

SUPERIN-  
TENDENT  
FOR  
FIVE  
CIVILIZED  
TRIBES



VOL. 5

FOREMAN  
TRANSCRIPTS

Copies of

MANUSCRIPTS

In the Office of the  
SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES  
MUSKOGEE, OKLAHOMA

(CREEK)

Feb. 21, 1898  
to  
May 4, 1907

Compiled from original records  
selected by

GRANT FOREMAN

CHS



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

Washington, February 21, 1898.

Honorable T. B. Needles,  
Muskogee, Indian Territory.

My dear Mr. Needles:

The Indian Appropriation Act, now pending, on page 58, commencing at line 22, contains the following provision:

"The roll of Creek freedmen made by J.W. Dunn, under authority of the United States, prior to March 14th, 1867, is hereby confirmed, and said Commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

It will, therefore, be necessary for the Commission to make a separate and distinct roll of Creek Freedmen. In order to expedite matters, the clerks should take all the Creek cards, go over them very carefully, and pick out all cards containing the names of freedmen. It might be well, also, to stamp such cards---- "Freedmen" to guard against their loss among other cards. A separate index should be made of these freedmen. For the present this could be done by using one of the indexes I send you to-day, and when the new indexes are prepared, the names can be transferred. It will be necessary, however, to have a temporary index.

Yours, very truly,

Tams Bixby.

Acting Chairman.

(Endorsed) # 338, Commission to Five Tribes. Muskogee, Received Feb. 28, 1898. Bixby, Tams, Washington, 2/21/98 Directs the separation of Freedmen cards from others in Creek Nation.



## EXECUTIVE OFFICE MUSKOGEE NATION.

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Okmulgee, I.T. July 19th, 1898.

Tams Bixby

Actg. Chairman

Commission to the 5 Civilized Tribes.

Sir:-

I am not ready yet to reply to you concerning your request for Creek citizenship roll as I promised to do for the reason that the convention can not consider the same unless your commission furnish them in writing for what reason they require to enroll the Creek citizens.

Yours truly,

Isparhecher  
Prin.Chief, M. N.

D. C. Watson  
Privt. Sect'y.

(Endorsed) # 593, Commission to Five Tribes, Muskogee, Oklahoma.  
Received in field. Isparhecher, Okmulgee, 7/19/98. Rel. To Creek  
rolls, cannot deliver until reason is given for their surrender.



## EXECUTIVE OFFICE MUSKOGEE NATION.

Okmulgee, I.T. July 21st. 1898.

Commission to the  
Five Civilized Tribes,

Sirs:-

The convention has adopted a resolution requesting me to furnish you with the citizenship rolls of the Creek Nation, but before I do so, I would respectfully inform you that I will furnish you rolls of the several 47 towns one by one as the representatives of each town apply to me for their town roll in order that they may be present before you while taking census of each town and see that the right and lawful citizens are enrolled. Therefore I will await the members of each town to call for their town roll each and I will be ready to comply--

Respectfully,

Isparhecher  
Prin. Cheif, M.N.

D.C.W.  
P.S.

( Endorsed ) # 594 Commission to Five Tribes, Received in field  
Isparhecher, Okmulgee, 7/29/98. Rel. To turning rolls over to  
Town Kings.



DEPARTMENT OF THE INTERIOR,  
OFFICE OF U.S. INDIAN INSPECTOR,  
For

INDIAN TERRITORY,

Muscogee, Ind. Ter., Dec. 23, 1898.

Hon. Isparhecher,  
Principal Chief Creek Nation,  
Okmulgee, Ind. Ter.

Sir;

My attention has been called to several warrants issued by you dated during the present month for pay of services of "Lighthorsemen" and other court officers, from September 4, to December 4, 1898.

As the Act of Congress approved June 28, 1898, known to you as the Curtis Bill, abolished all tribal Courts in the Creek Nation on October 1, 1898, I have to respectfully request that you advise me in reference to the issuing of these warrants which appears to provide for payment of salaries after such positions have been abolished by the law above referred to.

An early reply is desired.

Very respectfully,

J. Geo. Wright,

U.S. Indian Inspector

For Indian Territory.



Okmulgee, I.T. January 4th, 1899

Hon. J. Geo. Wright  
U.S. Ind. Inspector  
Muscogee, I.T.

Dear Sir;

On my return to the office from home where I went after adjournment for much needed rest from the fatigue of attendance on the U.S. Courts in their investigations of the Creek Warrant fraud, and the duties devolving on me during the recent session of the national council, I found your letter of the 23rd, December 1898., inquiring of the issuance of certain Creek warrants by me for payment of Lighthorsemen for the time embraced in the 4th of September and the 4th of Dec. 1898. In answer I respectfully state that while I have heard much said about the abolishment of the courts of the nation, I have never as yet been definitely officially informed by the government that said courts were now at an end and must no longer exercise their functions as such, as I have expected. For that reason I have thought it regular and proper to await such formal notice, and while awaiting such notice, I have issued national warrants to some of the court and other officials in fulfillment of appropriations made by the national council of October 1897. and which were for their pay for the official year ending Dec. 4, 1898.; this accounts for the appearance of the warrants of which I regard as entitled to respect as valid obligations of the nation.

I am very Respectfully

Isparhecher

Prin. Chief. M.N.



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Sapulpa Jan.5,1899

To the Hon.Dawes Commissioners:

We the undersigned citizens of the creek nation petition to you against Mrs. Alabama Norman, Mrs. Sammie Powell and baby, Mrs. Rena Weaver and baby as being placed on the Creek rolls through fraud and can prove that there parties has never applied for citizenship as being Creek citizens, and we do here by respectfully petition you to have this matter investigated by your Hon. body and the witnesses that we can prove these facts by are N.G.Gregory, and wife, Sapulpa, Ex-Prosecuting Attorney, Stand Waitie of Red Fork, Ex-Prosecuting Attorney, Taylor Turner, Ex-Judge, Dick Bruner of Tuskegee; Mr. and Mrs.G.P.Sanger of Sapulpa, Hon.S.W.Brown,Sapulpa and we do certify that the fore going facts can be proven beyond a resonable doubt that the names Mrs.Norman,Mrs.Powell, and Mrs.Weaver has never filed any papers before the council are your honorable (Sic) body as being citizen of the Creek Nation; and can prove by the said witnesses that Mrs. Norman promised to pay a council member twenty five dollars to enroll her and her daughters on the creek rolls

Millie Aubrey

Chas.T.Bailey

James Sapulpa

Elizabeth Sapulpa

Reese Harvison

Jim (his x mark) Crow

Jennie Brown

Moser Hardy



Sanford Perryman

Waittie Beaver

Turkey Sam

J.I.Younger

C.W.Morgan

Loda Fifer

Jimmie Fife

Joe Beaver

W.A.Sapulpa.

--The Chief knows of the fraud.



EXECUTIVE OFFICE MUSKOGEE NATION.

Muscogee, I.T.

Jany. 14, 1899.

Hon. Tams Bixby,

Asst. Chairman Dawes Commission,

Muskogee, I.T.

Sir:

I desire respectfully to ask your official attention to statements recently made to me that Mrs. Norman, Sam Powell and Rena Weaver had secured admission and enrollment on the Creek census rolls through fraud. It appears if the statements are true, that these persons obtained from some authority possibly a town chief, recognition and enrollment as Creek citizens, and have for quite a while past been so recognized. As is stated in complaints made to this office, these persons claims as Creek are based upon an unsupported alleged relationship supposed to subsist between themselves and certain others in the nation whose rights are not questioned by any one. George P. Sanger of Sapulpa, this nation, alleges the substance of the things above stated, and furnishes the following names of persons, who he writes, will be important witnesses in the case, namely - Mr and Mrs. Noah Gregory, Mr. and Mrs. Geo. P. Sanger, all of Sapulpa this nation and Thos. J. Adams of Okmulgee. When the matter of making up the citizenship rolls of the Creek Nation in the course of your official duties be reached, I ask that this matter be not overlooked



and that that be done, which after a full and fair investigation shall seem to be fair and just to all in interest.

Very respectfully,

Isparhecher

Prin.Chief.M.N.

D.C.Watson,

Priv.Secy.



McDermott, I.T.

Jan. 26, 1899

Dawes Commission,

Muskogee, I.T.

Gentlemen:

I herewith enclosed one Susan Wind for enrollment in the Creek Roll who was born Sept. 22, 1898 and has not been enrolled.

Yours respectfully,

George Wind.

Name--	Town	Father	Mother	P.O.
Susan Wind	Broken Arrow	George Wind Cursetta	Mary Wind Broken Arrow	McDer- mott.

Belongs to Broken Arrow, 6 months old.

For further information write me at McDermott, I.T.

George Wind.

P.S. If this accepted notify me at once.

(Endorsed) Union Agency No. 2230 Recd. Jan. 30, 1899 George Wind,  
McDermott, I.T. Jan. 26, 1899. ---Rel. to enrollment of a new born. ---



March 18, 1899.

The Secretary of the Interior,

Sir;

Under your reference of the 13th inst., I have considered the question of your authority to approve leases for grazing purposes made by individuals, claiming citizenship in the Creek Nation, of lands in said nation, before said lands are selected by the Indians or set apart under departmental regulations of October 7, 1898, as the lands to be allotted to them.

This matter arises upon the written application of P. Porter & Co. for the approval by you of a lease to them for grazing purposes made by Frank Carolinar and Matilda, his wife, for themselves and eight minor children, ranging in age from one month to eighteen years, of certain lands in the Creek Nation.

It is represented in this application by Porter & Co. that Carolinar and his family are citizens of the Creek Nation; that the land embraced in such lease is not more than the approximate share of the lands of the tribe to which Carolinar and his family are entitled; that Carolinar has obligated himself in his own behalf and in behalf of his family to select the lands embraced



in said lease as their allotments, and at the time of making such lease made a written declaration under oath to that effect. The application is not verified, nor is it stated whether Carolinar and his family are in possession of the lands leased, or whether the lands are agricultural, grazing or mineral in character, or whether they are occupied, claimed or desired for allotment by other citizens of the tribe, or whether other Indians have made like leases thereof, and like declarations of intention to select the same as allotments. No showing is made by the Carolinars.

Under the said act of June 28, 1898 (30 Stat., 495), the duty of determining who are entitled to allotments and of allotting the lands or the tribe in severalty to its citizens or members, devolves primarily upon the Commission to the Five Civilized Tribes, and the regulations before mentioned were adopted for the guidance of said commission.

Section 16 of said act contains a general provision to the effect that no rents or royalties on any lands belonging to any of the Five Civilized Tribes in the Indian Territory shall be paid to the tribe or to any individual thereof, and is followed by this proviso;

Provided, That where any citizen shall be in possession of only such amount of agricultural or grazing lands as would be his just and reasonable share of the lands of his nation or tribe



and that to which his wife and minor children are entitled, he may continue to use the same or receive the rents thereon until allotment has been made to him.

Section 17 of said act makes it unlawful for any citizen of any of said tribes to enclose or directly or indirectly hold possession of any greater amount of lands belonging to the tribe than that which would be the approximate share of himself and family, according to the allotments provided for in said act, and makes it a misdemeanor for any citizen to be in possession of a greater quantity of lands at the expiration of nine months after the passage of the act, which period expires March 28, 1899.

Section 23 of said act declares void all agricultural or grazing leases of lands belonging to any of said tribes made after January 1, 1898, and declares that grazing leases of such lands made prior to that time shall terminate April 1, 1899, and that agricultural leases made prior to that time shall terminate January 1, 1900. This section then contains the following:

But this shall not prevent individuals from leasing their allotments when made to them as provided in this act, nor from occupying or renting their proportionate shares of the tribal lands until the allotments herein provided for are made.

Referring to these sections, it is said in the regulations above mentioned;



Construing the first proviso in section 16 with the language found in the latter part of section 23, it is clear that no member is authorized, prior to allotment, to rent his share of the lands and that of his family, as aforesaid, unless he be in possession and occupying the same as his homestead, or the same be in good faith selected by him and in some way set apart to him as the land to be allotted to him.

The only provision affirmatively authorizing the leasing or renting of grazing and agricultural lands is that found in the first proviso to section 16, and it is limited to lands in the possession of a citizen, not exceeding the just and reasonable share to which he and his family are entitled, of which it is said; "he may continue to use the same or receive the rents thereon until allotment has been made to him."

The latter portion of section 23 does not purport to affirmatively authorize the leasing or renting of any lands, but given its natural and ordinary significance, is intended to save from the general prohibition against leasing, contained in that section, the privilege elsewhere given to individual citizens of renting their proportionate shares of the tribal lands until allotment. Considering that the leasing privilege affirmatively accorded to individual citizens by section 16 is limited to lands of which they have possession, the language in the latter part of section 23 does not seem to have been intended to authorize the leasing of lands by individuals who are not, and have not been,



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in possession thereof, and which have not been identified in any authorized way as selected for allotment by such individual Indians.

I am of opinion that the lease of P.Porter & Co. should not be approved by you.

Very respectfully,

Willis VanDevanter

Assistant Attorney General

Approved March 16, 1899.

(Signed) Thos. Ryan



Union Agency,  
Muscogee, I.T.

March 20, 1899.

Col. Ben T. Duval,  
Ft. Smith, Ark.

Dear Sir:-

Immediately upon receipt of your letter, I called upon Mr. John Lieber and he stated that he wrote you yesterday in reference to his interview with Inspector Wright. I also called personally upon Mr. Wright and submitted him your letter to me. He stated substantially that he thought when the time of payment arrived all you had to do was to present your warrant for payment, also a certified copy of the Creek Act allowing you your fee, and which was approved by the President, and also a copy of your contract with Chief Isparhecher, as he thought that these three papers, perhaps with an affidavit from yourself that you had performed the service, would secure payment of your warrants, and I concur with him in opinion. I do not think any more could or would be required of you. He further said that he supposed that you would have to await your turn and that he knew of no way by which you could raise money on your warrants at this time, unless you could hypothecate them with some person and secure money on the same. I do not think there could be any doubt about their payment and I believe that any person who would grant you money on your warrants would be perfectly safe in doing so. I will write to Chief Isparhecher at once and tell him that under

--Press Book no. 1-letter 304.--



the circumstances I think he ought to issue your second warrant,  
or second partial payment at this time.

Very respectfully,

D.M.Wisdom.

U.S.Indian Agent.



Union Agency,  
Muscogee, I.T.  
March 20, 1899.

Hon. Isparhecher,  
Prin. Chief Creek Nation,  
Okmulgee, I.T.

Dear Sir:-

Col. Ben T. Duval has written to me a letter in which he states that the Creek cases of citizenship will come up before the U.S. Court at Washington, D.C. on the 27th instant, and that he is very much in need of money to pay for printing briefs and other expenses incurred by him and that therefore he earnestly requests me to write to you to issue him a second warrant for one-half of the balance of the fee due him; that is to say, that you issue him a second warrant for \$833.33, and that he thinks he can hypothecate it and secure sufficient money to properly present the issues in behalf of the Creek Nation in citizenship cases.

I trust you will find it convenient and in accordance with your view of right and justice to issue said warrant to Col. Duval, as I am personally aware that he needs the money. I have received assurance that if the Creek citizen cases are properly presented before the Supreme Court, the Nation will defeat the applicants and gain a victory.

Very respectfully,

D. M. Wisdom.  
U.S. Indian Agent.

(Endorsed) Union Agency Press Book no. 1-Muskogee, Okla. Letter 305.



DEPARTMENT OF THE INTERIOR,  
Washington.

March 20, 1899.

J. George Wright

U.S. Indian Inspector  
for the Indian Territory,

Muscogee, Ind. Ter.

Sir;

The application of P. Porter & Co., for the approval by the Department of the lease to them for grazing purposes made by Frank Carolinar et al. of certain lands in the Creek Nation, was referred on the 13th instant to the Honorable Assistant Attorney General for the Interior Department for his opinion as to the authority of the Secretary to approve such leases.

The Department is now in receipt of his opinion, in which he holds "that the leasing privilege affirmatively accorded to individual citizens by section 16 is limited to lands of which they have possession, the language of the latter part of section 23 does not seem to have been intended to authorize the leasing of lands by individuals who are not, and have not been in possession thereof, and which have not been identified in any authorized way as selected for allotment by such individual Indians", and expresses the opinion that said lease should not be approved. Said opinion was approved by the Department on the 18th instant, and a copy thereof is herewith inclosed for your information.

Respectfully,

Ind. Ter. Div.  
701-1899.  
1 Inclosure.

Thos. Ryan  
Acting Secretary.

Through Commissioner of Indian Affairs.



(Endorsed) Union Agency Number 61. Received Mar 27, 1899 Office  
of U.S. Indian Inspector for Indian Territory. Washington,  
March 20, 1899. Secretary.-----Application of P. Porter & Co.  
for grazing lease Creek Nation, disapproved. Encloses copy  
decision of Asst. Attorney General on matter.



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Union Agency,  
Muscogee, I.T. March 21, 1899.

Col. Ben T. Duval,  
Ft. Smith, Ark.

Dear Sir:-

I have just had a conversation with Mr. W. T. Hutchings, who has just returned from Washington where he argued Cherokee citizenship cases before the Supreme Court. Mr. Hutchings informs me that appellees in cases brought before the Supreme Court will be allowed of course, ample time to file briefs in answer to those filed by the appellants, and as you represent the appellees in the Creek nation, I am satisfied that you will have longer time to file your brief than the 27th of this month, which you indicated to me in a former letter.

I wrote to Chief Isparhecher, as I promised you on yesterday, to issue you a second warrant for one-third of your pay on the fee allowed by the Creek Council and I hope he will see fit to do so.

I know that you understand the matter of filing briefs in the Supreme Court better than I do, but I feel a deep interest in your success in this matter and you will pardon me for making the above suggestions, which I do on the line of friendship, solicitude, etc.

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

(Endorsed) Union Agency Press Book no. 1--letter 307. Muskogee, Okla.



Union Agency,  
Muscogee, I.T.

March 23rd, 1899.

Mr. J. W. Davis,  
Walden, I.T.

Dear Sir:-

In reply to yours of late date, I will say that there is no Insane Asylum in the Creek Nation. There is however an Insane Asylum in the Cherokee Nation near Tahlequah, and if the Indian woman you speak of is a Cherokee, perhaps you might make some arrangement with the Superintendent of the Asylum to receive her and give her proper attention; but if she is not a Cherokee Indian, she could not apply to the Cherokee authorities, because the Asylum is set apart for Cherokees only.

So far as this agency is concerned, we have no fund out of which we can take care of insane people. It so happens, by providence or otherwise, that every community must take care of its own insane and incompetents where the state has not already provided for such people.

The attention and condition of insane people in the Territory has been presented to Congress more than once, but thus far Congress has taken no action in the matter, but I presume will do so probably at its next session - at least I hope so.

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

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

(Endorsed) Union agency book no. 1-letter 339. Muskogee, Okla.



Union Agency,  
Muscogee, I.T.

March 28, 1899.

Col. Ben T. Duval,  
Ft. Smith, Ark.

Dear Sir:-

Enclosed herewith I send you Creek warrant #3274 for \$833.35 being second payment to you for services rendered as attorney for the Creek Nation in citizenship cases.

I am pleased to be able to send you this warrant and as the act allowing the same has been approved by the President of the U.S., you ought to have no difficulty in hypothecating it and raising money or in negotiating it for nearly its fact value. I regard it as absolutely good.

At this time Mr. Zevely is taking a list of warrants issued and due by the Creek Nation, and I would advise you to send this warrant at once to Mr. Whitlow, auditor at Eufaula, I.T., and have it audited and then have its number etc. sent to Mr. Zevely, so that it can be listed as part of the indebtedness of the Creek Nation. It is important that it should be listed or registered with Mr. Zevely and within a short time, I am satisfied all such warrants will be paid in full.

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

P.S. My letter to Chief Isparhecher no doubt secured the warrant, or its issuance. The address of Mr. Zevely is-J.W. Zevely, Special Inspector, Muscogee, I.T.

(Endorsed) Union Agency Press Book no. 1 -letter 387. Muskogee, Okla.



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Union Agency,  
Muscogee, I.T., April 4, 1899.

Claude N. Bennett, Esq., Mgr.,  
# 609--14th Str.,  
Washington, D. C.

Dear Sir:-

Yours received in which you state that one H. R. Allen of Georgia, who is a descendent of a Creek Indian, desires to find out whether he can collect any money from the government on account of his membership in said tribe.

You are respectfully informed that it will be necessary for Mr. Allen to have his name and that of his family enrolled upon the authenticated roll of the Creek tribe of Indians before he will be entitled to receive any money from the Creek Nation or any money from the government due individual Indians of said tribe. I have no roll of the Creek tribe of Indians in my possession at this time, as all of my rolls were destroyed by fire on Feb. 23rd last, and therefore I am unable to refer to them to see whether the name of Mr. Allen is on said rolls or not. If Mr. Allen is really a Creek Indian by blood and has not been enrolled, he should immediately attend to that matter by communicating with the Dawes Commission, Muscogee, I.T., and it is due to candor to say that unless Mr. Allen can make out a claim based both upon blood and residence, it will be difficult for him to secure membership in said tribe of Indians.

--press book no. 2 letter 481.--



Should there be any parties in this section who desire to obtain information through you or in the various departments at Washington, I will take great pleasure in giving them your address.

Respectfully,

D. M. Wisdom,

U. S. Indian Agent.

P.S. The Rolls of some of the Tribes may be found in Indian Office, Washington, D. C.



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Union Agency,

Muscogee, I.T., April 5th, 1899.

Martin Smith,

Senora, I.T.

Dear Sir:-

Yours received in which you ask the following question:

"How is it that Spaulding & Co. of Checotah can lease a pasture, when we are not allowed to do it?" You further state that said Spaulding & Co. claim all the timber and fence around the pasture and that you fenced the pasture about three years ago and built the tank and paid your own money for the same and Mr. Spaulding claims it all. You further state that he has a lot of Texas negroes to take 160 acres of land in said pasture which is known as the Martin Smith pasture, and is about four miles square.

I of course, know nothing about the right that Spaulding & Co. have to such pasture, timber, fences, etc. If you desire the matter to be investigated, you should make out a more specific statement, sworn to, and support it by proof, and then investigation will doubtless be ordered by this agency to protect you if you need protection, as to any claim you may have on said pasture, timber and fence.

Very respectfully,

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

Approved:

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

(Endorsed) Union Agency Press Book No. 2. Letter 483. Muskogee, Okla.



Executive Office Muskogee Nation.

Okmulgee Ind.Ter.  
April 6, 1899.

Hon. J. Geo. Wright:

U.S. Ind, Inspector.

Muskogee, I.T.,

Sir:-

I am currently informed that the Secretary of the Interior has rentered (Sic) his decission relative to the introduction of cattle into the Indian Country.

For the information of my people you are respectfully asked to furnish this Office a copy of the late decission (Sic) of Secretary.

In reply to your request made to this Office through Mr. Wells, 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 advice this office at once when the appointment is made by the Secretary of the Interior.

Very respectfully,  
Isparhecher  
Prin. Chief, M. N.,

Answer the enclose letter.

(Endorsed) Union Agency # 628 Received April 10, 1899 Office of U.S. Indian Inspector for Indian Territory. Okmulgee, I.T. April 6, 1899. Isparhecher, Prin. Chief, M./n Wants copy of Secretary's ruling relative to introduction of cattle.



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Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington, April 6, 1899.

The Honorable

The Secretary of the Interior.

