to saw lumber for his customers.

(Copied by The Indian Journal, June 1, 1876, p. 3, col. 1

...

Theo Lacy, Butcher Shop, (East side R. R., Muskogee  
(copied from The Indian Journal June 1, 1876, p. 1, col 2.

...

Flouring Mill & Cotton Gin  
(E. side, adjoining R. R. track)  
Muskogee, I. T.

J. A. Foreman - Proprietor

Is prepared to make fine wheat flour and corn meal,  
Ground feed for sale.

(Copied from The Indian Journal, June 1, 1876, p. 1, col. 2

.....

The International Fair at Muskogee for 1880 was in every respect a success. The untiring energy of Messrs. J. A. Foreman and Joshua Ross of that place has made the Fair what it is. ... Mr. Foreman or Mr. Could not be dispensed with . ...

(Copied from Cherokee Advocate, Oct. 6, 1880, p. 3, col. 2

....



Public spirited J. A. Foreman,<sup>to</sup> whose enterprise  
much of the prosperity of this little town is due. Has  
added a lasting tablet that will keep his memory green in the  
years to come, besides furnishing shade for his and our  
children's children -- has set out two rows of forest trees  
on Cherokee street, the entire length. May his shadow continue  
with us till their shade shall meet and their branches  
intermingle in loving caress, across the highway.

(See The Indian Journal, March 22, 1877, p. 3, col. 2

....

Flouring Mill  
and  
Cotton Gin  
East side, adjoining R. R. Track,  
Muskogee, I. T.

J. A. Foreman, - Proprietor

Is prepared to make fine wheat flour and corn  
meal, gin cotton, etc.

(See The Indian Journal, March, 22, 1877, p. 1, col. 2

....

Free Ferry.

Merchants and hotel keepers of Muskogee have entered  
into a contract with Col. W. P. Ross to transfer all people  
of the territory in wagons and carriages over his ferry  
across Arkansas river, free of charge from April 23d to  
December 31st 1877, Sundays excepted. For this service Col.  
W. P. Ross is to receive one dollar per day, Sundays excepted.

The following merchants and hotel keepers have sub-  
scribed and agreed to pay the sums set opposite their names

Name	Amount per week
John A. Foreman	\$1.80
etc.	

(Copied Indians Journal May 3, 1877, p. 3, col. 1

Baker, Hitlage & Ross	\$1.50
James Mitchell	.60
Major Strokey	60
J. A. Patterson	30
E. Laupheimer	30
J. S. Atkinson	30
Kincaide & Co	30
Lacy & Co	30
	<hr/>

Total \$6,00

(Copied from Indian Journal, May 3, 1877, p. 3, col. 1

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Flour. It was made by J. A. Foreman, of Muskogee, from new wheat, and when you find a mill in any State or Territory that can beat it, then do as he did and send it to the Journal office, and we will be convinced, one hundred pound sack, remember. Until you find that mill, buy Foreman's Sunflower flour.

(Copied from Indian Journal Sep. 1, 1877, p. 3, col. 1

....

J. A. Foreman exhibited 15 Cotswold Rams at International Fair of 1877. He addressed the Fair on "On the Progress and Advantages of Fairs." He also exhibited hogs and sheep. See Indian Journal Sep. 29, 1877, p. 2, col. 2-3

...

He received <sup>4 50</sup>pre~~mium~~ for one cow and calf; one Chester white sow <sup>5 00</sup>and pigs; one Cotswold <sup>5 00</sup>Ewe; one Southdown <sup>5 00</sup>Ewe; one bale cotton <sup>4.50</sup>tallest corn, 14 feet; <sup>3 00</sup>red peper; 2 sacks of Sunflower Flour. Mrs. Foreman received premium for a cake.

At the Auction sale J. A. Foreman sold 2 fine Cotswold sheep for \$23.00, also one Berkshire boar.

A 3 story cake made by Mrs. J. A. Foreman was eaten by the judges.



Theodore Lacy was awarded Blue ribbon for one Berkshire Boar.

C. E. Foreman was awarded blue ribbon for one Cotswold Ewe.

C. E. Foreman was also awarded blue ribbon for one cow and calf.

See Indian Journal Oct. 6, 1877, p. 3, col. 3-4

Mrs. Theodore Lacy presented her husband a prize-it all occurred on the 13th. Both mother and son doing well. Theodore rides with a lighter heart.

See Indian Journal Oct. 27, 1877, p. 3, col. 1

Mr. J. A. Foreman has returned from the Millers Convention. He was highly pleased and gained many new ideas. His brand of Sunflower flour is now on exhibition there.

(See Indian Journal June 17, 1880, p. 3, col. 2

....

Major Foreman will receive this week a new 60 saw cotton gin.

See Indian Journal Sep. 16, 1880, p. 3, col. 1

...

In the sale at auction of fine sheep one Cotswold buck, bred by Col. A. McClintock, Kentucky, was sold to J. A. Foreman for \$65.

One Cotswold ram raised by J. A. Foreman was sold to O'Connor for \$35.

(See Indian Journal Sep. 30, 1880, p. 3, col. 3

....



Maj. J. A. Foreman has been looking after his interests near Pottsboro, Texas, during the past week.

See Indian Journal, June 21, 1883, p. 5, col. 1

.....

A valuable horse belonging to Major Foreman fell while running through John Ross' cornfield last Monday, throwing his rider and breaking his left. The horse also had one of his legs broken.

See Indian Journal, Jan. 24, 1884, p.5, col. 2

.....

Maj. Jno. A. Foreman has returned from a months trip to Washington. He reports the prevailing opinion that there will be no legislation affecting the Territory this session as both parties were afraid to take any steps that might be used against them in the coming presidential election.

See Indian Journal Feb. 28, 1884, p. 5, col. 2

....

Maj. J. A. Foreman paid Dallas, Texas, a visit during the Stockmen's Convention, and says any one can have a good time among the cow men whether they want to or not.

See Indian Journal, March 20, 1884, p. 5, col. 2

.....

Maj. Foreman will leave in the course of three weeks for Wichita, Texas, where he will make his home in the future. The town is the present terminus of the Fort Worth, Denver and Rio Grande, about twelve miles from the Territory line, and the

## 2.

Major is very enthusiastic over the water power there.

See Indian Journal, March 20, 1884, p. 5, col. 3

....

In treating of El Reno we will enter somewhat into the history of its settlement and rapid growth. El Reno's townsite as everybody knows consists of a part of the homestead entries of Major John A. Foreman, Thomas Jensen and James Thompson, the first plat being on Mr. Foreman's land. The townsite at present embraces 320 acres which as been proved up under section 22 of the organic Act which allows homesteaders to change their entries by paying \$10. per acre. The government reserving 10 acres from each quarter for a public park. On July 11th 1890 the plats of El Reno were filed in the Kingfisher land office where they were approved and forwarded to the Secretary of the Interior. They were certified in triplicate and returned to the Oklahoma City land office. Major Foreman made final proof on his quarter on the 16th day of November 1890, at Oklahoma City, and deposited the \$1,500 there for a payment of his patent. This money will be returned and used in a school building for El Reno. ...

It would be impossible to write a history of El Reno and her progress without mentioning the name of Major John A. Foreman, the claimant upon whose land the business part of the city is built. Maj. Foreman is a man thoroughly acquainted with every condition existing in the territory, having located at Ft. Gibson Creek Nation, in 1865, and remained a citizen of that nation until his departure for this section. , just



prior to the opening of the country. During the great civil strife he led a regiment of Cherokee Indians in defense of the federal cause, and from that time has been directly interested in the affairs of the territory. Although a man of mature years when the cry "On to Oklahoma" sounded through the land, he was not the last to join the forces and march to the line.

The morning of the 22nd of April found him in the saddle ready for the race. In that mad rush he made his choice, but scarcely had the cloud of dust cleared away, when enemies appeared to disturb his possession, they thought it a good place to build a city; they saw in this location a high commanding plateau just above the beautiful Canadian river; they saw Fort Reno and the Darlington agency to the north west; they had to but cast their eyes along the line to see the Rock Island grade stakes; the problem was solved, it would be the key to the situation and the depot of supplies for the great southwestern country. The fight was waged with a remorseless energy they knew no bounds, no rest. Every plan known to man or devil, was brought into service. Pluto had unchained and turned loose his servants who dealt only in the darkest crimes and knew no limit to their greed.

Several trips were made by Mr. Foreman to Washington, in the interest of El Reno and by his work the act permitting the payment of ten dollars per acre for lands in townsites, the proceeds to be added to the school fund, was passed, thus putting \$3,200 in the El Reno school fund. Victory was his at last when the U. S. Land Office issued the final receipt to the claimant and warranty deeds were turned out to the holders of certificates and quit claims. Mr. Foreman's interest

in El Reno is very heavy and much may be looked for from him in the future in doing all he can to make her the most powerful of the cities of Oklahoma.

See Oklahoma Democrat, Dec. 26, 1891, p. 1, col. ~~5~~ 1, 4 & 5

.....

Major Foreman is progressing finely with his first two books of title. It is a good thing for El Reno that the title problem is definitely settled.

See Oklahoma Democrat, Aug. 1, 1891, p. 4, col. 1

....

Major John A. Foreman was one of the Trustees of the Presbyterian Church of El Reno when it was organized Jan. 25, 1891

See Oklahoma Democrat, Aug. 15, 1891, p. 1, col. 2.

....

The firm of Shermerhorn & Esperson was located in the East room of Major Foreman's land office building.

See Oklahoma Dmocrat, Aug. 15, 1891, p. 4, col. 2.

....

Major Foreman is again in the office giving deeds to El Reno Real estate.

See Oklahoma Democrat, Sep. 5, 1891, p. 4, col. 2.

....



Major Foreman is gradually gaining strength and is rapidly issuing deeds to El Reno Town Lots.

See Oklahoma Democrat, Sep. 12, 1891, p. 4, col. 2

.....

John A. Foreman and I. Jalonick, Sr., desire to engage the services of a first class brick maker at once. They will contract for 250,000 brick to be used in El Reno brick buildings.

See Oklahoma Democrat, Sep. 26, 1891, p. 7, col. 1

....

Major Foreman is erecting several new office rooms adjoining his land office.

See Oklahoma Democrat, Nov. 21, 1891, p. 3, col. 1

....

Muscogee owes much of her prosperity to John A. Foreman. The Indians who proved him in war, like him in peace.

See Cherokee Advocate, May 4, 1883

...

"Maj. John A. Foreman, the father and its standing president from its inception till my election." by R. L. Owen

See  
The Indian Journal, Aug. 2, 1883, p. 5, col. 5.

Maj. J. A. Foreman awarded Hay contract by Post at Fort  
Leavenworth.

See The Indian Journal, Aug. 9, 1883, p. 5, col. 4.

....



Maj. John A. Foreman was awarded a Blue Ribbon at the Indian International Fair, Sep. 29, 1882, for ~~the~~ a the best Cotswold ram, also a prémium for the best 50 lbs of flour.

(See Cherokee Advocate, Oct. 13, 1882, p. 2, col. 5

....

The election of officers of the Indian International Agricultural Society and Fair Association, had at Muscogee, I. T., the 12th inst., resulted in the choice of R. L. Owen, President, N. B. Moore Treasurer, and Joshua Ross, Secretary. Maj. John A. Foreman, who served the Society so long and well as its President declined re-election. The Society passed a resolution highly complimentary to the Major for his long and faithful services. ...

(See Cherokee Advocate Feb. 16, 1883, p. 3, col. 2.

...

The millers of the world will meet at Cincinnati May 31st, with samples of grain, flour, etc. It is expected 7000 millers will compete in the exhibition, over 700 of whom will be from foreign countries.

Maj. J. A. Foreman, of Muskogee, will represent the Indian Territory and has already sent forward 100 lbs of his sunflower brand made from wheat raised in the Creek Nation by Wm. Fisher, a member of the Creek National Council. Rolle Lewis will send sample of 1880 wheat. If the sample sent by Mr. Foreman equals the sack sent to the Journal office it will be hard to beat.

(Copied from Indian Journal, May 20, 1880, p. 4, col. 2

....

From 292 sheep Mr. J. A. Foreman of this village realized \$568 from the wool, an average over 1.90 cents each. Some of his yearling lambs sheared 8 lbs to 11-1/4 lbs each. Figure for yourself the profits of sheep raising (Copied from Indian Journal ~~May~~ Apr. 29, 1880, p. 5, col. 2

...

#### MUSCOGEE FAIR

The Ninth Annual Indian International Fair closed Friday last, at Muskogee. ... Maj. J. A. Foreman, President Joshua Ross, Secretary, and Judge N. Moore, however, deserve much credit for their long, faithful and efficient services to the Association.

(Copied from Cherokee Advocate, Oct. 6, 1882, p. 2, col. 3.

...



R.B.

200

## DEPARTMENT OF THE INTERIOR,

Washington,

August 10, 1899.

Mr. J. George Wright,  
Indian Inspector,  
Muscogee, Indian Territory.

Sir:

In answer to your letter of the 5th instant I would say that although it had been deemed inadvisable to begin townsite work for recent fire at Wagoner and the representations of the urgent needs of that town, it has finally been decided to appoint a Commission there for at least a few months work.

Your telegram of the 9th instant advises the Department that the Principal Chief recognizes the Curtis Act and insists upon his appointment of Procter under that Act. It seems therefore best under all circumstances to accept and to ratify the appointment made by the Chief.

Very respectfully,

Tho. R. Ryan

Acting Secretary.

Through the

Commissioner of Indian Affairs.

(Endorsed) Union Agency No. 303. Received Aug. 14, 1899. Office of U.S. Indian Inspector for Indian Territory. Washington, August 10, 1899. Secretary---will appoint townsite commission for Wagoner, and ratify Chief's selection of Toney Proctor.

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

201

December 8, 1899.

United States Indian Inspector  
for the Indian Territory,

Sir:

Referring to departmental letter of the 5th instant, referring to you (Sic) copy of a letter from J. W. Zevly, Special Inspector, transmitting a letter from Benjamin Marshall, of the Muscogee Townsite Commission, relative to the affairs of said commission and the lack of concerted action among its members, and directing you to make a report and recommendation thereon, your attention is invited to a letter of the Department on September 2, 1899, addressed to the Commissioner of Indian Affairs, acknowledging the receipt of a communication from the Acting Commissioner, making recommendation upon the report of the Townsite Commission for the Choctaw Nation, also upon the report of the special inspector concerning said commission. The special inspector reported that the chairmen of the commissions for the Choctaw and Chickasaw nations and, also, for Muscogee, "seem to think that the Commissioners appointed by the Indian tribes in the Choctaw and Chickasaw Nations, and by the Indian tribes and the town at Muscogee, are merely supernumeraries, and that the whole authority and responsibility is vested in them, they being the chairmen of said commissions and bonded officers."

The Acting Commissioner recommended that "they all ought to be advised that the commissioners who serve with them have as much responsibility and as much authority as they have, that they ought to be consulted upon all points, and that all mail addressed to them as chairmen of their commissions is intended for the whole



commission, and should immediately be accessible to all members of the commission and to such other persons connected with the work as it is necessary should see it."

The Department advised the Commissioner of Indian Affairs that "it believed that it will be only necessary to call the attention of the Chairman of the Commission to the position that each occupies by virtue of his designation as Chairman."

The Department is advised that the Commissioner instructed the Chairman of each of said commissions in accordance with the views above expressed. In your investigation you will ascertain and report whether each member of the townsite commission at Muscogee was duly advised of said instructions to the Chairman, and, if so, then there should not be any difficulty in pushing the work forward to completion, since, under the instructions above indicated, the action of a majority of the commissioners must control, and each commissioner will be held personally responsible for his action with regard to the duties imposed upon the townsite commission under the instructions of the Department.

Respectfully,

Thos. R. Ryan.

Acting Secretary.

Ind.Ter.Div.  
2527,3520-1899.

(Endorsed) Union Agency # 440, received Dec. 15, 1899. Office of U. S. Indian Inspector for I.T. Washington, D. C. Dec. 8, 1899. Secretary. Rel. to investigation and report concerning Muscogee Townsite Commission.

## DEPARTMENT OF THE INTERIOR.

Washington.

March 27, 1900.

The United States Indian Inspector

For the Indian Territory,

Muscogee, Indian Territory.

Sir:

On the 26th instant your recommendation, concurred in by the Commissioner of Indian Affairs, that "the townsite commissions be instructed to report to and be under the supervision of the United States Inspector located in the Indian Territory and report through him to the Department, which would enable the Inspector to proceed immediately to any town to investigate and adjust, if possible, any differences between them, the commission, and the town representatives, and also ascertain before plats of any town are forwarded to the Department that the same are satisfactory to all concerned", was approved.

You are, therefore, advised that on March 23, 1900, the Commissioner of Indian Affairs transmitted the "completed plat" of the townsite of Wagoner, Creek Nation, Indian Territory, submitted by the townsite commission, together with field notes, affidavits, plats, etc.

The area of the town is given as 3,324.59 acres. Three reservations for parks are shown, aggregating 117.88; one containing 91.54 acres, another 14.14 acres, and a third 12.20 acres. It is observed that streets have been extended through the parks. This does not appear to be proper.

The exterior boundaries of the townsite do not follow the lines of the Government township survey. The Commissioner



-2-

states that, apparently, the corporate limits of the town have been made by this survey the exterior boundary of the townsite, "except where it has been extended outside and beyond such corporate limits"; that the streets have been surveyed, in many instances, with regard to present improvements, and in some instances without regard to uniformity; that the lines of the lots have not been extended always to the streets, mentioning those lots in blocks 471, 474, and 492 as examples; that few blocks are subdivided into lots as required by departmental instructions, and that there is little to recommend this plat for favorable consideration by the Department.

He also states that he is of the opinion that the park of 91.54 acres should be reduced; that 15 acres would make a park of sufficient size, attention being called to the fact that under the law the Nation is to receive only ten dollars per acre for lands taken for parks, which would be doubtless very much less than the same land would bring if subdivided into lots.

He further states that the part of the town north of Pecan Street between Main Street and Gertrude Avenue, appears to have been laid off, so far as the streets are concerned, with but little attention to the matter of uniformity; that an effort should be made to continue the Pecan, Black Jack "Bois Darc", Cotton, Cherry, Ash, Cypress, Rose and Beach Streets, on regular lines through this section.

He also says that the commission has failed to comprehend the requirements of the Department in the matter of subdividing

-3-

blocks into lots; that apparently no attempt was made to secure uniformity in the size of lots removed from the business part of the town; that the platting of certain lots of irregular sizes and shapes cannot be warranted by the "existing conditions".

While doubtless he is correct, in many instances, in what he has concluded as to this map, the Department would not feel justified in undertaking to give specific instructions until the commission has had an opportunity to be heard. The townsite commission at Muscogee, in the Creek Nation, was instructed, on

August 12, 1899, that the Department "sees no reason why lots not occupied should not be, ordinarily, of uniform size, and there appears to be no reason why the instructions of July 1, 1889, in regard to the town of Cale (now Sterrett), Choctaw Nation, \* \* \* \* should not apply to Muscogee" \* \* \* \*

"It understands that portion of the law which directs that in surveying townsites the commission shall conform 'to the existing surveys so far as may be' to merely mean that such commissioners shall observe the existing conditions as to streets, alleys, etc. as far as practicable, with due regard to present holdings. It clearly was not intended that parties who had made valuable improvements as are known to exist at Muscogee, even if on tracts of considerable size, and who doubtless, in most instances, have had possession for years without any objection on the part of the nation, should be disturbed, except where their demands are unreasonable, by the subdivision of such tracts into 'occupied' and 'unoccupied' lots. Nor is it observed how the nation could be benefited by such plan of survey as you propose if your suggestions as to what constitute improvements are correct \* \* \* \* \*

"The law does not state anything as to the size of lots, and apparently gives the nation ample protection through the matter of appraisement, and in providing that lots containing only fencing, tillage, and temporary buildings should be classed as unimproved and sold to the highest bidder."

Apparently the Wagoner townsite commission has made these instructions the basis of its action to some extent. It is suggested, however, by the size and shape of a number of lots, and



by the apparent intention of the commission to schedule, in many instances, to one person a whole block, that the commission has not comprehended these instructions or the law, particularly that portion which provides that owners of improvements shall be allowed to purchase, at one-half of the appraised value, only lots improved other than by fencing, tillage, and temporary buildings. But the commission may be able to explain the cause of its action in many of the apparently objectionable features of the plat.

The Department agrees with the Commissioner that the plat, in workmanship, is not "up to the standard exacted by the Department".

He is of the opinion that the exterior boundaries of the townsite should conform to the lines of the township survey "as near as practicable", and suggests for such limits as follows:

"Commencing at a point 10 chains East of the quarter section corner between sections 14 and 23, Tp. 17 North, Range 18, East of the Indian Meridian, running thence North 60 chains; thence East 5 chains; thence North 35 chains; thence West 15 chains; thence north 65 chains; thence west 160 chains; thence South 160 chains; thence East 170 chains to place of beginning, containing 2672.50 acres."

An opinion has been requested of the Assistant Attorney General for the Department, in the case of the townsite of Ardmore, as to whether townsite commissions in the Indian Territory are bound to survey townsites in accordance with the incorporated limits. At this time, therefore, the Department will not express any opinion as to this suggestion of the Commissioner.

He recommends that, if it be deemed advisable to return the plat to the commission for correction, he be authorized to

prepare explicit instructions for the guidance of the commission, and that the commission be requested to report at length and at frequent intervals the progress of the work; that it would be more practicable and less expensive to have a new map prepared than to attempt to correct the present one. Your attention is called to the other comments of the Commissioner not mentioned herein.

The Department deems it advisable that the commission should first have its attention called to all the objections that appear to exist, with directions to make an explicit report in regard thereto, giving its reasons for making the survey in the particulars objected to. It should be directed to make the report at once. Every effort should be made to expedite the work of this commission.

In view of the action you are authorized to take, the Department will not pass upon the protests transmitted by the Commissioner at this time, but will act upon them, if they have not already been disposed of, when the matter of this survey is again presented to the Department. The Commissioner has not expressed any opinion as to the protests in regard to the location of the alley in block 376. The townsite commission reports that all protests except these have been "satisfactorily settled".

A copy of the Commissioner's report and the other papers received from him are herewith enclosed.

Respectfully,

E.A.Hitchcock.

Secretary.

Ind. Ter. Div.  
1066-1900.  
32 enclosures.



-6-

(Endorsed) Union Agency No.686 Received Apr.12,1900 Office  
of U.S.Indian Inspector for Indian Territory. Washington,  
March 27, 1900. Secretary.----Relative to objections to plat  
of Wagoner townsite.----

DEPARTMENT OF THE INTERIOR,  
Washington.

C.

March 31, 1900.

The United States Indian Inspector  
for the Indian Territory,  
Muscogee, I. T.

Sir:

I am in receipt of your communication of January 20th last, forwarded by the Commissioner of Indian Affairs on the 29th of the same month, reporting upon the affairs of the Townsite Commission at Muscogee, and submitting recommendations thereon.

You report that the work of surveying and platting said town was nearly completed, and that the surveyor was of the opinion that the same could be finished within two months, and in your judgment it should be completed by March 1, 1900.

You further report that you do not recommend any change in the present force, but you make certain suggestions relative to the completion of the work, and state that the Commission has a memoranda book, with blue print plat of each block separate, together with a description of the improvements on such block, with classification, the notes being in lead pencil. You state that the contents of said book should be copied into another book, with blue print of the block and full description of improvements, value of same, with classification, and written in ink, together with appraisal of the various classes of lots, if authorized by



-2-

the Department.

You also state that the Principal Chief of said nation had intimated to you that the nation would be unwilling to convey title to town lots as required under section 15 of Curtis act until an agreement had been entered into between it and the United States.

You also state that in view of such intimation it would not seem desirable to appraise and offer the town lots for sale at the present time, but that there would be no objection to the present Commission submitting to the Department the appraisals of the various classification of lots "without giving public notice of said appraisals and classification".

You also state that the surveyor reports "that it will take until about March 1st to complete the present permanent map, and that if four copies of same are to be made on tracing linen it will require about two months additional time, but that if same can be made on blue print muslin, a material saving in time, labor and consequent expense could be made, and that he recommends that the same be done."

You also report that "a material saving of expense could be made, the work progress more rapidly, satisfactorily and intelligently, if done by the Commission, who should be charged with the result of their work and not the surveyor," and you recommend

-3-

"that of each Commission consisting of two persons, one be a practical surveyor, and the other a competent clerk, to perform required duties, with such assistance in the field, and a draughtsman to prepare maps, etc. as may be found necessary."

On the 22nd instant the Chairmen of the Town site Commissions for Muscogee and Wagoner were directed to proceed with the appriasal of the lots and improvements thereon in said towns, and on the 23rd instant the Chairman of the Muscogee Townsite Commission was directed to forward the linen tracing and the working map referred to in his telegram to the Department, to this Department at once, through the Commissioner of Indian Affairs. On March 27th the townsite map of Wagoner was referred to you with instructions. On March 26th you were advised that said townsite commissions, with others were required to report through you to the Department and would be under your immediate supervision.

The Department will not at this time make any special ruling upon your recommendation relative to the qualifications of the members of the Commissions, but due consideration will be given thereto when persons are recommended for appointment to any townsite commissions which may be hereafter organized. You will impress upon each of the townsite commissions the very



-4-

great importance of expediting the work in which they are engaged, and of working harmoniously to the end that the surveying and platting of townsites in the Indian Territory may be completed at the earliest possible time consistent with economy and efficiency.

The Commissioner concurs in your recommendation, and a copy of his report is inclosed herewith.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.  
1117-1900.  
1 enclosure.

(Endorsed) Union Agency No. 689. Received Apr. 12, 1900. Office of U. S. Indian Inspector for Indian Territory. Washington, March 31, 1900. Secretary----Relative to Muscogee townsite commission.

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F.

DEPARTMENT OF THE INTERIOR,  
Washington.

June 28, 1900.

United States Indian Inspector  
for the Indian Territory,  
Muscogee, Indian Territory.

Sir:

The Department is in receipt of your communication of the 21st instant, transmitting therewith a report dated the 15th instant from the Townsite Commission at Muscogee, addressed to the Commissioner of Indian Affairs, and submitting therewith schedules of appraisements of lots (exclusive of improvements), in quadruplicate, in the town of Muscogee, for the approval of the Secretary of the Interior, as required by law.

You state that in your judgment the appraisals of the business lots are fixed at very low prices in some instances, but in view of the unanimous report of the Commission as to the value of the property, which Commission represents the Department, the Creek Nation and the citizens of the town, you recommend that said schedules be approved.

The Commissioner of Indian Affairs on the 23d instant forwarded your said communication and enclosures, and recommends that said appraisals be approved.

The Department knows of no good reason why the appraisals made by the Townsite Commission of Muscogee should not be approved



as recommended by you and the Commissioner of Indian Affairs.  
They are accordingly approved and returned herewith for proper  
action thereon as required by law.

Respectfully,

E. A. Hitchcock

Secretary.

Ind.Ter.Div.  
2063-1900.  
5 enclosures.

(Endorsed) Union Agency No.870.Received Jul.5,1900.Office of U.S.  
Indian Inspector for Indian Territory.Washington,D.C.,June 28,1900,  
Secretary----Approved appraisement of Muscogee townsite.

DEPARTMENT OF THE INTERIOR  
Washington.

215

July 7, 1900.

The United States Indian Inspector  
for the Indian Territory,  
Muscogee, I. T.

Sir:

I am in receipt of your communication of the 26th ultimo, inclosing therewith "Schedule Improvements Muskogee Townsite, Indian Territory", which shows the appraisements of the improvements in the town of Muskogee made by the Muskogee Townsite Commission.

You call attention to page 20, lots 1 to 6, block 172, wherein the improvements of Mr. William T. Hutchings are appraised at \$100.00 and designated as "Grading & Imp.", and also to block 180, in which the improvements are designated as "Ornamental Trees, Well, etc.," and you state that in several other instances the improvements are designated as "Well, etc."

You recommend that the appraisements of the improvements be approved, unless the lots referred to by you are considered devoid of the proper improvements thereon.

The Commissioner of Indian Affairs, in forwarding said communication, calls attention to the report of his office, dated Aug. 10, 1899, relative to the improvements upon lots which would authorize the owner thereof to purchase as improved lots, and also to departmental letter of August 12, 1899, relative to the matter, wherein it was stated:

"It clearly was not intended that parties who had made such valuable improvements as are known to exist at Muskogee, even if on tracts of considerable size, and who doubtless, in most instances, have had possession for years without any objection on the part of the nation, should be disturbed, except where their demands are unreasonable, by the subdivision of such tracts into "occupied" and "unoccupied" lots."



The Commissioner expresses the opinion that a well sunk for the purpose of domestic use can properly be classed as an improvement, and he calls the attention of the Department to page 31 of the schedule, which shows that lot 2 of block 369 is scheduled to Frederick B. Seavers as an improved lot, the improvement being an oil well valued at \$3000., and he quotes the provision of section 15 of the act of June 28, 1898 (30 Stat., 495), which declares that "The owner of the improvements upon any town lot, other than fencing, tillage or temporary buildings", may purchase the same as therein prescribed, and he expresses the opinion that an oil well is not an improvement within the meaning of the law. The Commissioner recommends that the schedule of improvements as prepared by said Townsite Commission be approved except as to said lot 2 of block 369, unless it shall be considered by the Department that it does not have authority to change the schedule, in which event he recommends that the schedule be returned to the Townsite Commission with instructions to class said lot as unimproved.

The manifest purpose of said provision in section 15 of the said act was to give the preference right of purchase at one half the appraised value to "the owner of the improvements upon any town lot", but said improvements must be "other than fencing, tillage or temporary buildings".

With regard to said lot 2 of block 369, the Department is not advised of the kind and character of the improvements alleged to be worth \$3,000.00. It is not shown whether the improvements consist simply of a hole drilled in the ground, nor does it appear whether any oil has been produced from the well alleged to have been made upon said lot. The question whether said lot upon which said improvements are alleged to exist shall be classed as an "improved" lot is reserved for further consideration, and you are hereby directed to instruct said townsite commission to make a full report upon the alleged improvements on said lot 2, block 369, in order that the Department may make a satisfactory decision when it shall be put in possession of

all the facts connected with said improvements as above indicated.

The appraisal of the improvements, as shown by said schedule, except as to said lot 2, block 369, is accordingly approved, and the schedule is returned herewith for appropriate action by your office.

You will direct said townsite commission to make immediate report relative to the improvements alleged to have been made upon said lot 2, block 369, upon receipt of which the Department will take due action, of which you will be promptly advised.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.  
2228-1900.  
5 inclosures.

(Endorsed) Union Agency # 896 Received Jul 16, 1900. Office of U. S. Indian Inspector for I. T. Washington, July 7, 1900. Secretary. Returns schedules of improvements, Muscogee Townsite, approved with exception of lot 2, block 369.



DEPARTMENT OF THE INTERIOR.  
OFFICE OF U.S. INDIAN INSPECTOR.  
for  
Indian Territory,

Muscogee, Ind. T.  
July 10, 1900.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith a communication from Mr. Guy P. Cobb, Supervising Revenue Inspector for the Creek Nation, under date of June 25, 1900. enclosing a letter of Mr. J.R. Dunzy of Wetumka, I.T., relative to the proposed site of a new town near that place.

Mr. Cobb reports that the old town of Wetumka is located on the new line of railroad being built through the Creek Nation, but as the road is being built through the Creek Nation and will be situated about a mile distant from the road, that one Lena Benson, a Creek Indian, has filed her selection of the quarter section of land where it is proposed to build the new town; that the selection of this woman was being platted by the civil engineers of the railroad company, as he was advised by Mr. Bullett, who was employed in that capacity by the road. That one H. H. Holman, a merchant of Wetumka, stated that he is the authorized Agent of Lena Benson now (Lena Tiger) and that her selection has been platted with a view to using it as a townsite. Mr. Cobb further reports that is the general understanding that the business houses of Wetumka will be moved to the new town prior to the time the railroad reaches that point.

This correspondence is respectfully referred to the Department with the request that I be advised as to whether or not it  
# 4, L.# 23.

-2-

is held that an Indian, after filing his selection with the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), may use the land so selected for any purpose he desires, and especially as to whether he would be permitted to allow towns to be built thereon and dispose of the right of occupancy as seems to be the method of procedure in this case.

I would, in this connection, respectfully invite attention to another communication of even date relative to the laying out and platting of towns on lands claimed by Indians in the Choctaw and Chickasaw Nations as their prospective allotments prior to allotment.

Very respectfully,

Your obedient servant,

U.S. Indian Inspector, for  
the Indian Territory.

D.H.K.

(Endorsed) # 4, Press Book, Office of U.S. Indian Inspector,  
Muskogee, Oklahoma, Letter # 23.



DEPARTMENT OF THE INTERIOR.  
Office of Indian Affairs.

Washington, July 17, 1900.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated July 10, 1900, from Inspector Wright, transmitting a report from Guy T. Cobb, Supervising Revenue Inspector for the Creek Nation, dated June 25, 1900, and also a letter from Mr. J. R. Dunzy, of Wetumka, Indian Territory, dated June 13, 1900, relative to the establishment of a new town in the vicinity of Wetumka, Creek Nation, I. T.

In Mr. Dunzy's communication it is stated that Lena Benson has selected a certain tract of 120 acres as her prospective allotment, and that she and others, viz: H. H. Holman, Monroe Evans, David Kelker, and A. N. Bullett, having had said land surveyed by the "Res. Engineer of Frisco road," and that they are offering the lots for sale for from \$25 to \$300 each, and claim that they cannot be prevented from disposing of said lots.

In Mr. Cobb's report, to whom Mr. Dunzy's communication seems to have been referred by Inspector Wright, it is stated that the old town of Wetumka is located in the NW/4 of Sec. 26, T.9, R.10: that the line of railroad now in course of construction does not pass within a mile of said town; that the proposed site of the new town is the SW/4 of Sec. 22, T.9, R 10; that Lena Benson filed her selection of this quarter on the day the Land Office was opened; that A. N. Bullett is employed by the railroad company as a civil engineer in connection with the construction of said road; that said Bullett states "that a siding or switch was located on the selection of Lena Benson on account of the natural advantages of that location for a

station or town, and that so far as he knew no contract existed between Lena Benson and the railroad company or the townsite company. He also stated that the selection of Lena Benson had been or was being platted by the civil engineers employed by the railroad company."

Mr. Cobb further states that Lena Benson has lately married Mr. J. E. Tiger, Private Secretary to Governor Porter, of the Creek Nation; that she was absent from Wetumka at the time of his visit there; that Mr. Holman, of Wetumka, informed him that he is the authorized agent of Lena Tiger, nee Benson; that her selection has been platted with a view to using it as a townsite; that no contract existed between said Lena Tiger and the railroad company or the townsite company; that no lots have yet been sold; that the only building now in course of erection is that being built by Monroe Evans; that said Evans is in possession of the land as agricultural lessee; that most of the land in question is covered with a fine crop of corn; that the house being erected is intended for a hotel; that it is a two-story frame structure about 25 feet by 40 feet; that it is understood the railroad track will be laid to this point by about September 1, 1900; and that it is generally understood that the business houses of Wetumka will move to the new town prior to that date.

Inspector Wright requests to--

....."be advised as to whether or not it is held that an Indian after filing his selection with the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), may use the land so selected for any purpose he desires, and especially as to whether he would be permitted to allow towns to be built thereon and dispose of the right of occupancy as seems to be the method of procedure in this case."

Section 273 of the Creek Laws is as follows:

"No town or towns of this Nation shall be permitted to divide and form two or more towns, nor shall any number of citizens at any time assemble and form a new town, without the consent of the entire Muskogee Nation."

and Section 300 provides that--



"No non-citizen shall have the right to reside in or to own any improvement in this Nation, except as provided for in the treaties between this Nation and the United States."

By the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), it would seem to have been clearly the intention of Congress that money derived from the sale of town lots in towns of any of the Five Civilized Nations should be used for the benefit of the members of the tribe of the Nation in which such town is located, and the Act of Congress approved May 31, 1900 (Public No. 131), provides, among other things,--"that the Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks, the sites of such towns and villages in the Choctaw, Chickasaw, Creek and Cherokee Nations as may at that time have a population of two hundred or more, in such manner as will best subserve the then present needs and the reasonable prospective growth of such towns." Then follows a provision relative to the manner in which the surveying and platting of such towns shall be done.

Said Act also provides that--

"Upon the recommendation of the Commission to the Five Civilized Tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek, or Cherokee Nations, not exceeding one hundred and sixty acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of the lands therein, and this irrespective of the population of such townsite at the time. Such townsites shall be surveyed, laid out, and platted, and the lands therein disposed of for the benefit of the tribe in the manner herein prescribed for other townsites: Provided further, That whenever any tract of land shall be set aside as herein provided which is occupied by a member of the tribe, such occupant shall be fully compensated for his improvements thereon under such rules and regulations as may be prescribed by the Secretary of the Interior."

Section 2118 of the Revised Statutes of the United States

is as follows:

"Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees, or otherwise, is liable to a penalty of one thousand dollars. The President may, moreover, take such measures and employ such military force as may judge necessary to remove any such person from the lands."

The matter of the establishment of the new towns promiscuously in various parts of the Indian Territory by citizens of the different nations and others interested with such citizens, is becoming of great importance, and if it is possible to prevent the establishment of such towns in the opinion of this office it should be done.

The information before the office relative to the establishment of a new town in the vicinity of Wetumka is rather meagre, but it is not shown anywhere that the establishment of said town has been in accordance with law. Congress seemed to have recognized the necessity for the establishment of new towns in the Indian Territory along railroad lines, and provided in the Indian appropriation act the means by which such towns may be established. In connection with this matter the attention of the Department is invited to office report of March 9, 1900, relative to the establishment of the town of Collinsville in the Cherokee Nation, and to Department letter of March 30, 1900, relative to the same subject, in which it was stated:

"The Department has no doubt that there has been a violation of the law, found in Section 16, by these citizens of the Nation, and that a remedy is to be found in Section 18 of said act of June 28, 1898, which provides the penalty for a violation of said Section 16, and also that "the United States District attorneys in said Territory are required to see that the provisions of said Sections (16 and 17) are strictly enforced.""

It is the opinion of this office that any person who establishes a town site other than in accordance with law, is liable to prosecution under Section 18 of the Curtis Act, as well as under Section 2118 of the Revised Statutes, and in stating this to be the opinion of this office I am not unmindful of the fact that



Judge Townsend in the case of the United States et al vs. I.O. Lewis et al, involving the right of a prospective allottee in the Chickasaw Nation to plat his prospective allotment into lots and blocks and "rent" the same, held that "there is no such limitation as to rental; that is, in my judgment."

If the Department shall consider that the information transmitted herewith is sufficient, I have the honor to recommend that Inspector Wright be directed to call the attention of the Proper United States District Attorney to this matter and to request him to commence proper proceedings against these townsite promoters, for the purpose of preventing them from further proceeding in the establishment of said new town.

Very respectfully,

Your obedient servant.

W. A. Jones,

Commissioner.

G.A.W.(G)

(Endorsed) Union Agency # 935 Received Jul. 28, 1900. Office of U. S. Indian Inspector for I. T. Washington, July 20, 1900. Secretary. Parties laying out townsite at Wetumka should be prosecuted.

## DEPARTMENT OF THE INTERIOR,

Office of U.S. Indian Inspector,

For

Indian Territory,

D-935-1900.

Muscogee, Ind.T., Aug. 28, 1900.

The Honorable,

The Secretary of the Interior,

Washington, D.C.

Sir:

Referring to departmental communication "Ind.Ter.Div.2353-1900" dated the 20th ultimo in regard to the proposed site of a new town near Wetumka, Creek Nation, Indian Territory, I have the honor to report that the matter has been referred to the United States Attorney for the Northern District of the Indian Territory, for the prosecution of the parties engaged in surveying and platting into town lots the prospective allotment of said Lena Benson (now Lena Tiger).

It is noted, however, that in your said communication you quote from the Commissioner of Indian Affairs' report in regard to this matter calling attention to section 273 of the Creek Laws, Edition 1893, which reads:

"No town or towns of this nation shall be permitted to divide and form two or more towns, nor shall any number of citizens at any time assemble and form a new town, without the consent of the entire Muskogee Nation.",

and it is thought proper to state, for your information, that the term "Town" as employed by the laws of the Creek Nation must not be --press book no. 4 letter 396.--



-2-

confounded with and has no reference whatever to an organized municipality or village formed by a number of persons residing in close proximity to each other. The Creek word "Town" means a "Band of Indians headed by a band chief known to the Creek law as the "Town King," banded together for one reason or another, and who have a "headquarters" known as the "public square" at some designated spot most convenient to a majority of the members of that "Town" where they may congregate at agreed times to dance or observe some other tribal custom, and also cast their votes at elections,-all "members" of a "town" being required to vote at the "public square" of his own "town" regardless of where he may reside. Thus, a Creek citizen residing in Muskogee may have to go 50 or 75 miles to his own "town" in order to cast his vote at an election,-not being allowed to vote in any "town" except the "town" to which he belongs. The "Town King" is the chief official of each "town." He keeps a record of all citizens belonging to his "town" (the children following in the rights of the mother), and is, by virtue of such office, a member of the House of Kings of the tribal legislature, elected by the vote of the "town" which he represents, and holds his office four years. The members of a "town" may reside anywhere in the nation they see fit to, without affecting their political rights.

Very respectfully,

Your obedient servant,

J. Geo. Wright,

U.S. Indian Inspector

For Indian Territory.

(Endorsed) Union Agency Press Book No. 4 Letter 396. Muskogee, Okla.

DEPARTMENT OF THE INTERIOR.  
OFFICE OF U.S. INDIAN INSPECTOR.  
for  
INDIAN TERRITORY.

227

Muscogee, Oklahoma, July 16, 1900

The Commissioner  
of Indian Affairs.

Sir:

In compliance with instructions contained in Department letter of the 16th ultimo, returning the five detached sheets and field notes of the townsite of Muscogee, Indian Territory, I have the honor to report that this map was corrected by supervising engineer Hinckley, who was formerly the Surveyor of the Muscogee Townsite Commission, and the same has this date, together with the field notes, been returned to you under separate cover.

In connection therewith, I would quote, for your information, the letter of Mr. Hinckley returning this map to me, as follows:

"I return tracing of Muscogee, 100 feet to an inch, spliced into one sheet. It is not possible to mount a map of this size in the Indian Territory. This tracing must be handled with great care, or it will again be in pieces.

"On the tracings as originally furnished, were certain notes not intended for lithographing, such as "Scale 100 feet to the inch," "Bracketed distances do not appear on the official plat," etc., etc. These have now been changed.

"The Washington office understands that our instructions, until very near the close of the work, were not such as to require the map to be made for lithographic purposes, and I protested, in writing, March 21, 1900, against these tracings being used for that purpose.



"I trust the tracing will now prove satisfactory."

Very respectfully,

U.S. Indian Tnspector, for  
the Indian Territory.

D.H.K. (Mc)

Union Agency Press Book, # 4, Letter # 73-74. Muskogee, Oklahoma

## DEPARTMENT OF THE INTERIOR,

Office of U. S. Indian Inspector,

For

Indian Territory,

Muscogee, Ind. T., July 25, 1900.

6213-6516-6598-7000-1900.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

I have the honor to transmit herewith a letter to me from Revenue Inspector Guy P. Cobb, dated the 23rd instant, wherein he reports that:-

The new townsite (near Okmulgee, Creek Nation) as platted consists of three tracts of eighty acres each, selected or controlled by John Freeman, Will Morton, and Charles Morris, and lay to the east of the old town of Okmulgee, and principally on the east side of the present right of way and station grounds of the Saint Louis Oklahoma & Southern Railroad. The townsite is being handled by J.H. Durkee and C. Douglass who have an office located on the new townsite. The contract taken with the allottees leases the ground for two years, and authorizes Durkee and Douglass to act as sole agents for the allottees in selling town lots, and provides that Durkee and Douglass shall furnish all moneys to plat and lay out the townsite and make other improvements thereon, and receive as consideration therefor one-half of the proceeds of all sales.

Mr. Douglass states that they have advanced Will Morton \$500.00 and Charles Morris \$500.00 on said contract; that no lots have been

--Press book no. 4-letter 149.



actually sold and paid for as yet; that all buildings on the new townsite, with the exception of one for which the ground was leased, are owned by the townsite company, and that there is an understanding between the parties to the contract that no lots shall be sold for a consideration of less than \$100.00.

There are now on the ground embraced in the new townsite one frame store building occupied by the Okmulgee Mercantile Company, two frame buildings occupied by saloons, one frame building occupied by Durkee and Douglass, and one frame building designed for a drug store but unoccupied as yet, and the foundation for a very large hotel.\*\*\*The St.Louis, Oklahoma & Southern Railroad passes through the new townsite and have completed their section house and tool house and put in foundation for station on the ground represented to be contained within the limit of the new townsite.

Inspector Cobb transmits a printed blank form of conveyance to be used in the sale of these town lots, to be signed by the original (prospective) allottee.

In this connection, I respectfully invite attention to my letter of the 17th instant in regard to the laying out of townsites in the Indian Territory by citizens of the several nations wherein I suggested that the Commission to the Five Civilized Tribes be requested by telegraph to recommend the setting aside of 160 acres of land for townsite purposes, and not subject to allotment, at such stations as they deem advisable.

It appears from Inspector Cobb's letter that a station is being located on the tract which these parties claim as their "prospective allotments."

If, therefore, such lands are to be set apart by the Commission to the Five Civilized Tribes for townsite purposes, and reserved  
---press book no. 4-letter 149.--

-3-

from allotment, it would appear that if such lands could be set aside at all proposed stations at an early date it would stop this speculation by unauthorized persons; and I would respectfully inquire whether, in view of the fact that the St. Louis, Oklahoma & Southern Railroad is locating its station on the land occupied by the said Freeman, Morton and Morris, the Commission to the Five Civilized Tribes could proceed to set aside a tract of land of not more than 160 acres covering this new townsite near the town of Okmulgee, and reserve the same from allotment, at the same time cancelling any certificate of selection which may have been issued by them covering such land for purposes of allotment.

Very respectfully,

Your obedient servant,

J. Geo. Wright

U.S. Indian Inspector



F.

DEPARTMENT OF THE INTERIOR,  
Washington.

July 27, 1900.

United States Indian Inspector  
for the Indian Territory,  
Muscogee, Indian Territory.

Sir:

Under section 15 of the act of Congress approved June 28, 1898 (30 Stat., 495), a form of patent or deed to town lots has been prescribed, of which you have been heretofore advised.

While there is no specific direction in said act relative to the officer who shall sign said deeds, there is a provision in said section which declares that "The person authorized by the tribe or tribes may execute or deliver to any such purchaser, without expense to him, a deed conveying to him the title to such lands or town lots."

The Commissioner of Indian Affairs expressed the opinion that the Principal Chief of the Creek Nation was the proper officer to sign the patents for town lots in said nation, and the Department concurred in his view. It may be well, however, that there should be specific authority granted by the nation to the Principal Chief, and you are therefore instructed to call his attention to the matter and to suggest to him the propriety of the passage of an act by the National Council expressly authorizing the Principal Chief to sign the patents or deeds of

-2-

conveyance to the purchasers of the town lots in said nation.

Respectfully,

Thos. Ryan.

Acting Secretary.

Ind.Ter.Div.  
2242-1900.

(Endorsed) Union Agency No. 961. Received Aug. 3, 1900. Office of U. S. Indian Inspector for Indian Territory. Washington, July 27, 1900, Secretary---Suggest to Prin. Chief Creek Nation propriety of passage of an Act by Natl. Council authorizing him to sign patents or deeds to town lots.



## DEPARTMENT OF THE INTERIOR,

Office of U.S. Indian Inspector,

For

Indian Territory,

Muscogee, Ind. T. August 1, 1900.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to report, in reference to the work of the Townsite Commission at Muscogee, that the appraisements having been approved by the Department, notices to owners of improvements have been and are being issued as per the enclosed form, and I understand that some few remittances of the first payments on lots have been made to the Assistant Treasurer of the United States at St. Louis.

In this connection, I enclose herewith a communication from Hon. P. Porter, Principal Chief of the Creek Nation, calling attention to this notice, which provides that if the first payment of ten per cent. is not deposited within two months from the date of service of the notice, such lot will be sold at public auction to the highest bidder, and states that, as executive of the Creek Nation, he could not permit the property of the Nation to be sold at public auction to the highest bidder or see put into execution any method which would tend to or which was intended to divest the Nation of its title and give to the non-citizens, any right, title or interest to its property other than the possessory rights which they may have higher-acquired in accordance with the laws of the Nation and the treaties made with the United States Government.

He suggests that, as the agreement now pending will unquestionably become a law at the next session of Congress, any further work of the present Muscogee Townsite Commission be suspended until such agreement is ratified, and that should any lots in the town of Muscogee be offered for sale at public auction, he shall be compelled to use every proper and lawful means to prevent such sales, and therefore asks that the Department suspend any further action toward carrying the Curtis Bill into execution until the Creek agreement is ratified by Congress.

In view of the protest now made on behalf of the Creek Nation against the sale of any of the town property, the Principal Chief contending that if Congress has the right to arbitrarily sell town lots without the consent of the nation, they would have the same right to dispose of all the lands of the Creek Nation without their consent, I have the honor to suggest the advisability of suspending any further action by the townsite commissions of Muscogee and Wagoner until the agreement is ratified; but would also suggest the following;

That in reference to Muscogee the townsite commission continue to serve notices upon all owners of improvements upon the form herewith enclosed, such parties to make their payments as provided for by law, but that in case of failure to make payment within sixty days, action looking toward the sale of such property at public auction be suspended. The Curtis act allows the holder or owner of a lot two years in which to make final payment therefor, and an agreement will undoubtedly be made before such payments are completed.

That as soon as the Commission has completed the work of serving these notices, the present Muscogee Townsite Commission be abolished. Their appraisements will undoubtedly be approved in an



-3-

agreement, and as they have fixed the price of unimproved property, such unimproved property can be sold at public auction "under direction of the Secretary of the Interior," and such provision made in the pending agreement. Such plan would obviate the necessity for the appointment of another commission to complete the work at this place.

With reference to Wagoner, it is expected that the commission will complete their appraisements and also have the map ready to submit to the Department for approval on or before the 20th instant, and I would respectfully suggest that as soon as such appraisements are approved, the services of that commission be dispensed with, and no notices served upon the owners of Wagoner property at this time, or that notices be served upon the owners of improvements the same as at Muskogee, and the commission then abolished.

There does not appear to be any urgent necessity for the sale of these lots by auction at this time, and inasmuch as the nation will prevent such action by injunction if possible; and in any event will decline to recognize any transfers until after an agreement is made, I respectfully suggest the policy of pursuing the above course.

Very respectfully,

Your obedient servant,

U.S. Indian Inspector, for  
the Indian Territory.

## DEPARTMENT OF THE INTERIOR,

Office of U. S. Indian Inspector,

For

Indian Territory,

Muscogee, Ind.T., August 4, 1900.

Mr. W. U. Hall, Mayor,

Wagoner, Indian Territory.

Sir:

I am in receipt of your communication of the 14th ultimo; submitting a petition from the citizens and also from the town council of Wagoner, asking that sixty--three acres in that town be set aside by the townsite commission for park purposes, and pledging that the incorporated town of Wagoner would buy the same at the rate per acre fixed by treaty stipulations.

This petition was recommended for favorable consideration by the Townsite Commission.

In connection therewith, I would respectfully advise you that the Commission originally laid out 118 acres for park purposes, which was subsequently reduced to 32 acres, the Honorable Secretary of the Interior considering that the number of acres should be reduced for the reason that under the Curtis law the nation is to receive only \$10.00 per acre for the lands taken for parks, which would doubtless be very much less than the same land would bring if subdivided into lots.

As the Nation is objecting to any lots or lands being disposed of under the Curtis law, it is probable that no final sales of vacant lots or lands for park purposes will be made until an --press book no. 4 letter 288.--

460



agreement is entered into between the Government and the Creek Nation.

In the pending and proposed Creek Agreement, there is no provision made that the lands embraced in parks shall be disposed of differently from lots.

I would therefore suggest that, if the town so desires, the townsite commission will designate on the plat the tract desired for park purposes, subdividing the same into lots, blocks, streets and alleys, and at the time of sale the authorities of the town of Wagoner can bid in such vacant lots and reserve the tract for park purposes.

Please advise me if this plan will be satisfactory.

Very respectfully,

J. Geo. Wright,

U.S. Indian Inspector, for  
the Indian Territory.

Through the Wagoner Townsite Commission.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF U. S. INDIAN INSPECTOR  
FOR  
INDIAN TERRITORY,

Muscogee, Ind./T., August 22, 1900.

Hon. P. Porter,  
Principal Chief, Creek Nation,  
Muscogee, Indian Territory.

Sir:

On August 1, 1900, I transmitted to the Department a communication from you as Principal Chief of the Creek Nation, relative to the suspension of further action in the execution of the provisions of the act of Congress approved June 28, 1898 (30 Stats., 495), in the matter of the sale of unimproved lots in the town of Muscogee.

Under date of the 11th instant the Honorable Secretary of the Interior advises me concerning your protest, and states:

"The Commissioner of Indian Affairs states that he is of the opinion that provision is made for this condition of things by section 15 of the act of June 28, 1898 (30 Stats., 495), which provides as follows:

"The owner of the improvements upon any town lot, other than fencing, tillage, or temporary buildings, may deposit in the United States Treasury, Saint Louis, Missouri, one-half of such appraised value; ten per centum within two months and fifteen per centum more within six months after notice of appraisal, and the remainder in three equal annual installments thereafter, depositing with the Secretary of the Interior one receipt for each payment,

--press book no. 4 letter 406.--



and one with the authorities of the tribe, and such deposit shall be deemed a tender to the tribe of the purchase money for such lot.'

"that when the purchaser of a lot makes tender as aforesaid to the tribe and receives receipt in full as payment for a lot, he has complete evidence of title, and is in position to defend it against any action in the nature of ejectment; that the purchasers of lots not improved were by the same act provided for as follows:

"All town lots not improved as aforesaid shall belong to the tribe, and shall be in like manner appraised, and, after approval, by the Secretary of the Interior, and due notice, sold to the highest bidder at public auction by said commission, but not for less than their appraised value, unless ordered by the Secretary of the Interior, and purchasers may in like manner make deposits of the purchase money with like effect, as in case of improved lots."