Sir;

Enclosed, herewith, is a report of March 28, 1899, from Hon. Tams Bixby, Acting Chairman of the Dawes Commission, transmitting a draught of proposed amendments to the rules and regulations of October 7, 1898, prescribed by the Secretary of the Interior to govern the selections and renting of prospective allotments of lands in the Indian Territory. These amendments relate, exclusively, to the selection and renting of prospective allotments of lands in that part of the Indian Territory occupied by the Cherokee and Creek Nations, and are similar, in their provisions, to the amendments approved by the Acting Secretary of the Interior on March 18, 1899, to apply to the Choctaw and Chickasaw Nations.

In connection with this matter, there is enclosed, herewith a report of March 29, 1899, from Inspector Wright, transmitting a letter of March 27, 1899, to him, from the Principal Chief of the Creek Nation, who, in protesting against the method of providing for the selection of allotments, etc., states that cattlemen from Texas are making a mad rush among the people whom they persuade, in



Many cases, to permit them to select for them their prospective allotments of land, upon the understanding that for a barely nominal sum of money, per acre, the solicitor shall have the use of the grass on the lands so selected, and on which the Creek citizen declares he will thereafter locate.

He further states that another class of impostors is abroad among the people of the Creek Nation, who, for a consideration, agrees to select for the citizens the lands that they are to take in their allotments, and to thus save them the expense of going before the Dawes Commission to make their selection, and that in both cases where lands have been selected by the cattlemen, and by the other class of persons mentioned, parties have been given descriptions of land that is in the occupancy of other citizens of the nation in good faith, or has been selected in good faith by other citizens of the nation for their allotments.

The views of this office on the question of making these preliminary allotments are fully expressed in reports, dated October 6, 1898, and February 13, 1899, and the facts stated in the letter of the Principal Chief of the Creek Nation show a condition of affairs that were foreseen by this office, and foreshadowed in its report of October 6, 1898.

With these remarks, Mr. Bixby's report and its enclosure, and the report from Inspector Wright, with the letter from the Principal Chief of the Creek Nation, are enclosed, herewith, for the con-



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sideration of the Department.

It is thought proper to add, however, that the office thinks the very earnest appeal of the Principal Chief of the Creek Nation demands very serious and careful consideration by the Department.

Very respectfully,  
your obedient servant,

A.C. Tonner,  
Acting Commissioner.

(K.S.M.)  
P.



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DEPARTMENT OF THE INTERIOR

Washington.

April 7, 1899.

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

Sir;

I am in receipt of your communication of the 29th ultimo, enclosing a letter from the Principal Chief of the Creek or Muskogee Nation, dated the 27th ultimo, protesting against the selection of lands by citizens of the Creek Nation under the provisions of the Act of Congress approved June 28, 1898, (30 Stat., 495), and permitting them to rent their proportionate shares "to cattlemen or others".

You state that the Principal Chief has been repeatedly informed that the Act of Congress referred to was now the law in the Creek Nation, and that the provisions of the same would be carried out until such time as an agreement should be entered into between said Nation and the United States government and ratified by Congress, or until some other law was enacted. You also report that

"The proposed selections of land, however, by citizens, under the provisions of the present law, simply enable such persons to select and hold their proportionate share of the lands, and therefore would not interfere with the rights of such persons under any equitable agreement which might be entered into and accepted by Congress."

The Commissioner of Indian Affairs transmitted your said report together with the report of the Acting Chairman of the Commission to the Five Civilized Tribes, enclosing a draft of proposed amendments to the rules and regulations of October 7, 1898, relative to the selections by members of the Creek and Cherokee tribes



thereunder.

The Department has uniformly held, and the regulations of October 7, 1898, expressly declare, among other things, that

"in order to make such selection of lands by any member of any tribe effective and valid such member, or the head of each family, shall be required to appear in person at the office within his tribe and to make application to one of the members of said commission, or to some one by said commission authorized to act for it in performing such duty, to have set apart to him the lands selected by him for himself and his wife and minor children; and such application shall be prepared by some member of said commission, or the person so authorized, and the applicant shall be required to therein make oath that he has, in person, actually been upon the lands so selected by him, and is fully informed as to the location of the same and the character of the soil; that the land is suitable for a home for himself and family; that he has in good faith selected such lands, and will accept same in allotment to himself and family; that no part of same is lawfully held by any other member of the tribe; and thereafter he may occupy, control and rent the same for any period not exceeding one year, by any one contract, until lands are in fact allotted to him under terms of said act, and will be protected therein by the Government from interference by all other persons whomsoever. Selections may be made for orphans, incompetents, and prisoners by guardians and relatives."

It is presumed that the tribal authorities of said Nations have been duly notified of the terms and conditions of said rules and regulations, and it is believed that the Commissioner to the Five Civilized Tribes, with your cooperation whenever necessary, will be able to cause said selections to be made as prescribed in said regulations, so that the dangers pointed out by the Principal Chief will be obviated.

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

Respectfully,

E. A. Hitchcock.

Secretary.

Ind. Ter. Div.  
975-1899.  
1 inclosure.

Through the  
Commissioner of Indian Affairs.



(Endorsed) Union Agency Number 96 Received Apr 11, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington April 7, 1899 Secretary.-----Relative to complaint of Chief Creek Nation about protesting against Citizens selecting lands and renting to cattlemen.-----



DEPARTMENT OF THE INTERIOR.  
Washington.

April 8, 1899.

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

Sir:

The Department is in receipt of your communication of the 28th ultimo, transmitting an Act (No. 1) of the recent special session of the Council of the Creek (or Muskogee) Nation, entitled "An Act to provide for support of National Boarding Schools, and for other purposes."

You recommend that said Act receive favorable consideration, but you call attention to the fact that the signatures to the Act are made by one party, and it "is, therefore, a copy and not the original Act." You also state that you have "received 21 Acts of the Creek Council--all copied in a similar manner, " and you request to be advised by telegraph whether you shall forward them or return the same to the Creek authorities for signatures by the proper officials. You have this day been directed to forward said Acts to the Department for executive action.

In your said communication is also enclosed a copy of a letter from the Principal Chief forwarding said Acts, wherein he states that the Council was called for the purpose of canvassing the votes cast at the recent election on the question of the adoption of the agreement concluded between the Commission to the Five Civilized Tribes and a commission on the part of said Creek Nation, and that "in consequence of the meagre information of the



voting population on the terms of the agreement and the failure of the blank returns to reach all of the different precincts in time, some seven or eight precincts failed to hold the election, and for that reason it was deemed more wise by the Council not to count the votes cast, but that it has been decided to submit it to another vote when all can participate,"

and that an election has been called to be held on the first day of May next, and that on the 9th of the same month the National Council would meet to count the votes.

You also call attention to the provision in section 76 of said agreement, which provides that:

"This agreement shall be binding on the United States when ratified by Congress, and on the Creek (or Muskogee) Nation, party hereto, when ratified by the citizens thereof, by a majority of the whole number of votes cast by the legal voters of said tribe, in the following manner, to wit: The Principal Chief shall within ten days from the date hereof make public proclamation that the agreement shall be voted on at a special election to be held for that purpose, and shall appoint the necessary officers of each precinct to hold said election."

And you request to be advised whether the election above indicated "would be legal."

The provision in said section 76, which requires the Principal Chief to call an election within ten days from the date of said agreement, viz: February 1st, 1899, and directs him to "appoint the necessary officers of each precinct to hold said election," seems to have been complied with, but the other provisions in said section for the announcement of the result of said election have not been complied with.

While it may not be illegal for the Chief to call such an election, yet inasmuch as Congress has not ratified said agreement, and may make certain amendments thereto which may need to be submitted for ratification or rejection by said Nation at an election to be held in the future, it would appear to be unnecessary and inexpedient to hold the election as above indicated.



If, however, the National authorities desire an expression of the will of the electors, I see no legal objection to holding an election which has already been called.

The Department has decided to waive the irregularities in the signatures of the officers to said Acts under the particular circumstances set forth by you, but you are directed, as recommended by the Acting Commissioner, "to advise the Creek authorities that hereafter the Acts presented for approval must be actually signed by the proper officers themselves." It would be well for you to repeat the instructions heretofore given by you, under the direction of the Department, relative to the engrossing and signing of the Acts by the proper authorities on said Nation, and that it will be expected that said requirements are fully complied with in the future.

Respectfully,

E. A. Hitchcock.

Ind. Ter. Div.  
973-1899.

Secretary.

Through the

Commissioner of Indian Affairs.

(Endorsed) Union Agency, # 103, received Apr. 15, 1899, office of U. S. Ind. Inspector for I. T. Washington, April 8, 1899. Secretary. Relative to Creek Acts and election. Copy to Isparheaher with letter 4/15.



37

Union Agency,  
Muscogee, I. T.,  
April 15th, 1899.

Hon. P. L. Soper,  
U. S. Attorney,  
Vinita, I. T.

Dear Sir:-

Replying to your letter of the 14th instant, and in accordance with your request therein contained, I directed Mr. J. Fentress Wisdom, clerk of this agency, to proceed to Summit and obtain and report to me such information as he could obtain in regard to the introduction of cattle mentioned in my previous letter.

I enclose herewith his report, and it is the best that can be done under the circumstances. If I can serve you further in this, I shall be glad to do so.

Perhaps some of the brands on the cattle may be secured by sending an officer to the pastures indicated in my letter, all of which are adjacent to Muscogee, and as suggested in the clerk's letter to me, they can be readily identified by their emaciated condition.

Very respectfully,

D. M. Wisdom,

U. S. Indian Agent.

Approved;

J. Geo. Wright,  
U. S. Indian Inspector  
(Endorsed) Union Agency, Muskogee, Okla. Press book no. 2-letter 119.



Union Agency,  
Muscogee, Ind. Terry.,  
April 15th, 1899.

Honorable Dew M. Wisdom,  
U. S. Indian Agent,  
Muscogee, Indian Territory.

Sir:-

Referring to the letter from Honorable P. L. Soper, U. S. District Attorney, dated the 14th instant, in reference to the unlawfull introduction of cattle into the Creek Nation and asking that he be supplied with more definite information as to the christian names of Witherspoon, Rashall and Casesy, the brands of the cattle introduced and the number of cars and etc., I have to say that in compliance with your instructions, I visited Summit, a small place about eight miles from Muscogee, and where the cattle were unloaded, and obtained the following information:-

The christian name of Rashall is Albert P.; and the firm name of Casey is J. S. Casey and Bro. Post Office address is Hillsboro, Texas. I was unable to learn the christian name of one Witherspoon.

The cattle were in numerous brands, none being distinct and so far as I could see and learn no special brand is used by any of the cattlemen mentioned above. These cattle are all bought in Texas and, of course, retain what brands their former owners had placed upon prior to their shipment to the Indian Territory. I understand as soon as the cattle have fattened a particular brand will be placed upon each head and will be known as an Indian Press book no. 2-letter l20(page l21)



39  
Territory brand. The cattle can, however, be easily recognized by their thin and emaciated condition.

I learned further that Mr. Witherspoon has leased and placed such cattle as he has introduced into the Territory in the Bob Hawkin's, the Pete Stidham and the Andrew Peter's pastures.

Mr. Albert P. Rashall has placed his cattle in what is known as the M. L. Minter pasture, otherwise known as the Henry Mayes ranch.

J. S. Casey and Bro. have their cattle in a pasture about eight (8) miles from Muscogee and to the East of Summit switch.

I regret to state that the Agent of the M. K. & T. R'y. would give me no information whatever about cattle received and unloaded at that station. I left the letter addressed to him on that subject by you, and requested that he give me an answer to the same. This he declined to do, but stated that he would lay the same before the officials of the M. K. & T. R'y for final action thereon.

It was difficult to learn any information in Summit as it is a small place and every one there is more or less dependent upon the cattlemen for their living, and for this reason are reluctant to give any information in reference to their business affairs.

Before finishing this report, I think it proper to add that while I was at Summit a train load of twenty cars of cattle were received and unloaded by one Homer B. Spaulding, a citizen of Muscogee, Indian Territory. These cattle after being unloaded were driven West to a place unknown to me. Mr. Spaulding was in Summit at the time of the unloading of the cattle and received press book--no. 2--letter 120--page 121.



them in person.

Mr. Bud T. Kell, U. S. Indian Police, was with me the entire time I was in Summit and can vouch for the information herein contained.

Respectfully submitted,

J. Fentress Wisdom.



41  
Union Agency,  
Muscogee, I. T.

April 17th, 1899.

Mr. P. M. Avrit,

Dale, O. T.

Dear Sir:-

Yours received. I have no Creek roll in my possession. All the rolls of this office were destroyed by fire on the morning of the 23rd of February last, and therefore I cannot refer to them to see whether the names of Chas. Chisholm and his two children are on said rolls or not. If you want information on this point you should write direct to the Dawes Commission, Muscogee, I. T.

Very respectfully,

D. M. Wisdom,

U. S. Indian Agent.

Approved;

J. Geo. Wright,

U. S. Indian Inspector.



Union Agency,  
Muscogee, I.T., June 9th, 1899.

Jacob Harrison, U.S.I.P.

Wewoka, I.T.

Dear Sir:-

I enclose you herewith a letter addressed to Hon. P. L. Soper, U.S. District Attorney, Vinita, I.T., which has been referred to this office for investigation and report with the return of papers.

You will note the letter states that J. T. Brewer has about 100 head of cattle in the Creek Nation about six miles northeast of Keokuk Falls, Oklahoma Territory, and that the residence or claim of Mr. Brewer is two miles north and one mile west of Keokuk Falls in the Sac and Fox Agency.

You are therefore required to make an immediate investigation of this matter and report fully to this office all facts in connection therewith. Section 2117 of the Revised Statutes of the United States declares that--

"Every person who drives or otherwise conveys any horses, mules, or cattle to range and feed on any land belonging to any Indian or Indian tribe without the consent of such tribe, is liable to a penalty of One dollar for each animal of such stock."

You are enjoined to exercise special diligence in order that no person or corporation shall attempt or be able to evade the above section of the Revised Statutes, by turning their cattle loose on the public domain. You will take particular care to ascertain whether cattle have been introduced from Texas or elsewhere which are infected or liable to become infected and cause injury to domestic cattle. You will return the enclosed letter with your report.

Very respectfully,

J. Blair Shoenfelt, Ind. Agt.

Approved:

J. Geo. Wright, Ind. Insp.

(Endorsed) Union Agency, Press Book, # 3, Letter # 55, Muscogee,



43

Union Agency,  
Muscogee, I.T., June 17th, 1899.

E. Schwitzer,  
Wm. Evans, Et. al.

Order.

vs.

George W. Scott

Complaint having been filed before me on the 10th day of June by E. M. Schwitzer, Wm. Evans and others, charging that George W. Scott had fenced up the public road leading from Muscogee to Webbers Falls via Brushy Mountain, which greatly inconvenienced the public by reason of the increase of distance to travel between these points; also that the new route was not as good as the old one on account of the creek bottoms, particulars which appear more fully in said complaint on file in this office, and the same having been by me thoroughly investigated and being well and sufficiently advised as to what orders should be made in the premises, it is therefore by me ordered that the said George W. Scott remove the obstruction to these roads and put them in the same condition they were prior to his fencing them up, and that he do this within five days from the date of service of copy of this order; and a failure or refusal to remove said fences within the time specified, after notice hereof, the same will be removed by an Indian policeman without further notice.

J. Blair Shoenfelt  
U.S. Indian Agent.

Approved:

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

(Endorsed) Union Agency Press Book # 3, Letter # 157, Muskogee,



Union Agency,  
Muscogee, I.T.,  
June 20th, 1899.

T.J.Measel,  
McLain, I.T.

Sir:-

In answer to your complaint against Wiley Evans et. al., you are informed that this office is in receipt of a communication from them, in which they say that they are lawfully intermarried citizens of the Creek Nation and the heads of families, and as such heads of families and intermarried citizens, claim to have and still have under the law of the Creek Nation, a right to use their interests in all Creek property for the purpose of supporting and maintaining their families; that the cattle you complain of are held in the Creek Nation and occasionally drift into the Cherokee Nation where there is no fence, and that at times they are unable with their small force of men to prevent them from straying into the Cherokee Nation; that they are not encroaching upon the rights of other citizens; that the cattle in question are native cattle and were raised in the Indian Territory and principally in the Creek Nation.

You will inform this office if the above facts are true and any additional complaints made by you will have to be supported by affidavits, at which time this office will cause further investigation to be made as to the alleged violation of the law.

Very respectfully,  
J.Blair Shoenfelt.

Approved: J.Geo.Wright, U.S.Indian Inspector.  
(Endorsed) Union Agency Press Book No. 3 Letter 192.Muskogee, 6kla.



45

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

Washington,      June 21, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Enclosed, herewith, is a report of June 14, 1899, from Inspector Wright, transmitting an act of the special session of the national council of the Creek Nation, approved by the Principal Chief on May 24, 1899, appropriating \$143 in favor of S. W. Brown. The act provides that the Principal Chief be, and he is authorized to issue duplicate national warrant in favor of S. W. Brown to replace warrant stolen or lost, as reported. No further information has been furnished Inspector Wright with reference to the appropriation, but he reaches the conclusion that the warrant had been issued to S. W. Brown for the amount which he has reported has been lost or stolen, and the appropriation is for the purpose of furnishing him a duplicate warrant.

In view of the fact that the nation issued a warrant which is now outstanding and may be presented at any time, and as the nation by the issuance of such warrant discharged its obligation, Inspector Wright recommends that the act be disapproved.

In Inspector Wright's recommendation the office fully concurs, and the act is therefore transmitted with the recommendation that it be submitted to the President with request that he disapprove the same.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

(K.S.M.)P.

(Endorsed) Union Agency # 234, Received Jul. 5, 1899, Office of U.S. Ind. Insp. for I.T. Washington, June 30, 1899. Secretary. Creek Act to pay S. W. Brown for warrant lost, disapproved.



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

Washington.

June 23, 1899.

United States Indian Inspector  
for the Indian Territory.

Sir:

The Department is in receipt of your communication of the 7th instant, forwarding a report from Special Inspector J. W. Zevely, in which he states that several acts of the Creek Council make appropriations with the following proviso, namely: "Provided that said sums shall be paid out under such rules and regulations as the Secretary of the Interior shall prescribe," and that the tribal authorities of said Nation have issued warrants under a part of said appropriations in the same manner as heretofore, and he requests to be advised if the warrants so issues will be paid.

The Indian Inspector makes certain recommendations,

1. That the warrants be paid which were issues for the pay of the services of teachers in the various schools up to the present time under the appropriation entitled "An Act to provide for support of National boarding schools," if such warrants are found to be correct and justly due, and that the tribal authorities of the Creek Nation be advised "that no warrants hereafter shall be issued against this appropriation until endorsed or approved by the Supervisor of Education for the Creek Nation."



2. That the warrants be recognized which were issued under the appropriation act entitled "An Act to provide for expense of executive office, and for other purposes," and that the warrants hereafter issued for the expenses of the executive office shall "first be approved by the Indian Agent.

3. That the warrants be paid which have been issued under the appropriation act entitled "An Act to provide for pay of committee clerks and other purposes," and that hereafter warrants drawn for that purpose shall "be first approved by the Indian Agent before being issued or circulated."

4. It is suggested that the warrants which have been re-issued by the Creek Treasurer, after having been paid to him for taxes due the Nation, be paid, for the reason that it has been the custom for said Treasurer in accepting such warrants not to stamp them "Canceled," but to exchange or reissue them in making change where warrants have been tendered the Treasurer should submit a sworn statement "that warrants had been so re-issued by him in making change only, and that no warrants had been otherwise issued by him except those for Stuart, Lewis, Gordon and Rutherford." It is further stated that if payment be refused on warrants which have been reissued by the Creek Treasurer for change only, there would remain but few warrants to be paid, since the custom of making change in warrants appears



to have been uniform in the past.

5. There is transmitted with said report a warrant dated October 15, 1898, numbered C2947 for \$372.80, to which is attached the name of the Principal Chief and "D. C. Watson, Private Secretary," and attention is called to the provision of the Creek law contained in section 2, article V, Constitution, page 17, Laws of 1893, which provides that

"No moneys shall be drawn from the National Treasury except to carry out the appropriations made by the National Council, and when such appropriation is made the Principal Chief shall issue a draft upon the Treasury to meet the same"; and also to section 12, page 24, as follows;

"He (Principal Chief) shall have the issuance of all the National Warrants, but no warrant shall be issued until an appropriation by the National Council has been made to cover the same."

The Indian Inspector calls attention to the fact that the name of the Principal Chief on said warrant appears to have been signed by his Private Secretary, and that there is no law authorizing such action, and he suggests that "as the Principal Chief, Isparhecher, cannot sign his name," when warrants now outstanding are called for payment which do not bear the signature of the Principal Chief "by x mark, and properly witnessed, that his presence be required and he sign all warrants by his mark, duly witnessed by others, before payment is made in order to protect the Indian Agent in the settlement of his account in the Treasury Department."



The Commissioner of Indian Affairs, in forwarding said report states that upon careful consideration of the recommendations and suggestions made by you, they appear to be sufficient to dispose of all questions that may arise in the payment of said warrants, and he therefore concurs in the recommendations and suggestions, "without any further comment."

The only question that might seem to arise in the matter is, whether the warrants which are recommended to be approved by the Indian Agent, before being issued and circulated, should be approved by him or by the Inspector, but inasmuch as both you and the Commissioner recommend that they be approved by the Indian Agent, the Department will concur in said recommendation, as well as the other suggestions made in your said report.

Said warrant is returned herewith, together with a copy of the report of the Commissioner of Indian Affairs.

Respectfully,

Tho. R. Ryan.

Acting Secretary.

Ind.Ter.Div.  
1670,1784-99.  
2 enclosures.

Through the

Commissioner of Indian Affairs.

(Endorsed) Union Agency No.228. Received Jul.1,1899. Office of U.S. Indian Inspector for Indian Territory. Washington, June 23,1899.  
-Secretary---Instructions concerning Creek warrants.



Union Agency,

Muscogee, Ind. Terry., June 24th, 1899.

Mr. Eugene Newton,

Muscogee, Ind. Terry.

Sir:-

Complaint has been made to this office that you have inclosed by a wire fence the grounds and building owned and erected by the African Methodist Church, situated near Elk Creek, Creek Nation, Indian Territory.

It is stated that the Church has only reserved about an acre of land for its purposes, and that said church is open to all for the free exercise of their religious views.

I know of no necessity for your taking this land and annoying the good people of your community by such action.

It is therefore ordered that within seven days from the receipt of this notice that you take down the fence which you have erected around said grounds and building and cease to further trespass thereon.

In order not to do you an injustice, I have decided to give you seven days from the date hereof to show cause why you have inclosed the said grounds and building, and should you make it clear to me that you have a good right to the land in question, then this order to be inoperative.

If, however, you fail to show a good reason for inclosing the church, or fail to answer the complaint within the specified time, an Indian Policeman, acting under orders from this Agency, will tear down said fence without further notice.



You will notify me of the action you propose to take in this matter.

Very respectfully,

J.Blair Shoenfelt

Approved:

U.S.Indian Agent.

J.Geo. Wright.

U.S. Indian Inspector

(Endorsed) Union Agency Press Book # 3, Letter 244-3, Muskogee



52  
Union Agency,

Muscogee, I.T.,

June 30th, 1899.

Hon. Isparhecher,

Prin. Chief Creek Nation,

Okmulgee, I.T.

Sir:-

In the redistribution of the Indian Policemen for the fiscal year beginning July 1st, 1899, I have decided to appoint two additional Indian Police for the Creek Nation, one to be stationed in the vicinity of Okmulgee and one at Thurman.

I would like to have your views on this matter and also have you recommend some reliable Creek Indian to be appointed Indian Police at those points.

Very respectfully,

J. Blair Shoenfelt,

U.S. Indian Agent.

Approved:

J. Geo. Wright,

U.S. Indian Inspector.



53

Union Agency,  
Muscogee, I.T., July 1st, 1899.