"and will have, when final payment is made and the receipts therefore received, complete evidence of title to the property so purchased.

"The Commissioner also states that he sees no reason why the Department should not proceed with the execution of the law, and recommends that you be instructed to proceed as though the Principal Chief of said Nation had made no objection to the method of procedure.

"The Department concurs in the views expressed by the Commissioner, and you will be governed accordingly."

The Muscogee Townsite Commission has, therefore, been directed to proceed with the sale of unimproved property in the town of Muscogee, in accordance with its original instructions.

Very respectfully,

J. Geo. Wright,

U.S. Indian Inspector,  
for the Indian Territory.



Land.  
41,208-1900.

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,

242

Washington, August 25, 1900.

J. George Wright, Esq.,

U.S. Inspector for the Indian Territory,  
Muscogee, Indian Territory.

Sir:

You are advised that I have this day transmitted to you, under separate cover, four of the five muslin mounted approved photolithographic copies of the approved plat of the Muscogee townsite. The other approved photolithographic copy is on file in this office.

Of the four copies transmitted you one should be filed with the clerk of the U.S. Court for the northern district of the Indian Territory, one with the authorities of the Creek Nation, one with the town authorities, and one should be delivered to the townsite commission for its official use.

Very respectfully,

A.C. Tonner

Acting Commissioner.

(G.A.W.)

P.

(Endorsed) Union Agency No. 1050 Received Aug. 28, 1900 Office of U.S. Indian Inspector for Indian Territory. Washington, Aug. 25, 1900. Commissioner.-----Sends four photolithographed maps of plat of Muscogee.-----

DEPARTMENT OF THE INTERIOR.  
Washington.

September 7, 1900.

United States Indian Inspector

for the Indian Territory, Muscogee, Ind.Ter.

Sir:

There is enclosed herewith a copy of departmental letter of August 31, 1900, to the Attorney General, requesting that an appeal be taken in the case of Napoleon B. Moore vs. Dwight W. Tuttle et al., townsite commissioners, restraining defendants from selling etc. lots within the town of Muscogee, Creek Nation.

Respectfully,

Tho. R. Ryan.

Acting Secretary.

Ind.Ter.Div.

2904-1900.

1 enclosure.

(Endorsed) Union Agency # 1125 received Sep. 17, 1900. Secretary.  
Encloses copy of letter to Attorney General Asking that appeal be taken in Muskogee injunction.



DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.  
WASHINGTON.

October 20, 1900

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, a report made September 12, 1900, by Tams Bixby, Acting Chairman of the Commission to the Five Civilized Tribes, recommending that the southwest quarter of the southwest quarter of section 5, the northwest quarter of the northwest quarter of section 8, the southeast quarter of the southeast quarter of section 6, and the northeast quarter of the northeast quarter of section 7, township 13 north, range 13 east, in the Creek Nation, containing 160 acres of land, be set aside as a townsite under the provisions of the Act of Congress approved May 31, 1900. (Public No. 131).

The above described land, as shown by the blue print transmitted, herewith, adjoins the station grounds, at Okmulgee, of the St. Louis, Oklahoma and Southern Railway. The blue print above mentioned is an exact copy of the map of station grounds of said road now on file in this office. Inspector Wright in a General report on this matter of date September 13, 1900, agrees with the Commission to the Five Civilized Tribes that the above lands should be set aside as a townsite under the provisions of said Act of Congress.

-2-

Inspector Wright in his report of October 13, 1900, relative to the matter of utilizing the services of the engineers of the St. Louis and San Francisco Railway Company in laying out and platting townsites, suggested that the limits of Okmulgee, Ada, Roff and Ravia, should include the old towns covering the present occupied limits, whether included in the tracts set aside by the commission to the Five Civilized Tribes or not, as to leave out any building or residence would cause additional complications, as these may be considered old established towns and come under the provisions of the agreement with the Choctaws and Chickasaws which provides that towns shall be laid out and platted in accordance with their present limits. The act of Congress approved May 31, 1900, (31 Stats., 221), provides that towns shall be platted in such manner as will best subserve the then and present needs and reasonable prospective growth of such towns.

The office is not advised as to whether or not the land which the Commission to the Five Civilized Tribes recommends should be set aside includes any portion of the old town of Okmulgee or not, and as the report of the Inspector, herein referred to, leaves that question somewhat in doubt, it is respectfully recommended that the Commission to the Five Civilized Tribes be requested to make a further report relative to this matter, such report to show whether or not the limits of the old town are located within the boundaries of the tract which the commission recommends be set aside, and if not, whether such old town can be in whole or in part



-3-

so included.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(W.C.V.)P.

[Endorsed) Union Agency # 1349 received Nov. 26, 1900 . Office of U. S. Indian Inspector for I. T. Washington, November 21, 1900. Secretary. Encloses copy letter to Chief and Council Cherokee Nation in regard to sale of their claim against the Government.

## DEPARTMENT OF THE INTERIOR.

WASHINGTON.

October 26, 1900.

The United States Indian Inspector  
for the Indian Territory,  
Muscogee, I. T.

Sir:

On October 20, 1900, the Acting Commissioner of Indian Affairs transmitted a report made by the Commission to the Five Civilized Tribes on September 12, 1900, recommending that the SW/4 of the SW/4 of Sec. 5, the NW/4 of the NW/4 of Sec. 8, the SE/4 of the SE/4 of Sec. 6, and the NE/4 of the NE/4 of Sec. 7, T. 13 N., R. 13 E., containing 160 acres of land, at Okmulgee, in the Creek Nation, on the St. Louis, Oklahoma & Southern Railroad, be set aside as a townsite under the provisions of the act of Congress approved May 31, 1900 (31 Stat., 221).

He states that in your report of October 13th you suggested that the limits of Okmulgee should include the old town covering the present occupied limits, whether including the tracts set aside by the Commission to the Five Civilized Tribes or not, as to leave out any building or residence would cause additional complications, as it may be considered an old established town, and comes under the provisions of Section 29 of the act of June 28, 1898 (30 Stat., 495), which provides that towns shall be laid out and platted in accordance with their present limits; that the Indian Office is not advised as to whether or not the land which the Commission to



-2-2-

the Five Civilized Tribes recommends should be set aside includes any portion of the old town of Okmulgee, and as your report leaves the question somewhat in doubt, he recommends that the Commission be requested to make a further report relative to the matter.

In accordance with said recommendation the Commission to the Five Civilized Tribes has this day been called upon for a further report.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

E.A. Hitchcock.  
Secretary.

Ind.Ter.Div.  
3514-1900.  
1 inclosure.

(Endorsed) Union Agency # 1276 received Nov. 1, 1900. Office of U. S. Indian Inspector for I. T. Washington, Oct. 26, 1900. Secretary. Dawes Commission called upon for further report concerning new townsite at Okmulgee.

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

November 23, 1900.

The United States Indian Inspector  
for the Indian Territory,  
Muscogee, I. T.

Sir:

I am in receipt of your communication of the 15th instant, inclosing therewith a letter from Clifford L. Jackson, of Muskogee, calling attention to the fact that the Townsite Commission for Muskogee has appraised the lots in said town and furnished two schedules of appraisements, one for improved lots and the other for unimproved lots, and requesting that the lots scheduled as unimproved may be allowed to have buildings or improvements placed thereon and then be transferred to the schedule of improved lots.

You report that there are many persons who desire to erect residences on lots now unimproved, and, "in view of the fact that some means should be adopted whereby people can build residences and have the lots appraised to them", you ask that the matter be given consideration and that you be advised in reference thereto.

The Commissioner of Indian Affairs, in transmitting your said communication under date of the 20th instant, calls attention to statements made by Mr. Jackson in his letter, and quotes the provisions of section 15 of the act of June 28, 1898 (30 Stat., 495). The Commissioner states that, under said act, "it was the duty of the Commission to appraise all improved lots as improved at the time of the appraisal and to appraise all unimproved lots



-2-

as unimproved at the time of such appraisal"; that said Commission has performed its duty with reference to said appraisals, which have been approved by the Department, and that, while, in his judgment, the Secretary might set aside or modify his action in approving the lists, yet such action would not be in accordance with the spirit of said act of Congress, and, besides, "to set a precedent of this kind would lead to much vexation and to many applications of the same character".

The Commissioner also calls attention to the duty of the Department to execute the law in accordance with its spirit and intent, and he recommends that you be advised that it is not deemed "either proper or expedient to attempt to make any rules or regulations providing at this time for the transfer of unimproved property in the town of Muskogee".

In said communication from Mr. Jackson it is stated that:

"The injunction granted by the United States Court at this place necessarily retards the development of the town of Muskogee, and will undoubtedly have the effect to lessen the amount that would be received for any vacant lot that may exist when the same are finally offered for sale under the terms of the Curtis Bill, should the decision of the United States Court be reversed by the appellate court or should a treaty be ultimately effected, and this can largely be counteracted if a regulation of your (this) Department can be made providing for the transfer of lots from the schedule of vacant lots to the schedule of improved lots and a provision permitting the person improving such lots to pay the 50 per cent of the appraised value in to the Sub-Treasury at St. Louis."

-3-

It further appears in said communication that Mr. Jackson is a lawyer. It must be known to him, as well as to others, that the inconvenience on account of the delay in selling the vacant lots is occasioned not by the action of the Department, but on account of the injunction of the court referred to therein.

The Department concurs in the recommendation of the Commissioner. It is a maxim that "hardships make shipwreck of the law", and another equally well settled rule is that "an evasion of the law is a violation of the law".

It is deemed desirable that the case referred to by Mr. Jackson, in which the injunction was granted restraining the selling of said lots, be expedited as much as possible in the appellate tribunal. If such action has not already been taken, the Department of Justice will be requested to direct the United States Attorney to make a motion in the court to advance said case, in order that a speedy determination of the matter in issue may be had.

A copy of the Commissioner's report is inclosed herewith, and said letter of Mr. Jackson is returned and you will advise him in accordance herewith.

Respectfully,  
E. A. Hitchcock.  
Secretary.

Ind. Ter. Div.  
3820-1900.  
2 Inclosures.

(Endorsed) Union Agency # 1377 received Nov. 30, 1900 Office of U. S. Indian Inspector for I. T. Washington, Nov. 23, 1900. Secretary. Relative to C. L. Jackson's letter as to change in schedule of unimproved lots, Muskogee.



MISSOURI, KANSAS & TEXAS RAILWAY SYSTEM.  
LAW DEPARTMENT.

Clifford L. Jackson      MUSKOGEE, I. T.  
Genl Attorney for  
Ind.Ter.

Nov. 8, 1900.

Honorable J. George Wright,

U. S. Indian Inspector for Ind.Ter.,

Washington, D. C.

Sir:

I would respectfully call your attention to the urgent public necessity that exists of having some definite regulation of your Department providing for the transfer of lots scheduled by the Muskogee Townsite Commission as vacant and unimproved lots, which schedule I understand has been approved by the Honorable Secretary of the Interior, to the schedule of improved lots, so that when improvements thereon are in good faith begun, either for business or dwelling purposes, persons making such improvements may, in accordance with the terms of the Curtis Bill, pay the amount of 50 per cent of the appraised value, which appraisalment has already been approved by the Honorable Secretary of the Interior, into the Sub-Treasury of the United States at Saint Louis, Missouri.

As you are well aware, I have been waiting for many months the conclusion of the work of the Muskogee Townsite Commission so that I could purchase some vacant lots for a site for a dwelling house for myself at the sale of such vacant lots which it was supposed the Townsite Commission would hold under the regulations of the Interior Department.

The injunction granted by the United States Court at this place necessarily retards the development of the town of Muskogee, and will undoubtedly have the effect to lessen the amount that would

-2-

be received for any vacant lots that may exist when the same are finally offered for sale under the terms of the Curtis Bill, should the decision of the United States Court be reversed by the appellate court or should a treaty be ultimately effected, and this can largely be counter-acted if a regulation of your Department can be made providing for the transfer of lots from the schedule of vacant lots to the schedule of improved lots and a provision permitting the person improving such lots to pay the 50 per cent of the appraised value in to the Sub-Treasury at St. Louis.

I have a personal interest in the matter, of course, as I want to secure an immediate home for myself and family. My present desire is to purchase for my home lots 8, 9 and 10 of block 189 of the Muskogee Townsite which would be a tract of ground about three hundred feet square. If I cannot purchase these lots then I will want to purchase a tract of ground in some other portion of the city consisting of unimproved lots of about the same area.

It is absolutely necessary in this country that one have as a site for his home not only sufficient grounds for a residence building, but also grounds for servants house, lots for horses and cows, and also for garden purposes, as conditions are largely primitive here and one must be able to surround himself with these things in order to live comfortably. As you are aware, about a year ago I sold my home where I had a lot of 100 feet front and 255 feet deep largely because the lot was cramped and too small in its area.

The tract of ground that I desire to purchase is much smaller than that allowed for home purposes to others, and duly



approved for such purposes by the Honorable Secretary of the Interior upon the Townsite map of Muskogee. This is notably true in the case of lot 1, block 350, and lot 1, block 400, and lot 1, block 55, and lot 3, block 55, and lot 6, block 10, and lots 1, 2, 3, and 4, block 256, and blocks 104, 106, 107, 149, and 173, which are not subdivided into lots at all.

Under the construction of the Curtis Bill, as given by some, no lot can be sold by the Townsite Commission under the terms of the Curtis Bill if it is found to be improved at the time of the sale. I am somewhat inclined to believe this to be the correct interpretation of the Curtis Bill but you will bear witness to the fact that I have uniformly, in my transactions both as an individual and as a lawyer in this community, endeavored to first find out what were the views of your Department with reference to matters coming under its jurisdiction and then conform myself to those views rather than place myself in a position antagonistic to your Department, and I do not care to build a house in the Townsite of Muskogee unless I know that I am doing it in a way that will meet with the approval of the officers of the Interior Department.

I would not ask that a regulation be made covering the transfer of these lots for my own personal benefit but I believe it to be a public necessity, not only from a standpoint of the citizens of the town but from a standpoint of the individual Indian as the more improvements that are made or encouraged to be made the greater will be the value of the Indian's property when it is finally sold either under the terms of the Curtis Bill or a treaty.

-4-

I would respectfully request you to give this matter your attention whilst in Washington, and if you deem it consistent, endeavor to secure such regulation at the hands of the Department.

Very respectfully,

Clifford Jackson.

JR



## DEPARTMENT OF THE INTERIOR,

256

Townsite Commission,

Wagoner, Ind. Ter., - November 27, 1900.

Honorable U. S. Indian Inspector,  
Muscogee, Ind. Ter.

Sir:

We have the honor to answer to your communication of November 14th, in which was enclosed a communication from Mr. Cash Taylor, of Wagoner, in which he states that the "Dawes Commission" has informed him that his lot is in the street.

We are reliably informed that some three years ago this party jumped or took possession of a lot belonging to some other citizen of the town, which was unimproved; that he erected thereon a two room box house for a dwelling. The party owning the lot commenced an action in the United States Court against Mr. Taylor for possession of the lot; the result of which was, that, Mr. Taylor was ordered by the Court to remove his house from said lot by a specified time. Mr. Taylor moved his house to where it now stands which is in the street named, Valley Avenue, at the west end of the alley in Block 436. This was a recognized street by the city and was shown upon the plat filed with the application for incorporation of the town; it was not used as a street because of the fact that it had never been opened.

We have at different times since the beginning of the survey of this town notified Mr. Taylor that his house was in the street and advised him to get possession of a lot in some other location upon which to move his house; he seemed to think that it was the duty of the Commission not only to furnish him with a, lot, but to move his house also.

Very respectfully,

H. C. Linn.

-2-

(Endorsed) Union Agency No. 1314. Received Nov. 10, 1900. Office of U.S. Indian Inspector for Indian Territory. Washington, Nov. 3, 1900, Secretary---Refers letter from Cash Taylor, Wagoner, I.T., rel. to his lot in the street.



DEPARTMENT OF THE INTERIOR,

Washington.

258

January 26, 1901.

The United States Indian Inspector  
for the Indian Territory,  
Muskogee, I.T.

Sir:

The Department is in receipt of your letter of January 16, 1901, in regard to a letter from Cash Taylor, of Wagoner, Indian Territory, claiming that his house has been left in a street in said town and that he has not been given a vacant lot upon which to move his house, which letter was referred to you on December 17, 1900, for consideration, report and recommendation.

The townsite commission reported to you that Taylor's improvements are located in the street known as Valley Street, just west of lot 5 in block 436 and east of the railway right of way, and that the property surrounding Mr. Taylor's improvements is mainly improved. A rough sketch of the street and surrounding property is transmitted by you.

You state that in surveying this town it was necessary to lay out a street which threw the improvements of Taylor in the street; that as the plat of the town has been approved by the Department you recommend that Mr. Taylor be advised that the Department cannot afford him relief in the matter, and that it is for the authorities of the town of Wagoner to determine whether his house may remain where it is.

-2-

A copy of the report of the Commissioner of Indian Affairs in the matter, dated January 24, 1901, concurring in your recommendation, is inclosed.

The Department also concurs in your recommendation and you will advise Mr. Taylor accordingly.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind. Ter. Div.  
4138-1900.  
306-1901.  
1 inclosure.

(Endorsed) Union Agency No. 1682 Received Feb. 4, 1901 Office of U.S. Indian Inspector for Indian Territory. Washington, Jan. 26, 1901. Secretary. ---- Approves recommendation relative advising Cash Taylor Wagoner about lot in street. ----



Department of the Interior,

Washington, December 22, 1900.

The Attorney General.

Sir:

The Department is in receipt of a communication from the United States Indian Inspector for the Indian Territory dated December 6, 1900, enclosing copy of a letter from the United States Attorney for the Northern District of Indian Territory, relative to the case of Napoleon B. Moore vs. Dwight W. Tuttle et al., pending in the United States Court of Appeals for the Indian Territory.

The United States Attorney states that he "will have the matter in shape for the transcript for the Court of Appeals by the middle of January, and the April term, on account of Mr. Hutchings refusal to consent that it be submitted, is the earliest date which the same could be heard under the law."

The Department is exceedingly anxious that said case should be disposed of as early as possible, and I have to request that the District Attorney be instructed to move the court to advance said cause, if such practice be allowable, in order that it may be disposed of at the very earliest date practicable. A copy of the letter of the United States Attorney is enclosed herewith.

Respectfully,

Thos. Ryan.

Acting Secretary.

Ind. Ter. Div.  
4210-1900.  
1 enclosure.

1539

(Endorsed) Union Agency No.1539 Received Dec.31,1900 Office  
of U.S.Indian Inspector for Indian Territory.Washington,  
Dec.22, 1900. Secretary.----Has requested Atty.Genl. to have  
Muskogee injuncion case heard as soon as possible.-----



F.

## DEPARTMENT OF THE INTERIOR.

WASHINGTON.

January 12, 1901.

United States Indian Inspector  
for the Indian Territory,  
Muskogee, I. T.

Sir:

The Department is in receipt of a letter from Acting Attorney General Beck dated January 10, 1900, inclosing therewith a copy of a letter addressed to the Attorney General on the 6th instant by the United States Attorney for the Northern District of the Indian Territory, in which he states that he will have his brief in the case of Napoleon B. Moore vs. D. W. Tuttle et al., comprising the Muskogee Townsite Commission, ready for submission to the Court of Appeals at its April term, 1901, and that that is the earliest possible date that the same can be submitted.

The United States Attorney gives as a reason that the attorney for the plaintiff and the Creek Nation refused to consent to any stipulation by which time could be waived, and under the rule of the Court of Appeals and the law the case could not get into the October term of the United States Court of Appeals.

Respectfully,

Ind.Ter.Div.  
117-1901.

Thos. Ryan  
Acting Secretary.

{Endorsed} Union Agency No. 1642. Received Jan. 21, 1901. Office of U.S. Indian Inspector for Indian Territory. Washington, Jan. 12, 1901. Secretary-----Atty. Genl. reports Muskogee townsite case will be before Court Appeals in April.  
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153

Refer in reply to the following:

Land.  
6776-1901.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington,  
February 7, 1901.

263

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on February 1, 1901, by George Wright, U. S. Indian Inspector for the Indian Territory, recommending that townsite commissioners be appointed for the purpose of making the appraisements of towns in the Creek Nation along the line of the St. Louis, Oklahoma and Southern Railway, which towns are now being platted and surveyed under a contract with Mr. L. F. Parker, the town of Mounds having recently been completed and the plat approved. He invites attention to the following provision of the act of Congress of May 31, 1900, as follows:

The Secretary of the Interior may, in his discretion, appoint a townsite commission of three members for each of the Creek and Cherokee Nations, at least one of whom shall be a citizen of the tribe and shall be appointed upon the nomination of the Principal Chief of the tribe.

and further recommends that he be directed to request the Principal Chief of the Creek Nation to nominate one man who shall be a citizen of the tribe; that he (the Inspector) suggest the name of some suitable person residing in the Indian Territory; and that one outside person be appointed by the Secretary as said townsite commissioner.

He states that it will be some time before these appointments



-2-

can be made, by which time several towns will be surveyed and the plats ready for transmission and it is therefore desired that early action be taken in reference to this matter.

The office sees no objection to the course recommended by the Inspector, but on the other hand is of the opinion that a townsite commission for the Creek Nation should be appointed at the earliest practicable date. Mr. Parker is proceeding with great despatch in the execution of his contract and if a commission were in existence at the present time it could probably be continuously employed in appraising towns in the Creek Nation surveyed by Mr. Parker. The Inspector's recommendation is therefore respectfully concurred in.

Very respectfully,  
Your obedient servant,

W. A. Jones.

Commissioner.

W. C. V. (L'e)

(Endorsed) Union Agency No. 1777. Received Feb. 10, 1901. Office of U.S. Indian Inspector for Indian Territory. Washington, February, 9, 1901. Secretary---Approves recommendation appointment townsite commissioners to appraise towns in Creek Nation surveyed under Parker contract.

Wagoner, I.T. Feb. 20, 1901.

Hon. E. A. Hitchcock,  
Secretary of the Interior,  
Washington, D.C.

Sir:-

I beg leave to state that I am a citizen of the Indian Territory residing now in the Town of Wagoner, that I am the owner of improved Lot No. 9 in Block No. 342. I claim that I have been unfairly dealt with, and either partiality or ignorance has been shown in the appraisement of my lots, and I wish to call your attention to that fact by giving you comparison of different lots and their appraised value.

Lot No. 9 in Block 342 is situated at the corner of Church Street and Casaver Street, in a low place and no business house on either of said Streets, it contains 40759 square feet and is appraised at \$800.00; which is more than twice the amount for which it can be sold for to-day. Lot No. 5 in Block No. 259 is also on Casaver Street and Clinton Street, and about the same distance from the center of the town and a good location and contains 38000 square feet; it is appraised at \$300.00, the location is much better than mine. Now there is Lot No. 1 in Block No. 260 contains 47738 square feet, the choice lot of the Town and nearer the center than my lot, it is appraised at \$450.00; either of the above lots are in a location where property is more valuable than mine.

I merely point these lots out to you as a comparison of the unfairness of the appraisement and the injustice that has been done here through ignorance or prejudice; these are not

1865



all, a hundred instances can be found.

I enclose you the affidavits of two highly respected citizens of the Town in regard to the value of the above named property, and ask you to send some responsible party here to investigate this appraisement, and the conduct of the appraisers, during their term of office at this place.

And now, Mr. Secretary, knowing you to be the representative of the great Government of the United States, and believing that you wish to do justice to all parties, I hope that my petition may be heard and that you will at an early date have this matter investigated, so that justice may be done to all parties,

I am, Very respectfully yours,

Wm. Jackson.

(Endorsed) Union Agency No. 1865 Received Mar. 5, 1901 Office of U.S. Indian Inspector for Indian Territory. February 20, 1901, from Jackson, Wm. Wagoner, Ind. Ty. SUBJECT.----Complains as to the appraisement of a lot in Wagoner, I.T. claimed by him, and asks an investigation. Encloses 2 affidavits.----

## DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 24, 1901.

The Commission to the

Five Civilized Tribes

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your communication of April 12, 1901, reporting that the Commission received from the United States Indian Inspector a letter dated March 30, 1901, transmitting a communication from A. W. Estes, of Amabala, I. T., addressed to the United States Indian Agent at the Union Agency, requesting certain information concerning the townsite of Alabama Station, on the St. Louis, Oklahoma & Southern Railroad.

You state that the Inspector reported that the eighty acres recommended by your Commission, under the provisions of the act of Congress approved May 31, 1900 (31 Stat., 221), to be set aside for townsite purposes at that place "was approved" by the Department on October 26, 1900, and the Inspector reports that he has received other communications of a similar character, in which the parties invariably state that where lands have been filed on the citizens have not received official and formal notice that such lands had been set aside or segregated for townsite purposes, and the Inspector suggests in cases where lands have been so set aside and approved by the Department upon the recommendation of the Commission, and which had therefore been selected, that the parties making such selections be noti-



-2-

fied that the land is no longer subject to allotment, and that any filings which had been made prior to that time should be cancelled.

You quote at length from your reply to the Inspector, and also state that you advised him that you would ask the Department for instructions relative to the cancellation of such preliminary allotments as are included within the limits of townsites set aside and reserved by the Secretary of the Interior, under the provisions of said act of May 31, 1900.

You also quote from section 6 of the act of Congress approved March 1, 1901, entitled, "An Act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes," (Public No. 112), which provides that:

"All allotments made to Creek citizens by said Commission, prior to the ratification of this agreement, as to which there is no contest, and which do not include public property, and are not herein otherwise affected, are confirmed, and the same shall, as to appraisement and all things else, be governed by the provisions of this agreement."

You report that, in your judgment, "allotments hereinbefore referred to would be rendered final by the ratification of the Creek Agreement and be in conflict with the order of the Secretary of the Interior setting aside and reserving from allotment under the provisions of said act of May 31, 1900, that portion of said allotments which are included within the limits of the townsites so set aside and reserved."

You request to be instructed with reference to the cancellation of so much of said preliminary allotments as are included within the limits of the townsites set aside as aforesaid and that the matter be

-3-

made special and the Commission instructed by telegraph.

The Acting Commissioner of Indian Affairs forwarded your said communication on April 18, 1901, and expresses the opinion that any preliminary allotment certificate, embraced in whole or in part within the limits of any townsite set aside by the Department, under said act of May 31, 1900, "is cancelled by operation of law by the mere act of setting aside or reserving the land for townsite purposes".

He further expresses the opinion that your Commission, which has charge of the allotment records, should, as soon as it receives formal notification that land has been so set aside, at once notify all persons who have made applications for allotments of land within said townsite limits, advising them of the action taken by the Department, and, further, that their allotment certificates have been cancelled and in whole or in part, as the case may be, and that they are at liberty to make selections of land elsewhere.

The Department is clearly of the opinion that the setting aside of a townsite, under the provisions of said act of May 31, 1900, is a segregation of the land so set apart, and that such segregation cannot be affected by section 6 of the act ratifying the agreement with the Creek Nation referred to in your report, for the reason that, when land is once segregated, it will be considered excluded from the operation of any subsequent act as much as if it was expressly mentioned therein. This has been the ruling of the courts and the Department ever since the case of Wilcox vs. Jackson. (13 Peters, 498), decided by the United States Supreme Court in 1839, more than sixty years ago.