Mose Jimison,  
U.S. Indian Police,  
Muscogee, I.T.

Sir:-

If Sandy Younger, a member of the committee of a base ball picnic to be held at Dog Wood Thicket near Brown's Ferry on the 4th of this month, should request you to attend said picnic in order to keep peace on that day, you are authorized to do so, and you will endeavor to keep down all disturbances that may arise, and should anything occur which you deem necessary to report to this office, you will do so immediately.

Mr. Younger informs me he will pay you your necessary expenses for that day. You will not be required to go unless the said expenses are paid.

Very respectfully,

J. Blair Shoenfelt.  
U.S. Indian Agent.

Approved:  
J. Geo. Wright,

U.S. Indian Inspector.

(Endorsed) Union Agency Press Book No. 3 Letter 343. Muskogee, Okla.



54  
Union Agency,  
Muscogee, I.T., July 1st, 1899.

Mose Jimison,  
US Indian Police,  
Muscogee, I.T.

Sir:-

If Sandy Younger, a member of the committee of a base ball picnic to be held at Dog Wood Thicket near Brown's Ferry on the 4th of this month, should request you to attend said picnic in order to keep peace on that day, you are authorized to do so, and you will endeavor to keep down all distrubances that may arise, and should anything occur which you deem necessary to report to this office, you will do so immediately.

Mr. Younger informs me he will pay you your necessary expenses for that day. You will not be required to go unless the said expenses are paid.

Very respectfully,

J.Blair Shoenfelt

Approved:

J.Geo.Wright

U.S. Indian Inspector

(Endorsed) Union Agency Press Book # 3, Letter, # 343, Muskogee



Union Agency,

Muscogee, I.T., July 1st, 1899.

Mose Jimison,

US Indian Police,

Muscogee, I.T.

Sir:-

If Sandy Younger, a member of the committee of a base ball picnic to be held at Dog Wood Thicket near Brown's Ferry on the 4th of this month, should request you to attend said picnic in order to keep peace on that day, you are authorized to do so, and you will endeavor to keep down all disturbances that may arise, and should anything occur which you deem necessary to report to this office, you will do so immediately.

Mr. Younger informs me he will pay you your necessary expenses for that day. You will not be required to go unless the said expenses are paid.

Very respectfully,

J.Blair Shoenfelt

Approved:

J.Geo.Wright

U.S. Indian Inspector

(Endorsed) Union Agency Press Book # 3, Letter, # 343, Muskogee



55  
(Copy)

Refer in reply to the following:  
Land.

46,209-1899.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington,

October 10, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Enclosed, herewith, is a report of September 26, 1899, from Inspector Wright, stating that he has seized two cars of walnut gun stocks, etc., and fifty oak ties at Sapulpa, Indian Territory, 4,000 feet of mixed oak lumber and about 2,000 feet of mixed walnut lumber at Bristow, Indian Territory, both in the Creek Nation, and also between sixty and seventy walnut and two oak logs and a pile of partially sawed walnut logs near Catoosa, in the Cherokee Nation, Indian Territory, as having been unlawfully cut in those nations; that these logs are mixed as to quality, some being good and others fair, and yet others "culls"; that there is no law in either of said nations now authorizing the cutting and selling of timber; that the Cherokee Nation had a law permitting the furnishing of railroad Company which was repealed by the Act of December 1, 1896; that the Creek Nation some years ago had a law authorizing the sale by district judges of "down walnut timber", but this law is no longer of any effect because the district judges have been deprived of the



power to exercise the functions of their office by section 28 of the Curtis Act, and that this timber and lumber were being, or about to be, offered for shipment in violation of the United States Statutes prohibiting depredations on timber on Indian reservations.

The Inspector requests to be informed whether this timber can be sold as the property of the tribes, respectively, and the proceeds placed to their credit by the U.S. Indian Agent, and if not, what disposition shall be made of the same.

There is no law known to this office under which the agents of this Department in the field are authorized to dispose of the products of any of the reservations of the Five Civilized Tribes, but as the timber referred to represents property of considerable value, it would seem to be a waste to permit the same to go to decay, and the office is disposed to recommend that the Inspector be authorized to direct the Indian Agent to sell the timber to the highest bidder, the proceeds to be accounted for for the benefit of the nation from which the same was taken.

Very respectfully,  
Your obedient servant,

A. C. Tonner,  
Acting Commissioner.

(K.S.M.)  
P.

(Endorsed) Union Agency No. 371. Received Oct. 19, 1899. Office of U. S. Indian Inspector for Indian Territory. Washington, D.C., Oct. 12, 1899. Secretary. Direct Indian Agent to sell lumber, ties, etc, at Sapulpa, Bristow and Catoosa, and place proceeds to credit of tribes.



P A Y R O L L.

Payment of February and March, 1900.

In favor of

A. Grant Evans, D. 803

O. A. Morton, D. 520

Alexander McIntosh, D.511

Tate Brady, D. 700

W. C. Trent, D. 685

Isparhecher, D.506

H. M. Harjo, D. 512

B. H. Richards, D. 519

Turner Hdw. Co., D.533

Turner Hdw. Co., D. 534

Geo. A. Alexander, D. 536

Austin Anderson, D.537

Wash Adams,

Sanger Beaver, D. 540

Rowland Brown, D. 541.

Barney Bruner, D. 542

Billy Barnett, D. 544

S. W. Brown, D. 546

Little Bear, D. 547

James Deere, D. 550

Joseph Bruner, D. 551

Ochrum Emartha,

John Frances, D. 553,

Thomas Frank, D. 554.

Woxie Harjo, D. 556

Joe Buck., D. 557

----Pleasant Porter-a-99----

Received by

A. Grant Evans.

O. A. Morton.

Alexander McIntosh.

W. C. Trent.

W. C. Trent.

Isparhecher.

Turner Hdw. Co.

Turner Hdw. Co.

Turner Hdw. Co.

Turner Hdw. Co.

F. B. Severs.

F. B. Severs.

F. B. Severs.

F. B. Severs.

F. B. Severs.

F. B. Severs.

F. B. Severs.

P. K. Morton.

F. B. Severs.

F. B. Severs.

F. B. Severs.

F. B. Severs.

F. B. Severs.

F. B. Severs/

F. B. Severs.

F. B. Severs.



Harjo, D. 558	F. B. Severs.
M. Hodge, D. 559	F. B. Severs.
G. W. Hill, D. 560	P. K. Morton.
Tulsay Harjo, D. 562	F. B. Severs.
Tommie Key, D. 563	F. B. Severs.
Wilson Knight, D. 564	F. B. Severs.
Timmie Fife, D. 565	Turner Hdw. Co.
Joe Mingo, D. 569	F. B. Severs.
Washington Riley, D. 571	F. B. Severs.
Billy Scott, D. 574	F. B. Severs.
Wiley Sukey, D. 575	Turner Hdw. Co.
Robert Salumber, D. 576	F. B. Severs.
Robison Starr, D. 577	F. B. Severs.
Simmer, D. 578	F. B. Severs.
Noble Scott, D. 579	F. B. Severs.
John Wesley, D. 581	F. B. Severs.
Bunny McIntosh, D. 582	F. B. Severs.
Lee McNivins, D. 583	F. B. Severs.
Geo. Canard, D. 584	F. B. Severs.
W. A. Sapulpa, D. 585	F. B. Severs.
Ben Barnett, D. 587	Turner Hdw. Co.
Dick Barnett, D. 588	F. B. Severs.
Monday Barnett, D. 589	F. B. Severs.
Jackson Barnett, D. 590	Turner Hdw. Co.
Mrs. A. P. McKellop, D. 885	Mrs. A. P. McKellop.
J. F. Barnett, D. 591	F. B. Severs.
Wm. Berryhill, D. 592	F. B. Severs.
James Broadenax, D. 594	F. B. Severs.



Richard Berryhill, D. 593	F. B. Severs.
Tom Bruner, D. 595	F. B. Severs.
Liuty Bruner, D. 596	F. B. Severs.
John Buck, D. 597	" " "
Carthony, D. 598	" " "
Ottoway Cain, D. 599	P. K. Morton
Austin Chisso, D. 601	F. B. Severs.
Lasley Cloud, D. 602	F. B. Severs.
Alex Davis, D. 603	F. B. Severs.
Joe Davis, D. 604	F. B. Severs.
Lewis Deere, D. 605	" " "
Lawyer, Deere, D. 606	" " "
Stephen Durant, D. 607	" " "
P. R. Ewing, D. 608	" " "
Tulmochus Fixico, D. 609	" " "
Nokus Fixico, D. 610	P. K. Morton.
H. C. Fisher, D. 611	F. B. Severs.
Tobe Franklin, D. 614	F. B. Severs.
Peter Gano, D. 615	P. K. Morton.
Joseph Gibson, D. 617	F. B. Severs.
G. W. Grayson, D. 618	G. W. Grayson.
Tackey Grayson, D. 620	F. B. Severs.
Dick Greenwood, D. 623	F. B. Severs.
Jesse Green, D. 624	" " "
Johnson Harjo, D. 625	P. K. Morton,
Isphaney Harjo, D. 626	F. B. Severs.
Littif Harjo, D. 627	F. B. Severs.
Chofellop Harjo, D. 628	" " "



Bustin Hawkins, D. 629	Turner Hdw. Co.
Wm. Hawkins, D. 630	" " "
David Harry, D. 631	F. B. Severs.
James Haynes, D. 632	" " "
Geo. Hicks, D. 634	F. B. Severs.
Artus Hopaye, D. 635	F. B. Severs.
Chowe Jackson, D. 637	Turner Hdw. Co.
John Jefferson, D. 639	F. B. Severs.
Mose Jamison, D. 640	" " "
Green Jackson, D. 638	P. K. Morton.
Daniel Johnson, D. 641	F. B. Severs.
Keeper Johnson, D. 643	" " "
Johnson Lewis, D. 645	F. B. Severs
P. A. Lewis D. 646	" " "
Thomas Long D. 647	" " "
Geo. Lovett D. 648	F. B. Severs.
Robt. Manuel D. 650	Harsha & Spaulding.
Manuel Monday D. 652	F. B. Severs.
R. C. Monroe, D. 651	R. C. Monroe.
T. W. Perryman, D. 655	F. B. Severs.
Wm. Perryman, D. 656	" " "
Isom Peter, D. 557	F. B. Severs.
Jacob Pierce, D. 658	F. B. Severs.
Pompey Phillips, D. 659	" " "
Joe Primus, D. 660	Turner Hdw. Co.
Charley Roberts, D. 662	" " "
Mose Sanger, D. 663	F. B. Severs.
Snow Sells, D. 664	F. B. Severs.
Siah D. 665	" " "
----Pleasant Porter-a-99----	



Daniel Starr, D. 666

F. B. Severs

R. M. Stevens, D. 667

Turner Hdw. Co.

H. C. Stidham, D. 668

F. B. Severs.

Jim Smith, D. 669

" " "

Jeffrey Smith, 670

F. B. Severs.

Wm. Sullivan, D. 672

P. K. Morton.

J. F. Spaniard, D. 673

F. B. Severs.

Tobe Tiger, D. 674

F. B. Severs.

John Tiger, 675

F. B. Severs.

Harley Thomas, D. 676

P. K. Morton

A. P. McKellop, D. 684

F. B. Severs.

Sam Haynes D. 683

" " "

Lydia Perryman, D. 715

" " "

Lydia Perryman, D. 716

" " "

J. H. Lynch, D. 717

" " "

Mrs. A. P. McKellop, D. 718

Harsha & Spaulding

Theodore Stidham, D. 720

F. B. Severs.

A. G. W. Sango, D. 722

" " "

J. R. King, D. 723

" " "

F. B. Severs, D. 725

" " "

G. W. Grayson, D. 726

G. W. Grayson.

D. C. Watson, D. 727

Turner Hdw. Co.

G. W. Grayson, D. 732

G. W. Grayson.

G. A. Alexander, D. 733

F. B. SEVERS.

Phoenix Printing Co. D. 532

M. R. Moore, Mngr.

Thomas J. Adams, D. 735

F. B. Severs

Austin Anderson, D. 736

F. B. Severs.

Roland Brown, D. 737

F. B. Severs.

Billy Barnett, D. 738

P. K. Morton.



Joseph Buck, D. 739	F. B. Severs.
Joseph Bruner, D. 741	" " "
P. R. Ewing, D. 746	F. B. Severs.
Thomas Frank, D. 747	" " "
N. G. Gregory, D. 748	" " "
James Hill, D. 750	P. K. Morton,
Geo. W. Hill, D. 752	P. K. Morton.
Gabriel Jamison, D. 757	Turner Hdw. Co.
John E. Jacobs, D. 758	P. K. Morton.
Geo. Kanard, D. 760	F. B. Severs.
Joseph Mingo, D. 764	" " "
T. W. Perryman, D. 766	" " "
Lewis McHenry, D. 765	P. K. Morton.
Parchena D. 767	F. B. Severs.
Joe Smith, D. 770	P. K. Morton.
James Smith, D. 771	F. B. Severs.
Simmer, D. 772	" " "
Wiley Sukey, D. 773	" " "
John Wesley, D. 776	" " "
Bunnie McIntosh, D. 779	" " "
Lee McNevins, D. 780	P. K. Morton.
Amos McIntosh, D. 782	F. B. Severs.
Mose Asbery, D. 784	F. B. Severs.
Wash Adams, D. 785	" " "
James Barnett, D. 786	" " "
Wilson Beaver, D. 788	" " "
Pleasant Berryhill, D. 789	P. K. Morton.
John Bright, D. 790	" " "
James Broadenax, D. 791	" " "
----Pleasant Porter-a-99----	



Barney Bruner, D. 793	F. B. Severs
Wiley Buckner, D. 795	" " "
J.T.Kanard, D. 798	P. K. Morton.
P.R.Caesar, D. 800	F. B. Severs.
Lewis Childers, D. 801	" " "
Alex Davis, D. 804	" " "
Bob Daniels, D. 805	P. K. Morton.
J. P. Davidson, D. 806	J. T. Davidson.
Lawyer Deere, D. 809	F. B. Severs.
L. C. Drew, D. 810	P. K. Morton.
N. E. Durant, D. 811	F. B. Severs.
Nokus Emarthla, D. 812	P. K. Morton.
Tulmuschus Fixico, D. 814	F. B. Severs.
Nokus Fixico, D. 815	F. B. Severs.
Tobe Franklin, D. 816	F. B. Severs.
Wm. Francis. D. 817	" " "
Tobe Grayson, D. 821	" " "
Bustin Hawkins, D. 823	Turner Hdw. Co.
Wm. Hawkins, D. 824	" " "
Holutka Harjo, D. 826	F. B. Severs.
Waxie Harjo, D. 828	F. B. Severs.
Tokus Harjo, D. 829	" " "
Thomas E. Holden, D. 832	" " "
Mose Jamison, D. 834	" " "
Una Johnson, D. 836	" " "
Daniel Johnson, D. 837	" " "
Martin Jones, D. 838	P. K. Morton.
J. H. Lewis, D. 840	F. B. Severs.
P. A. Lewis, D. 841	" " "

----Pleasant Porter-a-99----



Thos. Long, D. 842	F. B. Severs
Alex Mike, D. 844	P. K. Morton.
Lewis McGilbra, D. 845	F. B. Severs
J. C. Morrison, D. 847	" " "
Moosa Nahaki, D. 849	" " "
Jim Noon, D. 850	P. K. Morton.
W. A. Palmer, D. 851	F. B. Severs
Enos Perryman, D. 853	P. K. Morton.
Joe Primus, D. 855	Turner Hdw. Co.
W. A. Rentie, D. 856	P. K. Morton.
Dave Roberts, D. 858	P. K. Morton.
Isom Peter, D. 854	F. B. Severs.
A. G. W. Sango, D. 859	P. K. Morton.
Mose Sawyer, D. 861	F. B. Severs.
Snow Sells, D. 862	" " "
R. M. Stevens, D. 863	Harsha & Spaulding.
R. W. Stewart, D. 864	P. K. Morton.
John Tiger, D. 868	F. B. Severs.
Geo. W. Tiger, D. 869	F. B. Severs.
James Yarber, D. 873	" " "
A. P. McKellop, D. 876	Turner Hdw. Co.
C. G. Moore, D. 804	C. G. Moore, (Washington).
G. W. Grayson, D. 877	G. W. Grayson.
Samuel Checotah, D. 879	F. B. Severs.
L. E. Nero, D. 880	" " "
J. H. Lynch, D. 881	" " "
W. L. Brinks, D. 751	W. L. Brinks.
Geo. Island, D. 636	Turner Hdw. Co.
J. L. Thomas, D. 689	J. L. Thomas.
F. B. Severs, D. 707	F. B. Severs.



J. H. Lynch, D. 890  
 Lovely Mackey, D. 907  
 J. H. Lynch, D. 908  
 Turner Hdw. Co. D. 686  
 J. E. Turner, D. 690  
 Turner Hdw. Co. D. 902  
 Roley McIntosh, D. 509  
 Thomas McWilliams, D. 570  
 Dave Grayson, D. 797  
 S. E. Brown, D. 796  
 Lena Charles, D. 785  
 D. W. Hunter, D. 783  
 Robert Salumber, D. 860  
 C. E. Foley, D. 698  
 A. R. Querry, D. 901  
 J. Burdette, D. 697  
 Turner Hdw. Co. D. 916  
 Turner Hdw. Co. D. 917  
 D. A. Lee, D. 839  
 W. E. Gentry, D. 616  
 W. E. Gentry, D. 819  
 M. V. Perryman, D. 521  
 Eliza Peters, \_\_\_\_\_  
 C. S. Smith, D. 894  
 C. S. Smith, D. 721  
 C. S. Smith, D. 529  
 C. S. Smith, D. 900  
 Phoenix Printing Co., D. 915  
 ----Pleasant Porter-a-99----

F. B. Severs.  
 Lovely Mackey.  
 J. H. Lynch.  
 Turner Hdw. Co.  
 Turner Hdw. Co.  
 " " "  
 C. H. Tully.  
 " " "  
 Turner Hdw. Co.  
 " " "  
 " " "  
 " " "  
 C. H. Tully.  
 " " "  
 Mailed.  
 W. F. Wells.  
 C. W. Turner.  
 C. W. Turner.  
 W. A. Mayes.  
 Mailed.  
 Mailed.  
 W. S. Harsha.  
 C. W. Turner.  
 C. S. Smith.  
 C. S. Smith.  
 " " "  
 " " "  
 M. R. Moore.



George Taylor, D. 525  
D. W. Hunter, D. 832  
Eliza Peters, D. 883  
S. E. Brown, D. 850  
Winnie Thompson, D. 834  
E. E. Hardridge, D. 521  
A. J. Kennedy, D. 701  
Louisa Franklin, D. 856  
J. E. Tiger, D. 749  
George Island, D. 833  
Johnson King, D. 884  
Siah Gray, D. 820  
S. J. Logan, D. 761  
Jas. McCombs, D. 651  
Roley McIntosh, D. 731  
H. M. Harjo, D. 528  
Clara V. Williams, D. 758  
Clara V. Williams, D. 809  
Thomas Wesley, D. 762  
John Watson, D. 507  
A. J. Childers, D. 548  
J. H. Parker, D. 840  
Chapley Yohola, D. 874  
Marie Austin, D. 852  
W. A. Sapulpa, D. 734  
Moty Tiger, D. 696  
Harry Blake, D. 755  
Miss K. Blake, D. 756  
Harry Blake, D. 807  
----P.Porter-a-99----

G. W. Taylor.  
Turner Hdw. Co.  
" " "  
" " "  
" " "  
E. E. Hardridge.  
C. W. Turner.  
Richard Franklin.  
J. E. Tiger.  
Turner Hdw. Co.  
J. Burdette.  
" "  
" "  
" "  
" "  
C. J. Shields.  
C. J. SHIELDS.  
" " "  
" " "  
Mailed.  
Mailed.  
J. H. Parker.  
Mailed.  
Marie Austin.  
W. A. Sapulpa.  
Moty Tiger.  
Mailed.  
Mailed.  
Mailed.



Miss K. Blake, D. 808  
G. W. Tiger, D. 517  
L. Lannigan, D. 855  
Frank Likowski, D. 694  
Geo. R. Hall, D. 844  
W. L. Brinks, D. 805  
D. C. Watson, D. 712  
Stella Wadsworth D. 775  
Rufus Shoeboots, D. 922  
Lennie Brown, D. 798  
Lennie Brown, D. 835  
M. J. Berryhill, D. 768  
M. J. Berryhill, D. 816  
J. N. Blackwell, D. 810  
J. N. Blackwell, D. 861  
M. Larne, D. 843  
M. Larne, D. 760  
Wm. Withrow, D. 770  
J. T. Turpin, D. 845  
W. O. Evans, D. 853  
Louis Adams, D. 847  
Sam Lacy, D. 814  
Sam Lacy, D. 815  
John R. Denny, D. 764  
John R. Denny, D. 765  
John R. Denny, D. 812

Mailed.  
G. W. Tiger.  
Wm. H. Sims.  
C. W. Turner.  
George R. Hall.  
W. L. Brinks.  
Santy Watson.  
Stella Wadsworth.  
- - - - -  
Lennie Brown.  
" "  
C. Ballard.  
" "  
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Lillora L. Morton, D. 754 Mailed.  
Lillora L. Morton, D. 806 "  
Spaulding & Co. D. 531 "



70  
Tulsa, I.T. Sept. 10th, 1900.

Hon. James Wilson, Sect'y of Agr.,

Washington, D.C.

Dear Sir:

There is a disease among horses in this section, that was brought here about 6 months ago, and pronounced by some to be glanders, by others nasal gleet and still others say it is catarrhal fever. There seems to be no one that knows what it really is. Parties who own these diseased horses are selling them and bringing them in contact with other horses and rapidly spreading the disease.

There are no veterinary surgeons in this part of the country. Horses are being shipped out of here and people believe this will become a very serious thing in this part of the country unless there is a stop put to it of some kind. There has been about 20 head of horses die with the disease about 5 miles east of here at Dawson.

Is there any provision made by the Department for sending a man to look after affairs of this kind or any work published by the Department that bears on diseases of this kind. There is no state veterinary here in the Territory and no one that I know of here that would have authority to get away with these horses, even if people knew for sure that it was glanders.

If there is any relief for us in this condition of affairs, we would like to know it, an early reply would greatly oblige

Yours respectfully,  
Geo. Mowbray, Jr.



71  
September 15, 1900.

Mr. Geo. Mowbray, Jr.,  
Tulsa, Ind. Terr.

Sir:-

Your letter of the 10th inst., addressed to the Secretary, has been referred to this Bureau. You are informed that steps have already been taken to make an investigation of the disease among horses in your locality. As soon as the report is received concerning the outbreak you will be further informed.

Very respectfully,

(Signed)

D. E. Salmon,

Chief of Bureau.



72  
Tulsa, I.T., Oct. 6, 1900.

Mr. Albert Dean,  
Live Stock Agent in Charge,  
Kansas City, Kansas.

Sir;

Complying with your orders of the 13th ult., to investigate a disease alleged to exist among horses in the vicinity of Tulsa, I.T., and make a report of same for transmission to the Chief of the Bureau of Animal Industry, I respectfully submit the following:

Careful inquiry reveals that among the horses of various parts of the Indian Territory, but more especially in the vicinity of Tulsa, great loss (approximately of ten head in the vicinity of Dawson, four miles northeast of Tulsa, in the Cherokee reservation) has been caused by a disease, the symptoms of some cases of which are hereafter described.

Case No. 1. Examined September 28, 1900, on the farm of Mrs. A.C. Archer, six miles east of Dawson. Light brown cryptorchid. Weight, if in moderate flesh, about 1200 pounds. Aged about 14 years.

Symptoms: Temperature, 103. Pulse, 54. Respiration exceedingly labored. Sticky, whitish discharge, streaked with blood, from both nostrils. Extensive and deep ulcerations on all visible mucous membrane of left, and ulcer size of quarter in right, nostril. Submaxillary lymphatic glands of size of walnuts and closely adherent to base of tongue---the skin being loose over all. Chain of nodules of size of hickory-nuts along left subcutaneous thoracic vein. Deep inguinal glands very



much tumefied. Lumpy swelling, sensitive to pressure, above hock of left hind leg. Suppurating nodules on internal and posterior aspects of back tendons of same leg, the discharge from some of which was whitish and thin, while from others it was a glue-like substance. Nodules, from the size of a pea to a walnut, on various parts of head and body. Condition of animal very bad. Had been sick about thirty days. On date above-mentioned, horse was destroyed by bleeding, for purpose of examination.

Autopsy: Lungs edematous and inflamed. Trachae and bronchial tubes normal. Liver appeared of normal size, but was infiltrated with yellow neoformations of the size of millet seed. Spleen showed fibrinous inflammation on capsule. Kidneys of normal size, the right being superficially inflamed and surrounded with considerable edematous area. Lymphatic glands very generally involved. Sublumbar glands very much tumefied and containing numerous bright yellow foci. Bronchial, mediastinal and prepectoral glands very much hypertrophied. Mucous membrane of nasal fossae and connecting sinuses a continuous mass of ulceration discharging a semi-transparent fluid, streaked with blood. (On account of rain during the operation, the autopsy was not as complete as desirable).

The three succeeding cases are described as they appeared when examined at Dawson, I.T., immediately prior to being tested for glanders with mallein furnished by the Bureau of Animal Industry.

Case No. 2. Gray gelding. Weight, about 1400 pounds. Aged about 13 years.

Symptoms: Horse in moderate flesh, and apparently in



fairly thriving condition. Slight sticky, yellowish discharge from both nostrils, to the rims of which the discharge closely adhered. Yellow nodule, of the size of a coffee bean, high in mucous membrane of right nostril. Submaxillary lymphatic glands tumefied. Chain of nodules of the size of hickory-nuts inside off (Sic) thigh.

Case no. 3. Brown gelding. Weight, about 1350 pounds. Aged 10 years.

Symptoms: Animal in fair flesh. Slight sticky discharge from both nostrils. Schneiderian membrane of both nostrils highly colored and tumefied. Submaxillary lymphatic glands enlarged to the size of walnuts. Cicatrices on Schneiderian membrane and on inside of one hind leg.

Case No.4. Bay gelding. Weight, about 1300 pounds. Aged about 8 years.

Symptoms: Animal in fair flesh, but showed effect of acute trouble. Nasal membrane highly colored, with but slight discharge. Submaxillary lymphatic glands tumefied and indurated. Fibrocyst, of size of man's fist, in prepectoral region, from which a discharge, of the color of olive oil, issued from a lanced opening. Hard swelling, about eight inches square, on right inferior part of chest. Two lumps, of half the size of a walnut, on right side.

The accompanying table shows the test by use of mallein, 1 c.c. of which was injected hypodermically at 8:30 P.M., October 5th.

The handling of the above cases was not such as to cause any marked constitutional disturbance that would account for the



pronounced elevation of temperature, the conditions existing prior to inoculation having been as nearly as possible maintained during the performance of the test.

All the attending circumstances of the spread of the disease support the theory of its contagiousness, and in view of the symptoms as above described, also the marked thermic reaction obtained from use of mallein, I pronounce the disease glanders.

Very respectfully,

Leslie J. Allen

Insp. B. of A.J.



76

Dawson, I.T. Oct.10,1900.

To the Secretary of Agriculture,  
Washington, D.C.

Dear Sir:

Will you please send me the rules and regulations prescribed by your Department for the suppression of contagious and infectious diseases among cattle and horses.

Also if horses are condemned and killed does the Department pay for them. I have some horses that have some kind of disease. There has been a government veterinary here examining them but he did not say what the disease was. My horses are all I have to make a living with and I will be very thankful to you for any information you will give me. Also any favors you can give me.

Respectfully,

John McBride.

(Endorsed) Union Agency No.1262 Received Oct. 30,1900 Office of U.S.Indian Inspector for Indian Territory. Washington, Oct.25, 1900. Secretary.-----Sends correspondence with Agricultural Department relative to disease among horses at Tulsa.---



EXECUTIVE OFFICE,  
Muscogee Nation,

P.Porter, Principal Chief.

October 22, 1900.

The National Council  
of the Muskogee Nation.

GENTLEMEN:

I herewith transmit you list of Creek Indians who have emigrated from Texas, and who are now enrolled by the Hitchetee town. This roll has been handed me by members of council of the Hitchetee Town. Provisions have been made in the now pending agreement for them to receive lands in the distribution now going on.

The purpose of sending you this list is that you may now pass a resolution formally recognizing them as members of the Creek Tribe. It is not necessary for me to make any further remark, as the Council has had the matter before them at its sittings heretofore.

Respectfully,

P.Porter,

Principal Chief.

ROLL OF HITCHETEE TOWN.

Members of above town heretofore residents of Texas, to be admitted to citizenship in the Creek Nation.

1 Billie Jackson,

2 Amy Jackson,

3 Cathie Jackson,

1 Lizzie Wilson

2 Charley Wilson

---P.Porters general letters.---a-9----



- 1 Lattie Thompson,
- 2 Charlotte Thompson
- 3 Cinda Thompson
- 4 Nellie Thompson
- 5 Philip Thompson

- 1 Joseph Wills,
- 2 Eliza Wills,
- 3 Tom Wills,

- 1 Dennis Davis,
- 2 Hannah Davis
- 3 Cinnie Davis,

- 1 Joe Blunt,
- 2 Jennie Blunt
- 3 Turner Houston,
- 4 Georgie Houston,
- 5 Jesse Houston,

- 1 Jeff Davis,
- 2 Eli Davis,
- 3 Emma Davis,
- 4 Moty Davis
- 5 Bettie Davis,

- 1 Alex Davis,
- 2 Tilley Davis,
- 3 Frank Davis
- 4 Johnson Davis
- 5 Jim Davis
- 6 Nancy Davis
- 7 Jonas Davis
- 8 Adam Davis.

- 1 William Wills,

- 1 Sam Davis,
- 2 Amenda Davis.

- 1 John Blunt (Dead)
- 2 Lucy Jackson "
- 3 Puss Brown, "
- 4 Warney Mingo "
- 5 John Davis "
- 6 Sallie Davis "

Quarasartee Town

- 1 Billy Thompson

Read & Referred to House of Kings

10/23/1900

Amos McIntosh

Sp. H. of W.

A.P.McK.---Clk.

(Endorsed) Union Agency, Muskogee, Oklahoma.--Pleasant Porters  
general letters.--a-9----



EXECUTIVE OFFICE.

October 24, 1900.

The National Council  
of the Muskogee Nation.

GENTLEMEN:

I herewith transmit you draft of an act in relation to the employment of a competent citizen of the Nation as attorney to represent the Nation before the Dawes Commission during the enrollment of persons claiming the rights of citizenship in the Creek Nation.

Heretofore such persons have been appointed under authority of law by the Principal Chief and much difficulty has been met in giving them the necessary support, council not having made any appropriation therefor.

The Nation should be represented before the Dawes Commission, inasmuch as the Dawes Commission is empowered by law of Congress to determine cases of citizenship where applicants present themselves, and there being no one to represent the Nation, the applicants having learned the necessary proof required by the Commission to substantiate their claims to citizenship, some procuring such proof by perjury, and are adjudged citizens by the Dawes Commission, when, if the Nation were represented, no such occurrence would be possible. Also it would be necessary to provide the means to assist such commission, and the passage of this bill, or something embracing the same subject matter, is of the highest importance.

--Pleasant Porters general letters.--a-14----



I earnestly recommend that you give it your immediate consideration.

Respectfully,

P.Porter,

Principal Chief.



DEPARTMENT OF THE INTERIOR

Washington,

October 25, 1900.

The Honorable

The Secretary of Agriculture.

Sir:

I have the honor to acknowledge the receipt of your communication dated the 20th instant (B.A.I.No.4995), transmitting for my information copies of letters received by the Department of Agriculture, concerning the prevalence of a disease among horses in the vicinity of Tulsa, Indian Territory, pronounced to be glanders.

You state that the Department of Agriculture "is unable to control such outbreaks and is not informed as to whether the Interior Department has jurisdiction."

In reply, you are advised that said copies have this day been forwarded to the United States Indian Inspector for the Indian Territory for his information.

The Department is not aware of any law conferring upon the Interior Department the authority to eradicate or control said diseases.

Respectfully,

E.A.Hitchcock.

Secretary.

Ind.Ter.Div.  
3522-1900.



EXECUTIVE OFFICE.

October 31, 1900.

The Committee

on Claims, Gentlemen:

The claim of Isparhecher for \$250.00 for money borrowed for the purpose of filing suits against the cattle men which was paid by him, the interest on which, if paid to October 15th at the rate of ten per cent. would amount to \$37.50, which should be added to the claim, which would make the sum of \$287.50.

Respectfully,

P. Porter

Principal Chief.



83  
Committee Room

Nov.1st,1900

To the National Council

Gentlemen:-

We your committee on claims to whom was referred the claim of Isparhecher of Two hundred and 50.100 dollars for investigation; find that this money was borrowed from the bank and \$250.00 used to institute suits against various parties who were introducing and grazing cattle in the Creek Nation in violation of our laws. And that he has paid this note at the bank, with his own money. Now as it is National business and not his own personal business, the Nation should pay him the \$250.00. Therefore we recommend the passage of the accompanying act

Very respectfully,

Jas.Byrd,

Chairman

J.G.S.  
Clk.



84

A N    A C T

Appropriating \$250. to re-imburse Isparhecher for money  
borrowed for the purpose of instituting suits  
in U. S. Court for the recovery of  
tax on cattle, and subse-  
quently paid.

BE IT ENACTED BY the National Council of the Muskogee Nation:  
That there be and is hereby appropriated the sum of Two Hundred  
Fifty (\$250.00) Dollars, out of the general fund of the Muskogee  
Nation, in favor of Isparhecher, for the purpose of re-imbursing  
the said Isparhecher for money borrowed from the Commercial  
Bank, of Muskogee, I.T., on April 15, 1899, for the purpose of  
instituting suits against the various cattle men who had intro-  
duced cattle in the Creek Nation to recover the tax on said  
cattle, which sum of Two Hundred and Fifty dollars was after-  
wards paid by said Isparhecher.

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

A D O P T E D    November 5th, 1900.

A. P. McKellop  
Clerk

Amos McIntosh  
Speaker, House of Warriors.

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

Lee McNevins  
Clerk.

T. W. Perryman  
President, House of Kings.

ATTEST:

W.S.Fears  
Acting Private Secretary;

P.Porter  
Principal Chief.

(Endorsed) Union Agency, Muskogee, Oklahoma.--a-40----Pleasant  
Porters general letters.



85  
DEPARTMENT OF THE INTERIOR,

United States Indian Inspector

For

D-1432-'00

Act No. 30.

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 appropriating \$250 to re-imburse Isparhecher for money borrowed for the purpose of instituting suits in the United States Court for the recovery of tax on cattle, and subsequently paid,"

- was submitted by the Honorable Secretary of the Interior to the President of the United States for executive action 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.



86  
DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector

For  
Indian Territory,

Muskogee, Ind.T., Dec.4,1900

D-1395-'00  
Act No. 28.

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 5, 1900, making provisions for the new permit law, was submitted by the Honorable Secretary of the Interior to the President of the United States on November 21,1900, was duly approved on November 22, 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.--Pleasant Porters  
general letters.--q--



## DEPARTMENT OF THE INTERIOR,

Washington.

February 12, 1901.

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

Sir:

The Department is in receipt of your communication dated January 31, 1901, relative to the request of Mr. Lewis McGilboa dated July 9, 1900, requesting that the Government make some provision for insane Indians in the Indian Territory, which was referred to you for report.

You enclose therewith a recommendation from the Principal Chief of the Creek Nation, suggesting that -

"...provision be made by the Government of the United States, not only for the proper care of persons of unsound mind citizens of the Creek Nation - but for the care of such persons in the other Nations constituting the Five Civilized Tribes, by agreement severally with the tribes or nations, by which agreement each of the tribes would be required to contribute proportionately, out of the funds and lands belonging to them, to the building and maintenance of a suitable asylum where such persons of the respective nations could be cared for, as is done in the several states of the Union;

Or, the distribution of the landed and other interests of the five nations being now in process, the distributive share of such persons to be cared for might be placed in trust and the proceeds thereof used for their maintenance."

You recommend that you be directed to communicate with the executives of each of the Five Civilized Tribes on the subject and ascertain from them the number of insane persons



-2-

within their nations, and if they would be willing to bear the proportionate share of the care of such unfortunates, and submit the information obtained by you to the Department with recommendation thereon.

The Commissioner of Indian Affairs transmitted your said communication on February 9, 1901, without any recommendation.

The Department concurs in your recommendation, and you are directed to proceed accordingly.

The letter of the Principal Chief is herewith returned.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind.Ter.Div.  
566-1901.  
1 inclosure.

(Endorsed) Union Agency No.1775.Received Feb.10,1901.Office of U.S. Indian Inspector for Indian Territory.Washington, February 12,1901 Secretary----Returns letter of Prin. Chief Porter rel. care of insane Indians.



89

Gen'l Fund Creek Warrants paid at February,  
1901, payment.

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D 970, N.B.Childrens, \$ 28.57

Issue of Sept. 5, 1900.

A 1	P.Porter	250.00
A 2	Moty Tiger,	150.00
A 3	H.C.Fisher,	150.00
4	Alex McIntosh,	200.00
5	Jeffry Smith,	37.50
A 9	O.A.Morton,	125.00
A10	E.E.Hardridge,	125.00
A11	W.A.Sapulpa,	125.00
A13	G.W.Tiger,	92.95
A14	Johnson Tiger	57.05
A15	B.H.Richards,	92.95
A16	P.A.Lewis,	57.05
A17	Alex Posey,	92.95
A18	P.R.Ewing,	57.05
A19	J.S.Robison,	92.95
A20	Alex Posey,	57.05
A21	Geo.H.Taylor,	77.44
A22	Jas.P.Davidson,	47.56
A23	P.A.Lewis,	77.44
A25	Phoenix Ptg.Co.,	145.00
A26	A.P.McKellop,	40.00
A27	W.S.Fears,	158.00
A28	Phoenix Ptg.Co.,	25.60



A29	P.Porter,	\$ 24.35
A30	Turner Hdw.Co.,	30.00
A31	Leoni Cummings,	35.00
A32	J.E.Tiger,	61.97
A33	A.P.McKellop,	38.03

SEPT. 25, 1900

A34	W.S.Fears,	100.00
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DECEMBER 2, 1900

A35	John G.Smith,	102.00
A37	D.A.Lee,	144.00
A38	J.H.Land,	21.00
A39	Reuben Partridge,	54.00
A40	John R.Goat,	149.00
A41	Jas.Hill,	148.00
A42	John Bright,	149.40
A43	Robt.Fry,	147.20
A44	Parchena,	148.00
A45	David Harry,	146.40
A46	Johnson King,	105.00
A47	Robt.Salumba,	148.80
A48	Eddie Walker,	146.00
A49	G.W.Grayson,	148.00
A50	G.W.Grayson,	112.60
A51	A.P.McKellop,	149.20
A52	Limbo Carr,	146.20
A53	Hardy Manuel,	146.40
A54	G.W.Hill,	144.00



A57	David Dixon,	\$149.60
A58	Theo E.Stidham,	57.00
A60	L.C.Drew,	149.40
A61	Mitchell Yargee,	145.00
A62	John A.Jacobs,	125.00
A63	Millie Island,	105.00
A64	E.B.Childers,	110.00
A65	Henry Harry,	133.60
A66	Lewis McHenry,	145.00
A67	Commodore McIntosh,	112.20
A68	Joseph Bruner,	148.40
A69	Noah G.Gregory,	144.00
A70	Paro Bruner	150.40
A71	Thos J.Adams,	140.80
A72	Austin Anderson	132.40
A73	Billie Barnett,	148.00
A74	Roland Brown,	141.40
A75	Joe Buck,	144.00
A76	James K.Bird,	132.80
A77	Chas.Cochran,	148.00
A78	Joe Davis,	113.00
A79	Thos.Frank,	147.20
A80	Timmie Fife,	142.80
A81	Robt.Grayson,	145.60
A82	Wm.Hill,	147.80
A83	Tope Hill,	69.00
A84	Gabriel Jamison,	152.00
A85	London Knight,	144.00



A86	Wilson Knight,	\$145.00
A87	Samuel J.Logan,	147.00
A88	Roly McIntosh,	143.00
A89	T.W.Perryman,	150.00
A90	Wm.Penn,	123.80
A91	Thomas Randall,	141.60
A92	Wiley Suckey,	151.60
<u>A94</u>	Simmer,	148.00
A94	Joe Smith,	149.40
A95	James Smith,	65.00
A96	Tulmarsey Scott,	145.60
A97	March Thompson,	147.00
A98	John Wesley,	51.00
A99	S.J.Haynes,	27.00
Al00	Bunny McIntosh,	48.80
Al01	Chapley Yarhola,	135.00
Al02	Geo.Island,	147.20
Al03	Dave Roberts,	149.00
Al04	J.T.Canard,	147.00
Al05	Theo.E.Stidham,	69.00
Al06	M.J.Sango,	124.20
Al07	C.B.Perryman,	149.60
Al08	Robt.W.Stewart,	153.00
Al09	John Myers,	147.00
All1	Seber Thlocco,	150.40
All2,	Pleasant Berryhill,	140.80
All3	Jas.Broadenax,	141.60
All4	Barney Bruner,	153.40
All5	Thos.E.Holden,	146.40



A86	Wilson Knight,	145.00
A87	Samuel J. Logan,	147.00
A88	Roly McIntosh	143.00
A89	T.W. Perryman,	150.00
A90	Wm. Penn,	123.80
A91	Thomas Randall,	141.60
A92	Wiley Suckey,	151.60
<u>A94</u>	Simmer,	148.00
A94	Joe Smith,	149.40
A95	James Smith,	65.00
A96	Tulmarsey Scott,	145.60
A97	March Thompson,	147.00
A98	John Wesley,	51.00
A99	S.J. Haynes,	27.00
A100	Bunny McIntosh,	48.80
A101	Chapley Yarhola,	135.00
A102	Geo. Island,	147.20
A103	Dave Roberts,	149.00
A104	J.T. Canard,	147.00
A105	Theo. E. Stidham,	69.00
A106	M.J. Sango,	124.20
A107	C.B. Perryman,	149.60
A108	Robt. W. Stewart,	153.00
A109	John Myers,	147.00
A111	Seber Thlocco,	150.40
A112,	Pleasant Berryhill,	140.80
A113	Jas. Broadenax,	141.60
A114	Barney Bruner,	153.40
A115	Thos. E. Holden,	146.40



Al16	Walter Grey,	148.00
Al17	Amos McIntosh,	144.40
Al18	Jimpsey Asbury,	148.20
Al19	Moses Asbury,	141.40
Al20	Wash Adams,	142.80
Al21	Jas. Barnett,	146.60
Al22	Wm. Barnett,	149.00
Al23	Wilson Beaver,	146.00
Al24	Jacob S. Brown,	144.40
Al25	Dickson Brown,	149.00
Al26	Thomas Bruner,	148.00
Al27	Wiley Buckner,	150.20
Al28	Louis Bruner,	148.00
Al29	Sartie Cowe,	123.60
Al30	Joe Canard,	141.20
Al31	P.R. Caesar,	149.00
Al32	Louis Childers,	151.00
Al34	Geo. Clinton,	147.60
Al35	Alex Davis,	140.60
Al37	Bob Daniels,	149.00
Al38	Joseph Deacon,	116.00
Al39	Lawyer Deere,	146.40
Al40	N.E. Durant,	149.00
Al41	Harper Fields,	132.00
Al43	Tulmochus Fixico,	51.60
Al44	Nocus Fixico,	146.00
Al45	Tobe Franklin,	144.00
Al46	Wm. Francis,	148.20
Al48	Mitchell Francis,	36.80



<u>Al48</u>	W.E.Gentry,	97.00
Al49	Siah Gray,	146.00
Al50	Tobe Grayson,	146.00
Al51	Barney Green,	150.00
Al53	Robt.Grayson,	146.40
Al55	Wm.Hawkins,	146.00
Al56	Hotulke Harjo,	145.80
Al57	H.M.Harjo,	150.80



96  
EXECUTIVE OFFICE, May 10, 1901.

Honorable House of Kings & Warriors,

Gentlemen:

I herewith transmit to you an act making appropriation in favor of C. G. Moore, Mary Marshall, J. W. Sanders and C. H. Tully which was passed by your bodies at the last session of the Council, but on account of the withholding of the approval by the Supervisor of Schools, Mr. Ballard, of the item in favor of C. H. Tully, the act failed to receive the approval of the President, or the matter was held up until the Supervisor and Superintendent could satisfy themselves of the justness of this claim. This has now been done, and the same act sent back to you, with the proper changes in date, for re-appropriation.

Respectfully,

P. Porter

Principal Chief.

Read & Referred to the H. of W.

May 10th, 1901

L. McN.  
Clk.

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



27

DEPARTMENT OF THE INTERIOR,  
Washington.

March 13, 1901.

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

Sir:

Inclosed herewith you will find three certified copies of the act of Congress approved March 1, 1901 (Public 112), entitled "An Act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes."

The first paragraph of said act declares that "The principal chief, as soon as practicable after the ratification of this agreement by Congress, shall call an extra session of the Creek National Council and lay before it this agreement and the act of Congress ratifying it, and if the agreement be ratified by said council as provided in the constitution of said nation he shall transmit to the President of the United States the act of council ratifying the agreement, and the President of the United States shall thereupon issue his proclamation declaring the same duly ratified and that all the provisions of this agreement have become law according to the terms thereof; Provided that said ratification by the Creek National Council shall be made within ninety days from the approval of this act by the President of the United States."



You will transmit two of said copies to the Principal Chief of the Creek Nation and call his special attention to the above provision. Additional copies of said act will be forwarded to you as soon as received from the printer.

Respectfully,

E.A.Hitchcock.

Secretary.

Ind.Ter.Div.  
991-1901.  
3 inclosures.

(Endorsed) Union Agency No.1926 Received Mar.13,1901 Office of U.S.Indian Inspector for Indian Territory.Washington, March 13, 1901. secretary.-----Encloses three certified copies Creek agreement.-----



99  
Okmulgee, I.T.

May 20, 1901.

Hon. P. Porter,

Prin. Chief, M.N.

Dear Sir:-

We enclose herewith a draft of a bill amendatory to the act providing for two attorneys to represent the nation before the Dawes Commission. You will readily see the necessity of having the Bill enacted into a law.

There are probably 150 cases pending before the Dawes Commission in which further testimony must be taken before the cases are transmitted to the Secretary of the Interior for final action.

If the Agreement is ratified, those Creeks who are now residing in the Cherokee Nation and the so-called Texas Creeks, as well as those who have been refused enrollment on account of their absence from the Creek Nation, at the time of the passage of the Curtis Act will doubtless make immediate application to the Dawes Commission for enrollment.

All such applicants should be positively identified before being permitted to enroll.

With no provision for payment of office rent and the other necessary expenditures mentioned in the bill the Attornies will be greatly hampered and will be unable to render the service necessary to the proper protection of the interests of the Creek people.

We would therefore respectfully ask that you submit the accompanying bill to the National Council with such recommendations

--P. Porters general letters.--e--

200



with reference thereto as you may deem proper.