-4-

In addition to the foregoing it may be remarked that the proviso to said act of May 31, 1900, declares:

"That whenever any tract of land shall be set aside, as herein provided, which is occupied by a member of the tribe, such occupant shall be fully compensated for his improvements thereon, under such rules and regulations as may be prescribed by the Secretary of the Interior."

On January 3rd last the United States Indian Inspector was advised that:

"The Department also concurs in the suggestion of the Commissioner that steps looking to the compensation of any citizen who may be in possession of the land need not be taken until a report concerning such citizen's claim is received from you."

In order that the records of your Commission and the Department may properly show the status of the land embraced in said townsites, and also that the members of the tribes whose occupations may be affected by the segregation of the townsites, it is considered advisable that your Commission should notify said parties that their allotment certificates will be cancelled in whole or in part, as they may desire, and that they have the privilege of making selections of land in lieu of that which falls within the limits of the townsite, so that they may take such action as they deem advisable in the premises. Said occupants should also be advised that they can present their claims to the United States Indian Inspector, under the proviso above quoted.

A copy of the report of the Acting Commissioner of Indian Affairs is inclosed herewith.

Respectfully,

Thos. Ryan.  
Acting Secretary.

Ind. Ter. Div.  
1617-1901.  
1 inclosure.

2000

## DEPARTMENT OF THE INTERIOR,

Washington.

I. T. D.

June 28, 1901.

The United States Indian Inspector  
for the Indian Territory,  
Muskogee, I. T/

Sir:

The Department has considered your communication of June 5, 1901, recommending that, if the townsite commissions for the towns of Muskogee and Wagoner are appointed as recommended in your letter of that date, proper instructions to the commissions be prepared and forwarded to you for their guidance, in conformity with the provisions of the Creek Agreement (31 Stat.861), ratified by the nation May 25, 1901.

The Department has, by letter of even date, concurred in your recommendation as to the appointment of the commissions for these towns, and the members of the commissions have been directed to report to you for duty July 1, 1901.

The Department does not deem it necessary, however, at this time, to attempt to give other instructions than those as to the suggestions by you disposed of hereinafter. If there exists any uncertainty as to any portion of the agreement as to townsites, you can ask instructions of the Department at any time.



You recommend that you be directed to instruct the commissions to prepare and submit to the Department corrected schedules of improvements and appraisements in these towns, as existing at the time of their "re-instatement" and conforming to the provisions of said agreement.

The Commissioner of Indian Affairs, in his report on your communication, recommends in this particular instance that you be directed to instruct said commissions to re-schedule, as far as may be necessary, lots in said towns, the re-schedules to be prepared in accordance with the provisions of said agreement. In this recommendation the Department concurs.

You also state that, in numerous instances, your attention has been called to the fact that in surveying and platting lots the commissions heretofore acting have scheduled such lots to one party, although part of the lot was owned by another person, and you recommend that you be directed to instruct the commissions, when submitting schedules, that they permit such parties to adjust their differences, and, where unable to do so, that the commission "act as a board of arbitration in the matter before finally scheduling such lots to any one party".

The Department has no objection to parties legally adjusting their differences. The Commissions are deemed to have

-3-

power to settle all such controversies as to town lots. The instructions of April 21, 1899, to the Muskogee Townsite Commission, and those of August 3, 1899, to the Wagoner Townsite Commission, contain directions relative to settling such controversies, and, as stated by the Commissioner of Indian Affairs, it would seem that the commissioners should have settled such controversies before scheduling to any particular person any lot claimed by more than one person.

You also recommend, as section 31 of the agreement provides, that,

"All moneys to be paid to the tribe under any of the provisions of this agreement shall be paid, under direction of the Secretary of the Interior, into the Treasury of the United States to the credit of the tribe, and an itemized report thereof shall be made monthly to the Secretary of the Interior and to the Principal Chief."

that direction be given for the money arising from the sale of town lots be paid into the treasury of the United States through the United States Indian Agent at the Union Agency in the same manner as provided for funds arising from the sale of town lots in the Choctaw and Chickasaw Nations. The commissioner concurs in this recommendation, and the Department also concurring, you will advise all parties in interest accordingly.

You inclose a form of patent for use in conveying to wn



-4-

lots disposed of in the Creek Nation, under said agreement, and recommend, if such is in proper form, that a supply of at least five thousand be furnished you; that the form has been changed as suggested by the Principal Chief of the Creek Nation.

The Department has changed the form slightly, so as to make the first two lines read: "Whereas, a townsite commission, heretofore appointed, and acting under authority of the act of Congress approved March 1, 1901 (31 Stat.861), agreement ratified by the Creek Nation May 25, 1901, has appraised the lots in the town of", etc.

The supply of these forms desired will be furnished as soon as practicable.

A copy of the Commissioner's letter is inclosed.

Respectfully,

E. A. Hitchcock.

Secretary.

1 inclosure.

(Endorsed) Union Agency No.2366.Received Jul.5,1901.Office of U. S. Indian Inspector for Indian Territory.Washington,D.C.,June 28,1901. Secretary----Instructions for Wagoner and Muskogee townsite commissions under Agreement; blank patents will be sent.

Refer in reply to the following:

Land.  
33289-1901.

275

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, July 1, 1901.

The Honorable

The secretary of the Interior.

Sir:

The office is in receipt of Department letter of June 21, 1901, forwarding for consideration, early report, and recommendation, a communication dated June 10, 1901, from Samuel N. Johnson, Esq., transmitting statement of "errors in angles of Muskogee plat."

Mr. Johnson's letter of June 10, 1901, seems to relate more particularly to the action of the Department in causing his removal as Chairman of the Chickasaw Townsite Commission. He complains seriously of the position taken by Inspector Wright in the premises and seems to feel that, as there are errors in the Muskogee plat which he considers apparently more serious than those that were in the plat of Ardmore prepared under his jurisdiction, he ought to be reinstated. This seems to be about the substance of Mr. Johnson's communication. It is thought unnecessary to set forth at length said communication in this report.

The Department also referred with said letter a communication from Mr. Johnson dated June 12, 1901, enclosing the affidavit of W. G. Rawles, draftsman for the Chickasaw Townsite Commission. In this affidavit it is stated by the affiant that the Chairman of the Chickasaw Townsite Commission used every possible effort "to



-2-

"have the surveyor do his duty properly and accurately and that  
"time and again when the Chairman would have me (him) make a  
"tracing as to how he desired the town laid out the surveyor (Mr.  
"Thayer) has deliberately changed the tracing and surveyed it as  
"he wanted to and ordered me (him) to erase the plat and make it  
"conform to his (Thayer's) wishes."

He further swears that he heard Mr. Thayer, the surveyor,  
tell the Chairman of the Commission that the angles would not  
check and that he (Thayer) "had been advised by the Supervising  
"Engineer to 'fudge' them and make them check and that he (the  
"Supervising Engineer) had done so at Muskogee; " and that the  
Chairman opposed such actions and told the Supervising Engineer  
that Thayer informed him that he had been advised by him (the  
Supervising Engineer) to "fudge" and make angles check with  
distances, and that the Chairman of the Commission told "the  
"Supervising Engineer in the presence of the surveyor, clerk, and  
"himself (the affiant) and in the presence of each other that he  
"(the Supervising Engineer) had directed the surveyor to 'fudge'  
"and that right there he (the Chairman) wanted the Supervising  
"Engineer and the surveyor to establish a 'dead line' over which  
"to 'fudge' and when it was established he wanted to know it as  
"he would not tolerate such action," to which the Supervising

-3-

Engineer made no reply but simply laughed.

Mr. Johnson's successor, the office understands, has been appointed and while it would seem that Mr. Johnson has not only had the work at Muskogee checked by someone whom he terms "one of the most competent expert surveyors and engineers in the United States," but that he is also having this surveyor check the survey of other towns surveyed under the immediate supervision of Inspector Wright, the office does not understand that this action on the part of Mr. Johnson would be of any avail to him so far as his reinstatement to the position he formerly occupied is concerned.

The office has carefully examined many of the supposed errors shown by the unsigned typewritten statement forwarded by Mr. Johnson and so far as the examination extended it was found that in each instance the error alleged does exist. It is a well known fact that the sum of the four angles of any four sided figure must equal 360 degrees and it is found that the sum of the angles according to the figures on the plat does not in many instances equal 360 degrees. The errors pointed out by said statement, so far as the office has examined the same, do appear on the map, and it is therefore respectfully recommended that Mr. Johnson's communication and enclosures be referred to Inspector Wright for careful investigation, consideration, report and recommendation relative to the errors in said plat. The plat of Muskogee was approved



-4-

by the Department June 4, 1900.

Very respectfully,  
Your obedient servant,

W. A. Jones.

Commissioner.

G. A. W. (L'e)

(Endorsed) Union Agency No. 2814. Received Jul. 15, 1901. Office of U.S. Indian Inspector for Indian Territory. Washington, July 6, 1901. Secretary.-----Refers letter of S. N. Johnson relative errors in Muskogee town plat for report.

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DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

OFFICE OF INDIAN AFFAIRS.

July 8, 1901.

Mr. J. George Wright,  
U. S. Indian Inspector,  
Muskogee, I.T.

Sir:

There are transmitted herewith letters addressed by the Hon. Secretary of the Interior, under date of 28th ultimo, to Messrs. John Adams and Benjamin Marsahl, recognizing their reappointments as townsite commissioners and appraisers of the town of Muskogee, and to Messrs. James H. Roark and Tony E. Proctor, recognizing their reappointments as townsite commissioners and appraisers for the town of Wagoner. You will please transmit said letters to the persons addressed, with such instructions in regard to their official duties as may be required. You are also requested to report the dates upon which these officials enter upon duty under their reappointments, for the information of this office.

Messrs. Dwight W. Tuttle and Henry C. Linn have also been reappointed as townsite commissioners and appraisers for the towns of Muskogee and Wagoner, respectively, and will be called upon by this office to file official bonds as special disbursing agents. Upon the receipt and approval of their bonds their commissions will be mailed directly to them.

Very respectfully,  
W. A. Jones, Commissioner.



-2-

(Endorsed) Union Agency # 2397 received Jul 12, 1901 office of U.  
S. Indian Inspector for I. T. Washington, July 8, 1901. Commissioner.  
Sends letter of appointment of townsite comm'rs. Marshall, Adams,  
Proctor and Roark. Linn and Tuttle will be advised direct.

NOTICE TO OWNER OF IMPROVEMENTS.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF TOWNSITE COMMISSION FOR THE TOWN OF  
MUSCOGEE, INDIAN TERRITORY.

August 8, 1901.

Napoleon B. Moore: You are hereby notified that Lot 1, Block 384, in the town of Muscogee, on which you own or claim the improvements, has been appraised by the Commission at \$160.00, and the improvements at \$1500.00; and you are advised that you will be permitted to purchase said lot upon which your improvements are located at one-half of the appraised value; and that ten per cent of one-half of the appraised value must be paid by you into the United States Sub-Treasury at St. Louis, Missouri, two months from the service of this notice upon you; you taking triplicate receipts therefore, one of which is to be forwarded to the Department of the Interior, Office of Indian Affairs, through the United States Indian Inspector for the Indian Territory, and one with the authorities of the Creek Nation; and an additional 15 per cent of one-half of the appraised value must be deposited by you in the Sub-Treasury within six months from the date of the service of this notice upon you; and the remainder, seventy-five per cent of one-half of the appraised value, must be deposited by you in the Sub-Treasury at St. Louis, Missouri, in three equal annual installments.

The First annual installment will be due and payable on the 8 day of August, 1901.

The second annual installment will be due and payable on the 8 --press book no. 4 letter 411.--



day of August, 1902.

And the third annual installment will be due and payable on the 8 day of August, 1903.

And in each instance a receipt, in triplicate, must be taken from the sub-Treasury; one of which receipts you must forward to the Department of the Interior, Office of Indian Affairs, through the United States Indian Inspector for the Indian Territory; and another to be furnished to the authorities of the Creek Nation.

If said first payment of 10 per centum is not deposited by you in the Sub-Treasury of the United States, at St. Louis, Missouri, within two months from the date of the service of this notice upon you, said lot will be sold at public auction to the highest bidder.

Dwight W. Tuttle

John Adams

Benjamin Marshall

Muscogee Townsite Commission.

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY  
NORTHERN DISTRICT SITTING AT MUSCOGEE.

Napoleon B. Moore,

Plaintiff,

vs.

Dwight W. Tuttle, John Adams  
and Benjamin Marshall.

Defendants.

- - - - -

Comes now the Creek Nation, through P. Porter, as Principal Chief, and ask to be made a party plaintiff in this proceeding. He avers that the Creek Nation has an interest in this suit. That the lots in controversy and mentioned in the complaint in this suit are the property of said Creek Nation. That the defendants in said cause are threatening to advertise and sell the entire townsite of Muscogee, all of which is the sole and exclusive property of the said Creek Nation; that a cloud, if said Commission are permitted to proceed, will be cast upon its property, and that non-citizens, persons having no rights whatever in the Creek Nation are permitted under the terms of said threatened and proposed sale to become purchasers; that under the provisions of the law under which said sale will be made it is provided that when final payment is made the purchasers will have complete evidence of title to the property so purchased; that such proceedings will cause a multiplicity of suits on the part of the Nation, and will be an irreparable injury to it.

He further avers that he is in receipt of a communication from the Interior Department of recent date, not only instructing said Commissioners to sell the lots within the incorporated town of Muscogee, upon which improvements have been erected and which are



-2-

occupied by citizens and non-citizens, but also unimproved and vacant lots which are a part of the public domain.

Your petitioner therefore prays that this may be taken as a part of the original complaint in this action, to which he attaches a copy of the letter above referred to and having no adequate and complete remedy at law he prays that the injunction prayed for in the original complaint may be granted and sufficiently enlarged to restrain and prevent the defendants from selling any town lots or other real estate within the incorporate limits of the town of Muskogee, or from advertising the same, or any of them for sale or otherwise interfering with or disturbing said lots or property.

HUTCHINGS & WEST.

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY  
NORTHERN DISTRICT SITTING AT MUSCOGEE.

N. B. Moore and the Creek Nation,                      Plaintiffs,  
vs.

Dwight W. Tuttle, John Adams and  
Benjamin Marshall, Muscogee Townsite  
Commission. Defendants.

— — — — —

This cause came on this day to be heard before the Honorable John R. Thomas, United States Judge for the Indian Territory, Northern District, upon the complaint of the plaintiff, Napoleon B. Moore, and the petition of the Creek Nation, ordered to be made a party plaintiff according to the prayer of the petition, plaintiff being represented by William T. Hutchings and the defendants by Pliny L. Soper, United States Attorney for the Northern District of the Indian Territory, and the Court having considered said complaint and petition and having heard the arguments of counsel doth find that the preliminary injunction prayed for should be granted. It is therefore ordered, adjudged and decreed that the defendants composing the Muskogee Townsite Commission be and are hereby restrained and enjoined from advertising for sale and selling, or otherwise interfering with lot No. 1, block 384, and lots Nos. 11 and 12, block 161 of the townsite survey of the incorporated town of Muskogee and the improvement situated thereon as well as all other lots of parcels of ground situated and being within the corporate limits of the said incorporated town of Muskogee until the further order of this Court.

(Signed) JOHN R. THOMAS.

(Endorsed) Union Agency Press Book No. 4 Letter 413, Muskogee, Okla.



## DEPARTMENT OF THE INTERIOR.

## OFFICE OF INDIAN AFFAIRS.

WASHINGTON, August 8, 1901.

Accounts  
34786  
34789  
34791/1901  
36974  
41452

Mr. Henry C. Linn,  
Wagoner, I. T.

Sir:

Your official bond dated July 22, 1901, as Special Disbursing Agent under your recent reappointment as Townsite Commissioner and Appraiser in the town of Wagoner, Indian Territory, has been approved and your commission is forwarded to you today under separate cover.

Messrs. Tony E. Proctor and James H. Roark, your former associate commissioners, have also been reappointed, and you will all be expected to resume your official duties under the direction of the Inspector for the Indian Territory, who will report the dates upon which you do so, for the information of this office.

Close your accounts under your old bond with the day preceding that upon which you enter on duty under your new appointment and open a new set of accounts under the new bond, commencing with and including the date upon which you enter on duty thereunder. Your final accounts under your old bond should be submitted for adjustment without delay and accompanied by a sworn statement showing the number, date, amount, and payee of each check drawn by you as Special Disbursing Agent and then remain-

-2-

ing outstanding and unpaid.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

Through the Indian Inspector for the Indian Territory.

(Endorsed) Union Agency # 2525 received Aug. 12, 1901. Washington, Aug. 8, 1901. Commissioner. Addressed to H. C. Linn, New bond approved; instructs close old accounts.



DEPARTMENT OF THE INTERIOR,  
I.T.D. Washington.  
2470-1901.  
File 2822-1899.

August 14, 1901.

The United States Indian Inspector  
for the Indian Territory,  
Muskogee, I.T.

Sir:

The Department is in receipt of your report dated August 3, 1901, upon the communication from Mr. Charles H. Morris, of Wagoner, Indian Terr., referred to you by the Department on July 5th, in which Mr. Morris complained that the Townsite Commission had taken the greater part of the lot claimed by him as a street and had refused to add to the other side of his lot land which had been in an old abandoned road.

You forward a letter addressed to you on August 1st by Mr. H. C. Linn, Chairman of the Wagoner Townsite Commission, in which it is stated that the Townsite Commission had adjusted the matter satisfactorily to Mr. Morris by scheduling to him a lot 32 feet wide by 150 feet deep, and recommend that no further action be taken in the premises.

The Acting Commissioner forwards your report and concurs in your recommendation.

The Department sees no objection to the contemplated action and you are advised accordingly.

Respectfully,

Thos. Ryan

Acting Secretary.

(Endorsed) Union Agency No.2572 Received Aug.20,1901 Office of  
U.S.Indian Inspector for Indian Territory. Washington,Aug.14,  
1901, Secretary.----Approves Report rel.to complaint of Chas.  
H.Morris, of Wagoner,I.T.----



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.I.T.DIV.  
4480-1901.  
File 660-1900

October 10, 1901.

The United States Indian Inspector  
for the Indian Territory,  
Muskogee, I. T.

Sir:

The Department is in receipt of a report from Acting Indian Inspector Zevly, dated September 27, 1901, transmitting a letter from the Mayor of Muskogee, inclosing papers relative to the issuance of bonds for the construction of waterworks and a sewer system in said town.

Reference is made by the Acting Inspector to section 25 of the Agreement with the Creek Nation contained in the act of Congress approved March 1, 1901 (31 Stat., 861), ratified by the nation on May 25, 1901, and it is stated that the city of Muskogee has taken steps for the issuance of municipal bonds in the sum of \$150,000.00 for the purpose of constructing waterworks and \$25,000. for the purpose of constructing sewers, and that an election was duly held on September 24, 1901, at which more than the required majority of qualified voters voted in favor of the issuance of said bonds.

The Acting Inspector refers to your office letter of September 20th, transmitting the papers relative to the election held in the town of Wagoner, Creek Nation, for a similar purpose, and transmits all the papers "for such action as the Department deems most appropriate".

The Acting Commissioner of Indian Affairs forwarded said report on October 5, 1901, and reports that all of the proceedings in the premises were regular" and that there is no legal objection thereto". He further states that the Indian Office "is not aware of any reason why the taxpayers of the city of Muskogee should not be permitted to improve the city or town as they deem best", and he recommends that you be advised that the issuance of bonds for the purpose mentioned will be approved.

Your attention is called to departmental letter dated the 9th instant relative to the report requested of you concerning the town of Wagoner, and you are requested to make a similar report upon the matter of the issuance of bonds by the city of Muskogee, as suggested in said letter of the 9th instant, with the exception that it will be unnecessary to require any report from the Superintendent of Schools, as it does not appear that any bonds are to be issued by Muskogee for school purposes.

A report is desirable as soon as practicable. A copy of the Acting Commissioner's letter is inclosed.

1 Inclosure.

Respectfully,  
E. A. Hitchcock, Secretary.

(Endorsed) Union Agency # 2867 received Oct. 17, 1901. Office of U. S. Indian Inspector for Indian Territory. Washington, Oct. 10, 1901, Secretary. Requests report rel. to water works bonds for Muskogee, ETC.



DEPARTMENT OF THE INTERIOR.  
Office of Indian Affairs.  
Washington,  
October 14th, 1901.

J. George Wright, Esq.,  
U. S. Indian Inspector,  
Muskogee, I. T.

Sir:

There is transmitted herewith, with the request that you make an investigation and report thereon, a letter addressed to this office on October 2, 1901, by Messrs. Britton and Gray of this city, attorneys for the Missouri, Kansas and Texas Railway Company.

The attorneys state that the Muskogee Town Site Commission has notified the said railway company that lot 1, block 15, and 1 lot 39 of block 63, in the said town of Muskogee, had been scheduled to the company and that it was necessary to make payment at certain specified dates. Continuing, the attorneys state that the lots in question are a portion of the ground which has been in the exclusive possession of the railway company for a number of years as stock yards and reservoir sites, and forms a necessary part of the ground used by it at that point for the operation of its road.

They invite attention to that portion of the act of Congress approved March 1, 1901, (the Creek agreement), which is as follows:

"That all lands to which at the date of the ratification of this agreement, any railroad company may, under any treaty or act of Congress, have a vested right for right of way, depot and station grounds, water stations, stock yards or similar uses connected with the maintenance and operation of a railroad are reserved from allotment",

-2-

and state that under the act of Congress approved July 25, 1866, the said railway company acquired a vested interest in such grounds adjacent to its line of road as were occupied and used by the company for the necessary purposes of railroad operation.

Continuing, they further state that the approved map heretofore filed in this office demonstrates the use and occupation, and consequent vested interest, and they request that the Town Site Commission may be instructed to take no further steps, "looking towards dispossession of any portion of the grounds occupied by the Company at Muskogee, for stock yards or reservoir purposes".

You will please give this matter careful attention, and make your report and recommendation thereon at an early date.

Very respectfully,

W. A. Jones  
Commissioner.

W.C.V. H'r

(Endorsed) Union Agency # 2870 received Oct. 18, 1901. Office of U. S. Indian Inspector for Indian Territory. Washington, Oct. 14, 1901. Commissioner. Refers for investigation and report letter of Britton & Gray, attorneys for M. K. & T. Ry., relative to possession of certain lots in Muskogee.



## DEPARTMENT OF THE INTERIOR,

Washington,

December 6, 1901.

I.T.D.4869-1901.

File 660-1899.

United States Indian Inspector  
for the Indian Territory,  
Muskogee, I. T.

Sir.

Referring to the correspondence concerning the issuance of bonds by the city of Muskogee, in the sum of \$150,000 for the construction of water works and \$25,000 for the purpose of construction sewers for said city, under the provisions of the act of March 1, 1901 (31 Stat., 861), the Department is in receipt of your report transmitting a letter from the Acting Mayor of Muskogee inclosing certain exhibits showing the extent and amount of improvements to be made and the probable cost of the same, together with the number of the inhabitants of the town and the valuation of the property subject to taxation.

The Acting Mayor states that the population of Muskogee is now in excess of five thousand, and that the valuation of the real estate and personal property at the next assessment will be at least \$2,500,000.

-2-

It appears that at an election held under the provisions of section 25 of the act of March 4, 1898 (30 Stat., 252), 759 votes were cast in favor of issuing bonds for water works, and only 6 votes against the proposition; that 757 votes were cast for the issuance of bonds for the construction of sewers, and only 8 persons voted in the negative. It therefore appears that more than the requisite majority of the legally qualified voters who are taxpayers in the city of Muskogee have registered their votes in favor of the issuance of bonds, and the proceedings are regular.

Besides the information transmitted by you additional information has been furnished the Department, in person by the Mayor of Muskogee, and upon a careful consideration of the whole matter it is considered that the issuance of bonds by the municipal authorities of Muskogee in the sum of \$150,000 for the construction of water works and \$25,000 for the construction of sewers, as recommended, should be and it is hereby approved, said bonds to be disposed of at not less than par, after advertisement as required by the printed notice of the special election containing the resolution of the City Council of Muskogee authorizing their issue.

The Mayor will be furnished by the Department with a duplicate of this letter.

Respectfully,

E. A. Hitchcock.  
Secretary.

(Endorsed) Union Agency No. 3140. Received. Dec. 13, 1901. Office of U.S. Indian Inspector for Indian Territory. Washington, Dec. 6, 1901, Secretary---Issuance of water works and sewers bonds of Muskogee approved; Mayor furnished duplicate of this letter.





five years past.

It also appears from the record and testimony herein that in 1896, Victoria Sherman, wife of John Sherman executed a quit-claim deed seeking to convey this lot in controversy to one J.R.Green; that said Green subsequently sold the lot to James Richardson the plaintiff herein.

I can see no justification for an appeal in this case. No effort has been made on the part of the plaintiff herein to show that Victoria Sherman ever had title or right to dispose of this lot in controversy. On the contrary the evidence transmitted shows that John Sherman was the only person having the right to dispose of this lot in question.

The judgment of the Commission is therefore affirmed, subject, however, to the right of further appeal to the Department.

Very respectfully,

A.C.Tonner

Acting Commissioner.

Through J.George Wright

U.S. Indian Inspector.

E.S.S.(C'g)

(Endorsed) Union Agency No.3786 Received Mar.29,1902 Office of U.S.Indian Inspector, for Indian Territory. Washington, Mar.25,1902.Commissioner.----Affirms decision of Muskogee Townsite Commission in case of Richardson vs.Bryant, involving title to lot 29, block 63, Muskogee, in favor of Bryant.----



Muskogee, I. T., May 3, 1902.

Mr. J. Burdett,

Eufaula, Indian T.

Dear Sir:

I have to acknowledge the receipt of your letter of the 28th ultimo, and in reply to your inquiry in reference to townsite Commission, I am informed that at the present time the Appraisers are at Tulsa, where they have been at work for some two weeks. It was estimated that it would take three weeks to finish the work at Tulsa when they were sent there, and that from there they would be sent to Checotah and Eufaula, so you may feel assured that they will reach Eufaula within the next two weeks.

I have no information in reference to the railroad going through Eufaula.

Yours truly,

P. Porter,

Principal Chief.

## DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.3293-1902.

May 27, 1902.

United States Indian Inspector

for the Indian Territory,

Muskogee, Indian Territory.

Sir:

The Department is in receipt of your report dated May 19, 1902 (D 3180,21800-1902), acknowledging the receipt of departmental letter dated December 14, 1901 (I.T.D.5119-1901), wherein you were directed to advise the Mayor of the town of Wagoner, Creek Nation, Indian Territory, relative to the views of the Department upon the proposed issuance of bonds for the construction of water-works, and further, that if a suitable sinking fund be provided, authority would be given for the issuance of bonds in the sum of \$15,000.00 for school purposes, provided said bonds should be disposed of to the highest bidder after public advertisement.

You transmit a communication from the Mayor of said town, dated May 15, 1902, forwarding a certified copy of Ordinance No. 90, providing for the levying and collecting of a tax for the purpose of paying the semi-annual interest on the Wagoner school bonds, and to create a sinking fund to pay the same.

You recommend that the necessary authority be granted for the issuance by the town of Wagoner, of bonds in the sum of \$15,000.00, for school purposes.



-2-

The Acting Commissioner of Indian Affairs forwarded your said communication on May 24, 1902, and calls attention to the provisions of said Ordinance, and expresses his views relative to the same.