Very respectfully,

A.P. McKellop

C.A. Reed,

Attorneys for Creek Nation.

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



101

Executive Office, May 24, 1901.

The Members of the

House of Kings & Warriors.

Gentlemen:

I herewith transmit to you a draft of an act providing for the expenses incurred in the collection of the Taxes of the Muskogee Nation.

This act is not designed to affect in the change of the present method of collecting tribal taxes, but to guard against a possible failure of the enforcement of our tax laws on the ground that no provision has been made for the expenses connected with the collection of such taxes. The treaty, section 33, provides that "No funds belonging to said tribe shall hereafter be used or paid out for any purpose by any officer of the United States without consent of the tribe, expressly given, through its national council, except as herein provided for."

The permit law of the Muskogee Nation, approved November 5th, 1901, provides for the present method of collecting the taxes, but makes no provision for the payment of the expenses connected with the collection of such taxes.

In this connection I would respectfully state that for the fiscal year ending June 30th, 1899, the amount derived by the Nation was between three and four thousand dollars. This was the last year prior to the inauguration of the present system. The amount derived for the fiscal year ending June 30, 1900, was between twenty-six and twenty-seven thousand dollars, and the total

--Pleasant Porters general letters.--Draft of an act providing for expenses incurred in the collection of the taxes of the Musk.Na.--



expense connected with the expense thereof was between four and five thousand dollars, and the amount derived for the present year, ending June 30, 1901, will exceed that of the year previous and the expense will be less than for the preceding year..

I am of the opinion that the present system has been advantageous to the Nation, and should not be permitted to fail on account of no provision having been made for the expense connected therewith.

It is of the utmost importance that this act should be passed at this session of the council.

Respectfully,

P.Porter,

Principal Chief.

Read & referred to H. of W.

5/24/1901

T.W.Perryman

Pres.H. of Kings.

L.McN.---Clk.

(Endorsed) Union Agency, Muskogee, Oklahoma.

--Pleasant Porters general letters.--draft of an act providing for expenses incurred in the collection of the taxes of the Musk.Na.--



103  
May 24, 1901.

M E M O R I A L.

By the National Council of the Creek (Muskogee) Nation of Indians now in session at their capitol, to the Congress of the United States at Washington.

Whereas it is stipulated in an agreement made between the United States and said Indians, that upon the ratification of said agreement the Senate of the United States would determine the amount due that part of their people that were loyal to the United States government in the late Civil War of the Rebellion for losses sustained by them during said War, and

Whereas as provided in the treaty of 1866 between the United States and said Indians the agents of the United States named in said treaty did fully examine all the claims of said loyal Creeks, who enlisted in the Federal Army, loyal refugees and Freedmen as therein provided for property lost by them in said war and after careful investigation of all of said claims and the evidence thereon, scaled and cut down each claim more than one half the amount claimed and for that sum made their awards as provided in said treaty, which awards were duly approved by the Honorable Commissioner of Indian Affairs and the Secretary of the Interior as provided in said treaty, and

Whereas, said Loyal Creek Claimants have waited patiently upon the pleasure of the Government for over thirty years for the payment of said claims and now trusting to the good faith of the United States, Your Memorialists most humbly pray.

That the President of the United States, as required by

---Pleasant Porter--a-59---



said last agreement will without unnecessary delay grant and award to each loyal Creek claimant the amount awarded to him or her by the Agents of the United States and approved by the Honorable Commissioner of Indians Affairs and the Secretary of the Interior as provided in the treaty of 1866, and award to the Creek (Muskogee) Nation one hundred thousand dollars out of said original awards to reimburse said nation for the amount paid on said Loyal Creek claims out of the money of said Nation.

Your memorialists further pray that the Congress of the United States appropriate a sufficient amount of money out of the treasury of the United States to pay the One hundred thousand dollars to said nation and the balance due said claimants found due them by the Agents of the United States as provided in the treaty of 1866.

And Your Memorialists, the National Council of the Creek Nation, now assembled, do hereby ratify the contract made by Ex-Isparhecher as the Attorney in fact of said loyal Creek claimants with their attorney on the eighth day of March, 1900, for the prosecution and collection of said claims, and request that Congress direct that out of the appropriation made to pay said claims that ten per cent of said amount as stipulated in said contract be paid to the attorney named in said contract and that the balance be paid to said claimants or their legal representatives by an officer of the United States as directed by the Secretary of the Interior.

A.P. McKellop  
Clerk

Lee McNevins--Clerk

Adopted May 24, 1901.

Amos McIntosh

Speaker, House of Warriors.

Concurred in May 24, 1901.

T.W. Perryman-President House of Kings.

Approved May 24, 1901.

P. Porter-Principal Chief, Muskogee N.

(Endorsed) Union Agency, Muskogee, Oklahoma--a-59--Pleasant Porter's general letters.



Committee Room.

Okmulgee, M.N.

May 24, 1901

National Council,

Gentlemen:-

We, your special Committee, appointed to consider the advisability of creating a commission or delegation to enter into a supplemental agreement with the commission to the Five Civilized Tribes, have carefully considered the subject and submit herewith a draft of an act embodying the views of the Committee as to the number of Commissioners to be elected and the amendments or modifications, that should in the judgment of your committee be included in a Supplemental Agreement that may be made with the United States and we recommend the adoption of the Bill herewith submitted

March Thompson

Chairman

D.M.Hodge

Clk.

Read & Referred to House of Kings

5/24/1901

Amos McIntosh

Sp.H. of W.

A.P.McKellop

Clk.

(Endorsed) Union Agency, Muskogee, Oklahoma.--Pleasant Porters  
general letters.--a-21----



106  
May 25, 1901.

A N A C T

Appropriating Twelve Hundred Dollars to be used in defraying the expenses and per diem of a commission to negotiate a supplemental agreement between the United States and the Creek Nation.

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

That there be and is hereby appropriated, out of any moneys, not otherwise appropriated, out of the general fund of the Muskogee Nation \$1200.00 which shall be used to pay the per diem of the members of the commission, appointed by act of Council of May 25, 1901, at the rate of seven dollars per diem each, upon vouchers made by them to the Principal Chief, and the Principal Chief is hereby authorized to issue warrants to said commission for the time served in the performance of their duty, or so much thereof as may be necessary.

Also the Chairman of the Commission shall furnish vouchers for such necessary contingent expenses incident to their work.

Adopted May 25, 1901.

A.P. McKellop  
Clerk.

Amos McIntosh  
Speaker, House of Warriors.

Concurred in May 25, 1901.

Lee McNevins  
Clerk.

T. W. Perryman  
President, House of Kings.

Approved May 25, 1901.

P. Porter  
Principal Chief.

EXECUTIVE MANSION,  
Approved: July 31, 1901.  
William McKinley.  
(No. 13150)

(Endorsed) Union Agency, Muskogee, Oklahoma. --a-57-- Pleasant, Porters general letters.



EXECUTIVE OFFICE

Muskogee Nation.

Okmulgee, I.T., May 25, 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 of May, 1901, and approved by me in my official character on May 25th, 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 25th, 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 25th day of May, 1901, and have caused the great seal of the Muskogee Nation to be affixed.

P.Porter

Principal Chief of the Muskogee Na.

Attest:

W.S.Fears  
Acting Private Secretary.

(Endorsed) Union Agency, Muskogee, Oklahoma.--a-57--Pleasant Porter's general letters.



108

DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector  
For

Indian Territory,

D 2524-1901

Muskogee, Ind. T.,

August 12, 1901.

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

Sir:-

You are respectfully advised that an act of the National Council of the Creek Nation, approved by yourself on May 25, 1901, entitled -

"AN ACT appropriating twelve hundred dollars to be used in defraying the expenses and per diem of a commission to negotiate a supplemental agreement between the United States and the Creek Nation,"

- was approved by the President of the United States on July 31, 1901, and said act, bearing the approval of the President, is respectfully returned to you herewith.

Very respectfully,

J. Geo. Wright,

U.S. Indian Inspector  
for Indian Territory.

(Endorsed) Union Agency, Muskogee, Oklahoma. ---a-57--Pleasant Porter's general letters.



May 25, 1901

AN ACT

Appointing a commission, and instructing the same, with authority to enter into a supplemental agreement between the Creek Nation and the United States.

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

That there be and is hereby created a commission of two persons to represent the Creek Nation, with authority to enter into such supplemental agreement with the United States as is hereinafter authorized.

The commission created under the provisions of the foregoing section shall be authorized to propose to and agree with the Commissioners of the United States upon the following subjects:

That section six of the agreement entered into March 8, 1900, and ratified by Congress March 1, 1901, and by the Creek National Council on May 25, 1901, providing that the Dawes Commission shall settle all questions of contest, should be changed so that either party feeling aggrieved would have the right to appeal to the United States court.

Again, in section 10, which authorizes the Secretary of the Interior, through the Dawes Commission, to set apart lands for townsites, even where it embraces allotments already taken and certificates issued therefore. This provision should be so modified as to permit such allottee to retain his allotment, or the proceeds of it if taken for the townsite, or relinquish it



at its option.

Again, in section 28 of the agreement, the date of the closing of the rolls for the enrolling of infants should be changed from the first day of July to the date of the ratification of the agreement, which is May 25, 1901.

Again, provision should be made for the rehearing of such cases of citizenship where contest is made against them by the Creek Nation through their legally constituted representatives.

Section 29, providing for the enrollment of certain classes of Creek Indians, those recently removed from the state of Texas, those residing in the Creek Nation, and those who, by reason of nonresidence at the date of the passage of the Curtis Act, should be modified so that they can be enrolled and receive their distributive share of the lands and other property of the Creek Nation, as for the reason that the agreement providing for their enrollment also provides for the closing of the rolls at the date of the ratification of the treaty. The date for their enrollment should be fixed at some reasonable date to be agreed upon in the herein authorized supplemental agreement.

Again, the Secretary of the Treasurer during last Congress was authorized to capitalize the permanent annuities of the Creek Nation. Provision should be made in this supplemental agreement that such capitalization should not be done without the agreement to do so by the Creek Nation.

The said commission shall be authorized to agree to such other changes as may seem to foster the best interests of the Creek Nation, and when they shall perform their duties as herein authorized, before it shall have any force or effect, it shall



be laid before the Creek National Council at its annual session in October for its consideration and approval, and thereafter be laid before Congress for its approval.

The said commission shall act under instructions of the Principal Chief.

Concurred in 5/25/1901

Amos McIntosh  
Sp. H. of W.

A. P. McKellop  
Clk.

Adopted after amended so to read  
five persons instead of Two.  
5/25/1901

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

L. McN.  
Clk.

Approved May 25, 1901  
P. Porter  
Principal Chief, M.N.

EXECUTIVE MANSION,  
Approved: July 31, 1901.  
William McKinley

(No. 13149)



EXECUTIVE OFFICE.

Muskogee Nation,

Okmulgee, Indian Territory,

May 25, 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 of May, 1901, and approved by me in my official character on May 25, 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 or Creek tribe of Indians, and for other purposes.

Inasmuch as there is no such officer of the Muskogee Nation 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 25th day of May, 1901, and caused the great seal of the Muskogee Nation to be affixed.

P. Porter  
Principal Chief of the M. Nation.

Attest:

W. S. Fears  
Private Secretary (Acting)



113

DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector  
For

D' 2523-1901                      Indian Territory,

Muskogee, Ind. T. August 12, 1901.

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 May 25, 1901, and entitled:

"AN ACT appointing a commission and instructing the same  
with authority to enter into a supplemental agree-  
ment between the Creek Nation and the United States,"

- was approved by the President of the United States on July 31, 1901, and said act, bearing the approval of the President is respectfully returned to you herewith.

Very respectfully,

J. Geo. Wright,

U.S. Indian Inspector

for Indian Territory.



114  
DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

July 3, 1901.

I.T.D.  
2671-1901.

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

Sir:

Referring to the act of the Creek National Council, approved by the Principal Chief on May 25, 1901, ratifying an agreement between the United States and the Creek Nation, and to the act of Congress approved March 1, 1901 (31 Stat., 861), ratifying said agreement, there are included herewith four copies of the proclamation of the President, dated June 25, 1901, declaring "said agreement, except paragraph thirty-six thereof, duly ratified and that all the provisions thereof, except said paragraph thirty-six which failed of ratification by the Creek national council, became law according to the terms thereof upon the twenty-fifth day of May, nineteen hundred and one".

You are advised that four copies of said proclamation have this day been sent to the Principal Chief of the Creek Nation.

By direction of the Secretary.

Respectfully,

Edward M. Dawson.  
Chief Clerk.

4 inclosures.

(Endorsed) Union Agency # 2398 received Jul. 12, 1901. Office of U. S. Indian Inspector for I.T. Washington, July 3, 1901. Secretary. Sends copies of Proclamation of the President promulgating Creek Agreement.



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

That the expenses of collecting the taxes of the Muskogee  
Nation shall be paid out of the funds arising therefrom under  
direction of the Secretary of the Interior.

Adopted May 24, 1901.

A.P. McKellop  
Clerk.

Amos McIntosh  
Speaker H. of Warriors.

Concurred in May 25, 1901.

Lee McNevins  
Clk.

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

Approved May 25, 1901.

P. Porter,  
Principal Chief.

EXECUTIVE MANSION.  
July 27, 1901.

Approved:

William McKinley.

(No. 13153-  
Recd. June 4, 1901)

(Endorsed) Union Agency, Muskogee, Oklahoma. --a-57--P. Porters gen. letters



116

E X E C U T I V E   O F F I C E  
Muskogee   Nation.

Okmulgee, I.T., May 25, 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 of May, 1901, and approved by me in my official character on May 25th, 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 25th, 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 25th day of May, 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  
act'g Private Secretary.

(Endorsed) Union Agency, Muskogee, Oklahoma.--a-57--Pleasant Porters general letters.



117  
DEPARTMENT OF THE INTERIOR,

I. T. D. Washington.  
3191-1901.  
File 60-1899.

July 30, 1901.

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

Sir:

On July 15, 1901, replying to departmental letter of July 3, 1901, concerning an act of the National Council of the Creek Nation relative to the appointment of a commission to enter into a supplemental agreement, in the body of which act it is stated that this commission shall be composed of two persons, while it appeared that the act was amended by the House of Kings so as to read five persons, and there was nothing to show that the other House concurred in this amendment, you transmitted a communication from the Principal Chief of said nation inclosing an affidavit of A. P. McKellop, clerk of the House of Warriors of the National Council, in which affidavit is embodied an excerpt of the minutes of the House of Warriors, as follows:

"On motion, report of Committee on Delegation and Supplemental Agreement, recommending that there be two delegates, and embodying instructions to same, which was adopted by the House of Kings, after amending so as to read five delegates instead of two, was read and concurred in as amended."

You recommend, as it appears from this affidavit that there was simply an error in engrossing the act, that the



affidavit be attached to the act and that it be considered as a part thereof, showing that both branches of the Council agreed to the amendment providing for a commission of five persons instead of two.

The Commissioner of Indian Affairs, reporting in the matter July 27, 1901, concurs in your recommendation, and the Department concurring, the affidavit has been attached to the act and the act submitted to the President. In so concurring, however, the Department reserves opinion relative to the merits of the suggested amendments to the existing Creek Agreement.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

(Endorsed) Union Agency No. 2500. Received Aug. 1, 1901. Office of U.S. Indian Inspector for Indian Territory. Washington, July 30, 1901. Secretary----Creek Act rel. to Delegation and Supplemental Agreement, amended as shown by McKellop's affidavit, has been submitted to President.



119  
DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector

For

Indian Territory,

D 2519-1901

Muskogee, Ind. T.,

August 12, 1901.

Honorable P. Porter,

Principal Chief, Creek Nation,

Muskogee, Indian Territory.

Sir:-

You are respectfully advised that an act of the National Council of the Creek Nation, approved by yourself on May 25, 1901, providing for the payment of expenses of collecting the tribal taxes of your Nation, was approved by the President of the United States on July 27, 1901, and said act, bearing the approval of the President is respectfully returned to you herewith.

Very respectfully,

J. Geo. Wright,

U.S. Indian Inspector  
for Indian Territory.

(Endorsed) Union Agency, Muskogee, Oklahoma--a-57--Pleasant Porters  
general letters.



12

A N A C T

Appropriating six hundred dollars, to be used in defraying the expenses and per diem of a commission appointed under act of the National Council of May 25, 1901, to negotiate, or to complete negotiations with the Dawes Commission as to Supplemental Agreement.

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 six hundred dollars, or so much thereof as may be necessary, to be used in defraying the expenses and per diem of the commission appointed under act of the National council of May 25, 1901, to negotiate a supplemental agreement with the Dawes Commission, at the rate of seven dollars per day each, upon vouchers made by them to the Principal Chief, and the Principal Chief is hereby authorized to issue warrants to said commission for the time served in the performance of their duty.

Also the Chairman of the Commission shall furnish vouchers for such necessary contingent expenses incident to their work.

This appropriation is made necessary for the reason that the negotiations in reference to the supplemental agreement have not yet been completed, and the appropriation heretofore made for this purpose has been exhausted.

Adopted October 12, 1901.

A.P. McKellop--Clerk

Alex Davis--Speaker House of Warriors,  
pro tem.

Concurred in October 12, 1901.

Lee McNevins--Clerk

T.W. Perryman--Pres. House of Kings

Approved October 15, 1901.

--P. Porters general letters.--

P. Porter, Prin. Chief. M.N.

--ACTS.--



121

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

D-3222-1901

Muskogee, Ind.T., Dec.30,1901.

Mr. Pleasant 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 or Muskogee Nation, approved by yourself on October 15,1901, and entitled,-

"An act appropriating \$600.00 to be used in defraying the expenses and per diem of a commission appointed under act of National Council of May 25,1901, to negotiate or to complete negotiations with the Dawes Commission as to supplemental agreement," was submitted by the Department to the President for executive action on December 17,1901, and was duly approved on December 19, 1901.

The act bearing the approval of the President is respectfully returned herewith.

While the Department recommended this act for approval, the Honorable Secretary of the Interior instructed me, however, that hereafter in similar cases it will be required that a detailed statement be transmitted with the act, showing all items of expenditures upon which warrants for the original appropriation were made.

Very respectfully,  
J.Geo.Wright,U.S.Ind.Insp.for  
I.T.

--P.Porters general letters--

--ACTS.--



EXECUTIVE OFFICE.

Muskogee Nation.

Okmulgee, I.T.,

October 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 regular session of October, 1901, and approved by me in my Official character on October 15, 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 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 15th 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.

WHITE HOUSE.

Approved, December 19, 1901.  
T.Roosevelt.



123  
DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D.5003-1901.

November 14, 1901.

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

Sir:

The Department is in receipt of your communication dated November 4, 1901, inclosing a letter from the Principal Chief of the Creek Nation, addressed to you, dated October 23d last, wherein he states that he desires to call the attention of the Department, through you, to the slow progress that is being made in the matter of the distribution of the Creek lands and the issuance of patents to those entitled to receive them, under the provisions of the agreement ratified May 25, 1901.

You also transmit a report of the U.S. Indian Agent relative to the issuance of deeds to town lots and his action concerning the placing of allottees in possession of the lands covered by their selections.

You state that you understand that the Commission to the Five Civilized Tribes has made report to the Department in reference to section 23 of the Creek agreement requiring the Secretary of the Interior to furnish the Principal Chief with blank deeds necessary for all conveyances provided for in said agreement.

You recommend that you be directed to advise the Principal



Chief that in each instance where full payments of town lots have been made, he is immediately advised of that fact, and that action is being taken by the Indian Agent as rapidly as possible concerning the placing of allottees in possession of the lands covered by their selections. You further recommend that you be advised to inform the Principal Chief with reference to the issuance of deeds as early as practicable, in order that he may duly inform the Creek Council which meets on November 20th.

The Acting Commissioner of Indian Affairs forwarded your said report and inclosures on November 12th, and also transmitted a newspaper published at Muskogee, I.T., which contains a copy of the letter addressed to the Acting Chairman of the Dawes Commission on October 24, 1901, by the Principal Chief of the Creek Nation. The Indian Office expresses the opinion that, since the Principal Chief has given said correspondence to the press, no other reply should be made to it except to advise him, through you, that it is not the policy of this Department "to enter into public or other controversy with any person or official."

The Commission to the Five Civilized Tribes has been fully advised with reference to the matter of the issuance of deeds for allotments, and it will not be necessary for you to further inform the Principal Chief with reference thereto. You are, however, authorized to inform the Principal Chief relative to the issuance of deeds for town lots where payments have been fully made, and also concerning the action of the Indian Agent in placing allottees in possession of their allotments, in accordance with your recommendations.

A copy of the report of the Acting Commissioner of Indian



Affairs is inclosed herewith.

Respectfully,

E.A.Hitchcock.

Secretary.

1 inclosure.

(Endorsed) Union Agency No.3044 Received Nov.21,1901 Office of U.S.Indian Inspector,for Indian Territory. Washington, Nov.14,1901.Secretary.----Relative to letter of Prin.Chief, Creek Nation,concerning slow progress made in allotting lands and issuing patents, etc.----



126

A N    A C T

Making appropriation in favor of A.P.McKellop and H.C.  
Reed, Representatives of Creek Nation before Dawes Com.

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

That there be, and is hereby, appropriated, out of the  
General Fund of the Muskogee Nation, the sum of One thousand  
five hundred dollars, or so much thereof as may be necessary,  
in favor of A.P.McKellop and H.C.Reed, for their per diem  
and necessary expenses, and for witness fees; said amount to  
be paid as provided under act of the National Council of Novem-  
ber, 1900, and approved by the President of the United States  
December 3,1900, and approved by the President December 3,1900,  
and entitled "An Act providing for the appointment of two  
attorneys to represent the Muskogee Nation before the Dawes Com-  
mission."

Said amount 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.

Adopted December 5,1901.

A.P.McKellop  
Clerk

Amos McIntosh  
Speaker, House of Warriors.

Concurred in December 5,1901.

Lee McNevins  
Clerk

T.W.Perryman  
President House of Kings.

Approved December 5,1901.

P.Porter,  
Principal Chief, Muskogee Na.

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



127

DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector  
For

D 3435-1902

Indian Territory,

Muskogee, Ind.T.,

Jan.30,1902.

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

Sir:-

There is respectfully returned herewith an act of the National Council of the Creek Nation, approved by yourself on December 5,1901, and entitled -

AN ACT making an appropriation in favor of A.P.

McKellop and H.C.Reed, representatives of  
the Creek Nation before Dawes Com.

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 5, 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.--



129  
Refer in reply to the following:

Land  
75964-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington,

January 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for executive action a resolution of the National Council of the Muskogee Nation, approved by the Principal Chief December 3, 1902, and entitled -

"A Resolution providing for the appointment of delegates to visit Washington", also the letter of Acting Inspector Zevely dated December 22, 1902, relative thereto.

The Said resolution provides:

"That there shall be elected at the present session of the  
"National Council, in the manner provided by law, four competent  
"citizens of the Muskogee Nation to constitute a delegation to  
"represent the interests of said nation at Washington, D.C.,  
"during the present session of Congress; two of said delegates to  
"especially represent those interested in the Loyal Creek claim  
"and the other two to have charge of the resolutions passed by  
"the International convention held at Eufaula, I.T. on the 28th  
"day of November, 1902, and to present the same to Congress and  
"the proper committees thereof and to the Secretary of the  
"Interior and other proper officials of the Government of the



"United States, and to use such means and efforts as may be proper  
"and necessary, in conjunction with similar delegates or represen-  
"tatives of the other Nations of the Indian Territory, to carry in-  
to effect the purposes for which said International Convention was  
"convened.

" Be it Further Resolved, That the Principal Chief shall be ex-  
"Officio member of said delegation."