He also calls attention to the fact "that a bill authorizing cities and towns in the Indian Territory having over two thousand population to issue bonds for certain public improvements" was recently transmitted to the President for his action, but that the Indian Office has not been advised whether or not said bill was approved.

The Acting Commissioner suggests that the Department may be of the opinion that it will be better for the city of Wagoner to proceed under said bill, if it has become a law.

You are informed that said Act was approved on May 19, 1902, being Public No. 117, entitled "An Act for the protection of cities and towns in the Indian Territory."

A copy of said Act is inclosed herewith, and since it appears that the town of Wagoner has more than two thousand inhabitants, it is the judgment of the Department that it should proceed under the provisions of said Act, which fully prescribes the manner of the issuance of the bonds referred to therein.

A copy of the Acting Commissioner's report is inclosed.

Respectfully,

Thos. Ryan.  
Acting Secretary.

2 Inclosures.

(Endorsed) Union Agency No. 4158. Received Jun. 3, 1902. Office of U.S. Indian Inspector for Indian Territory. Washington, May 27, 1902. Secretary.-----Relative to issuance of bonds for school purposes by town of Wagoner; encloses copy of an Act of Congress recently passed relative to bonds in towns of over 2,000, and states the bonds should be issued in accordance with such act.

## SCHOOL DISTRICT OF WAGONER.

L.L.Hadley  
H.G.Dunlap  
C.C.May  
Jas.Room

Wagoner, Ind. Ter. Aug.6,1902.

Hon. E. A. Hitchcock,  
Secy. of the Interior Dept.  
Washington D.C.

Hon.Sir:-

Referring to the issuance of School Bonds:-This City:-  
copy of call for Election and result shown attached:-It appears  
that it was necessary that the City should provide for a sinking  
fund to meet these bonds when due, also that this provision has  
been complied with by the City Council. We understand that the  
copy of the ordinance and action taken by the Council to provide  
for the sinking fund has been forwarded to you some time ago and  
that it was returned to the Mayor of the City with information  
that on account of the new regulations taking effect in the Terri-  
tory that it would be necessary for the matter to be referred to  
the Judge of the District Court, here, when the matter was taken  
up with the Judge, (Gill) he stated that as the change coming in,  
transferring him to the Northern District while this would be  
the Western Dist. he did not feel like taking it up. We further  
understand that Judge Gill stated that it was his opinion that  
as the Election and provision for sinking fund had been made prior  
to the new regulations taking effect, that the Secretary of the  
Interior still had jurisdiction. That this correspondence and  
papers attached had later been forwarded to you; but no reply  
4651.



had been received. This as you understand has been in the hands of the City Council and handled by the Mayor; but as the opening of our schools is nigh at hand and as a board we must provide quarters to hold school we are feeling quite anxious about the matter. We as a board have been informed by the owners of the building for which these bonds were to be issued to purchase, that unless the bonds are forth coming, it will be necessary for them to dispose of the building otherwise than for a public school building. And from the fact that we must provide for 700 pupils, and not a building in the City that would hold one half of the pupils. Will you kindly inform us of the Status of the matter. An early reply would be esteemed a great favor.

Yours most respectfully,

S.D.Lyles President,

C.W.Hatfield Secretary.

(Endorsed) Union Agency No.4651 Received Aug.22,1902 Office of U.S.Indian Inspector for Indian Territory.Washington,Aug.18,1902. Secretary.-----Refers, for appropriate action, letter from S.D. Lyles, President, and C.W.Hatfield, Secretary, Wagoner School Board, relative to issue of bonds for school purposes.-----

## DEPARTMENT OF THE INTERIOR.

I.T.D.4943-1902.  
3900-1902.

August 15, 1902.

United States Indian Inspector  
for the Indian Territory,  
Muskogee, Indian Territory.

Sir:

Replying to your telegram dated August 13, 1902, wherein you inquire:

"Has action been taken concerning issue of school bonds town of Wagoner per my letters June sixteenth and July twelfth. School board informs me early action necessary to enable them to secure desired building,"

you are advised that the Department, upon full consideration of the matter, sees no reason to change its conclusion relative to the construction of the act of Congress approved May 19, 1902 (Public No. 117), entitled: "An act for the protection of cities and towns in the Indian Territory, and for other purposes." Said act provides:

"That any incorporated city or town in the Indian Territory having a population of two thousand or more is hereby authorized to issue bonds and borrow money thereon, to be used for the construction of sewers and waterworks and the building of school-houses; such bonds not to exceed an amount, the interest on which at five per centum per annum would be liquidated by a tax of five mills upon the dollar of the valuation of the taxable



-2-

property in such city or town, to be ascertained by the last assessment for purposes of taxation; that before such bonds shall be issued the same shall be authorized by a two-thirds majority of the qualified voters of such city or town voting at an election held for that purpose, notice of which shall be published for four consecutive weeks prior thereto in a newspaper of general circulation published in such municipality; Provided, That such bonds shall not be issued until it shall be made to appear to the satisfaction of the judge of the United States court for the judicial district in which such municipality is located, by petition of the mayor and council thereof, that all the requirements of this section have been complied with, who shall thereupon cause to be entered upon the minutes of his court a judgment or decree reciting the facts as he finds them to be: Provided, however, That before any election shall be the population of said municipality ascertained by some suitable person, or persons, appointed for that purpose by the said judge of the district court, who shall make a sworn return to said judge showing the number of inhabitants thereof, and that the judgment or decree shall set forth the population and taxable wealth of the municipality, and said order or decree shall be printed on said bond and made a part thereof and shall be final and conclusive against said municipality in any litigation on said bonds."

On May 27th you were advised that--

"Since it appears that the town of Wagoner has more than two thousand inhabitants, it is the judgment of the Department that it should proceed under the provisions of said act, which fully  
4647.

-3-

prescribes the manner of the issuance of the bonds referred to therein."

The Department considers the provision of said act mandatory, and that the Secretary of the Interior has no jurisdiction to authorize the issuance of bonds by any incorporated city or town in the Indian Territory which has a population "of two thousand or more." Whatever action may be necessary for the municipal authorities to take in order to secure the issuance of said bonds, would seem to be a matter for its consideration and determination. You will advise the municipal authorities of the views of the Department as above set forth.

Respectfully,

Thos. Ryan

Acting Secretary.

(Endorsed) Union Agency No. 4647 Received Aug. 22, 1902 Office of U.S. Indian Inspector for Indian Territory. Washington. Aug. 15, 1902. Secretary.----Relative to issue of school bonds by town of Wagoner; directed to advise authorities they should proceed under act of May 19, 1902.----



## DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.3327-1902.

May 28, 1902.

United States Indian Inspector

for the Indian Territory,

Muskogee, Indian Territory.

Sir:

May 19, 1902, you submitted a supplemental schedule of appraisements of the town of Muskogee, Creek Nation, I. T., showing Lot 29, Block 63, scheduled to Israel Bryant.

In a contest case involving this Lot, the Indian Office, on March 25, 1902, decided in favor of Bryant.

You furnish evidence that notice of this decision was duly given to the parties in interest March 31, 1902, and that no appeal has been filed with the Townsite Commission, or in your office, and you recommend the approval of the schedule, in which recommendation the Acting Commissioner of Indian Affairs, in his letter of May 26, 1902, concurs.

The schedule has been approved, and two copies thereof, and a copy of the Acting Commissioner's letter, are inclosed.

Respectfully,

Thos. Ryan,  
Acting Secretary.

3 Inclosures.

(Endorsed) Union Agency No.4163.Received.Jun. 5,1902.Office of U.S. Indian Inspector for Indian Territory.Washington,May 28, 1902. Secretary.-----Approves supplemental schedule of Muskogee, showing disposition of lot involved in contest of Richardson vs. Bryant.

307

DEPARTMENT OF THE INTERIOR.  
Washington.

I.T.D.3413-1902.

June 4, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

The Department has this day approved deeds executed by the Principal Chief of the Muskogee (Creek) Nation, conveying certain lots and parts of lots in the town of Muskogee, I.T., as follows:

Deed No.	Grantee
386	George Dyer
387	Frederick B. Severs
388	William A. Maddin
389	Florence and Mittie Uhls
390	Robert N. Miller
391	Clarence W. Turner & Pleasant Porter
392	Gabe Moore
393	Peter B. Caughell
394	Frank Looper and George Williams, Trustees of Spencer Chapel, Methodist Episcopal Church, (Colored), of the town of Muskogee, Indian Territory.
395	Roley McIntosh
396	Clarence W. Turner
398	Benjamin Estes



- 399 Margaret C. Mosely
- 400 The First Presbyterian Church of Muskogee, I.  
Territory, (Incorporated)
- 401 Robert D. Blackstone
- 402 Lula B. Dyer
- 403 Nancy Porter
- 404 William McLain
- 405 Clarence W. Turner
- 406 John Doyle
- 407 William G. Hughes
- 408 John W. Bailey
- 409 Isabella Meagher
- 410 John R. Veale
- 411 Hannah James
- 412 Hilary L. Moseley
- 413 Robert B. Hood
- 414 William F. Bowman
- 415 George H. Bratcher
- 416 William S. Harsha & Homer B. Spaulding.

Said deeds are inclosed herewith for appropriate action  
by the Commission.

Respectfully,

Acting Secretary.

30 inclosures.

(Endorsed) Union Agency No. 9403 Recd. Jun. 10, 1902 Department,  
Ryan, Washington, D.C. June 4, 1902. ---Enc. thirty deeds, to lots or  
parts of lots in Muskogee, for record. ---

## DEPARTMENT OF THE INTERIOR.

Washington.

649-1902.  
Ind.Ter.Div.

July 7, 1902.

The Secretary of the Interior,

Sir:

By letter of February 1, 1902, you referred for my opinion the request of the United States Indian Inspector for Indian Territory, to be advised as to the price to be paid for public parks in towns in the Creek Nation. The agreement with that Nation, ratified by act of March 3, 1901 (31 Stat., 361), made no provision for appraising such parks, nor did it fix any price at which they were to be paid for by the town.

Inasmuch as at the time this matter was referred to me a supplemental agreement was under consideration, it was deemed advisable to await the outcome of those negotiations. The agreement was concluded and was ratified by act of Congress approved June 30, 1902 (Public No.200), subject to ratification by the Creek National Council on or before September 1, 1902.

It contains a provision as follows:

and for lands heretofore or hereafter designated as parks upon any plat or any townsite the town shall make payment into the Treasury of the United States to the credit of the Creek Nation within one at the rate of \$20 per acre, and if such payment be not made within that time the land so designated as a park shall be platted into lots and sold as other town lots.



-2-

This provision covers all matters relating to the sale of public parks which were not provided for by the former agreement and, unless rejected by the Creek Council, will obviate any necessity for an opinion upon the law in force prior thereto. In view of these changed conditions the papers are herewith returned without such opinion.

Very respectfully,

Willis VanDevanter,  
Assistant Attorney-General.

Approved: July 7, 1902:

E. A. Hitchcock,  
Secretary.

(Endorsed) Union Agency No. 4414. Received. Jul. 15, 1902. Office of U.S. Indian Inspector for Indian Territory. Washington, July 9, 1902. Secretary---Relative to appraisement and matter of payment for parks and other public grounds in the Creek Nation, Indian Territory.

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

311

I.T.D.4347-1902.

July 17, 1902.

United States Indian Inspector  
for the Indian Territory,  
Muskogee, I. T.

Sir:

There is transmitted herewith a communication to the Department, of July 14, 1902, from Mr. J. H. Brown, president of the Consolidated Water and Light Company, of Chicago, Ills., in regard to the system of water-works and sewers for the town of Muskogee, Creek Nation, the approval of the issuance of bonds for which was made by the Department December 6, 1901, in accordance with the act of March 1, 1901 (31 Stat., 861). The inclosures of Mr. Brown's letter are also transmitted.

Complaint is made that the company will not be given an opportunity to bid on its prepared plans under the advertisement now running for sealed proposals for furnishing material and constructing such water-works and sewers, and the Department is urged to intercede with the town authorities in the matter.

This is not a question over which the Department has



-2-

jurisdiction, but you are directed to confer with the town authorities with a view to having them give the matter very careful consideration.

Respectfully,

Thos. Ryan,

Acting Secretary.

3 inclosures.

(Endorsed) Union Agency No.4455.Received.Jul.21,1902.Office of U.S. Indian Inspector for Indian Territory.Washington,July 17,1902. Secretary-----Encloses communication from J. H. Brown, president of the Consolidated Water and Light Company, of Chicago, Ill., relative to system of water-works and sewers for the town of Muskogee, Indian Territory, and directs Inspector to confer with town authorities in regard to same.

Land.  
41183-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, July 22, 1902.

313

J. George Wright, Esq.,

U. S. Indian Inspector

for Indian Territory,

Muskogee, Indian Territory.

Sir:

The office is in receipt of your report of July 10, 1902, forwarding the record in the land contest case of the Roman Catholic Church of Wagoner, contestant, v. James Harris, involving title to lot 8, block 291, in the town of Wagoner, Creek Nation, I. T.

On February 15, 1902, two members of the townsite commission rendered an opinion in favor of the contestant. On the same date a minority opinion was rendered by the other member.

On June 17, 1902, a copy of the majority opinion was served on the attorneys for the respective parties. It was held that the plaintiff had the best right to the land, and that it should be scheduled to it. No appeal was filed within the time limit fixed by the practice, to wit: ten days. The opinion of the townsite commission has therefore become final and the case is hereby closed.

You will please cause the townsite records to so



show, and will also cause notice hereof to be served on the attorneys.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

WCV  
D

(Endorsed) Union Agency No. 4478. Received. Jul. 22, 1902. Office of U.S. Indian Inspector for Indian Territory. Washington, July 22, 1902. Commissioner. Affirms decision of majority of townsite commission in contest case of Roman Catholic Church vs. James Harris, over lot 8, block 291, Wagoner.

## DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.4660-1902.

August 2, 1902.

United States Indian Inspector  
for the Indian Territory,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your report dated July 21, 1902, transmitting a communication from Messrs. Hutchings, West & Parker, Attorneys at Muskogee, Indian Territory, transmitting papers in connection with the recent election in the town of Checotah, Creek Nation, Indian Territory, held on February 18, 1902, for the purpose of voting upon a proposed issuance of bonds for school purposes, in the sum of ten thousand dollars (\$10,000.).

You recommend that the issue of these bonds be approved.

The Acting Commissioner of Indian Affairs forwarded your report on July 31, 1902, and after reviewing the papers states that the Indian Office is not satisfied relative to the population of the town; that the authorities of the town should be called upon for further information in this particular in view of the provisions of the Act of March 4, 1898, which does not authorize the issuance of bonds by municipal corporations having a population of less than one thousand inhabitants "as shown by the last school census taken before any election to be held under the provisions of this act."

The Acting Commissioner also expresses the opinion that the



-2-

foreman, or some other person in charge of the "Checotah Enquirer," should furnish an affidavit setting forth the fact that the notice of said election was published in said paper as stated, and that if said information be furnished, the Indian Office has no objection to the approval of the issuance of said bonds.

The Department concurs in the recommendation of the Acting Commissioner and incloses a copy of his report.

You are directed to call the attention of said attorneys to the views of the Department, and that upon the receipt of the information above required, further action will be taken thereon.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

(Endorsed) Union Agency No.4599.

## DEPARTMENT OF THE INTERIOR,

I.T.D.5110-1902.

Washington.

August 21, 1902.

United States Indian Inspector  
for the Indian Territory,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your report dated August 13, 1902, returning the plat of the townsite of Sapulpa, in the Creek Nation, and recommending that the same be approved, and that you be informed by wire thereof in order to facilitate the appraisement by the townsite commission.

Your report was forwarded by the Acting Commissioner of Indian Affairs on the 19th instant, who concurs in your recommendation.

The explanations made by you are satisfactory to the Department; said plat is accordingly approved, and will be returned to the Indian Office in order that photolithographic copies thereof may be made.

Copy of the letter of the Acting Commissioner, dated August 19th, also copy of his letter dated August 20th recommending that a contract be entered into for photolithographing said map, which has been approved, are inclosed herewith, together with other papers transmitted.

Respectfully,  
Thos. Ryan  
Acting Secretary.

5 inclosures.

(Endorsed) Union Agency No. 4680  
Received Aug. 28, 1902 Office of U.S. Indian Inspector for Indian Territory. Washington, Aug. 21, 1902. Secretary. ---- Approves plat of SAPULPA, Creek Nation. ----



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

ITD.5746-1902.

September 20, 1902.

United States Indian Inspector  
for the Indian Territory,  
Muskogee, Indian Territory.

Sir:

The Department is in receipt of a report from the Acting Inspector, dated September 10, 1902, recommending that October 30, 1902, be fixed as the date within which the Townsite Commission for the Creek Nation shall complete its work of appraising the towns of Sapulpa, Wildcat, Coweta, Clarksville, Lee, Gibson Station, And Inola, in accordance with the provisions of the act of Congress approved March 1, 1901, which provides:

"As soon as the plat of any townsite is approved, the proper commission shall, with all reasonable despatch and within a limited time to be prescribed by the Secretary of the Interior, proceed to make the appraisement of the lots and improvements, if any, thereon."

The Commissioner of Indian Affairs forwarded said report September 16, 1902 recommending that it be approved.

The Department finding no objection thereto, said recommendation is concurred in, and the Acting Inspector's report is accordingly approved.

Copy of the Commissioner's letter is inclosed.  
Respectfully,

Thos. Ryan.,  
Acting Secretary.

1 Inclosure.

-2-

(Endorsed) Union Agency # 4850 received Sept. 20, 1902. office of U.S. Indian Inspector for I.T. Washington, Sept. 20, 1902. Secretary. Approves report of Acting Inspector recommending that October 30, 1902, be fixed as the date in which the Creek Townsite Commission shall complete the appraisement of the towns of Sapulpa, Wildcat, Coweta, Clarksville, Lee, Gibson Station, and Inola.



Spokogee, I.T. 9/21/1902

Secretary Interior  
Washington, D.C.

Dear Sir:-

I wrote you once, heretofore, regarding the doings of one S.M.Rutherford, and his booming a town, now called Spokogee--2 miles from old Watsonville, on Ft.Smith and Western Railway now in building. One Mack Hawkins, of Watsonville, now in Ft.Leavenworth Kansas Penitentiary, sends me power of Attorney, to act in his stead regarding his land, 160 acres, all of which is in this Spokogee townsite, which contains 400 acres taken all together and engineered by S.M.Rutherford and which is being sold in lots, for townsite purposes. Will you kindly advise me if said power of Attorney is sufficient authority for my interference in the premises. Mack has received no deed to this land as yet, but instructs me to see that his land is not disturbed in any way, by said Townsite parties, and to rent it out for him for farm purposes. Part of this land was in cultivation this year, 'till this town was opened up, and is fine farming land.

If Mack is allowed to hold this land as his, there ought to be power some where to stay these parties. Kindly give advice in the matter.

I know of no higher legal authority to go to than yourself,

and will thank you in advance for your advice in the premises.

With thanks, I am,

Respy

G.W.Burnett,

Spokogee, I.T.

Spokogee is the new town, 2 miles from Old Watsonville; the P.O. is officially "Spokogee" from now on.

(Endorsed) Union Agency No.4879 Received Oct.6,1902 Office of U.S.Indian Inspector for Indian Territory.Washington, Oct.2, 1902. Secretary.----Refers for appropriate action letter of G.W.Burnett of Spokogee, I.T. stating one Rutherford is trying to establish a townsite and is selling lots at Spokogee, and that one Hawkins claims 160 acres of said land as his prospective allotment and does not want a townsite; states he has power of attorney to act for Hawkins and wants parties stopped from establishing townsite.----



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

ITD.5944-1902.  
4584-1902.

September 29, 1902.

United States Indian Inspector for Indian Territory,  
Muskogee, I.T.

Sir:

September 26, 1902, the Commissioner of Indian Affairs transmitted your report of September 18, 1902, in regard to a complaint made by certain citizens of Mounds, that townsite clerk Edward P. Champlin bid on lots offered for sale at public auction at that town by the townsite commission, for the purpose of increasing the prices.

The Commissioner states that while the action of Mr. Champlin was apparently in good faith as agent for another person, and while it would seem that no wrong has been done in this case, it would be much better for all persons connected with the townsite commission to refrain from bidding on lots at public sale.

The Department concurs in the views of the Commissioner and in accordance with his recommendation you are directed to caution all members of townsite commissions against permitting bids to be made by members of the commissions or employees of such commissions. The Department has sent a copy of the Commissioner's communication to the complainants and informed them that it does not consider further action necessary.

Respectfully,  
Thos. Ryan.  
Acting Secretary.

(Endorsed) Union Agency # 4875 received Oct. 4, 1902. Office of U.S. Indian Inspector for I.T. Washington, Sept. 29, 1902. Secretary Relative to report on complaint of citizens of Mounds that townsite

-2-

(Endorsed) #4875 Cont.

clerk Champlin bid on lots at public auction sale; should advise all members of townsite commissions that no one connected with such commissions should bid on lots.



Checotah, I. T. Oct. 22nd. 1902.

This is to certify that on Monday, October twentieth, Nineteen Hundred and two, said day being a regular meeting day of the town Council of the incorporated town of Checotah, Indian Territory, the report of G. S. Crane, Assessor and ex officio Census taker of said town of Checotah was received by the said Town Council; that said report shows the population of the Incorporated Town of Checotah to be Sixteen Hundred and twenty (1620) on October second nineteen hundred and two.

In Witness whereof the Town Council of the Incorporated Town of Checotah has caused this certificate to be signed by the Mayor and Recorder of said Town and has caused the Corporate seal of said Town attached hereto and has also caused the same to be signed by G. S. Crane, the Assessor and ex officio Census taker of said Town.

Wm. A. Reid

Mayor

D. W. Fry

Recorder.

G. S. Crane

Assessor and  
ex officio Cen-  
sus taker.

(Endorsed) Union Agency No. 4599. Received. Aug. 8, 1902. Office of U.S. Indian Inspector for Indian Territory. Washington, Aug. 2, 1902. Secretary----Calls for information as to population of Checotah, and whether notice of election was published in paper according to law, before bond issue is approved.

Muskogee, I.T., April 8, 1903

Hon. J.W. Zevely,

U.S. Indian Inspector, Muskogee, I.T.

Sir:-

I herewith enclose certificate of Indian Agent of full payment of Part of Lot 7, Block 29, Wagoner, I.T., which is scheduled on the original schedule of Wagoner to the Catholic Church, and on the Supplemental Schedule to the Right Rev. Theophile Meerschaeert, D. D. It is evident that, from the title given on the Supplemental schedule, the Right Rev., is trustee for the Catholic church, or whatever the title may be to their organization.

It will be necessary to have certificate to that effect.

Respectfully,

P. Porter,

Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 52. Muskogee, Oklahoma.



326

DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.  
WASHINGTON.

April 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith letter of E. Hastain, an attorney of Muskogee, Indian Territory, submitting petition of Easter Jackson to have her home scheduled to her, and that she be permitted to purchase the same. It appears that the townsite commission has scheduled the lots containing the home of Easter Jackson in Muskogee in block 256 to the town of Muskogee for park purposes, and she asks that they be rescheduled to her so that she may purchase them for her use.

Mr. Hastain says there may be some rule or regulation of the Department that would authorize the townsite commission to set apart the home of Easter Jackson as a part of a public park, but if there is, he is unfamiliar with it; that there is certainly nothing in the Creek treaty that would authorize such action, and he asks for an investigation.

I recommend that this matter be referred to the Inspector for Indian Territory for investigation.

Very respectfully,

A.C. Tonner,  
Acting Commissioner.

(Endorsed) Union Agency # 6254 Received Apr. 23, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, Apr. 17, 1903. Secretary. Encloses for report letter of E. Hastain of Muskogee, asking that Easter Jackson have certain lot scheduled to her.

327

Muskogee, I.T. April 17, 1903

Hon. J. George Wright,

U.S. Inspector, Muskogee, I.T.

Sir:

I enclose herewith for transmission to the Department, deeds to Lots in the town of SAPULPA, Indian Territory, which I have issued upon receipt of certificates of United States Agent, that full payment had been made as follows:

## Deeds

No.	Block	Lot	Owner	Cons'd	Date
121	54	Pt 2	ELLA WESTPHAL	\$2.50	April 8/03
122	54	Pt 3	George J. Westphal	6.00	"
123	61	Pt 6	Elmer Peeper	9.50	"
124	76	Pt 3	Frederick B. Street	5.00	"
125	78	Pt 4	Milton J. McCoy	16.00	"
126	80	Pt 2 & 3	George B. Martin	21.50	"
127	88	Pt 5	Jacob S. Sloan	10.50	"
128	94	4	Alice F. Ellis	9.00	"
129	101	1	William J. Burnett and Bates B. Burnett	17.00	"

Respectfully,

P. Porter,  
Principal Chief.

Muskogee, I.T. April 17, 1903

Hon. J. George Wright,

U.S. Inspector, Muskogee, I.T.

Sir:

-----P. Porter press book. ltr. 58-----



-2-

I enclose herewith for transmission to the Department, deeds to Lots in the town of CHECOTAH, Indian Territory, which I have issued upon receipt of certificates of United States Agent, that full payment had been made as follows:

## Deeds

No	Block	Lot	Owner	Cons'd	Date
170	31	2	James A; Boyd	\$10.00	April 2/03
171	37	1	William L. Jennings	17.50	"
172	84	1-2-3-4	Silas Waul and William Sicgrist	355.00	"
173	84	5-6	Pleasant L. Pilkinton	170.00	"
174	95	1	Rudolph J. Koch	62.50	"
175	133	Pt 6 & 7	Stephen S. Hatcher	54.78	"
"	134	6	" "		"
176	153	11	Jackson Thompson	8.00	"
177	154	Pt 5	Edward J. Koch	7.00	"

Respectfully,

P. Porter,

Principal Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 58. Muskogee, Oklahoma.

Muskogee, I.T. May 6, 1903

Hon. J. George Wright,

U.S. Inspector, Muskogee, I.T.

Sir:

I enclose herewith for transmission to the Department, deeds to Lots in the town of WAGONER, Indian Territory, which I have issued upon receipt of certificates of United States Indian Agent, that full payment had been made as follows:

Deed

No.	Block	Lot	Owner	Cons'd	Date
172	291	7	Rt. Rev. Theophile Merschaert (D.D.) Bishop of the Roman Catholic Vicariate Apostolic of Oklahoma & Ind. Ter. as Trustee and to his successors	\$190.00	Apr. 29/03

Respectfully,

P. Porter,

Principal Chief.

(Endorsed) Union Agency Press book, general letters by Principal Chief. Letter 71. Muskogee, Oklahoma.



Muskogee, I.T. August 7, 1903

Hon. J. George Wright,

U.S. Indian Inspector, Muskogee, I.T.

Sir:-

This office is in receipt of a certificate from the United States Indian Agent that full payment has been made by Core M. Millikan on the N. 53.3 feet of Lot 3, Block 77, Sapulpa, I.T. Upon examining our records before making deed, we find that under date of January 10, 1903, through error of this office, deed was issued in favor of James G. Johnson for this part of said lot, and which deed seems to have gone through all the offices subsequent to issue without discovering the error, and was approved by the Secretary of the Interior under date of April 18, 1903. The figures on the town-site schedule were somewhat confusing.

As the deed has not yet been delivered to grantee, James G. Johnson, I recommend that you request the Honorable Secretary to cancel same and instruct the Dawes Commission to correct same on their records and upon return of the cancelled deed to this office, I will issue corrected deed in favor of James G. Johnson in lieu of the cancelled deed, and also issue deed in favor of Cora M. Mullikan.

Respectfully,

P. Porter,

Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Muskogee, Oklahoma.

Muskogee, I.T. August 21, 1903

Hon. J. George Wright,

U.S. Indian Inspector, Muskogee, I.T.

Sir:

I enclose herewith for transmission to the Department, deeds to lots in the town of MUSKOGEE, Indian Territory, which I have issued upon certificates of United States Indian Agent that full payment had been made, as follows:

Deed	Lot	Block	Name	Con'sd	Date
821	1-2-3-4	3	Julia A. Turner	\$262.50	July 27, 1903
822	4	9	Pleasant N. Blackstone	100.00	"
823	6	34	Moses Jefferson Ratley	15.00	"
824	6-7	47	Harry Rogers	63.50	"
825	9	75	Charles R. Owen	10.00	"
826	11	75	Sandels B. Forrester	10.00	"
827	13	75	Frederick B. Severs,	10.00	"
828	15	75	Thomas B. Pryor	10.00	"
829	17	75	Isaac P. Kans	10.00	"
830	3	81	Clarence Chase	15.00	"
831	10	153	James W. Bentley	5.00	"
832	1-2-3-4-5-6-7 8-9-10-11-12	170	John R. Thomas, Jr.	145.00	"
833	1-2-3	182	William M. Springer	150.00	"
834	3	207	James E. Johnson	42.50	"
836	7	214	Effie O'Kell	22.50	"
836	8	214	James M. Dyer	22.50	"
837	9	214	Gilbert Thompson	22.50	"
838	4-9	217	Numa F. Hancock	40.00	"



Deed No.	Lot	Block	Name	Con'sd	Date
839	7	258	George O'Neill	\$25.00	July 27, 1903
840	3	273	Henry Jobe	37.50	"
841	3	288	William A. Porter	43.34	"
842	6	382	Frederick B. Severs	35.33	"
843	6-7	394	William Lawrence	32.50	"
844	8	410	Daisey Shannon	37.50	"
845	9	410	Pauline B. Linton	46.00	"
846	1-2	412	William W. Brinks	75.00	"
847	1-2-3-4-5	421	Louis N. B. Jobs	177.50	"
848	5	437	Ella S. Crawford	42.50	"
849	6-7-8	460	James H. Brown	37.50	"
850	1-2-3-4-5-6- 7-8-9-10	473	Olive Hammer	225.00	"
851	3-4	476	James W. Ashworth, Jr	50.00	"
852	5-6	476	James W. Ashworth	75.00	"
852	1	478	"		"
853	1-2	479	Rhoda Ashworth	50.00	"
854	2	28	Allen Rich	25.00	"
856	6	15	William A. Maddin	150.00	"
856	4	30	Kate D. Rogers	87.50	"
857	6	35	John Dill	15.00	"
858	8	47	Harry Rogers	32.50	"
859	10	47	Bessie W. Bennell	27.50	"
860	7	60	George T. Ray	35.00	"
861	18	61	Eliza Bailey	35.00	"
862	5	62	James R. Richardson	35.00	"
863	75	75	Embree E. Hoss, Jr.	15.00	"

Deed No.	Lot	Block	Name	Cons'd	Date
864	8	81	William Culbert	\$12.50	July 27, 1903
865	1	101	Benjamin Martin, Jr.	7.50	"
866	1-2-3-4- 5-6-7-8- 9-10-11- 12	143	Mary Challinor	150.00	"
867	1	160	Alma F. Hemming	10.00	"
868	2-3	183	David Challinor	80.00	"
869	2-6-7	193	Virginia Ward	70.00	"
870	8-9	208	James E. Johnson	62.50	"
871	3	210	Marcus C. Brown	42.50	"
872	3	231	Nannie McGuire	62.50	"
873	5	241	Joseph E. Smith	35.00	"
874	2	267	Anna H. Dodson	40.00	"
875	1-2	258	Lillie Dodson	50.00	"
876	3	260	William H. Twine	81.00	"
877	1	280	William A. Maddin	262.50	"
878	2-3	280	Letitia A. Maddin	255.00	"
879	1	311	Sarah Doyle	15.00	"
880	3	311	John P. Willott	15.00	"
881	3	318	Charles Sanders	12.50	"
882	7	325	Thomas L. Thompson	17.50	"
883	4	344	John Burchart	22.50	"
884	6	344	Barbara Burchart	22.50	"
885	3	431	John M. Davis	15.00	"
886	5	410	Magnolia Connely	132.50	"
"	1-2	437	"		"
887	4	437	Ella S. Crawford	55.00	"



Deed No.	Lot	Block	Name	Cons'd	Date
888	1	451	Arkie Toomer	\$12.50	July 27, 1903
889	8	377	Hiram C. Weddle	12.50	"
890	1-2	394	John W. Dorsey	92.50	"
891	Pt 5	413	Joseph Helmer	27.50	"
892	2	415	Eudora Sondheimer	25.00	"
893	5	415	Belle McCaffrey	35.00	"
894	2	430	Sarah C. Davis	150.00	"
895	2	431	John N. Davis	125.00	"
896	5-6-7-8	444	Pauline B. Linton	120.00	"
897	3	456	Pleasant N. Blackstone	12.50	"
898	3	465	Territorial Trust & S. Co.	45.00	"
899	10	460	Territorial Trust & S. Co.,	60.00	"
900	13	33	James S. Dodson	30.00	"
901	3-4-5-6- 7-8-10	45	Eliza Murphy	292.50	"
"	5-6-7-8	44	"		"
902	8	49	Lula B. Dyer	35.00	"
903	8	52	George Zufall	375.60	"
904	19	58	Forest Primmer	25.00	"
905	18	59	Mima L. Flinn	27.50	"
906	6	81	Richard L. Bell	12.50	"
907	1-2-3	86	May Williams	7.50	"
908	4-5-6	90	Sallie Williams	15.00	"
909	1-2-4-5-6	93	Wesley Collins	25.00	"
910	1	102	Alfred J. Smith	5.00	"
911	1	106	Alice M. Robertson	150.00	"

-5-

Deed No.	Lot	Block	Name	Cons'd	Date
912	1	112	Flora A.Scofield	\$10.00	July 29, 1903
913	2	112	Beatrice R.Scofield	10.00	"
914	3	112	Margaret E.Toles	10.00	"
915	4	112	Maggie E.Toles	10.00	"
916	5	112	Minnie E.Parry	10.00	"
917	6	112	Edward G.Parry	10.00	"
918	8	112	Ella Ware	10.00	"
919	9	112	Arthur B.Cross	10.00	"
920	10	112	Linnie Eligar	10.00	"
921	11	112	Augustus Eligar	10.00	"
922	12	112	Harry Ware	10.00	"
923	1-2-3-4-5-6-7-8-9-10-11-12	125	Leo E.Bennett	60.00	"
924	1-2-3	200	Mattie A.Twine	60.00	"
925	All of	209	Trustees of School Dist. of Muskogee, I.T.	24.60	"
926	5	213	William A. Lane	50.00	"
927	6	214	William B.O'Kell	40.00	"
928	Pt 3	238	Julius Coats	17.50	"
929	7	266	John Dill	37.50	"
930	2	269	Lucy Cannedy	30.00	"
931	11	345	James E.Woodward	22.50	"
932	2	365	James C.Berry	32.50	"
933	3	365	Walter Layton	32.50	"
934	6	377	Hurschel V.Weddle	20.00	"
935	8	394	Malvina Austin	85.00	Aug.1, 1903
936	2	25	William H.Stout	50.00	Aug.10, 1903
937	4	47	Ellen B.Hutchings	27.50	"



Deed No.	Lot	Block	Name	Cons'd	Date
938	13-14	47	Martin R.Reeves	\$55.00	Aug.10,1903
939	5	47	Annie Paxton	28.00	"
940	17	53	Frederick B.Severs	25.00	"
941	18	56	Ivo Miller	30.00	"
942	4	63	John Doyle	100.00	"
943	17	82	Charles Hopkins	10.00	"
944	Pt 4,Pt 5	165	Jesse A.Haynes	21.25	"
945	6	186	Frank B.Mittong	42.50	"
946	1-2	207	James E.Johnson	87.50	"
947	2	224	William R.Shackel- ford & James Shackelford	63.34	"
948	2	238	Julius Coats	42.50	"
949	8	240	Ketch Lorens	15.00	"
950	5-6	289	Pleasant Porter	50.00	"
951	5	308	Frank Wideman	20.00	"
952	6	308	George Wideman	20.00	"
953	13	309	Pearl Williams	22.50	"
954	1	327	Roley McIntosh	20;00	"
955	8	391	Egbert Watson	17.00	"
956	6-7	410	Jacob Anspach	75.00	"
957	1-2	432	George T.Henson	73.34	"
958	1	11	Annie E.Severs	25.00	"
959	5	13	Augusta Moore	50.00	"
960	1	19	Jennie Roberts	12.50	Aug.12,1903
961	2	19	Sarah Barnett	22.50	"
962	5	19	Solomon Hosmer	15.00	"
963	10-11	19	Homer B.Spaulding	40.00	"

-7-					
Deed No.	Lot	Block	Name	Cons'd	Date
964	12	19	Josie C. Spaulding	\$27.50	Aug. 12, 1903
965	7-8	22	Eugene L. Bracken	45.00	"
966	4	23	David Adams	17.50	"
967	3	24	Susan McIntosh	35.00	"
968	1	25	William Couch	35.00	"
969	7	34	Allen E. Townsend	20.00	"
970	6	55	Leo E. Bennett	100.00	"
971	14	60	Louisa Minnice	32.50	"
972	1-2-3-4-5- 6-7-8-9-10- 11-12	111	Anna C. Bennett	150.00	"
973	3	159	Lydia Hutchings	5.00	"
974	3	205	Robert H. Davis	23.00	"
975	7	232	Thomas S. Johnson	66.00	"
976	5	235	James Walker	37.50	"
977	6	235	Jennie Bailey	30.00	"
978	5	236	Julius Coats	75.00	"
979	1	239	Christ Silberhorn	35.00	"
980	11	242	Theodore Bailey	40.00	"
981	5	284	William R. Robinson	45.00	"
982	4	299	Martha Ceasar	37.50	"
983	6	388	Joe M. Lawson	40.00	"
984	8	393	Frederick B. Severs	50.00	"
985	3	399	Vade N. Saver	20.00	"
986	1	413	Thomas J. Minugh	25.00	"
987	1-2	424	Sarah C. Davis	12.50	"
988	1	461	John G. Blalock	7.50	"
989	2	461	Elmer Alley	7.50	"
990	3	461	William Motte	7.50	"



-8-

Deed No.	Lot	Block	Name	Cons'd	Date
991	6-7-8	461	Frank P. Rider	\$22.50	Aug. 12, 1903
992	7	112	Jessie Dudley	10.00	Aug. 17, 1903
993	9	240	Willie R. Watson	17.50	"
994	2	410	Catherine Crisp	50.00	"
995	1-10	440	Remus R. Ramsey	50.00	"
996	4	33	Carl H. Peterson	82.50	"
"	8	53	"		
997	6	383	John C. Huser	42.50	"
998	5	471	Charles Roark	27.50	"
999	7	76	Walter W. Morton	10.00	"
1000	5	159	Samuel Nowlin	5.00	"
1001	2	311	Benjamin Warren	15.00	Aug. 19, 1903
1002	3	344	Samuel Barchart	22.50	"
1003	4	415	Alexander Sondheimer	35.00	"
1004	3	415	James B. McCaffrey	27.50	"
1005	4	471	Amanda C. Rider	27.50	"
1006	3	19	Henry Howell	30.00	"
1007	6	37	Rep Potts	25.00	"
1008	2	211	William L. Roberson	42.50	"
1009	3	432	Sarah A. Henson	27.50	"

Respectfully,

P. Porter,

Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 103, Muskogee, Oklahoma.

EXECUTIVE OFFICE.

Muskogee Nation

P.Porter, Principal Chief.

Okmulgee, Ind.Ter.,

Nov.21,1903.

The Commission to the Five Civilized Tribes:

Gentlemen:

I am informed that the land upon which the town of Boynton, Creek Nation, is located, was allotted to Benjiman Grayson, now deceased, and that a petition has been presented to your Commission praying that said allotment be withdrawn, or cancelled, and that it be set apart as a Government townsite.

I am further informed that the hearing of said petition by your Commission is set for the 23rd inst. I desire that the Creek Nation be represented at said hearing; but as the National Attorney, the Hon. A. P. Murphey, has been summoned home in Missouri on account of the serious illness of his mother, I would request that the case be continued for a period of ten or fifteen days; but if the Commission think it inadvisable to do so, I would request that the case remain open until the Creek Nation can be heard.

Very respectfully yours,

P.Porter,

Prin. Chief.

(Endorsed) Union Agency, Muskogee, Oklahoma.  
--Pleasant Porters general letters.--



January 6th, 1904.

The Honorable

The Secretary of the Interior.

Sir:--

I have been requested by Big Ben, William Lowe, Alex Lowe and Martha Lowe to address you relative to the alienation of a portion of their allotments for townsite purposes at Weleetka.

It appears that they petitioned to be allowed to alienate their lands at \$50.00 per acre and that the unrestricted alienation of said land, to trustees representing the residents of the town, was recommended by the Commission to the Five Civilized Tribes. It further appears that the Department being apprehensive that the allottees were not competent to manage their own affairs referred the matter to the U.S. Indian Inspector for Indian Territory with instructions to notify the allottees to list the lands with the United States Indian Agent for sale under the regulations of July 10, 1903.

The allottees represent to me that their lands are not worth \$50.00 per acre, the amount they were to receive, and that they would not bring more than that price if advertised for bids unless some bidder would calculate on confiscating the improvements which belong to other parties.

I think the desire of these allottees to keep faith with the parties who own the improvements is commendable and I believe they should be given the right of unrestricted alienation for which they have petitioned. I have known all of the allottees, particularly Big Ben and William Lowe, a great many years and consider --P. Porter press book. ltr. 448.--

them fully competent to transact business with safety to their own interests. Big Ben has always taken a prominent part in the affairs of the Creek Nation and served eight years in the Creek Council, four in the House of Kings and four in the House of Warriors. William Lowe is a man of mature judgment, thoroughly reliable and well known as being thrifty, careful and provident. Alex Lowe and his wife Martha Lowe are both of the younger generation of citizens, have been well educated and are bright and intelligent.

I certainly believe that the best interests of these people would be subserved by permitting them to alienate their lands in the manner they desire, and trust the Department may see proper to approve the petition heretofore made by them.

Respectfully,

P.Porter,

Principal Chief.



Land.  
3303-1904.

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,  
Washington,

Jan.27,1904.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit a letter of the Indian Inspector for Indian Territory, of the 11th instant, transmitting for departmental action, as required by section 23 of the Act of Congress approved March 1, 1901, (31 Stats., 861), town lot patent No.1078, executed by the Principal Chief of the Creek Nation, conveying lots 1 and 6, block 385, in the town of Muskogee, Creek Nation, Indian Territory, to the trustees of the Bethel Methodist Episcopal Church South, of Muskogee, Indian Territory, the deed being dated December 28, 1903, and the consideration being \$68.50.

Attached to this deed is the customary certificate of the U.S.Indian Agent to the effect that full payment of the amount due has been made, and there are also attached affidavits and certificates giving the names of the trustees and the manner in which the lots should be deeded, it appearing that the townsite commission simply scheduled the lot to the Methodist Church,

In view of the evidence submitted, it appears to the Inspector that the deed has been properly drawn. It has been carefully checked and compared with the approved schedule of appraisements, and he recommends that it be approved.

-2-

The deed has been examined in this office and compared with the approved schedule of Muskogee on file.

Lot 1, block 385, is scheduled to the Methodist Church under section 21 and lot 6 under section 20. The section 20 in connection with lot 6 is evidently a typographical error since the Methodist parsonage which is upon this lot could not possibly have brought it within the scope of section 20, so I take it that it was the intention to make the section 21. Section 21, under which lot 1 is scheduled, provides that all town lots or parts of lots not exceeding 50 by 150 feet in size upon which Church houses and parsonages have been erected shall be conveyed to the churches gratuitously and under the holding of the Department the part of the lot in excess of 50 by 150 feet in size is to be paid for as other lots are paid for under the provisions of sections 11 or 12.

No statement is made by the Inspector with reference to whether this compensation covered by the deed is for the land in excess of the amount which is to be deeded gratuitously or not, and I therefore recommend that it be held in the Department and that the Inspector be requested to make a report relative to this matter.

Very respectfully,

A.C. Tonner,  
Acting Commissioner.

(E.B.H.)P.

(Endorsed) Union Agency No. 9306 Received Apr. 11, 1904 Office of U.S. Indian Inspector, for Indian Territory. Washington, April 4, 1904. Secretary.-----Calls for report concerning deed 1078, conveying certain lots in Muskogee to M.E. church south.-----



Muskogee, I.T., March 14, 1904

Hon. J. George Wright,

U.S. Indian Inspector, Muskogee, I.T.

Sir:-

Calling your attention to the certificate of identification attached to deed No. 196, Okmulgee, you will observe that Victor B. Stanford is deceased and that his brother certifies as to his correct name. It has been the custom heretofore to draw these deeds in favor of the heirs of a deceased person to whom lots were scheduled, and in one instance the deed was returned unapproved by the Department because this was not done. We cite you to Section 30, of the Creek Treaty, Public No. 112, which reads as follows:

All deferred payments under provisions of this agreement, shall constitute a lien in favor of the tribe on the property for which the debt was contracted, and if, at the expiration of two years from the date of payment of the fifteen per centum aforesaid, default in any annual payment has been made, the lien for the payment of all purchase money remaining unpaid may be enforced in the United States court within the jurisdiction of which the town is located, in the same manner as vendor's liens are enforced; such suit being brought in the name of the Principal Chief for the benefit of the tribe.

There seems to be no question as to title passing, at least after the 15% per centum was paid, if not when the schedule was approved. This being the case, if the owner should sell the lot

--P. Porter press book. ltr. 281.--

-2-

scheduled to him (subject to the lien of the Creek Nation) and the deed should afterwards be drawn in favor of the heirs, the purchaser must go into court to enforce his title.

In view of these facts, I have drawn this deed in favor of Victor B. Stanford on the ground that the title vested in him, subject to the lien of the Creek Nation, that this lien has been satisfied either by him, his heirs or the purchaser, and this deed is only the evidence of title.

Respectfully,

P.Porter,

Prin.Chief.



Land.  
23330-1904.

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,

Washington,

April 21, 1904.

The Honorable,

Secretary of the Interior.

Sir:

Permit me to invite your attention to letter of the Indian Inspector for Indian Territory of the 31st ultimo transmitting for your consideration the papers relative to the protest of Mr. Robert L. Owen against the issuance of patent to Lot 16, Block 390, in the town of Muskogee, which lot was scheduled by the townsite commission to John W. Sanders, showing it to be improved by a frame residence valued at \$800, the lot being appraised at \$100 and Mr. Sanders being notified that he was entitled to purchase the lot at 50% of its appraised value.

Mr. Owen makes this protest in a communication dated December 31, 1903, stating that over 10 years ago, for a valuable consideration, the west 30 feet of this lot, fronting 30 feet on Okmulgee Avenue and running back 219 feet, was sold to him by a deed from Joshua and Cogie Ross, dated August 12, 1893; that Mr. Sanders had at that time no claim to this part of the lot and had not asserted it until recently; that it was understood Sanders would without hesitation quitclaim to Owen this part of the lot as he knew of Owen's right to the property but when called upon for the quitclaim deed to the portion of the lot mentioned

Sanders declined to make it.

Proper notation was made by the Inspector in order that deed to the lot might not issue while it was being considered and he furnished a copy to Mr. Sanders and his reply without date, which was received in his office on February 6, 1904, is enclosed, in which Mr. Sanders states he has been in possession of what is platted as Lot 16, Block 390, for the past 10 years or more and that the townsite commission platted and scheduled the lot to him as he had it enclosed and improved; that he knows nothing of the claim of Owens and never heard of such claim until after the lot had been listed and appraised to him. Mr. Sanders states that if Mr. Owens has any claim to the lot, he should appeared before the townsite commission and not having done so, he should be esstopped at this time from interfering with the issuance of a deed.

Other communications from Mr. Owens on the subject together with the affidavit filed by him as to his claim to the property are also transmitted.

After considering the whole matter and as the records show the notices of appraisement were served in August, 1901, Mr. Sanders' notice having been served on August 14, 1901, and that Sanders had made final payment for the lot on September 30, 1903, the Inspector advised Mr. Owen on March 11, 1904, that he was of the opinion that no further action could be taken with reference to the matter and that deed must issue to Mr. Sanders and the controversy between them be settled in the United States courts.

Accompanying the papers is a duplicate of the Inspector's decision in the matter upon receipt of which Mr. Owen



requested, in his letter dated March 14, 1904, that before final action was taken on his protest, it should be submitted to you. The papers are therefore forwarded by Mr. Wright for the consideration of the Department.

Copies of all the papers were furnished Mr. Sanders together with a copy of the Inspector's decision and his reply dated March 23, 1904, by his attorneys, Messrs. W.C. Jackson and N.B. Maxey, is forwarded.

In connection with this matter the Inspector refers to a similar case where Samuel C. Davis made application to have certain lots in Sapulpa scheduled to him desiring to file contest covering lots in that townsite scheduled to others some months previous. This matter was appealed from the decision of Acting Inspector Zeveley taking the application to this office and considered in letter of February 17, 1903.

An appeal was taken from this decision to the Department which was considered by letter addressed to this office dated March 24, 1903, (I.T.D. 2934-1904).

The Inspector says the work of the Muskogee townsite commission has been finished nearly three years. At the time the commission was engaged in appraising the Muskogee townsite, owing to the importance of the matter, public notices were given through the press that claims must be filed before the Commission and every opportunity given all persons to have their claims properly presented and considered. While it would appear, says Mr. Wright, from Mr. Owens' letter dated March 14, 1904, asking that the matter be submitted to the Department, that he claims to have brought this matter to the attention of the chairman of the Muskogee townsite commission, the records do not show that

any protest or contest was ever filed by Mr.Owen until his letter of December 31, 1903. Final receipt has been issued to Mr.Sanders by the Indian Agent and the Inspector asks if the deed shall be issued and parties advised to settle any controversy in the courts or if the matter shall be investigated further by his office.

The schedule of lots in the town of Muskogee was made by the Muskogee townsite commission under rules and regulations approved by the Department April 26, 1899. Those regulations provide for notice of the appraisement to be given to the improvements and the language with reference to contests, so far as the case under consideration is affected, is as follows:

"Contestants must file their claims with you within ten days after the notice of appraisement herein required."

It appears that in Mr.Owen's case no formal contest has been instituted up to the present time and, unless these regulations be set aside, there was no authority in the Inspector's office and is no authority in this office to take any action for his relief. The matter is, therefore, submitted for Departmental consideration.

Very respectfully,

W.A.Jones,

Commissioner.

EBH-E

(Endorsed) Union Agency No.9437 Received May 2, 1904 Office of U.S.Indian Inspector, for Indian Territory.Washington, April 26, 1904.Secretary.-----Rel.to complaint of R.L.Owen against issuance of deed to lot 16, block 390, Muskogee, in favor of John W. Sanders; holds deed should issue; should advise Mr.Owen.-----



Sept. 29, 1904.

Mr. L. A. Johnson,  
Checotah, I.T.

Dear Sir:-

Replying to your Sept. 24th in which you enclose affidavit of yourself and your daughter, Joe Era Johnson. You testify that Laura A. Johnson who was the owner of Lot 6, in Block 17 in Checotah, I.T. died on the 28th day of March, 1903, that prior to that date Laura A. Johnson made final or full payment for said lot, that the deed was not executed until Oct. 10th, 1903.

The records of this office show that the United States Indian Agent certified to this office that full payment had been made and deed was executed Oct. 10th, 1903. There was nothing in connection with said certificate to show that the owner was deceased and this office had no information of the owner being deceased.

It is true that most authorities hold that the title of real estate passes only on delivery of deed and the grantee being deceased there could be no delivery. While the conveyances from the Creek Nation to parties to whom lots are scheduled are in fact quit claim deeds, they are more in the nature of patents from the fact that the United States Government and the Creek Nation require that certain rules and regulations be followed, after the grantee has made full payment (thus extinguishing all liens or claims of the Creek Nation) even to recording the deeds before it is possible for the owner to receive the deed.

--P. Porter press book. ltr. 486.--

While I do not attempt to advise you in the matter, personally, I am of the opinion that the title vested in Laura A. Johnson when she had performed all of the requirements due from her and that on her death such title as was due her immediately descended to her heirs, which according to your testimony is Joe Era Johnson, (her daughter). I do not like the idea of cancelling deeds of this kind because if I am right in my views many complications and wrongs might occur. If a lot is scheduled to A who makes full payment and thereafter sells and conveys to B and before the deed or patent is executed A dies, if the deed should then be drawn in favor of the heirs of A, the purchaser B, must be forced into expensive litigation to remove the cloud from his title from A.

In any case the deed could not be re-drawn in your favor, if the deed is re-drawn it must be in favor of the heirs at law. The Creek Nation or the Interior Department cannot undertake to determine who are the heirs. If your daughter is 18 years old and is the sole heir, a conveyance from her is as good now as though the estate had been administered.

If she is a minor the property cannot be sold, unless her duly appointed guardian can show that the sale of same is necessary for her education and the court directs that the sale be made for that purpose. I return herewith your letters and affidavits.

Respectfully,

P. Porter--Principal Chief, M.N.

(Endorsed) Union Agency press book. Letter 486. Muskogee, Oklahoma.  
General letters by Principal Chief.



May 5th, 1905.

TO WHOM ALL THESE PRESENTS SHALL COME, GREETING:-

This is to certify that I have this day appointed Hon.  
George A. Alexander Townsite Commissioner to represent the Creek  
Nation under a provision of Treaty of March, 1st, 1900.

GIVEN UNDER MY HAND AND SEAL THIS 5th day of May,

A.D. 1905.

P. Porter  
Principal Chief of the Muskogee  
(Creek) Nation.

(Endorsed) Union Agency press book, general letters by Principal  
Chief. Letter 546. Muskogee, Oklahoma.

## DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D.40-1906.

January 8, 1906.

SPECIAL.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

On December 5, 1905, you transmitted a petition for departmental consideration, in the matter of the issuance of bonds in the sum of \$8,000 for school purposes, at Coweta, Creek Nation, Ind.T.

You state that the papers in connection with this bond issue were referred to Mr. John D. Benedict, Superintendent of Schools, who caused an investigation to be made.

From the report submitted it appears that the Coweta School Co. owns a two-story, four-room brick building, together with five lots, which was erected at a cost of \$6,200, and that the town authorities have contracted to purchase the building, together with the five lots, at a compromise price of \$5,617.63.

Section 25 of the original Creek agreement approved March 1, 1901 (31 Stat., 861), provides--

"Authority is hereby conferred upon municipal corporations in the Creek Nation, with the approval of the Secretary of the Interior, to issue bonds and borrow money thereon for sanitary purposes, and for the construction of sewers, lighting plants, waterworks, and school houses, . . . . ."