The Acting Inspector says he has conferred fully with the  
Principal Chief concerning this act and that he is particularly  
anxious that the same be approved; that his nation has never  
attempted, like the other tribes, to send delegates to Washington  
unless they were duly authorized by the Department to proceed,  
that prominent members of his tribe feel that it is necessary  
that the nation be represented before Congress during this session;  
that the deepest interest is felt by the Creek Indians in their  
future as citizens of the United States, and that this is partic-  
ularly true since there has been so much discussion concerning  
the admission of Oklahoma and Indian Territory as a State.

The acting Inspector further says that he can see no ob-  
jection to the approval of this act; that Principal Chief Porter  
has acted in entire harmony with the Department in all matters  
affecting the Creek Indians, and the original and supplemental  
agreements were both ratified by the National Council largely  
through his influence and that he respectfully urges the approval  
of the act transmitted.



The office concurs in this recommendation of the Acting Inspector for the reason that Principal Chief Porter urges it, The resolution provides that he is to be an ex-officio member of the delegation. He has always been ready and willing to support the Department in the administration of affairs in the Creek Nation. The matters to which the delegation wishes to direct the attention of the Department and Congress are of importance to the Creek People and the office sees no objection to this effort on their part to care for their interests. It is therefore respectfully recommended that the resolution be approved.

Very respectfully,

W. A. Jones,

Commissioner.

WCB  
C

(Endorsed) Union Agency No. 5545. Received Jan. 20, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, Jan. 13, 1903. Secretary.-----Act of Creek Council providing for delegates to visit Washington, Approved by President Jan. 9, 1903.



137  
Muskogee, I. T., Jan. 20, 1902.

Mr. W. J. Crump,

Muskogee, I. T.

Dear Sir:-

I enclose you herewith letter in reference  
to Wesley Barnett, who is now in the Penitentiary,  
which explains itself.

Respectfully,

P. Porter,

Prin. Chief.

(Endorsed) Union Agency Press Book, general letters by  
Prin. Chief, Letter 386, Muskogee, Okla.



133

DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector

For

D 3390-1902

Indian Territory,

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 December 5,1901, and entitled "An act making an appropriation in favor of Harsha & Spaulding," was submitted by the Department to the President for executive action on January 15,1902, 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.



134

DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector

For

D 3392-1902

Indian Territory,

Muskogee, Ind.T., Jan.25,1902

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 December 5,1901, and entitled "An act making an appropriation in favor of Spaulding-Hutchinson Mer. Co.," was submitted by the Department to the President for executive action on January 13,1902, and was duly approved on 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.

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



135  
Muskogee, Indian T., May 2, 1902.

Honorable,

The Attorney General,  
Washington, D. C.

S i r :

In the event that Section Eight of the Indian Appropriation Bill, which provides for the division of the Northern District of the Indian Territory, is adopted by Congress, and as contemplated in said section, the appointment of a United States Attorney for that part of said district to be known as the Western District of the Indian Territory becomes necessary, I would respectfully recommend for appointment Mr. James H. Huckleberry who, as the present Assistant United States Attorney, has rendered services highly creditable to the public service.

Mr. Huckleberry is a young man of splendid legal ability, who by his gentlemanly and business-like conduct of the public business, has won both the respect and admiration of the entire Northern District. By his fair and impartial treatment of my people he has gained their confidence and respect, and his appointment would be more than pleasing to the Creek people.

Very respectfully,

P. Porter,

Principal Chief.

(Endorsed) Union Agency Press Book, General Letters by Principal Chief. Letter 8. Muskogee, Okla.



136  
Muskogee, Indian T.,

May 2, 1902.

Hon. Isparhecher,

c/o Mr. A. W. Robb.

Dear Friend:

I have looked through our packages of cancelled warrants and do not find the one for \$295.00 which was issued by you to yourself and sold to Mr. Robb for certain National expenses during your administration.

At the first council after I was elected the warrant was handed to me by Mr. Robb, and I asked for an appropriation for its payment, which you will remember, and transmitted the warrant to the Council, but no appropriation was made, and in some way the warrant was misplaced. However, the warrant was cancelled, and will never come up against you or the Nation. I understand that you agreed to pay Mr. Robb in the event the Council did not appropriate it. When you have paid Mr. Robb, if you desire it? I will again at the next Council ask that an appropriation be made to reimburse you, for I have no doubt that you expended the money for National purposes.

Yours truly,

P.Porter,

Principal Chief.

(Endorsed) Union Agency Press Book General Letters by Principal Chief. Letter 7. Muskogee, Okla.



137  
Muskogee, Indian T., May 3, 1902.

Hon. J. H. McGowan,  
Washington, D. C.

Dear Sir:

I have yours of the 24th ultimo. Thanks for your attention and the information contained in your letter.

I see in the news papers that something is being done in regard to the Supplemental Agreement. If it is not asking too much, I would be glad if you would inquire into the matter, and advise me of the possibility of its passage, and in what form.

I trust you may succeed in securing action on the Lost Property claim.

Yours very truly,

P. Porter,  
Principal Chief.



Muskogee, I. T., May 3, 1902.

Mr. Freeland McIntosh,  
Checotah, Indian T.

Dear Sir:

I am in receipt of yours of the 28th ultimo, and am gld to know that my explanation in reference to the townsite matter is satisfactory to you.

In regard to the matter of trespass upon your allotment by one W. T. Gamble, I will today call the matter to the attention of the Indian Agent, whose duty it is to right troubles of this kind. I will urge upon him to take such steps as will compel said Gamble to confine his stock to only such lands as he has rented. Another course you might pursue is to sue him for trespass and for damages done to your allotment.

Yours truly,

P. Porter,

Principal Chief.



139  
Muskogee, I. T., May 3, 1902.

Mr. Geo. D. Harvison,

Morse, I. T.

Dear Sir:

I have received yours of the 30th ult., and only write to acknowledge its receipt, and to inform you that I have no stallion now. Mr. Robb has bought Ball Blayer, and is sending him out to your place. He will probably be there by day after tomorrow.

Yours truly,

P. Porter,

Principal Chief.



140  
Muskogee, Indian T., May 10, 1902.

TO ALL WHO ARE INTERESTED IN THE PRESERVATION OF THE LAW:

KNOW that the bearer of this, William Penn, Is an honest man in good standing with his neighbors, and is the owner of one gray horse, branded on the left shoulder, and one bay horse (geldings) with white spot in his face, branded T; that said horses were stolen from him on or about the 28th day of April, 1902, from his home near Wetumka.

I therefore earnestly request that all assistance possible be given him in the recovery of his horses and the capture of the criminals.

Respectfully,

P. Porter,

Principal Chief.



141  
Muskogee, Indian T.,

May 23, 1902.

Hon. J. Blair Shoenfelt,

United States Indian Agent,

Muskogee, Indian Territory.

Sir:

I inclose letter of Mr. Z. T. Walrond, with the request that you cause the collection of the taxes due the Creek Nation from the Robert H. Hall Telephone Company, and that the same be placed in the Treasury of the United States to the credit of the Creek Nation.

Yours respectfully,

P. Porter,

Principal Chief.



142  
Muskogee, Indian T.,

June 7, 1902.

Hon. William M. Springer,  
Washington, D. C.

Dear Judge Springer:

I wish you would send me a copy of the report made on the Creek-Self-Emigration claim, the number of the document I do not remember. Said Executive document embraces the names of all persons who were enrolled as Creek-Self-Emigrants.

I trust no amendments will be proposed to the Creek Agreement which will prevent action being taken by Congress at this session. The agreement as I left it will be more acceptable to my people, and any material change made in its terms will render its acceptance and ratification by the Creek council doubtful.

Yours truly,

P. Porter.



143  
Muskogee, I.T., June 10, 1902.

Hon. Concharti Micco,

By Messenger.

Dear Sir:

I am in receipt of your letter making statement in regard to a piece of land, embracing about fourteen quarter sections, around which a pasture was built, and in which the stock of certain members of your town were kept, and also a notice from certain lawyers, Wood & Witten, notifying you to take down said pasture as they had made a rent contract for the use of a quarter section described in their letter, and which is the same as you write me has been inclosed, and in which some 190 head of cattle and 70 off head of horses have been grazed.

In reply to your question as to whether this could be lawfully done, I have to say that they have no right to do so and will not be permitted to take down said pasture, but the citizens who made selection of the same may maintain the pasture by allotting the same, and Cully Johnson has made arrangements with the Dawes Commission to as soon as possible bring them down and have them select their allotments. Pay no further attention to the notice sent you by Wood & Witten, but urge your town people who have not filed within that pasture to as soon as possible come down and select their allotments therein, or select the allotments they wish and send it down with those that come in order that the Dawes Commission may make their filings for them. This will end the difficulty and leave the people that have inclosed

--Press book, General Letters, P.Porter, page & Letter 112.--



the pasture in full possession of their property as their selections of final allotments.

In the event any person may have filed on any of these allotments that have not helped to make the wire fence and have improvements within the wire fence they will be compelled to hunt selections of allotments elsewhere, for the purpose of making allotments is to give each allottee land so as to include their homes and improvements.

I am sorry to learn that your health is not good, but hope that you will soon be well, and that I will see you at least by the time we hold our annual council.

Any wrongs occurring affecting the members of your town in regard to trespasses upon their allotments will be glad for you to report them to me at any time, and I will give the same my prompt attention.

Yours respectfully,

P. Porter,

Principal Chief.



144  
D E P A R T M E N T O F T H E I N T E R I O R .

Washington.

July 5, 1902.

The Commission

To the Five Civilized Tribes,

Muskogee, Indian Territory.

Inclosed herewith you will find one (1) certified copy and four (4) uncertified copies of the supplemental agreement with the Creek Nation, Act of June 30, 1902 (Public No. 200).

By direction of the Secretary.

Respectfully,

Edward W. Dawson.

Chief Clerk.

5 inclosures.

(Endorsed) # 11298, Received Jul. 12, 1902. Commission To Five Tribes, Muskogee, I.T. Department, Dawson, Washington, D. C. July 5, 1902. Encloses copy of supplemental agreement with the Creek Nation.



145  
Muskogee, Indian T.,

July 5, 1902.

Mr. Hespeh Frischman,  
Council Grove, Kansas.

Dear Sir:

I inclose notice of defalcation of your note of \$190,  
which I must insist that you pay, and see to it that I am not  
further troubled about it.

Yours truly,

P. Porter.



146  
State Dept. Aug. 8, 1902.

( C R E E K   A G R E E M E N T )

---

PROCLAMATION.

---

WHEREAS the act of Congress entitled "An Act to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes," approved on the thirtieth day of June, nineteen hundred and two, contains a provision as follows:

That the following supplemental agreement, submitted by certain commissioners of the Creek tribe of Indians, as herein amended, is hereby ratified and confirmed on the part of the United States, and the same shall be of full force and effect if ratified by the Creek tribal council on or before the first day of September, nineteen hundred and two, .....

And Whereas the principal chief of the said tribe has transmitted to me an act of the Creek national council entitled "An Act to ratify and confirm a supplemental agreement with the United States " approved the twenty-sixth day of July, nineteen hundred and two, which contains a provision as follows:

That the following supplemental agreement by and between the United States and the Muskogee (or Creek) Tribe of Indians, in Indian Territory, ratified and confirmed on the part of the United States by Act of Congress approved June 30, 1902 (Public No. 200.), is hereby confirmed on the part of the Muskogee (or Creek) Nation,.....

And Whereas paragraph twenty-two provides as follows:

The Principal Chief, as soon as practicable after the



147  
ratification of this agreement by Congress, shall call an extra session of the Creek Nation council and submit this agreement, as ratified by Congress, to such council for its consideration, and if the agreement be ratified by the National council, as provided in the constitution of the tribe, the principal chief shall (Sic) transmit to the President of the United States a certified copy of the act of the council ratifying the agreement, and thereupon the President shall issue his proclamation making public announcement of such ratification, thenceforward all the provisions of this agreement shall have the force and effect of law.

Now, Therefore, I, THEODORE ROOSEVELT, President of the United States, do hereby declare said agreement duly ratified and that all the provisions thereof became law according to the terms thereof upon the twenty-sixth day of July, nineteen hundred and two.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 8th day of August, in the year of our Lord one thousand nine hundred and two and of the Independence of the United States the one hundred and twenty-sixth.

THEODORE ROOSEVELT.

By the President:

ALVEY A. ADEE

Acting Secretary of State.

(Endorsed) # 13115, Received Aug. 16, 1902. Commission to Five Tribes. Department, De Lacey. Washington, D. C. Aug. 13, 1902. Enclosing copy of proclamation ratifying Creek Agreement.



148  
D E P A R T M E N T O F T H E I N T E R I O R.  
WASHINGTON.

August 13, 1902.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed, for your information,  
copy of proclamation of the President declaring the ratifica-  
tion of the Creek Agreement.

By Direction of the Secretary.

Respectfully,

Wm. H. DeLacy.

Acting Chief Clerk.

1 inclosure.



149

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

August 14, 1902.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On the 8th instant the President issued his proclamation, declaring that the agreement with the Creek tribe of Indians, contained in the act of Congress approved June 30, 1902, (Public No. 200), was duly ratified by the Creek Nation, and that all provisions of said treaty became of full force and effect upon July 26, 1902.

Section 16 of said agreement declares that

"Lands allotted to citizens shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation nor be alienated by the allottee or his heirs before the expiration of five years from the date of the approval of this supplemental agreement, except with the approval of the Secretary of the Interior....."

Section 17 of said supplemental agreement amends Section 37 of the agreement ratified by the act of March 1, 1901, so as to read:

"Creek citizens may rent their allotments, for strictly non-mineral purposes, for a term not to exceed one year for grazing purposes only and for a period not to exceed five years for agricultural (Sic) purposes, but without any stipulation or obligation to renew the same. Such leases for a period longer than



one year for grazing purposes and for a period longer than five years for agricultural purposes, and leases for mineral purposes may also be made with the approval of the Secretary of the Interior, and not otherwise. Any agreement or lease of any kind of character violative of this paragraph shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity....."

The Department desires that the Commission submit a draft of regulations deemed suitable and appropriate to carry into effect the provisions of said sections 16 and 17, with any recommendations which it may desire to make relative thereto.

Respectfully,

Thos. Ryan.

ACTING SECRETARY.

(Endorsed) # 13461 Received Aug. 21, 1902. Commission to Five Tribes. Department, Ryan. Washington, D. C. Aug. 14, 1902. Desires Comm to submit draft of regulations suitable and appropriate to carry into effect provisions of sections 16 & 17 of Creek Agreement also any recommendations.



DEPARTMENT OF THE INTERIOR.  
Washington.

August 18, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

The Department is in receipt of a report from the Acting Chairman, dated August 5, 1902, relative to the action taken to secure by all proper methods a fair and unprejudiced expression by the members of the Creek Council upon the ratification of the supplemental agreement, in accordance with directions of the Secretary dated July 14, 1902.

The Department desires to express its great gratification at the successful result of the proceedings taken to thwart the schemes of parties having important business interests, to defeat the ratification of the agreement. It has inclosed a copy of said report to the Secretary of the Treasury, and a copy to the Attorney General, and requested the Secretary of the Treasury to express the thanks of the Department to Mr. Dickey, the agent of the Secret Service, who rendered very efficient aid in the matter, and also requested the Attorney General to express the thanks of the Department to the U.S. Attorney and Marshal for their able services in breaking up the gambling resorts and the illegal sales of intoxicating liquors, and has further requested that the violators of law be vigorously prosecuted by the officers of the Department of Justice.

The Department also desires to express its great gratification at the prompt and efficient services rendered by the



Acting Chairman in securing a fair expression of the choice of the members of the Creek Council concerning the ratification of said agreement.

Respectfully,

Thos. Ryan.

Acting Secretary.

(Endorsed) # 13607, Received Aug. 25, 1902. Commission to Five Tribes. Muskogee, I.T. Department, Ryan, Washington, D. C. Aug. 18, 1902. Expresses gratification of the manner in which U.S. Attorney, Marshal and Acting Chairman Bixby thwarted scheme to obstruct ratification of Creek Agreement.



159  
Muskogee, I.T. Aug. 26, 1902.

Mr. M. L. Harrod,

Okmulgee, Ind. Ter.

Dear Sir:-

Acknowledging receipt of your favor of August 19th, in which you kindly invite me to attend and participate in the "Camp Meeting". I assure you that it would give me great pleasure to accept, did not the press of my official duties prevent.

In offering my regards, I wish to tender my kindest wishes to you and all others in attendance, for an enjoyable time and beneficial results.

Very sincerely,

P. Porter,

Principal Chief.



154  
Muskogee, I.T.

Aug.29,1902

Mr. C. C. McCarty,  
Div. Supt. Ill.Cen.R.R.,  
St.Louis, Mo.

Dear Sir:

I am in receipt of yours of the 27th inst. and in reply have to say that my daughter in going and returning from Belmont School at Nashville has always got transportation over the Louisville & Nashville and usually they have given her half rates over that route. If your road can favor us with the same rates, would be glad to send her over your route.

Very respectfully,

P. Porter.



155  
Muskogee, I.T., Sept. 1, 1902.

Hon. Moty Tiger, Second Chief.

Okmulgee, Ind. Ter.

Dear Sir:-

During this month I will have a great deal to do in the issuance of deeds and the preparation of papers to lay before the Council, besides the message. Inasmuch as there are a great many of our people visiting this place, and as they should have the attention of the Commission and the U.S. Indian Agent, I would respectfully request that you come to Muskogee and during this month attend to that part of the public business, so that we can be prepared for the coming Council of October.

Very respectfully,

P. Porter,

Principal Chief.



156  
Refer in reply to the following:

Land.  
22,009-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington,

Sept. 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Under date of November 20, 1900, the Department approved the recommendation of this office that the adoption of Jennie Deere by the affiliated bands of Indians as a member of the Caddo tribe, be approved, provided she make a formal relinquishment, in writing, of all her rights of whatever character in and to the Absentee Shawnee tribe, except that of her allotment of land.

Under date of January 27, 1902, Chester Howe transmitted to this office the relinquishment of Jennie Deere, together with an affidavit made by her, of her Shawnee allotment No. 91.

In her relinquishment Jennie Deere states that the relinquishment is made of her own free will and accord for the reason that she is the daughter of James H. Deere, a Caddo Indian, and that she has been adopted into said tribe and has been allotted 160 acres of land with the Caddos, where she wishes to live permanently.

April 14, 1902, Mr. Howe transmitted to this office Shawnee patent No. 91 issued to Jennie Deere, February 6, 1892, for the northwest quarter of the northeast quarter of section 32, township 10 north, range 4 east.

15411



In the patent the name is spelled "Deere" while she signs her name "Deer" which is the way it is spelled in the correspondence.

Jennie Deere is No. 3250 on the roll of Creek citizens by blood approved by the Department on March 13, 1902, her name appearing on the Creek rolls of 1890 and 1895.

There is no evidence to identify Jennie Deere, the Shawnee patentee and the adopted Caddo citizen with the Creek citizen.

Before calling for evidence upon this point it is deemed proper to submit the case for the consideration and decision of the Department as to whether in case her identify is established she should be allowed to retain her allotments in three tribes.

Very respectfully,

Your obedient servant,

A. C. Tonner,  
Acting Commissioner.

(J.F.A.)

P.



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DEPARTMENT OF THE INTERIOR,  
WASHINGTON.  
I.T.D. 5514-1902.

WHR.

September 13, 1902.

The Commission

to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the Acting Commissioner of Indian Affairs' letter of September 3, 1902, in which it is stated that Absentee Shawnee patent No. 91, was issued to Jennie Deere, February 6, 1892; that on November 20, 1900, the Department approved the recommendation of the Indian Office that the adoption of this party by the affiliated bands of Indians in Oklahoma, as a Caddo, be approved, provided she relinquish her rights in the Absentee Shawnee tribe, and that on the approved Creek roll, at No. 3250, is the name of Jennie Deere.

The Acting Commissioner states that while there is no evidence identifying the Shawnee patentee with the Creek citizen claimant, he submits the question as to whether in case her identity is established, she should be allowed to retain allotments in three tribes.

The Department desires to have you inquire into this matter as soon as practicable with a view to ascertaining if the party on the approved Creek roll, No. 3250, is the same per-



son to whom the Shawnee patent was issued, and who has been adopted into the Caddo tribe, and if so to submit your recommendation as to her rights in the Creek Nation.

Respectfully,

Thos. Ryan,

1 inclosure.

Acting Secretary.

(Endorsed) Union Agency No. 15411. Received Sep. 22, 1902. Department Ryan, Washington, D.C., Sept. 13, 1902. ---Asks if Jennie Deere on approved Creek roll #3250 is the same person to whom absentee Shawnee patent #91 was issued. If so, what are her rights in Creek Nation.



160  
Muskogee, I.T., Sept 10, 1902

Mr. Leo E. Bennett,

U.S. Marshall, Muskogee, I.T.

Dear Sir:

I am informed by a Creek letter written by Jim Smith that it is known who was the murderer of Barney Bruner; that some white people down there have told who committed the murder. His name is Sandy Watson.

I enclose the Creek letter as it might be necessary in tracing this up. Jim Smith is a member of the House of Kings from Pocontallahassee Town.

Respectfully yours,

P. Porter,

Principal Chief.



161  
Muskogee, I.T., Sept. 10, 1902.

Mr. Samuel Checote,  
Coweta, I.T.

Dear Sir:-

Please find enclosed Warrant in favor of Mrs. Annie Checote for \$40.00; also warrant #1149 in favor of Lucile Byrd for \$90.00. Please deliver these to the proper persons and send me receipt for same and oblige.

Yours truly,

P. Porter,

Prin. Chief.



162  
Muskogee, I.T., Sept. 23, 1902.

Mrs. Lillie Rowe Daniels,  
Marlin, Texas.

Dear Madam;

Yours of the 15th inst. is at hand. I am sorry to have to inform you that it will be impossible for you to establish your rights as a Creek citizen at this late date. The rolls of Creek citizens have been closed for more than a year, and whether you are of Creek extraction or not, would make no difference now. The land of the Creeks will be distributed to those who have been placed on the rolls and approved by the Secretary of the Interior and while there may be quite a number of Creeks by blood omitted on that roll, there is no way for them to get any portion of the Creek lands now. I would advise you to think no more about it and spend no money. If you wish to lease or rent land, you will have to take your chances with other who are renting and leasing of the Creek allottees.

Respectfully,

P. Porter,

Prin. Chief.



163  
Muskogee, I. T., Sept. 29, 1902.

Mr. John Caddick,

Deer Lodge, Mont.

Dear Sir:

I have received yours requesting that I take some interest in having a bridle manufactured by you raffled off in this town. You might, if you like, forward one of your work to me and I will have it raffled off for you and send you the proceeds.

Respectfully,

P. Porter,

Prin. Chief.



164  
The following important resolution was passed by the Creek Council and was last night submitted to Col. J. Blair Shoenfelt who returned last night from Washington:

A R E S O L U T I O N

Regarding the Administration of the Property of Incompetents,  
Convicts, Orphans and Deceased Persons.

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

That the Principal Chief be and is hereby authorized and directed to confer with the United States Indian Agent regarding the administration of property of Incompetents, convicts, orphans, and deceased persons, of the Creek Nation, and agree upon some manner of caring for such estates, subject to the law governing appointment of guardians and curators.

BE IT FURTHER RESOLVED, That the Town Chiefs shall be required to furnish the Principal Chief a list of such named persons of their respective towns, and also recommend to him suitable persons who may be appointed guardians over the orphans and incompetents of their towns.

Adopted October 22, 1902.

Lee McNevins

Clerk.

T.W. Perryman

President House of Kings.

Concurred in October 22, 1902.