Coweta has a population of 1,112, and section 25 is relied upon for the authority necessary for the issuance of these bonds. It will be observed, however, that under this section authority is granted to construct certain public improvements, while the town of Coweta desires to purchase this school house.

The Department believes, however, that this bond issue comes within the intent of this section, and if not within the letter it is within the spirit of the law.

From the evidence presented, it appears that the town is amply able to provide for the indebtedness desired to be incurred. You recommend that the issuance of these bonds be approved.

Reporting December 30, 1905, on this subject, the Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The petition is granted and the Department gives its approval to the issuance of bonds by this town in the sum of \$8,000. You will so advise the town authorities.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inclosure.

(Endorsed) Union Agency No. 13153 Received Jan. 13, 1906 Office of U.S. Indian Inspector for Indian Territory. Washington, January 8, 1906. Secretary.-----Approves the issuance of bonds in the sum of \$8,000 for school purposes by the town of Coweta, Creek Nation, Ind. Ter.-----

DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D.6704-1906.

April 25, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind. T.

Sir:

On April 9, 1906, you transmitted a petition presented by the mayor of the town of Okemah, Ind. T., requesting departmental approval of the issuance by the said town of bonds in the sum of \$12,500 for the purpose of defraying the cost of the construction of schoolhouses.

The papers submitted show that Okemah, Ind. T., is a municipal corporation with a population numbering 1,017; that the value of the taxable property, according to the last assessment, is \$314,514.76.

You request the Department to approve the issuance of these bonds under section 25 of the original Creek agreement approved March 1, 1901 (31 Stat., 861).

The Department is guided as to proper ratio of indebtedness to the assessed valuation by section 1 of the act of May 19, 1902, limiting the amount of bonds that may be issued by towns having a population of 2,000 or more. It provides as follows:

"Such bonds, not to exceed an amount the interest on which at five per centum per annum would be liquidated by a tax of five mills on the dollar of the taxable property in such town, to be ascertained by the last assessment for the purpose of taxation."

13995.



These limitations would not apply to Okemah, as the population is less than 2,000 people, but it appears that the interest on \$12,500 at 5 percentum per annum would be \$625; the tax of 5 mills on the dollar on the taxable property of Okemah at its assessed valuation, \$314,514.76, would provide a revenue of \$1,572.57, showing clearly that the town is able to bear this indebtedness.

Superintendent of Schools John D. Benedict reports that it appears that the town of Okemah needs better school facilities and is well able to meet its proposed bonded indebtedness. He recommends that the bond issue be approved.

You consider that there is no doubt as to the necessity of the public improvements desired, and you also recommend that the issuance of these bonds for school purposes be approved.

Reporting April 21, 1906, the Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department considers that there is a necessity for the improvements desired. The issuance of these bonds at Okemah, Ind. T., in the sum of \$12,500, for the construction of school-houses, is hereby approved.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inclosure.

(Endorsed) Union Agency No. 13995 Received Apr. 30, 1906 Office of U.S. Indian Inspector for Indian Territory. Washington, April 25, 1906. Secretary.-----Approves issuance of bonds in the sum of \$12,500 by the town of Okemah, I. T., for the purpose of construction of school houses.-----

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D.13704-1906.

August 13, 1906.

United States Indian Inspector

For Indian Territory, Muskogee, Ind. T.

Sir:

On July 25, 1906, you transmitted a petition of the town of Boynton, Creek Nation, Ind. T., by its mayor, requesting departmental approval of the issuance of bonds by said town in the sum of \$10,000 for the construction of schoolhouses.

Authority is requested for the issuance of these bonds under the provisions of section 25 of the original Creek agreement approved March 1, 1901 (31 Stat., 861), and the act of March 4, 1898 (30 Stat., 252).

From the papers submitted it appears that the town of Boynton is a municipal corporation, with a population, according to its last school census, of 650 people, and with taxable property valued, according to the last assessment for the purpose of taxation, at \$159,400.

On November 18, 1905, the Department approved an opinion of the Assistant Attorney-General relative to the issuance of certain bonds by the town of Stonewall, Chickasaw Nation, Ind. T., and construing paragraph 55 of the agreement with the Choctaw and Chickasaw tribes of Indian ratified by the act of July 1, 1902 (32 Stat., 641), it was held that--

"The first sentence of paragraph 55 of that act must be construed as affirmatively authorizing corporations in those nations to issue bonds for the specified purposes, with the approval of the Secretary of the Interior,"



-2-

and in conclusion

"that the fact that the town of Stonewall has a population of less than 1,000 persons should not of itself prevent this application receiving your (the Secretary of the Interior) approval."

In view of the fact that paragraph 55 of the act of July 1, 1902, supra, is identical in language in so far as the issuance of bonds is concerned with section 25 of the act of March 1, 1901, supra, it is considered that the same rule should apply to the Creek Nation as to the Choctaw and Chickasaw nations, and that the absence of a population of 1,000 persons should not of itself prevent the approval of these bonds.

Applying the rule laid down in section 1 of the act of May 19, 1902, limiting the amount of bonds that can be issued by towns having a population of 2,000 or more, which, by reason of the small population of Boynton does not apply in this case, but may be used as a guide to judge the town's ability of supporting the indebtedness desired to be incurred, it is found that the interest upon a bond issuance of \$10,000 at 5 per cent per annum, would amount to \$500; a tax of 5 mills on the dollar of the valuation of the taxable property which is, as stated above, \$159,400, would provide a revenue of \$797.

Reporting in regard to the issuance of these bonds, Mr. G. F. Hillman, clerk to Superintendent John D. Benedict, to whom this matter was referred, states that the town has no school indebtedness and owns no school buildings of any consequence; during the past winter a five months' term of school was maintained, employing four teachers. In view of the fact

-3-

that the town is entirely without suitable school facilities and appears to be able to meet such indebtedness, he recommends that the proposed school bond issuance be approved.

You state that you have carefully considered this matter and that inasmuch as there is no doubt as to the necessity of the public improvements desired, you recommend the approval of this bond issuance.

Reporting August 4, 1906, the Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department considers that there is a necessity for the issuance of these bonds. The petition of the town of Boynton for permission to issue bonds in the sum of \$10,000 for the construction of schoolhouses is hereby approved

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

(Endorsed) Union Agency No. 14973. Received. August 17, 1906. Office of U.S. Indian Inspector for Indian Territory. Washington, D.C. Aug. 13, 1906. Secretary. ----- Approves bond issue \$10,000 by Boynton, I.T. for school houses.



Office Of Indian Affairs,

Washington.

August 23, 1906.

## TOWNSITE CASE No. 121.

Case No. 121:

Involving title to lot 7, in block 21, in the town of Bixby, Creek Nation, Indian Territory.

VS.

Joseph J. Groetkin,  
Contestee.

J. George Wright, Esq.,

U. S. Indian Inspector for Indian Territory,

Muskogee, I. T.

Sir :--

Your letter of October 18, 1906, transmitting report concerning contest involving title to lot 7, block 21, town of Bixby, Indian Territory, has been received by this Office.

The facts in this case, as disclosed by the record, are identical with those in case No. 120, entitled Capital Townsite Company, contestants vs. J. J. Groetkin, contestee, except here Groetkin, after recognizing the contestants as his landlord, attempts to set up title acquired through one Dolly Bowman, who claims to have purchased from David Waymire the grantor of Groetkin in case No. 120.

The rights of the parties hereto, and the circumstances under which they acquired and claim those rights, appearing to be in all essential particulars the same as in case No. 120, the decision of this Office in that case, (Land 85346-1905), is made to apply hereto, and your decision to the effect that neither of the parties are entitled to the lot in controversy, but that it is the property of the Creek Nation subject to sale according to law, is therefore affirmed.

You are requested to notify the parties to that effect, and of their right to appeal.

Very respectfully,

F.E.Leupp.

Commissioner.

AJW-KEN.

(Endorsed) Union Agency No.15098 Received Aug.25,1906 Office of U.S.Indian Inspector for Indian Territory.Washington, August 23, 1906.Commissioner.----Affirming decision in contest case No.121, involving title to lot 7, block 21, town of Bixby, I.T.----



Muskogee, I. T.  
Dec. 22nd, 1906.

J. George Wright,

United States Indian Inspector,

Muskogee.

Dear Sir:-

In reference to the towns Dustin, I. T. and Wealetka I.T. and Castle, I.T. which are all located in the Creek Nation, I enclose plat showing description (Sic) of townsites and name of allottees thereon, and the number of acres that each allottee holds. I was informed by the Townsite Company that the restrictions on these lands had all been removed excepting the townsite of Castle, which allotment belongs to Minta Fixico, a little girl about thirteen years of age. Mr. M. B. Castle who is guardian for this minor heir, Minta Fixico, informed me that this townsite was laid out by Lakemore and G.F. Clarke, who now are located at Wealetka, I.T. Something over three years ago, and under an agreement they were to pay to Minta Fixico \$10. per month for the use of this land until the restrictions had been removed, but Mr. Castle informed me that they had not lived up to their contract after disposing of the property, which they received something like \$15,000 from the sale of the townsite of 75 acres, and that the little girl has been without shoes and was so poorly clad in clothing that her folks had been unable to send her to school, and he wished this matter would be looked into by your office. Townsite company was known as Indianola

Townsite Co.

A. A. Montee.

-2-

(Endorsed) Union Agency No.60670 Received Dec.22,1906 Office of  
U.S.Indian Inspector for Indian Territory.Muskogee,I.T., Dec.  
22,1906.A.A.Montee, clerk.----Rel.exchanges at Dustin, Weleetka  
and Castle.----



## DEPARTMENT OF THE INTERIOR,

Office Of Indian Affairs,

Land.

Washington.

112280-1906.

January 5, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Inspector Wright, dated December 21, 1906, transmitting an application of the town of Haskell, Creek Nation, Indian Territory, by its municipal authorities, for permission to issue bonds in the sum of \$10,000 for the construction of school houses. The Inspector transmits the usual record. He refers to the various provisions of law with reference to this subject and recommends that the authority requested be granted.

It is shown that the town is incorporated, with a population of 911; that the value of the taxable property, according to the last assessment for the purposes of taxation, was \$310,000; and the Inspector says that the application comes within the limit prescribed by the Act of July 30, 1886 (24 Stat.L., 170). This Act provides that municipal corporations shall not issue bonds in excess of four per cent of the valuation of the taxable property, which, in this case, is \$12,400, while the amount of bonds desired to be issued is \$10,000.

Mr. Wright submitted the papers to John P. Benedict, Superintendent of Schools in Indian Territory, whose report of December 13 last is among the papers. He recommends the approval of

the application. The Inspector says that the town has no outstanding indebtedness.

The application is in proper form, and as the town seems to be amply able to care for a bond issue of \$10,000, the Inspector's favorable recommendation is concurred in.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

GAW-EH.

(Endorsed) Union Agency No.16600 Received Jan.21,1907 Office of U.S.Indian Inspector for Indian Territory.Washington,D.C.Jan.15,1907 Secretary.-----Approves bond issue in the sum of \$10,000 by the town of Haskell Creek Nation, I.T. for school houses.-----



DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D.392-1907.

January 15, 1907.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

On January 5, 1907 (Land 112280-1906), the Indian Office transmitted your report dated December 21, 1906, forwarding a petition of the town of Haskell, Creek Nation, Ind. T., by its municipal authorities, requesting the Department to approve the issuance of bonds in the sum of \$10,000, for the construction of school houses. Authority is requested for this bond issuance under the provisions of section 25 of the original Creek agreement approved March 1, 1901 (31 Stat., 861), and the acts of March 4, 1898 (30 Stat., 252), and July 30, 1886 (24 Stat., 170).

Superintendent Benedict recommends the approval of this bond issuance.

You state that you have carefully considered the necessity for the public improvements desired, and that as the town of Haskell has no outstanding indebtedness and appears to be amply able to care for the proposed bond issue, you recommend that said issuance of bonds in the sum of \$10,000, for the construction of schoolhouses be approved.

The Indian Office concurs in your recommendation. A copy

of its letter is inclosed.

The Department considers that there is a necessity for the town of Haskell assuming this indebtedness and that said town is amply able to care for it. The issuance of bonds by said town in the sum of \$10,000, for the construction of schoolhouses, is hereby approved.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 3 to Ind.Of.

(16600)



CREEK - TRADERS

DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

367

Inola, I.T. Jany. 2, 1899.

I do hereby certify that I have received and offered for sale at my regular place of business at Inola Creek Nation, Indian Territory, during the period commencing July 1st, 1898, and ending Dec. 31, 1898, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of \$1665.87-----dollars and----cents, subject to a tax of 1 per cent and amounting to sixteen and 65/100-----dollars.

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(Endorsed) Union Agency No. 56 Sworn statement accompanying remittance of W.W. Hubbard Inola, I.T. for month of -- to 12/31/1898. amount---\$16.65----



DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

368

Fame, I.T. January 10, 1899.

I do hereby certify that I have been engaged in the occupation of a Blacksmith at my regular place of business, at Fame, Creek Nation, Indian Territory, during the period commencing January 9th, 1899, and ending April 9th, 1899 and that I owe, according to the laws of the Creek Nation the sum of \$6.00-- six dollars, in payment of the tax for the above mentioned period

A.J. Wood.

(Endorsed) Union Agency No. 57 --OCCUPATION TAX--Sworn statement accompanying remittance of A.J. Wood Fame, I.T. for period commencing Jan. 10, 1899 and ending April 19, 1899--amount \$6.00----

DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

Tulsa, I.T. Feb. 24, 1899.

I do hereby certify that I have received and offered for sale at my regular place of business at Fry Creek Nation, Indian Territory, during the period commencing April 1st, 1898, and ending Feb. 1st, 1899, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of (\$2300.00) Twenty three hundred dollars and-----cents, subject to a tax of 1 per cent and amounting to twenty three dollars.

J.H.Boyd.

Sworn to and subscribed before me this 24 day of Feb. 1899.

Henry C. Davis.

Notary Public.

(Endorsed) Union Agency No. 252 Received by Union Agency Muscogee, I.T. March 14, 1899. Sworn statement accompanying remittance of J.H.Boyd Fry, I.T. to Feb. 1st, 1899 amount \$23.00----



370

DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

Stigler, I.T.

February 25, 1899.

I do hereby certify that I have been engaged in the occupation of Blacksmith at my regular place of business at Eufaula, Creek Nation, Indian Territory, during the period commencing Jan. 1, 1899 and ending Dec. 31, 1899 and that I owe, according to the laws of the Creek Nation the sum of (\$6.00)-- six dollars, in payment of the tax for the above mentioned period.

Alex Sellers.

Sworn to and subscribed before me this 25 day of Feb., 1899

J.S. Stigler,

Notary Public.

(Endorsed) Union Agency No. 234 OCCUPATION TAX Sworn statement accompanying remittance of Alex Sellers Eufaula, I.T. for period commencing Jan. 1, 1899 and ending March 31, 1899. amount \$6.00---- received at agency, Muskogee, I.T. March 31, 1899.----

371

DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

Okmulgee I.T. April 1, 1899

I do hereby certify that I have received and offered for sale at the regular place of business at Okmulgee, Creek Nation, Indian Territory, during the period commencing January 1, 1899, and ending April 1, 1899, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of \$3124.64 (Thirty one twenty four) dollars and Sixty four cents, subject to a tax of .01 per cent and amounting to Thirty one and 24 dollars.  
100

Jas. Parkinson

Per T.E. Proctor Bkpr.

Sworn to and subscribed before me this 1 day of April 1899

J.A. Roger

Notary Public--Northern  
District, I.T.

(Endorsed) Union Agency No. 38 Received April 12, 1899 Sworn statement accompanying remittance of Jas. Parkinson Okmulgee, I.T. for month of---to April 1, 1899 Amount \$31.24----



372

DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

McDermott, I.T. April 1, 1899.

I do hereby certify that I have received and offered for sale at regular place of business at McDermott Creek Nation, Indian Territory, during the period commencing Dec. 1, 1898 and ending April 1st, 1899, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of---- dollars and-----cents, subject to a tax of 1 per cent and amounting to seven and 15/100 ----dollars.

James Crawford

Sworn to and subscribed before me this 1st day of April 1899.

M.T. Berry

Notary Public.

(Endorsed) Union Agency No. 91 Sworn statement accompanying remittance of James Crawford McDermott to April 1, 1899 amount \$7.15----

373

DEPARTMENT OF THE INTERIOR  
United States Indian Service.

Wetumka, I.T.

April 10, 1899.

I do hereby certify that I have received and offered for sale at my regular place of business at Wetumka Creek Nation, Indian Territory, during the period commencing Oct. 1st, 1899, and ending March 31st 1899, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of (\$3053.00) Three thousand fifty three dollars and-----cents, subject to a tax of one per cent and amounting to thirty and 53/100-----dollars.

H.H. Holman

Sworn to and subscribed before me this 19 day of May 1899.

A.J. Grissom

Postmaster.

(Endorsed) Union Agency No. 39 Sworn statement accompanying remittance of H.H. Holman Wetumka, I.T. for month of Oct 1st to March 31st, 1899---\$30.53----



April 11, 1899.

This is to certify that I have collected .850 from  
peddler, as you authorized me to collect any peddlers offered  
goods for sale in the town of Okmulgee Creek Nation, I.T.

Toney Proctor

Subscribed and sworn to before me this 11 day of April 1899

J. A. Roger

Notary Public.--Northern Dist.

(Endorsed) Union Agency No. 37 Received Apr. 13, 1899 Office of  
U.S. Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying  
remittance of Tony Proctor Okmulgee for amount of .850----

Union Agency,  
Muscogee, I. T.,  
April 13th, 1899;

Toney Proctor,  
Okmulgee, I. T.

Dear Sir:-

Replying to yours of the 10th instant, authority is hereby granted you to collect tax from peddlars and circuses, and to account for the same to me.

As to charges for postage and notary fees, you will have to collect that in addition to the tax, as the full amount of tax due must be remitted to me.

Very respectfully,

D. M. Wisdom,  
U. S. Indian Agent.

Approved:

J. Geo. Wright,  
U. S. Indian Inspector.



DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

Sapulpa, I.T.

April 14, 1899.

I do hereby certify that I have been engaged in the occupation of Manager Harvy Eating House at regular place of business, at Sapulpa, I.T. Creek Nation, Indian Territory, during the period commencing April 1st, 1899, and ending June 30, 1899, and that I owe, according to the laws of the Creek Nation the sum of (\$6.00) six----dollars, in payment of the tax for the above mentioned period.

Harvey Eating House

by J.S.Scannell, Mgr.

Sworn to and subscribed before me this 14 day of April 1899.

John F. Egan,

Notary Public--Northern  
district.

(Endorsed) Union Agency No.40 Received Apr.15,1899 Office of U.S.  
Indian Inspector---Sworn statement accompanying remittance of  
Harvey Eating House Sapulpa, I.T. for period commencing April  
1, 1899 and ending June 30, 1899 \$6.00----

377

DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

Tulsa, I.T. April 14th, 1899.

\_\_\_\_\_ do hereby certify that we have received and offered for sale at \_\_\_\_\_ regular place of business at Tulsa Nation, Indian Territory, during the period commencing October 1st, 1898, and ending March 31st, 1899, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of six hundred (\$600.00)---dollars and----cents, subject to a tax of one per cent and amounting to-----six dollars.

Miller & Co.

Sworn to and subscribed before me this 14th day of April 1899.

Wm. P. Moore

Notary Public.

(Endorsed) Union agency No. 76 Sworn statement accompanying remittance of Miller & Co. Tulsa, I.T. for month of--to 3/31/99-- amount \$6.00-----



DEPARTMENT OF THE INTERIOR  
United States Indian Service.

Tulsa, Ind. Ter. April 14, 1899

We do hereby certify that we have received and offered for sale at our regular place of business at Tulsa, Ind Ter Creek Nation, Indian Territory, during the period commencing July 1, 1899 and ending Mch. 31, 1899, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of \$3514.94--Thirty five hundred dollars--and--ninety four (94) cents, subject to a tax of 1 per cent and amounting to (\$35.15) thirty five--and 15 cents-----dollars.

Williamson Bro.

Sworn to and subscribed before me this 14 day of April 1899.

WM. P. Moore--Tulsa, Ind. Ter.

Notary Public.

(Endorsed) Union Agency No. 46 Received Apr. 18, 1899 Office of U.S. Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying remittance of Williamson Bros, Tulsa, I.T. from 7/1/98 to 3/31/00 amount \$35.15----

379

DEPARTMENT OF THE INTERIOR,  
United States Indian Service

Tulsa, I.T.  
April 15, 1899.

I do hereby certify that I have received and offered for sale at my regular place of business at Tulsa Creek Nation, Indian Territory, during the period commencing 12/16 1898, and ending 3/31 1899, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of (\$9010.26)-- Nine thousand and ten dollars and twenty six cents subject to a tax of 1 per cent and amounting to \$90.10---dollars.

Fred E. Turner

Sworn to and subscribed before me this 14th day of April 1899.

E. Caukin

Notary Public.--Judicial  
Division, Ind.Terry.

(Endorsed) Union Agency No.44 Received Apr.17,1899 Office of  
U.S.Indian Agent,Muscogee,Ind.Ter. Sworn statement accompanying  
remittance of Fred E. Turner Tulsa,I.T. to 3/31/1899 amount \$90.10--  
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## DEPARTMENT OF THE INTERIOR,

United States Indian Service.

Muskogee, I.T. May 29, 1899.

I do hereby certify that I have been engaged in the occupation of Restaurant at my regular place of business, at Muskogee, Creek Nation, Indian Territory, during the period commencing July 1st, 1898, and ending April 1st, 1899, and that I owe, according to the laws of the Creek Nation the sum of (\$18.00) eighteen no/100----dollars, in payment of the tax for the above mentioned period.

J.H.Evans.

Sworn to and subscribed before me this 29th day of May 1899.

W.S.Harsha

Notary Public-  
Northern Dist, I.T.

(Endorsed) Union Agency No.108 Received May 31, 1899 Office of U.S. Indian Agent, Muskogee, Ind. Ter. OCCUPATION TAX--Sworn statement accompanying remittance of H.J.Evans Muskogee, I.T. for period commencing July 1st, 1898 and ending Apr. 1, 1899-amount \$18.00----

DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

381

Muskogee, I.T. May 31, 1899.

I do hereby certify that we have received and offered for sale at regular place of business at Muskogee Creek Nation, Indian Territory, during the period commencing July 1st 1898, and ending March 31, 1899, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of (\$1141~~84~~4.63) One hundred fourteen thousand one hundred eighty four dollars and sixty three cents, subject to a tax of 1 per cent and amounting to eleven hundred and forty one 84/100----- dollars.

The Patterson Mercantile Co.

by H.J.Evans Member of Firm.

Sworn to and subscribed before me this 31st day of May 1899.

D.M.Wisdom.

W.S.I.Agent.

(Endorsed) Union Agency No.109 Received May 31, 1899 Office of U.S.Indian Agent, Muskogee, Ind.Ter. Sworn statement accompanying remittance of Patterson Mer.Co.Muskogee, I.T. from July 1st, 1898 to March 31, 1899 amount \$1141.84----



DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

June 8, 1899.

I do hereby certify that I have received and offered for sale at my regular place of business at Fry Creek Nation, Indian Territory, during the period commencing March 1st, 1899, and ending May 31st, 1899, goods, wares, and merchandise, agreeable to original invoices, amounting in the aggregate to the sum of two hundred and eighty (\$280.00)---dollars and no---cents, subject to a tax of one per cent and amounting to two and no/100---dollars.

Rudolph Stosberg.

Sworn to and subscribed before me this 8th day of June 1899.

Wm. P. Moore

Notary Public.

(Endorsed) Union Agency No. 6 Received Jun. 10, 1899 Office of U.S. Indian Agent, Muscogee, Ind. Ter. Sworn statement accompanying remittance of Rudolph Stosberg Fry, I.T. for month to May 31, 1899. amount \$2.80----

Union Agency,  
Muskogee, Indian Territory  
July 13th, 1899.

T.J. Plater & Sons,  
Sapulpa I.T.,

Sirs:

Referring to your recent remittance of \$8.00 and the sworn statements accompanying the same, in which you state that you have received and offered for sale at your regular place of business at Sapulpa, from July 7th to October 7th, 1899, merchandise amounting to \$800, I have to say that it is not clear to this office you can anticipate that you will only introduce between July 7th and October 7th, 1899, \$800 worth of goods.

If you only began business on July 7th, it will not be necessary for you to pay the tax on merchandise introduced into the Nation until the close of the present quarter, which will be September 30th, but you should remit for same as early in October as possible. Please advise me if you began business on July 7th.

Very respectfully,

J. Blair Shoenfelt

U.S. Indian Agent

Approved:

J. Geo. Wright,

U.S. Indian Inspector.

(Endorsed) Union Agency, Muskogee, Oklahoma. Press book #4. General miscellaneous by Agent.



Union Agency,  
Muscogee, I.T., August 5th, 1899.

Messrs. Harsha & Spaulding,

Muscogee, I.T.

Gentlemen:-

Your letter of the 2nd instant has been received in which you state -

First: That it has been your understanding that the tax laws of the Creek Nation are abolished by what is commonly known as the "Curtis Bill," and after the bill went into effect that no further taxes would be required of you.

Second: That both members of your firm are inhabitants and citizens of the incorporated town of Muscogee, Indian Territory, and pay a tax upon all your property in said incorporated town; that it is your understanding that the land included within the incorporated limits in the town of Muscogee was set apart by an order of the Court as a townsite and the jurisdiction of the Creek Nation, or any one for them, to levy and collect the taxes from the inhabitants of said town, ceased; that all goods sold by you are sold at your place of business within the incorporated town of Muscogee.

Third: That said town was duly incorporated by order of the United States Court for the Northern District of the Indian Territory, and that an election was held in said town for the purpose of electing a mayor, aldermen and other officers; that at said election, W.S. Harsha, the senior member of your firm, was elected one of the aldermen of said town and is now serving as such.

---Union Agency press book, agent #4.---



Fourth: That H.B.Spaulding, the junior member of your firm, is an intermarried Creek citizen and as such has always been exempt from paying tax of any kind for doing business in the Creek Nation; that both W.S.Harsha and H.B.Spaulding have families residing in the town of Muscogee and own their homes, upon which they have placed valuable improvements.

Fifth: That you pay an annual tax to the incorporated town of Muscogee of several hundred dollars per year, which is used by said town in the support of public schools, at which schools all the children of said town are being educated regardless of race, color or previous condition of servitude, and that to have to pay an additional tax provided for by the Creek laws, which were formerly enforced upon you, would be out of all reason and a great injustice to you, and in some instances would make the tax so great that it would exceed the profit made on certain lines of merchandise; that under said Creek laws a tax of 1% on all goods introduced into the Territory, was levied, and that the same money is used several times by you to purchase goods, and under this law 1% is added on each purchase and in the course of a year would run up in some cases to ten or twelve per cent on the amount invested, which you claim is unreasonable and unjust; and you submit that under the foregoing statement of facts that the law under which this office is proceeding is inapplicable to your case and that you are not liable to said tax.

Replying to the above contentions as set forth in the first, second and third paragraphs in your letter, you are informed that the questions raised by you as above indicated, have been fully answered in circular letter of the 31st ultimo and in an opinion



of the Honorable John R. Thomas, United States Judge for the Indian Territory, delivered from the bench the 28th ultimo on the application of W.T. Hutchings, et. al., vs. J. George Wright, United States Indian Inspector for the Indian Territory, et. al., in an action seeking to enjoin the United States Indian Inspector and the United States Indian Agent, et. al., from collecting occupation tax from the lawyers of the Muscogee Bar.

Referring to that part of your letter in which you state that H.B. Spaulding, the junior member of your firm, is an inter-married Creek citizen and as such has always been exempt from the payment of a tax of any kind in the Creek Nation, your attention is directed to Section 246 of the compiled laws of the Creek Nation, page 86, which says:

"All persons who are not citizens by blood of the Muscogee Nation or Seminole Nation, or have not been adopted by the Muscogee Nation and whose names do not appear upon the authenticated citizenship rolls of the Muscogee Nation, who shall desire to engage in business in the Muscogee Nation, shall before doing so, obtain from the United States Government license for that Purpose, and all persons so licensed shall pay to the national tax collector for the Muscogee Nation, the annual tax hereafter fixed the same to be paid quarterly in advance on the first day of each quarter beginning January, April, July and October of each year."

If Mr. Spaulding is a citizen by blood and his name appears upon the authenticated citizenship rolls, or has been adopted by the Creek Nation, he would not be subject to the license tax above referred to. Your contention, therefore, that the junior member of your firm is exempt from paying traders tax by reason

----Union agency press book, agent, #4.----



of the fact that he is an intermarried citizen, is not well founded and would not in any manner effect his liability to pay a trader's tax for the privilege of conducting a business within the Creek Nation, unless he is recognized by the Creek Nation as a citizen either by blood or by adoption. It does not appear that the wife of Mr. Spaulding, who he claims is a citizen of the Creek Nation, is in any wise connected with the business of your firm.

In this connection permit me to call your attention to an opinion of the Assistant Attorney General, dated June 26th, 1889, as follows:

"The act of July 31, 1882, amending section 2133 of the Revised Statutes, so far as it relates to the Five Civilized Tribes, relieves licensed traders among those tribes from being subject to the \$500 penalty and to confiscation of goods; but they are not relieved from the operation of section 2139, which forbids anyone to trade with Indians in the Indian country without a license, nor are they relieved from the operation of the act of August 15, 1876, which invests the Commissioner of Indian Affairs with the "sole power and authority to appoint traders to the Indian tribes."

You will observe that persons in the Indian Territory trading with the Five Civilized Tribes are not relieved from operation of Section 2139 which forbids anyone to trade with Indians in the Indian country without a license, nor are they relieved from the operation of the Act of Congress of August 15, 1876, which invests the Commissioner of Indian Affairs with the sole power and authority to appoint traders to the Indian tribes.

This is an Indian country, and it does not follow that as you have not heretofore paid a trader's tax that you, for that



reason, are exempt, and that you should continue to evade the laws now because you have been heretofore permitted to do so.

The Patterson Mercantile Company have paid their traders tax several months ago and others are doing likewise, realizing that they owe the Creek Nation the traders tax required under the laws of the Creek Nation from all non-citizens who desire to do business within the nation, and are aware that the Creek Indians by treaties with the United States Government, acquired possession of the lands within the boundaries of their nation and that the Government guaranteed them protection against the unlawful intrusion of the white man, and agreed to assist them in the enforcement of their laws.

You are further advised that the incorporation of towns in the Creek Nation has not in any manner changed the status of the land nor has such incorporation of the town relieved persons from within such incorporated limits, of the liability to pay traders taxes assessed by said nation against non-citizens for doing business within their domain.

You are therefore notified that the Honorable Secretary of the Interior by a recent ruling, has declared the license tax laws of the Creek Nation, valid, and that the same have not been repealed; and in order for you to do business in the Creek Nation, you will be required to pay a license tax as per circular heretofore served upon you by the Revenue Inspector for this Nation.

Very respectfully,

J. Blair Shoenfelt

U.S. Indian Agent.

Approved;  
J. Geo. Wright,  
U.S. Indian Inspector.

(Endorsed) Union Agency, Muskogee, Oklahoma. Press book, Agent #4.,  
Miscellaneous letters.

DEPARTMENT OF THE INTERIOR,  
Washington.

August 15, 1899.

United States Indian Inspector  
for the Indian Territory,  
Muscogee, Indian Territory.

Sir:

The Department is in receipt of your communication of the 28th ultimo, reporting that the National Banks doing business in the Creek Nation claim that they are exempt from paying the tax required by the law of the Creek Nation as found on page 87 of the laws of said nation (edition 1893), for the reason that they are "National Banks." You also say that they "state that there has been a decision of the Comptroller of the Treasury (Currency) to this effect."

The Commissioner of Indian Affairs, in forwarding your said communication, quotes from a letter of the Comptroller of the Currency relative to the liability of a National Bank in the Chickasaw Nation to pay a tax imposed by tribal law, wherein he stated that

"While, therefore, it would seem that the Chickasaw Nation would be precluded under the statutes of the United States from imposing a permit tax on National Banks within that Nation, the said Nation may impose a tax upon the stock of the bank held by individuals and require the bank to pay the same, unless there be banks established under the authority of the laws of the Nation which are taxed upon their capital stock."



The Commissioner concludes his report as follows:

"The peculiar language of the Creek law would, in the opinion of this office, exempt the national banks there from taxation inasmuch as it appears that the rule is, a tax on the capital stock of a bank in solido is void, and such is apparently the tax authorized to be assessed by the Creek laws."

Section 246 of the laws of the Creek Nation provides:

"All persons who are not citizens by blood of the Muskogee Nation or Seminole Nation, or who have not been adopted by the Muskogee Nation, and whose names do not appear upon the authenticated citizenship rolls of the Muskogee Nation, who shall desire to engage in business in the Muskogee Nation, shall, before doing so, obtain from the United States Government license for that purpose; and all persons so licensed shall pay to the National Tax Collector, for the benefit of the Muskogee Nation, the annual tax hereinafter fixed, the same to be paid quarterly, in advance, on the first day of each quarter, beginning January, April, July and October of each year."

After providing for an annual tax of one-half of one per cent of the first cost of all goods or merchandise introduced into the nation for trade, it is stated:

"The rate of taxation on all other classes of business shall be as follows: \* \* \* \*

On each banking establishment one-half of 1 per cent. of capital stock invested - assessment to be made on the bank on account of the shares thereof."

The law in reference to the taxation of National Banks by the state is found in Section 5219 of the Revised Statutes, as follows:

"Nothing herein shall prevent all the shares in any association from being included in the valuation of the personal property of the owner or holder of such shares, in assessing taxes imposed by authority of the State within which the association is located; but the legislature of each State may determine and direct the manner and place of taxing all the shares of national banking associations located within the State,



subject only to the two restrictions, that the taxation shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State, and that the shares of any national banking association owned by non-residents of any State shall be taxed in the city or town where the bank is located, and not elsewhere. Nothing herein shall be construed to exempt the real property of associations from either State, county, or municipal taxes, to the same extent, according to its value, as other real property is taxed."

The case referred to, of the National Bank v. Commonwealth, (9 Wallace, 353-360), in said letter of the Comptroller of the Currency, arose upon the right of the State of Kentucky to impose a tax under the provision of its revenue law which reads:

"On bank stock, or stock in any moneyed corporation of loan or discount, fifty cents on each share thereof equal to one hundred dollars, or on each one hundred dollars of stock therein owned by individuals, corporations, or societies,"

and the court said:

"We entertain no doubt that this provision was intended to tax the shares of the stockholders, and that if no other provision had been made, the amount of the tax would have been primarily collectible of the individual or corporation owning such shares, in the same manner as other taxes are collected from individuals. It is clear that it is the shares owned or held by individuals in the banking corporation which are to be taxed, and the measure of the tax is fifty cents per share of one hundred dollars. These shares may, in the market, be worth a great deal more or a great deal less than their par or nominal value, as its capital may have been increased or diminished by gains or losses, but the tax is the same in each case. This shows that it is the share which is intended to be taxed, and not the cash or other actual capital of the bank,"

and the court further said:

"But it is strongly urged that it is to be deemed a tax on the capital of the bank, because the law required the officers of the bank to pay this tax on the shares of its stockholders.

\*\*\* It has been the practice of many of the States for a long time to require of its corporations, thus to pay the tax



levied on their shareholders. It is the common, if not the only, mode of doing this in all the New England States, and in several of them the portion of this tax which should properly go as the shareholder's contribution to local or municipal taxation is thus collected by the State of the bank and paid over to the local municipal authorities. In the case of shareholders not residing in the State, it is the only mode in which the State can reach their shares for taxation. We are, therefore, of opinion that the law of Kentucky is a tax upon the shares of the stockholder. If the State cannot require of the bank to pay the tax on the shares of its stock it must be because the Constitution of the United States, or some act of Congress, forbids it. There is certainly no express provision of the Constitution on the subject."

It must be held, upon a fair construction of said provision of the Creek law, that the tax required to be paid to said nation is intended to be a tax on the shares of said bank and not on its capital. The expression: "On each banking establishment one-half of 1 per cent. of capital stock invested," is evidently the measure of the tax to be collected, and the succeeding expression:

"assessment to be made on the bank on account of the shares thereof," shows that the intention is to tax the shares and not the capital of the bank. It is not suggested that there are any banks authorized by the laws of the Creek Nation which are taxed upon their capital stock, nor does it appear that the taxation discriminates in any way against the National Banks over banking institutions which may be operated under other authority.

The provision of the law of the Chickasaw Nation upon which said letter of the Comptroller of the Currency is based, is not set out, but a reference to section 2 of the act of said nation of October 7, 1876, (page 92, edition 1890), shows that a tax was required of one per cent. "of the amount of capital invested annually." If this be the provision under which the

tax was levied for the Chickasaw Nation, it is quite manifest that it was a tax on the capital and not on the shares of the bank stock as in the Creek Nation.

You are advised therefore, that the National Banks doing business in the Creek Nation "are liable to the tax as prescribed by the Creek laws."

A copy of the report of the Commissioner is enclosed herewith.

Respectfully,

Tho.R.Ryan

Acting Secretary.

Ind.Ter.Div.  
2280-1899.  
1 enclosure.

(Endorsed) Union Agency no. 310 Received Aug.21,1899 Office of U.S.Indian Inspector for Indian Territory. Washington, August 15, 1899. Secretary.-----Holds that National Banks must pay tax in Creek Nation.-----



OFFICE OF INDIAN AFFAIRS,

Washington, August 9, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Enclosed, herewith, is a report of July 28, 1899, from Inspector Wright, in which he states that under various instructions from the Department different taxes prescribed by the laws of the Creek Nation on non-citizens residing and doing business within the limits of said nation are being collected, and that demand has been made by revenue collectors upon all banks in said nation for the tax as set forth on page 87 of the laws of said nation providing that tax shall be levied "on each banking establishment one-half of one per cent of the capital stock invested, assessment to be made on the bank on account of the shares thereof", and that national banks doing business in the Creek Nation claim they are exempt from paying said tax by reason of the fact that they are national banks, and state that there has been a decision of the Comptroller of the Treasury to this effect. In view of this Inspector Wright asks to be advised concerning the matter as to whether or not there has been such a decision, and whether such banks are liable to the tax as prescribed by the Creek Laws.

In connection with this letter of Inspector Wright, I have the honor to state that under date of November 25, 1893, the

office, replying to a letter from Agent Wisdom, of the Union Agency, transmitting a letter to him from F.M.Fox, National License Collector of the Chickasaw Nation, requesting information as to the liability of the national banks in the Chickasaw Nation -

to taxation by said nation, advised him that "the Comptroller of the currency of the United States, in a letter of January 21, 1893, advised this office through the Department of the Interior, that it has been held by the courts, that under the United States Statutes a tax upon the capital stock of a (National) bank "in solido" is void and that the only tax permitted by the United States Statutes is upon the shares of stock of a National Bank in the hands of and owned by individuals; also that the statutes of some states provide for the payment of a tax upon shares of stock by the bank so as to avoid the delay and embarrassment connected with the collection of an assessment from non-resident shareholders, and this mode of collection by state authorities has been held valid; that it was held in the 'National Bank vs. Commonwealth' (9 Wallace 353) that a state tax upon shares is valid though the tax is collected from the bank, and the state may require the bank to pay a tax rightfully laid upon the shares; that National Banking Associations can not be subject to a license or a privilege tax (Mayor vs. First National Bank of Macon, 59 Ga., 648; City of Carthage, 71 Mo. 508; National Bank of Chattanooga vs. Mayor, 8 Heiskell, 814); but it has been held that 'where the state banks are taxed upon the capital, no tax can be imposed upon the shares of National Banking Associations', (3 Wallace, 573 and 4 Wallace, 459).

While, therefore, it would seem that the Chickasaw Nation would be precluded under the statutes of the United States from imposing a permit tax on National Banks within that Nation, the said Nation may impose a tax upon the stock of the bank held by individuals and require the bank to pay the same, unless there be banks established under the authority of the laws of the Nation which are taxed upon their capital stock".

The peculiar language of the Creek law would, in the opinion of this office, exempt the national banks there from taxation inasmuch as it appears that the rule is, a tax on the capital stock of a bank in solido is void, and such is apparently the tax authorized to be assessed by the Creek laws.

The matter, however, is submitted for the Department's consideration.

Very respectfully,  
Your obedient servant,  
W.A. Jones,

Commissioner.

K.S.M.

P.



DEPARTMENT OF THE INTERIOR,  
Washington.

November 16, 1899.

United States Indian Inspector

for the Indian Territory,  
Muscogee, Indian Territory.

Sir:

The Department is in receipt of your communication of the 3rd instant, referring to departmental letter of August 15th last, wherein you state "the Department held that National Banks doing business in the Creek Nation are liable to a tax as prescribed by the Creek laws"; that you notified all of the banks of said nation to pay said tax and on October 23, 1899, the First National Bank of Muscogee, Indian Territory, addressed a communication to you, declining to pay said tax for their bank. You further state that you "referred this communication to Mr. P. L. Soper, United States District Attorney for the Northern District of the Indian Territory, with the request that he advise me if, in his opinion, this tax could be legally enforced," and you are now in receipt of said opinion "in which he expresses the view that the tax is void and cannot be collected."

You accordingly transmit said letter of the bank and the opinion of District Attorney Soper for the information of the Department, with request that you be further instructed as to

what course to pursue in this matter.

In reply, the Department does not understand that it is any part of the duty of the United States District Attorney for said District to pass upon the correctness of a decision of the head of this Department. In the case referred to, the regular course for you to pursue would have been to refer the letter from the bank to the Department for further instructions, and if the Department desires the opinion of the Assistant Attorney General for this Department, or the opinion of the Attorney General of the United States, an appropriate request will be made therefore. See sections 356, 357 and 358 of the Revised Statutes of the United States.

In view, however, of the refusal of said bank to pay the tax as request, the matter will be further considered by the Department, and in the meantime you will take no further action in the premises until directed by the Department.

Respectfully,

E.A.Hitchcock.

Secretary.

Ind.Ter.Div.  
3287-1899.

(Endorsed) Union Agency No.419 Received Nov.23, 1899  
Office of U.S.Indian Inspector for Indian Territory.  
Washington, Nov.16, 1899. Secretary.-----Department will  
further consider matter of refusal of First Natl.Bank  
to pay Creek tax.-----



398

DEPARTMENT OF THE INTERIOR,  
United States Indian Service.

Inola, I.T. December 27, 1899.

I do hereby certify that I have received and offered for sale at----  
regular place of business at Inola Creek Nation, Indian Territory,  
during the period commencing\_\_\_\_\_189-, and ending\_\_\_\_\_  
\_\_\_\_\_189-, goods, wares, and merchandise, agreeable to original  
invoices, amounting in the aggregate to the sum of \$115.90-----  
dollars and----cents, subject to a tax of 1 per cent and amounting  
to one and 16/100----dollars.

A.B.Collins.

(Endorsed) Union Agency No. 58 Sworn statement accompanying remit-  
tance of A.B.Collins, Inola--amount \$1.16----

399

DEPARTMENT OF THE INTERIOR,  
I. T. D.  
2287-1901. Washington.

June 17, 1901.

The United States Indian Inspector  
for the Indian Territory,  
Muskogee, I. T.

Sir:

It having been determined by the Department that \$153.12 had been improperly collected as tribal taxes from the First National Bank of Checotah, Indian Territory, upon the request of the cashier of said bank for repayment of said sum, you recommended, on June 1, 1901, that, if it is held that said money cannot be refunded, you be authorized to present the facts of the case to the Principal Chief of the Creek Nation, and to request him to ask the National Council to make an appropriation authorizing the repayment of this amount to the bank.

The Commissioner of Indian Affairs, reporting in the matter June 10, 1901, recommends that, as on February 15, 1900, the Department held that this money could not be returned, under the conditions then existing, by the United States Indian agent, and as the Creek agreement recently ratified provides that none of the funds of said tribe can be paid out "without consent of the tribe, expressly given through its national council, except as herein provided", you be authorized to



-2-

bring the facts in the premises to the attention of the Principal Chief, as suggested by you..

You are advised that the Department concurs in the Commissioner's recommendation, and you will proceed accordingly.

A copy of the Commissioner's letter is inclosed.

Respectfully,

E. A. Hitchcock.

Secretary.

1 enclosure.

(Endorsed) Union Agency NO.2327.Received June 24,1901.Office of U.S. Indian Inspector for Indian Territory.Washington,June 17,1901.  
Secretary----Rel. to refunding tribal taxes collected from First Nat'l Bank of Checotah, I. T.

401

REYNOLDS, DAVIS AND COMPANY  
WHOLESALE GROCERS

FORT SMITH, ARKANSAS      1/25/1902

Guy P. Cobb, Revenue Inspector,  
Muskogee, I. T.

Dear Sir:

We have the honor to reply to your favor of the 23rd, which is hereto attached, requesting payment of Taxes due on goods distributed from Wagoner, I. T.

Wish to say that we enclose an affidavit, which we trust will be satisfactory. In addition to that, will say that we have not at any time, so far as we are advised, done anything whatever that would make us liable for taxes for goods sold in the Indian Country.

We have not at this time, nor did we have at any time in the past, any store building or warehouse in the town of Wagoner. All the goods we sold in that vicinity have been shipped direct from the manufacturers to our customers or delivered to them from our store house in Ft. Smith.

Two or three blanks and statements have been mailed us in the past with the request to remit for taxes on goods distributed from Wagoner, and in each case we have immediately replied in substance as above.

We would be glad if you will advise us whether or not the above explanation is satisfactory as it is our desire and wish not to avoid payment of anything which we justly owe.



-2-

G.P.C. 2

Thanking you for your early attention, we beg to remain,

Yours truly,

Reynolds, Davis & Co.

T. C. Davis.

(Endorsed) Union Agency # 519 Revenue Inspector.  
Fort Smith, Ark., January 25, 1902. Reynolds Davis & Company.  
T. C. Davis.

Return notice sent to them rel. to Creek taxes, and submit an affidavit to the effect that they have no store house at Wagoner, I.T. and bill all goods shipped from Fort Smith direct, and thus claim exemption from taxation.

DEPARTMENT OF THE INTERIOR.  
United States Indian Service.  
Office of Revenue Inspector.

Muskogee, Ind.Ter., Jan. 23, 1902

Reynolds Davis & Co,  
Wagoner, I. T.

Sir:

The records of the United States Indian Agent's office show no remittance covering taxes due from you under the provisions of the Creek Permit law for the period beginning July 1, 1901, and ending December 31, 1901.

Repeated demand having been made on you for the taxes so due, you are respectfully advised that unless payment is received by the United States Indian Agent, at Muskogee, Indian Territory, within 10 days from date of this communication, covering taxes now due from you, it will become necessary for this office to recommend your removal from the limits of the Creek Nation and the Indian Territory without further notice.

I should regret exceedingly being compelled to make such recommendation, but it is of the utmost importance to you that this notice be strictly complied with.

You are doubtless aware, and if not, you are hereby respectfully advised that the courts have repeatedly held that this tax is enforceable, and that parties refusing to pay are subject to removal.

Very respectfully,

Guy P. Cobb

Revenue Inspector.



404

Muskogee, I.T. Sept. 2, 1902.

Mr. George S. Clark,

Ardmore, I.T.

Dear Sir:

In reply to your letter of August 20th asking some questions relative to your purchasing land and establishing a nursery in my country. I would say that so far as purchasing a piece of land is concerned, at present no lands can be sold for any purpose whatever except upon approval of the Secretary of the Interior and it is not at all probable that such approval would be obtained, especially for so small a piece of ground.

The only way a nursery could be established would be by leasing a piece of ground for five years, and then at the end of the time make suitable arrangements either to further lease or purchase with the owner of the land for a continuance of your industry. I believe that such a business would be a profitable one and will be much needed as in the development of the country all kinds of fruit trees, shrubbery, flowers and shade trees will be desired.

Respectfully yours,

P. Porter.

## DEPARTMENT OF THE INTERIOR.

Washington.

ITD 6642-1903.

September 9, 1903.

United States Indian Inspector

for the Indian Territory,

Muskogee, Indian Territory.

Sir:

The Department is in receipt of your report dated August 21, 1903, transmitting a copy of the decision of the United States court for the Western District, Indian Territory, in the case of Buster and Jones, et al., vs. J. George Wright, et al., involving the right of the Interior Department to close the stores and places of business of persons refusing to pay the tribal tax in the Creek Nation, in which the temporary injunction previously granted is dissolved, the court holding that the Department has the right to close such places of business.

You request to be advised by the Department as to the procedure desired to be taken relative thereto.

Your report was forwarded by the Commissioner of Indian Affairs on September 2, 1903, who recommends that the officers in the Indian Territory should proceed to collect the permit tax in the Creek Nation in accordance with previous instructions.

The Department has not been advised whether an appeal has been or will be taken from the decision of Judge Raymond, or the effect thereof.



-2-

You are requested to confer with the United States attorney and obtain his views in the premises as to the action that will be taken in said case, and its effect upon the collection of said tax, and report the same to the Department as early as practicable, when you will be further instructed in the premises.

A copy of the Commissioner of Indian Affairs' report is inclosed.

Respectfully,

E.A.Hitchcock.

Secretary.

1 inclosure.

(Endorsed) Union Agency No.7316 Received Sep.17,1903 Office of U.S.Indian Inspector for Indian Territory.Washington, Sept.9,1903.Secretary.----Should consult U.S.Atty rel.to collecting permit tax in Creek Nation and make further report to Dept.-----

Muskogee, I.T. Nov. 9, 1903

Hon. J. Geo. Wright,

U.S. Indian Inspector for Indian Territory,

Muskogee, I.T.

Sir:

At the request of the merchants of the Creek Nation that the enforcement and collection of the taxes under the Creek Tax Law be suspended in its operation until the Appellate Court shall have passed upon the question as to its legality; I beg to submit what in my judgment this is a reasonable request and should be granted, as no material loss can be up to the Creek Nation should the decision of the Lower Court in the Buster-Jones case be affirmed.

Respectfully,

P. Porter,

Prin. Chief.



408

## D E P A R T M E N T    O F    T H E    I N T E R I O R .

Washington.

I.T.D. 3932-1905.

April 18, 1905.

United States Indian Inspector

for Indian Territory, Muskogee, I. T.

Sir:

The Department is in receipt of your letter dated April 12, 1905, referring to departmental letter of March 31, 1905, I.T.D. 3222, 3184-1905, concerning the collection of the Creek tribal tax. You transmitted a resolution of the Commercial Club of the City of Muskogee, concerning the tribal tax, in which it is requested, for reasons therein stated, that the collection be made from the first day of July, 1904, instead of July 1, 1903, when the tax was suspended.

Inasmuch as the courts have decided that said tax was rightfully imposed, the Department has ruled, in accordance with the opinion of the Assistant Attorney General, that it ought to be paid by those owing the same from the date of its last collection or when it became due, and is of the opinion that it is not warranted in dispensing with the collection of any portion of said tax. It is not perceived that it ought to be very expensive to collect the tax, and it is certainly to be presumed that parties owing the tax will not longer delay paying the same upon being requested so to do. You will proceed to collect the tax as soon as practicable.

Respectfully,

E. A. Hitchcock.

Endorsed: Union Agency # 11454: Received April 25, 1905.

Office of Indian Inspector for Indian Territory, Washington  
April 18, 1905. Secretary. Relative to petition of Muskogee  
Commercial Club in matter of collection of Creek merchandise  
tax; should proceed to collect same from the date of last  
collection.



April 12, 1905.

410

Hon. J. George Wright,  
U.S. Indian Inspector,  
Muskogee, I.T.

Sir:-

I am in receipt of yours of even date in which you enclose the Resolutions of the Commercial Club respecting the collection of what is termed the "Merchants Tax", and ask that I make any suggestions that I care to.

Upon the suspension of the payment of the tax until the courts decided whether the tax could be legally collected. I raised no objection to such suspension, but agreed to it.

Now that the Courts have decided that the tax is a legal tax and should be collected, I do not care to make any suggestions in regard to the matter whatever.

No doubt it will prove quite a hardship upon some of the merchants and persons engaged in trade, and it may be attended with a great deal of expense to collect, and it might be well to give due consideration to their petition.

The Creeks have no officer and no power to collect the tax, and the United States has appointed Revenue Collectors, and pay such collectors out of the amounts realized through such collections, and the question as to whether it would be of any profit to the Creek Nation is one that should be considered.

Very respectfully,

P. Porter,

Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 542. Muskogee, Oklahoma.

## D E P A R T M E N T O F J U S T I C E,

411

57994.

Washington.

July 24, 1905.

Mr. William M. Mellette,

United States Attorney,

Muskogee, Indian Territory.

Sir:

I am in receipt of a letter of the twenty-first instant, from the Secretary of the Interior, referring to the matter of the collection of permit taxes due the Creek Nation under the law of that Nation approved November 22, 1900, and requesting that you be instructed to confer with the Indian Inspector "With the view of carrying the matter into the courts and asking that one in default in payment of the tax or fee prescribed and whose place of business has been closed may be restrained from reopening the same and attempting to carry on his business."

From an examination of the recent decisions which may be of use in this connection, and especially the opinion of the Circuit Court of Appeals for the Eighth Circuit in the case of *Buster v Wright* (135 Fed. 947), it seems reasonably clear that persisting in a refusal to pay these taxes or fees is not only a violation of the Creek tribal law, but is also an interference with the statutory authority of the Secretary of the Interior and his subordinates who attempt to carry out his will in the premises.

Obviously an enforcement of these laws under executive authority alone in every case to which they apply would necessitate the employment of a large force, if, indeed, it would not

12113



be practically impossible of accomplishment. The injury seems irreparable.

Furthermore, an application of this kind to the court need not in any way interfere with a continuance of the existing methods of requiring a compliance with the law.

Accordingly, as suggested by the Secretary, you are directed to confer with the Indian Inspector, and unless you know of some good reason to the contrary, make application for an injunction as requested.

Advise me promptly of any action you may take.

Respectfully,

Acting Attorney General.

(Endorsed) Union Agency No. 12113 Received Aug. 7, 1905. Office of U.S. Indian Inspector for Indian Territory. Washington, August 2, 1905. Secretary. ---- Enclosing copy of letter from Acting Attorney General stating U.S. Attorney at Muskogee has been instructed to confer with U.S. Inspector relative to securing restraining order to prevent persons from re-opening places of business after being closed under Creek permit law. ----