A.P. McKellop

Clerk.

Amos McIntosh

Speaker House of Warriors.

Approved October 22, 1902.

P. Porter

Principal Chief Musk. Nation.

(Endorsed) Union Agency, Muskogee, Oklahoma.--Pleasant Porters  
general letters.--a-24----



165

A N    A C T

October 23, 1902.

Making appropriation in favor of Alfred F. Goat for services  
rendered as railroad tie agent.

- - - - -

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

That there be and is hereby appropriated out of the  
general funds of the Muskogee Nation, the sum of One Hundred and  
Fifty (\$150) Dollars, in favor of Alfred F. Goate, for services  
rendered as railroad-tie agent. Said sum to be paid under such  
rules and regulations as may be prescribed by the Secretary of  
the Interior for the disbursement of the Creek funds.

Adopted October 23, 1902.

Lee McNevins,  
Clerk.

T.W.Perryman  
President House of Kings.

Concurred in October 23, 1902.

A.P.McKellop  
Clerk.

Amos McIntosh  
Speaker House of Warriors.

Approved October 23, 1902.

P.Porter,  
Principal Chief, Muskogee  
Nation.



166  
Muskogee, I.T., Nov. 1, 1902

Hon. J. Blair Schoenfelt,

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

Sir:

I transmit you herewith a letter from Samuel Johnson making complaint against stock men who either have rented or are about to rent some portions of the public domains unallotted, for the purpose of grazing cattle. I trust you can do something in protection of Mr. Johnson by instructing, or having the Revenue Collector instructed to see that concessions are made to citizens owning stock who have not sufficient range upon which to graze their cattle, at the same rates of rent per acre as is charged to non-citizens for cattle grazing.

I take this occasion to say that I regard it as unwise to rent any portion of the public domain unallotted for the coming season in as much as all the allotments will be completed before the grazing season of next year begins and the residue of the lands, under the Treaty, is to be used for the purpose of evening up allotments to those whose allotments are less than the maximum valuation per share. Should they be again rented for grazing purposes, the allottees who choose lands in preference to money will not be able to get possession of their lands and will be kept out of the use of it for another season, which would be a manifest injustice to them.

I ask of you to give this matter your earnest consideration.

Respectfully,

P. Porter--Prin. Chief.

(Endorsed) Union Agency press book, general letters, by Principal Chief. Letter 319. Muskogee, Oklahoma.



167  
Muskogee, I.T., Nov. 6, 1902.

Hon. J. George Wright,  
U.S. Indian Inspector,  
Muskogee, Ind. Ter.

Dear Sir:

I enclose herewith, for transmission to the Department for the approval of the President, an Act passed at the October Session of the National Council appropriating One Hundred and Fifty (\$150) Dollars in favor of Alfred F. Goats, for services rendered as railroad tie agent. It was found on investigation by the Finance Committee of the National Council that said services were actually rendered the Creek Nation, and the passage of the accompanying Act recommended.

Respectfully,

P. Porter,

Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 336. Muskogee, Oklahoma.



168

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

6425-1902.  
Ind. Ter.Div.

November 6, 1902.

The Commission to the  
Five Civilized Tribes,

Sirs:

The Department has considered the matter of the application of Martha Smith for the enrollment of herself and her three children, Rosana, Joe and Lena Eastman, as citizens of the Creek Nation.

Upon the testimony submitted you found that Martha Smith's name is not upon the rolls of 1890 or 1895, but that the name of Keber Grayson, shown by the testimony to be her father, is found upon the Dunn roll of Creek freedmen; that said Martha Smith was adjudged entitled to citizenship as a freedman, by name of Biddie Johnson, by you under the act of June 10, 1896 (29 Stat., 321); that Rosana, Joe and Lena Eastman were born subsequently to the making of the 1895 Creek roll and to the time of Martha Smith's application for recognition as a Creek citizen; and that no application for the enrollment of said Martha Smith, Rosana, Joe and Lena Eastman, had been made to your commission prior to May 25, 1901.

After reciting these findings you quote from section 28 of the Creek agreement ratified by act of March 1, 1901 (31 Stat., 861), and accepted by the Creek National Council May 25, 1901, a provision as follows: "No person, except as herein provided, shall be added to the roll of citizenship of said tribe after the date



of this agreement, and no person whomsoever shall be added to said roll after the ratification of this agreement," and upon the authority of that provision hold that these parties can not be enrolled.

The Commissioner of Indian Affairs, in transmitting the record in the case, dissents from the view of your commission and holds that these parties should be enrolled because coming within the exceptions mentioned in said section 28 of the agreement of 1901 .

Immediately following the paragraph you quote are provisions as follows:

"All citizens who were living on the first day of April, eighteen hundred and ninety-nine, entitled to be enrolled under section twenty-one of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, entitled (An Act for the protection of the people of the Indian Territory, and for other purposes,) shall be placed upon the rolls to be made by said commission under said Act of Congress, and if any such citizen has died since that time, or may hereafter die, before receiving his allotment of lands and distributive share of all the funds of the tribe , the lands and money to which he would be entitled, if living, shall descend to his heirs according to the laws of descent and distribution of the Creek Nation, and be allotted and distributed to them accordingly.

All children born to citizens so entitled to enrollment, up to and including the first day of July, nineteen hundred, and then living, shall be placed on the rolls made by said commission; and if any such child die after said date, the lands and moneys to which

21325



it would be entitled, if living, shall descend to its heirs according to the laws of descent and distribution of the Creek Nation, and be allotted and distributed to them accordingly.

Martha Smith had been adjudged by your commission a citizen of the Creek Nation and was living on the first day of April, 1899. She was also entitled to be enrolled under section 21 of the act of Congress of June 28, 1898 (30 Stat., 495), because a descendant of a person whose name is found on the roll made by J. W. Dunn. This being true the command is imperative upon the commission to place her name upon the roll made by you. The fact that the clerical work of writing her name upon the roll had not been performed before said agreement was ratified could not affect her right. The writing of her name on your final rolls would not be adding it to the roll but would be simply transcribing it from your records to the final record of names. In fact, it may be true, so far as shown by this record, that she has been enrolled under the name of Biddie Johnson, in which name she was adjudged to be a citizen of the Creek Nation. While the dates of the births of her children are not given, the inference is from the findings of fact that they were born prior to July 1, 1900, and were then living. This being true, they come within that provision of said section 28 of the agreement of 1901 which says: "All children born to citizens so entitled to enrollment up to and including the first day of July, nineteen hundred, and then living shall be placed on the rolls made by said commission," and should be enrolled.

These parties all come within not only the spirit but the strict letter of the law relating to the enrollment of Creek freedmen. The mother is able to trace her right not only to her father,



shown to be a Creek freedman by the Dunn roll made prior to March 14, 1867, but also to a solemn and final adjudication in her favor by your commission. She had been declared a citizen of the Creek Nation before the birth of her children. Those children were born Creek citizens. A census of the Creek nation taken by you in accordance with the authority given by the act of June 28, 1898, would have included their names.

After a careful consideration of this matter the Department can not agree with you that the provisions in the agreement of 1901, referred to by you, prevent the enrollment of these parties, and your decision so holding is set aside.

By the testimony submitted in behalf of Rosana it is shown that Jacob Eastman, now deceased, who was the father of these children, was a Chickasaw citizen. No question was asked as to the time of his death or as to the place of residence of the family at that time, or at the times of the births of the children. It appears that at the date of the hearing the mother and two children were living in the Creek country but that Rosana was then in the Chickasaw country. The only reference to the latter's residence is found in the following quotation from the testimony of the mother:

Q. Is your child Rosana now living? A.-Yes sir.

Q. With you? A.- No sir; she is with my sister; I left her with her when I came down here.

Q. Where is Rosana? A.- In the Chickasaw Nation.

This may mean either that the child had been left in the Chickasaw country only temporarily or it may mean that she was permanently there as a member of the family of her aunt. If the latter is the case it may be she had been enrolled as a Chickasaw.



So far as the record shows you made no inquiry or examination to ascertain whether Eastman and his family or any member thereof had been enrolled as Chickasaws or whether an application for such enrollment had been made. These people should not, of course, be upon both the Creek and Chickasaw rolls although they are clearly entitled to have their names appear upon one or the other.

The matter is returned for further consideration by your commission and such action as may be appropriate in conformity with the view herein expressed.

Very respectfully,

F. L. Campbell

ACTING SECRETARY.

(Endorsed) # 21325, Commission to Five Tribes. Muskogee, Oklahoma. Received Nov. 13, 1902. Department, Campbell, Washington. D. C. November 6, 1902. Remands case of Martha Smith, applicant for enrollment of herself and children as Creek citizens, for further consideration.



173  
Muskogee, I.T., Nov. 6, 1902

Mr. T. Allen Brouse

Supt. Euchee Boarding School,  
Sapulpa, I.T.

Dear Sir:

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

1368	T. Allen Prouse, Supt.	to use for school purposes,	\$200.00
1307	H. C. Hall & Co.,	Supplies,	854.86
1308	W. J. Robbins,	Supplies,	2.50
1309	R. M. Starr,	Supplies,	23.15
1310	Pryor & Son,	Supplies,	11.60
1311	Sapulpa Meat Market,	Supplies,	5.45
1312	Thomas Wills,	Supplies,	205.02
1313	J. C. Meniffee,	Supplies,	6.30
1314	Sapulpa Democrat,	Supplies,	9.00
1315	Charles Whittaker,	Supplies,	29.47
1316	Booth & King,	Supplies,	3.25
1317	Harrison Butterine Co.,	Supplies,	25.00
1318	Tooka Ross,	Matron,	11.66
1319	Lulu S. Prouse,	Matron,	11.66
1320	Soma Sarda,	Laundress,	10.00
1321	N. R. Blakely,	Laborer,	8.08
1322	Annie L. James,	Teacher,	18.66
1323	Helen Phipps,	Teacher,	20.66
1324,	J. M. Riley,	Teacher,	25.66

--P. Porter press book. ltr. 323.--



1325      T.Allen Prouse,      Supplies,      \$ 21.66

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

Respectfully,

P.Porter,

Prin.Chief.



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DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS,

Washington, November 8, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made October 30, by the Commission to the Five Civilized Tribes, acknowledging the receipt of Department letter of August 14, 1902 (ITD-4906), which requested the Commission to prepare and forward a draft of regulations intended to carry into effect the provisions of sections 16 and 17 of the agreement with the Creek Indians, approved June 30, 1902 (32 Stat., 500)

The Commission states that it believes, in the matter of the alienation of Creek lands, a liberal yet safe policy should be pursued, and that while the regulations which have been recommended for adoption may be somewhat stringent, it is not believed that legitimate purchases and sales will be restricted thereby.

The office has carefully examined the draft of the proposed regulations, and desires at the outset to state that it seriously doubts the wisdom of placing this matter under the direction of the Commission to the Five Civilized Tribes.

The recent reports made by the Commission which show the status of its work, seem to indicate that within a short time the work of the Commission will be almost completed. The final allotments have been made in the Seminole Nation, and it may be said that the work in that nation is at an end, while in the Creek Nation the rolls are completed--or almost so--the allotments are almost



all made and many deeds have been written and signed by the principal chief, while the Commission has already recommended the enrollment of several thousand applicants, in the other nations.

The office can see no reason why the great bulk of the Commission's work shall not have been entirely ended in a year or eighteen months from this date. If that be the case, then the Commission's clerical force will be materially reduced and it is not likely that the Commission in its present form will be continued for longer than two years, and if this work is placed under the jurisdiction of the Commission, it will be necessary, upon its going out of existence, to transfer its records to the Indian Agent's office, so that he may take up the work where left off by the Commission.

This will, of itself, to some extent, necessarily tend to confusion, and it should also be remembered that the Agent has been intimately connected with the Indians and with the Indians' business ever since the establishment of the Indian Territory. They know the agent and go to him for instructions and advice; they have confidence in him and he knows them and their business. He is in position, because he has a police force and has the power, to place allottees in possession of their allotments, and also to remove from allotments any persons who may be there in violation of the rights of the Indians.

The Commission cannot do those things, as its power will have ceased upon the approval or disapproval of an application to lease or convey, so that it seems to the office that it would be eminently proper and right to submit this whole matter to the agent at the Union Agency. And for a further reason it is believed that the Commission is at the present time burdened with as much



work as it should have. Its utmost energies should now be exerted to the end that the rolls be closed and the lands allotted.

I have had prepared and herewith submit a set of regulations which it is respectfully recommended be approved.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

WEV  
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3 inclosures.

(Endorsed) # 24173, Commission to Five Tribes, Received Dec. 13, 1902. Muskogee, Oklahoma. Department, Ryan, Washington, D.C., December 8, 1902. The Department has approved a draft of regulations to carry into effect the provisions of the Creek agreement, and copies of same will be forwarded as soon as printed. Enclosing letters of the Commission of Indian Affairs.



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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. 7020-1902. WHR.

November 14, 1902.

The Commission

To the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your letter of October 20, 1902, submitting an affidavit of contest by Dorathy Sorrell, as natural guardian of Julia Sorrell, vs. Sarah Vance, Lucy Hawkins and Vinita Hawkins, heirs of Sunday Hawkins, deceased, citizens of the Creek Nation, and recommending that Rule 10 of the Rules of Practice, which provides that--

"When the contest is against the heirs of the deceased applicant, the service shall be upon the executor or administrator of the estate, "

be amended to read as follows:

"When the contest is against the heirs of a deceased applicant the service shall be upon the executor or administrator of the estate; but where no administrator of the estate has been appointed, and it is shown to the satisfaction of the Commission that proper application has been made to the court from the appointment of an administrator, and such application has been refused by the court, then service may be had on the heirs generally, by publication, as is provided for in Rules 14 and 15, and by posting a copy of the notice in the Land Office, and in a conspicuous place on the land, at least two weeks prior to the date set for hearing.



Proof of service by publication on the heirs of a deceased applicant, shall be a copy of the advertisement with the affidavit of the publisher attached thereto, showing that the same was successively inserted the required number of times, and the date thereof, and the affidavit of the person who posted the copy of the notice on the land, showing that such copy was posted as herein provided."

You state that unless some provision be made for obtaining service on heirs generally, you will be without authority to determine whether service has been had on the legal heirs.

Reporting in the matter November 12, 1902, the Commissioner of Indian Affairs states that he sees no necessity for said Rule 10; that Rule 9 provides that a copy of the notice and summons shall be served upon each of the contestants (contestees), and Rule 11 provides that--

"If the person to be personally served is an infant under sixteen years of age, or a person of unsound mind, service shall be made by delivering a copy to the guardian of such infant or person of unsound mind, if there be one; if there be none, then by delivering a copy to the person having the infant or person of unsound mind in charge, and also to the person who made application for such person;"

that there seems to be no reason, after abrogating Rule 10, why Rules 9 and 11 may not be complied with, and upon compliance therewith jurisdiction be vested in your Commission.

The Department concurs in the views of the Commissioner except that it considers that Rule 11 should be amended by striking out the words "under sixteen years of age."



You are therefore advised that rule 10 is hereby abrogated and Rule 11 is amended to Rule 10, as follows:

"If the person to be personally served is an infant, or a person of unsound mind, service shall be made by delivering a copy to the guardian of such infant or person of unsound mind, if there be one; if there be none, then by delivering a copy to the person having the infant or person of unsound mind in charge and also to the person who made application for such person."

Rules 12 to 29, inclusive, are hereby amended to Rules 11 to 28, inclusive. Rule 31 is changed to Rule 29.

A copy of the Commissioner's letter and the papers received with your letter are inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

3 inclosures.

(Endorsed) # 22199, Commission to Five Tribes, Muskogee, Oklahoma. Received Nov. 22, 1902. Department, Ryan, Washington, D. C., November 14, 1902. Returning affidavit of contest by Dorathy Sorrell, vs. Sarah Vance, Lucy Hawkins and Vinia Hawkins, heirs of Sunday Hawkins, and advising of certain changes in the Rules of Practice.



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Muskogee, I. T., Nov. 17, 1902

Messrs. Blair & Thigpen,

Wagoner, I. T.

Gentlemen:-

Yours of the 12th inst. making inquiry as to where you can get money on certain court script for the sum of \$21.40, audited by Wm. Whitlow, Feb. 2, 1899, is at hand. In order to secure payment of the above script you would have to present it to the Council requesting that an appropriation be made for its payment, and then should the Council make the appropriation, a warrant will be issued from the Executive Office for its payment, which would be paid by the United States provided the act of appropriation be approved by the President of the United States.

Respectfully,

P. Porter,

Prin. Chief.



5494-02. 1094-1332, 5127-1902.  
I.T.D. 5897-1902. 2419-1900.

DEPARTMENT OF THE INTERIOR.

Washington.

November 20, 1902.

The Commission to the Five  
Civilized Tribes,  
Muscogee, Indian Territory,

Sirs:

The Department has considered the record in the matter of the application for enrollment as Creek citizens of Lillian and Pearl Lerblance, sometimes written Lerblanche.

By your decision of April 6, 1901, you held that Lillian should be enrolled as an adopted citizen of the Creek Nation but that Pearl is not a citizen by birth or adoption and that her application should be denied. The Commissioner of Indian Affairs dissented from that decision holding that Pearl should also be enrolled. The matter was returned to you for further consideration and report especially in respect to the usages and customs of the tribe as to recognizing as citizens the children of a male member of said tribe and his wife, a member of another of the Five Civilized Tribes.

From the testimony taken at the original hearing it appears that the father of these children, who died in October, 1898, was a recognized citizen of the Creek Nation having lived there as such member from 1855 to the time of his death, and that the mother was a recognized citizen of the Cherokee Nation; and that the guardian of said children had elected to have them enrolled as members of the Creek Nation. The mother removed to



the Creek Nation and shortly thereafter was, on February 15, 1894, married to E. H. Lerblance. The family continued to reside in the Creek Nation and both these children were born there and have lived all their lives there. The elder, Lillian, was born August 15, 1895, known as the 1895 omitted roll. Pearl was born March 11, 1898, subsequently to the making of any roll of the Creek Nation and, consequently, has never been enrolled as a citizen thereof. She died November 1, 1900. The mother testified April 17, 1899, that neither of these children had ever been placed upon any Cherokee roll, but in her testimony of December 17, 1900, she states that the names of her children appear on the Cherokee roll but that she had never drawn anything from the Cherokee Nation for them.

A number of witnesses were examined as to the usages and customs of the Creek Nation in regard to the recognition of children situated like these, the father being a member of the Creek Nation and the mother being a member of a different nation. Each of these witnesses testified to a long residence in the Creek Nation and to a knowledge of the Creek laws and customs, and each of them stated positively that the custom was to recognize the children of such a union as members of the nation where the family resided in the Creek country. The Creek Nation has not objected to the enrollment of these children and in the record of the testimony taken before you is an entry as follows: "Mr. A. P. McKellop, the duly appointed attorney for the Creek Nation, appeared before the Commission and made no objection to the enrollment of Lillian and Pearl Lerblance."

Upon this evidence and the record as then made up, you



allowed the application of Lillian because her name appears on a roll of the Creek Nation but refused that of Pearl on the ground that she had never been thus formally recognized by the authorities of the nation.

Subsequently the attorneys for applicants filed affidavits of various persons each of whom claimed a long residence in the Creek Nation, most of them being citizens thereof by blood, and an intimate knowledge of the laws, usages and customs of the Creeks. Each of these persons states that it is the rule to recognize as citizens by blood the children of a marriage between a Creek citizen and a member of another of the Five Civilized Tribes provided the family resided in the Creek Nation.

With your report of September 3, 1902, you transmitted a copy of the testimony taken by you in connection with another case as to the usages and customs of the Creek Nation. This testimony is that of full-blood Indians who, with one or two exceptions, testified through an interpreter. Each of them stated that it is the custom of the Creeks to follow the mother in the matter of citizenship. The extracts from the testimony of these several witnesses, copied into your report, show that some of them were evidently speaking of the rule which obtains in assigning members of the Creek Nation to the various towns in the nation. The attention of others was specifically directed to the rule as to the status of the children of a Creek man the mother being a member of another tribe. All these latter state that the children would follow the mother rather than the father in the matter of citizenship.

The case thus presents two diametrically opposite propositions, each supported by substantially the same number



of witnesses. You say that the witnesses directly examined in this case are without exception interested parties in that "they are closely connected with families, one or more members of which have intermarried with Cherokee women, or are the parents of children whose names have been placed upon the pay rolls of both Nations" and that one of them has "made claim to citizenship in both Nations by reason of dual blood." You also say that the affidavits subsequently filed are not entitled to any greater consideration than the testimony thus referred to, because the affiants are directly interested in the matter or are "committed to the idea of dual citizenship." The Department is not inclined to give favorable consideration to the proposition that these persons, most of whom have for many years actively participated in the management of the affairs of the Creek Nation and now hold or have held responsible official positions in the Creek government, have allowed a remote interest in the matter to control their testimony. It is rather inclined to set down the differences in the statements to an honest difference of opinion. This difference may be accounted for in large part at least upon the theory that advance in civilization, the adoption of a written constitution and the enactment of laws defining the domestic relations, entailed a modification of the tribal usages and customs. The custom of tracing descent through the mother, to the exclusion of the father, which seems to have prevailed under the old regime, finds no place, based upon necessity, in the new system where marriage and divorce are regulated by written laws.

The old rules have been modified even as to the assignment



of children to the different towns. All the witnesses here say that the child is to be enumerated in the town to which the mother belongs. This was undoubtedly the old rule but section 292, Laws of the Muskogee Nation, 1893, provides:

In all enumerations of the Muskogee people, the wife and children shall be counted in the town wherein the husband is and children shall be counted in the town wherein the husband is counted; provided, however, that nothing in this section shall be construed so as to deprive any town of its rightful members.

This is a decided change and indicates the tendency to depart from the ancient customs of allowing the status of the mother to control that of the child.

The fact that the elder child, Lillian, was placed upon the roll of citizens and permitted to share in a distributions of the funds of the tribe, supports the testimony in behalf of the applicants for enrollment as to the usage and custom now prevailing. The placing of her name upon the roll was not an act of adoption but was the recognition of her citizenship by birth. Her name is found on what is known as the "omitted roll of 1895," made under the Creek act of December 4, 1895, which provides:

That all children that were born between the dates of June 8 and September 24, 1895, and also all citizens who were omitted from the census rolls last taken are hereby entitled to participate in the present per capita payment.

The making of this roll and the appearance of Lillian's



name thereon is explained by the witness, Ellis B. Childers, who was treasurer of the Nation when that payment was made, as follows:

This Lillian Lerblance was marked down as new born in making up the roll of '95; on the main roll their names were omitted; some of them have always been on that roll; these names were omitted; then by an act of the Council they made the children born up to a certain date, they had the right to be on this roll, so Lillian Lerblance came in on that. She was marked on the roll as new born; I recollect, knowing the family as well as I did.

If her name was wrongly on this roll you were not bound by reason of its appearance there to recognize her as a citizen; to have been entirely consistent you should have refused to enroll her upon the same grounds that were given for the refusal to recognize her sister.

As indicating the tendence of the Creek policy, a provision of the act of May 17, 1895, is significant. That provision is as follows:

All persons of Creek blood and all adopted citizens of any blood who reside in the Muskogee Nation, and whose citizenship is not questioned, are hereby declared entitled to participate in the coming per capita payment.

After a careful consideration of the testimony in this case, and the laws of the Creek Nation bearing upon the matter, the Department is of opinion that these children should be recognized as citizens by blood of the Creek Nation and that their names should be placed upon the rolls as such, and it is so ordered.



Very respectfully,

E. A. Hitchcock.

Secretary.

(Endorsed) No. 22676 Commission to Five Tribes Received Nov. 28, 1902 Department, Hitchcock, Washington, D. C., November 20, 1902.-----In the matter of the application for enrollment of Lillian and Pearl Lerblance as Creek citizens, the Department directs that these names be placed upon the Creek roll.-----



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

Washington, Nov. 25, 1902.

The Honorable

The Secretary of the Interior.

Sir:

The office is in receipt of Department letter of November 19, 1902 (ITD-7169), returning for further consideration a draft of regulations intended to carry into effect the provisions of sections 16 and 17 of the Creek agreement approved June 30, 1902, which was transmitted with office report of October 30 last.

The Department states that it agrees with this office that the law should be administered through the Indian Agent rather than through the Commission; that upon examination of the draft of regulations above mentioned, it was thought best to return the same for further consideration. In said letter it is stated that the Department believes it would be well to re-arrange the paragraphs so that those of general import shall appear first followed by those relating specifically to deeds and instruments of incumbrance and then by those relating to leases.

Attention is also invited to the fact that the regulations provide that leases shall be made in triplicate, and it is stated that if it is the desire of this office to retain one copy, they should be made in quadruplicate. The office is directed to consider whether in paragraph four there should be a provision that the improvements placed upon the land during the term of the lease, shall, at the expiration thereof, become the property of the lessor also whether there should be any provision inhibiting or regulating the granting of sub-leases; and whether the lessee should



be required to give security for the faithful performance of his obligations.

The office is also directed to consider whether some specific provision should be made relative to mortgages or other incumbrances prescribing the kind of proof which shall be required as to the necessity for making such instrument.

The office has carefully re-considered the regulations and the Department's suggestions, and incloses herewith a substitute draft which it considers appropriate for the purpose.

In regulation 4 provision has been made requiring lessees to give bond in such sum as may be fixed by the Secretary guaranteeing the faithful performance of the stipulations of their lease. The office does not believe that any provision should be made relative to subleasing unless the Department shall consider that it is its duty to at all times control the actions of the occupants of the land in so far as they relate to the land.

In undeveloped agricultural countries lands are usually leased more or less in large quantities to persons of considerable means who in turn sublease them to persons who as a general thing are unable to give bond for the faithful performance of the stipulations of their lease. The lessee is usually required to give a good and sufficient bond, and he usually subleases to some person whose circumstances are not such as to enable him to furnish a similar bond, and the original lessee therefore generally takes a chattel mortgage on the growing crop, or the crop to be grown, as security for the performance of the conditions of the lease by the sublease. In some instances the original lessee also requires that the sublessee give him as further security a chattel mortgage on his personal property, such as horses, cattle and farming



implements, and unless the Department shall be of the opinion that it is its duty to retain control of the land during the period for which it is leased, original lessees should, the office believes, be permitted to sublease without restriction. If this is done the lease should provide that all improvements placed on the land by the original lessee, or any person holding under him as a sublessee, shall, at the expiration of the lease, become the property of the allottees, unless otherwise specifically stipulated.

The office does not believe the regulations should contain any provision relative to mortgages, and in its opinion the citizens of the Creek Nation should not, unless it be in exceptional cases, be permitted to mortgage their lands. If an allottee has an allotment, including his homestead, of 160 acres, and it becomes necessary for him to raise money to improve his homestead or any part of his allotment, in the opinion of this office it would be better to permit him to sell part of his alienable land at a reasonable price, than to allow him to incumber all of it. If the allottees are permitted to incumber their lands, it is not probable that they will be able to secure more than forty or fifty per cent of the reasonable value of the land, and experience has shown that in many cases--possibly a majority--the mortgage eventually obtains title to the land for his original investment and accrued interest.

It will be seen at once, therefore, that under such circumstances as those above mentioned the mortgages (Sic) would, if he eventually acquired title to the land, secure it for much less than its actual value at the time the mortgage was made. The



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The office has not, therefore, inserted any provision in the regulations relative to mortgages, either permitting them being made with the approval of the Department or declaring that they will not be approved, and holding these views the office has omitted from the regulations the word "incumbrance." All sub-headings have been also omitted.

It is respectfully recommended that the draft of regulations herewith submitted be approved if it meets with the Department's views, and that if approved the office be authorized (Sic) to have printed for public distribution 10,000 copies thereof.

Very respectfully,

W.A. Jones,

Commissioner.

CAW  
D

inclosures.

24173



193  
December 3, 1902

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

That there shall be elected by the present session of Council in the manner provided by law four competent citizens of the Muskogee Nation to constitute a delegation to represent the interests of the Muskogee Nation at Washington, D.C. during the next regular session of Congress which will convene Dec. 5, 1902; two of said delegates to specially represent the claimants of the Loyal Creek Claim, and the other two to have charge of the resolutions passed by the International Convention which met at Eufaula, I.T., on the 28th day of Nov. 1902 and to present the same to Congress and the proper Committees thereof and to the Secretary of the Interior and other proper officials of the Government of the United States and to use such means and efforts as may be proper and necessary in conjunction with similar delegates or representatives of the other Nations of Indian Territory to carry into effect the aims and purposes for which International Convention was convened. Adopted, 12/3/1902, after adding the words "The Principal Chief shall be ex-officio member of the said delegations.

A.P. McKellop  
Clerk.

Amos McIntosh  
Sp. H. of W.

Concurred in 12/3/02

Lee McNevins  
Clk.

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

Approved Dec. 3rd, 1902

P. Porter, Principal Chief Musk. Na.

(Endorsed) Union Agency, Muskogee, Oklahoma--a-96--Pleasant Porter's general letters.



144  
December 3, 1902

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

That the Delegation appointed to visit the city of Washington D. C., under provisions of the Act of the National Council of Dec. 3d, 1902 be and is hereby authorized and directed to attend to all the general interests of the Muskogee Nation under instructions of the Principal Chief.

Be it further enacted:- That the Delegation shall be paid the sum of seven dollars per diem each for their services and two hundred dollars each for traveling expenses and fifty dollars each for necessary incidental expenses.

Be it further enacted:- That the sum of Four Thousand Dollars, or so much thereof as may be necessary, be and is hereby appropriated out of the general funds of the Muskogee Nation to carry out the purposes of this Act., the said sum to be paid out upon vouchers duly made out and presented to the Principal Chief, said sum of Four Thousand Dollars to be paid under rules and regulations prescribed by the Secretary of the Interior for the disbursement of Creek Funds.

Adopted, Dec. 3d, 1902.  
Amos McIntosh,  
Sp. H. of W.

A. P. McKellop  
Clk.

Concurred in Dec. 3d, 1902  
March Thompson,  
Pres. H. of Kings Pro-tem

Lee McNevins  
Clerk.

Approved Dec. 3d, 1902  
P. Porter,  
Principal Chief, Muskogee Nation.

(Endorsed) Union Agency, Muskogee, Oklahoma. --a-98--Pleasant Porter's general letters.



195  
A R E S O L U T I O N

Providing for appointment of delegates to visit Washington.

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

That there shall be elected at the present session of the National Council, in the manner provided by law, four competent citizens of the Muskogee Nation to constitute a delegation to represent the interests of said Nation at Washington, D.C., during the present session of Congress; two of said delegates to especially represent those interested in the Loyal Creek claim and the other two to have charge of the resolutions passed by the International Convention held at Eufaula, I.T., on the 28th day of November, 1902, and to present the same to Congress and the proper committees thereof and to the Secretary of the Interior and other proper officials of the Government of the United States, and to use such means and efforts as may be proper and necessary, in conjunction with similar delegates or representatives of the other Nations of the Indian Territory, to carry into effect the purposes for which said International Convention was convened.

BE IT FURTHER RESOLVED, That the Principal Chief shall be ex-officio member of said delegation.

Adopted December 3, 1902.

A.P. McKellop  
Clerk.

Amos McIntosh,  
Speaker House of Warriors.

Concurred in December 3, 1902.

Lee McNevins  
Clerk

T.W. Perryman  
President House of Kings.

Approved December 3, 1902.

P. Porter,  
Principal Chief Muskogee, Nation.

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



196  
A N A C T

December 3, 1902.

Providing instructions, per diem and expenses of delegates to  
Washington.

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

That the delegates appointed to visit the City of  
Washington, D. C., under provisions of the Act of the National  
Council of December 3rd, 1902, be and are hereby authorized and  
directed to attend to all general interests of the Muskogee Na-  
tion, under instructions of the Principal Chief.

BE IT FURTHER ENACTED, That the delegation shall be  
paid the sum of Seven (\$7.00) Dollars per diem, each, for their  
services and Two Hundred (\$200) Dollars, each, for traveling  
expenses and Fifty (\$50.00) Dollars, each, for necessary inciden-  
tal expenses.

BE IT FURTHER ENACTED, That the sum of Two Thousand  
(\$2,000) Dollars, or so much thereof as may be necessary, be and  
is hereby appropriated, out of the general funds of the Muskogee  
Nation, to carry out the purposes of this Act, the said sum to be  
paid out upon vouchers duly made out and presented to the Princi-  
pal Chief. Said sum of Two Thousand (\$2,000) Dollars to be  
paid under such rules and regulations as may be prescribed by the  
Secretary of the Interior for the disbursement of Creek funds.

Adopted December 3, 1902.

A.P. McKellop  
Clerk.

Amos McIntosh  
Speaker House of Warriors.

Lee McNevins,  
Clerk.

Concurred in December 3, 1902.  
T.W. Perryman  
President House of Kings.

---(Endorsed) Union Agency,  
Muskogee, Okla.-a-102-P. Porter's  
General letters.---

Approved Dec. 3, 1902-P. Porter-  
Principal Chief, Muskogee Nation.



197  
EXECUTIVE OFFICE.

Muskogee Nation

P.Porter, Principal Chief.

Okmulgee, I.T. Dec. 3, 1902.

To the Hon. National Council.

Gentlemen:

I have approved your resolution of today providing for delegates to Washington, and have the honor to submit, herewith, for your confirmation, the following named gentlemen to compose said delegation:

Governor Isparhecher

D.M.Hodge

John R. Goate

A.P.McKellop.

Respectfully submitted,

P.Porter,

Prin.Chief.

Adopted Dec. 3, 1902. by unanimous vote of both houses.

Approved Dec. 3rd, 1902

P.Porter, Prin.Chief.

Lee McNevins--Clerk.



196  
Muskogee, I.T., Dec. 6, 1902

Mr. Henry Ansley,

South McAlester, I.T.

Dear Sir:-

I think it would be good policy to send immediately a certified copy of the resolution asked by the representatives of the Five Civilized Nations at Eufaula on Nov. 28th, to Sen. Quay with the request that they be presented to the Senate so that the views of the Indian Nation be considered while the Senate has before it the so called Omnibus Bill granting statehood to New Mexico, Arizona and Oklahoma. I suggest this simply as Chairman of the Convention and would request that you secure the approval of the different Chiefs of the Nations of the course suggested, but it would be best not to delay the forwarding of the certified copy at this time so that it would be before the Senate on the 10th, when the statehood measure is to be taken up.

Respectfully,

P. Porter,

Prin. Chief-Creek Nation.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 339. Muskogee, Oklahoma.



199  
Muskogee, I.T., Dec. 6, 1902

Hon. T. H. Buffington,

Vinita, I.T.

Dear Sir:-

I have requested Mr. Henry Ansley, Secretary of the convention of the Five Civilized Tribes at Eufaula on Nov. 18th, to forward to Sen. Quay a certified copy of the resolutions passed at that convention with request that he present it to the Senate as a Resolution from our Nations touching the question of statehood for the Territories of Oklahoma, Arizona and New Mexico, which comes up before the Senate on Dec. 10th. The reason I think it should be done is that the measure providing for statehood for these three Territories involves our Territory, which, by the uniform voice of the Indian people owning the Territory, is opposed to including their country within the boundaries of any state or territory now or hereafter to be organized.

Trusting this will meet with your approval, I am,

Very respectfully,

P. Porter,

Prin. Chief--Creek Nation.



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

Hon. Henry Ansley,

South McAlester, I.T.

Dear Sir:-

In forwarding the certified copy of the Eufaula Resolution of the Representatives of the Indian Nations, I think you have done about all that can be profitably done at present. However, it would be well enough to proceed with the pamphlet for use hereafter. I am not of the opinion that immediate action will be taken on the statehood question as is feared. In the event the Senate does take action there will be changes made which will carry it back to the House, and the pamphlet will be useful in such event. I am glad you sent the Resolution to D.C. McCurtain because he will give it his immediate attention and represent all of the Nations in the matter.

I see the Cherokee Nation has appointed a delegation and so have the Creeks and I believe unitedly they will be able to prevent any action by Congress until a fair hearing can be given.

Respectfully,

P. Porter,

Prin. Chief,  
Creek Nation.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 344. Muskogee, Oklahoma.



201  
EXECUTIVE OFFICE.

Muskogee Nation

P.Porter,Principal Chief.

Muskogee,I.T., Dec.11,1902.

Hon.J.George Wright,

U.S.Indian Inspector,

Muskogee,Ind.Ter.

Dear Sir:

I enclose herewith, for transmission to the Department for the approval of the President, Act of the National Council providing for the appointment of delegates to visit Washington. The Creek people felt that the present legislation in Congress effecting their interests made it necessary for them to be represented at the seat of Government. They wish to be heard upon all questions touching their landed and monied interests. This winter, the claim known as the Loyal Creek Claim is to be adjudicated, under terms of the Agreement of May, 25,1901, and as a majority of the Creek citizens are interested in the payment of this claim, which has been pending since the termination of the Civil War, it becomes doubly necessary that the Nation have a delegation in Washington to urge the settlement of this long delayed claim.

I therefore earnestly request that you recommend the approval of this Act.

Respectfully,

P.Porter,

Principal Chief.

(Endorsed) Union Agency,Muskogee,Oklahoma.

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



207

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

Mr. Charles Gibson,  
Eufaula, I.T.

Dear Sir:-

Your favor of the 13th inst. is at hand and in reply will state that I fully agree with you in reference to the creation of an Inspector's office. The Act was passed without much inquiry into the matter and it was so late in the council at the time it passed that it was not possible to return it to the Council for correction, and for that reason I approved the Act and forwarded it to the Department for the purpose of showing the Government that the Creek people are conscious of the necessity of some supervision and record of contracts to protect the interests of the Creek citizens. I doubt very much whether the Government will approve the Act, although it will have good effect for the reasons above stated, but should the Government approve the Act, rules governing the Inspector will have to be formulated and under such rules sufficient force under the Inspector may be provided to do the work contemplated in the Act.

I am always glad to hear from you and will be pleased to have you write me at any time in regard to matters that you may think of interest to the people.

Respectfully,

P. Porter,

Principal Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 348. Muskogee, Oklahoma.



203  
Muskogee, I.T., Dec. 27, 1902.

Mr. D.M. Hodge,

Tulsa, I.T.

Dear Sir:

I am in receipt of yours of the 25th instant, and am glad to hear from you.

The appropriation to defray the expenses of the delegates to Washington has been forwarded to the President for his approval, but has not yet returned. So soon as it is returned, I will notify the members of the delegation. I would like to meet with Governor L.C. Perryman and consult with him about the matter of appointing another person in the place vacated by reason of the death of our esteemed friend Governor Ispahcher. It will be difficult for me to take time to go to Washington at all this winter, as events are taking it necessary for me to be at home, and you might speak with Mr. L.C. Perryman and find whether he would accept the appointment in the place of Governor Ispahcher on this committee, and if he expresses a willingness to accept, I would be pleased for you and him to meet me at this place, as soon as practical, for purposes of consultation.

Yours truly,

P. Porter,

Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 355. Muskogee, Oklahoma.



204  
Muskogee, I.T., Dec. 29, 1902.

Mr. B.W. Peel,

Bentonville, Ark.

My Dear Sir:

Your letter of the 27th instant is at hand and I hasten to reply because I wish you to hear from me before you leave for Washington. Your information respecting the Loyal Creek claim, while not entirely satisfactory, is encouraging. I would think that the face of the claim would be the only just compromise, inasmuch as the claimants have waited some thirty odd years for payment. Any other compromise would be an injustice and should not be made. I am glad the you think it will be paid, by some compromise at least, this year, because I feel that if it is not paid now, the claimants will not get anything. So soon as I can make arrangements, I will sent the delegates representing the Loyal Creek claim to Washington to assist you in the matter.

The report of the death of our esteemed friend and old Chief, Isparhecher, is true. It is a calamity that he should not be permitted to live to assist in securing the payment of the Loyal Creek claim, but I think justice will be done. It is possible that I may be called to Washington at an early date and if so I wish to see you there.

Yours truly,

P. Porter.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 357. Muskogee, Oklahoma.



Land.

75,768-1902.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington,

Dec.30,1902.

The Honorable

The Secretary of the Interior.

Sir:

Referring to office report of even date, transmitting a resolution of the Creek Council, approved by the Principal Chief December 3, 1902, entitled "A Resolution providing for rent of Council Building to the United States Government," there is enclosed, herewith, a report from Acting Inspector Zevely, dated December 19, 1902, forwarding for executive action an act of the national council of the Creek Nation approved by the Principal Chief December 3, 1902, entitled: "An Act appropriating \$1200.00 for repair of Council Building." The Act is as follows:

"Be it Enacted By The National Council Of The Muskogee Nation: That there be and is hereby appropriated, out of the general funds of the Muskogee Nation, the sum of Twelve Hundred (\$1200) Dollars, or so much thereof as may be necessary, to be used under direction of the committee appointed to contract for the rent of the Capitol building to the United States Government, for altering, repairing and procuring furniture for said building, in preparing the same for use by the United States Government."

The Principal Chief in his communication of December 11, 1902, which is among the papers, states that the building will



be leased to the U.S. government and that the expenditure of \$1200 will be necessary in order to provide the building for court purposes.

Acting Inspector Zevely recommends the approval of the act.

Inasmuch as it would seem from the papers transmitted by the Acting Inspector that the nation has rented the building to the government for court purposes, it is respectfully recommended that the act be laid before the President for executive action with request that he approve it.

Very respectfully,

W.A. Jones,

Commissioner.

(G.A.W.)

P.

(Endorsed) Union Agency No. 5512 Received Jan. 16, 1901 Office of U.S. Indian Inspector for Indian Territory. Washington, Jan. 10, 1903. Secretary. ---- Act of Creek Council appropriating \$1200 for repair of Council Building, approved by President, Jan. 6, 1903. ----



207  
Muskogee, I.T., Jan. 10, 1903.

Hon. J. Blair Schoenfelt,

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

Sir:-

I understand that from the collection of revenues made by Inspector Mr. Guy P. Cobb, there is now available in cash some nineteen thousand dollars; and that there is to the credit of the Creek Nation on account of dues under treaty stipulations, some sixty-one thousand dollars, which amounts together would be something near eighty thousand dollars. The outstanding indebtedness of the Creek Nation is in excess of this amount, and if only sixty-one thousand were paid it will be very disappointing to holders of Creek warrants, and I would suggest that at least fifteen thousand of this nineteen thousand dollars be added to the amount to be paid on warrants in order that the indebtedness of the Nation may be reduced so that the discount on warrants may be likewise reduced.

I would respectfully request that you make this suggestion to the Department and ask their permission to pay out at least fifteen thousand dollars of the money collected by the Revenue Inspector. The balance of four thousand dollars would probably be available for use for other demands of the Nation. In the event the delegation appropriation is approved, a part of it could be used to defray their expenses.

Respectfully,  
P. Porter,  
Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 387. Muskogee, Oklahoma.



208  
Muskogee, I.T. Jan. 10, 1903

Hon. J. Blair Shoenfelt,

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

Sir:-

The enclosed petition is forwarded to me, together with letter to you in reference to the matter of permitting the grazing of cattle on unallotted lands, with the protest of quite a number of citizens. I wish to say that for the coming season, in my judgment, it would be best not to lease any unallotted land for grazing, and land that has already been leased for the coming year, the leases should not thereafter be renewed for the reason that the land will become individual property of allottees in a very short time by being selected to make up the difference in the value of their allotments to the maximum share of each Creek citizen.

Respectfully,

P. Porter,

Prin. Chief.



209  
Muskogee, I.T., Jan. 19, 1903

Hon. S. W. Peel,  
Washington, D.C.

Dear Sir:-

I am in receipt of your two letters in which you give the results attained in securing payment of the loyal Creek claims, and while the compromise, which you state has been made, is much less than the just dues to these people, yet it is my judgment that under all the circumstances it would be best to accept it and secure it at this session of Congress. I feel assured that you have done the best that possibly could be done in the matter and will try to make the matter satisfactory to the individual claimants. It is scarcely necessary for me to say that the changes in the personnel of the Senate, as well as the extinguishment of the tribal government, and the passing of the time within which the Senate agreed to act, would render the securing of the claim, at any compromise, precarious. And the loyal Creeks, at the dissolution of tribal government, could not be so readily dealt with as they become individual citizens of the United States, and the only safe course is to have the claim settled at some basis and the time of payment agreed upon, that is payment of two-thirds of the original award, is no doubt the best possible settlement that could be secured.

When the Senate has made the award, there still remains another bridge to cross, that is securing the appropriation at

--P.Porter press book.ltr.392.--



210  
this session of Congress, which should be done by all means, as delay, you know, in paying a debt at the time agreed upon, makes its collection much more difficult, and after a year or two passes the Government will probably think it is a mistake anyhow and would not pay it. Would be pleased to hear from you as often as convenient.

Respectfully,

P. Porter.



2-11  
Muskogee, I.T., Jan. 19, 1903

Hon. David M. Hodge,  
Washington, D.C.

Dear Sir:-

On Friday last I received a letter from Hon. S.W. Peel in which he informed me that the Senate had compromised on the settlement of the loyal Creek claim. Since then he has informed me that the report will be made today in the Senate by Mr. Jones, and then be printed and copies forwarded to me. I wish you to act in harmony with Mr. Peel, and I believe that the compromise, under all the circumstances, is the best that could possibly be made, and no objections should be raised to its being acted upon.

It is possible that after securing this amount, unless they are estopped from ever thereafter asking for any more under the law enacted, we may be able to secure the balance, but even if this is not possible, it would be best to secure this settlement because changing conditions here cools the sympathy of the Government towards the Indian people and if some settlement is not secured now, it is extremely improbable that any settlement ever would be secured.

I wish you would immediately call upon the Secretary of the Interior and the Commissioner of Indian affairs and ask that they act upon the Act appointing delegates and the appropriation for their expenses. There is a necessity for their being there, being only two others besides yourself, and to pay your own expenses it is necessary that the appropriation be approved, and  
--P. Porter press book. ltr 393.--



no more of the money than is necessary will be used under any circumstances.

No doubt you have made plain the position of the Creek people, as well as the other Nations, on the question of statehood now pending. The resolutions passed at the Eufaula Convention fairly represents the wishes of the Indian people, and I trust you will diligently keep the matter before the Committee having charge of this matter.

Respectfully,

P.Porter,

Prin.Chief.



213

Muskogee, I.T., Jan. 21, 1903

Mr. S.W. Brown,

Sapulpa, I.T.

Dear Sir:-

I am in receipt of your letter of the 19th inst. in which you indicate a willingness to be appointed in the place of Isparher<sup>c</sup>her as Delegate to represent the Loyal Creeks. I have determined that before appointing any person, it would be best for me to be sure the Act authorizing the appointment and forwarded to the President for approval has been approved. Again, I could only appoint such person as the Loyal Creeks in convention would recommend to me. As soon as I learn that the Act has been approved by the President I will consider the matter of appointing some one to take his place. It seems probable that it will be too late to appoint any one as the session of Congress will be over in a little over a month.

I learned from Mr. Peel that the committee on Indian Affairs of the Senate had agreed to compromise the award to the Loyal Creeks and they have reported to the Senate the compromise, agreeing to pay to the loyal Creeks \$1,236,830.41. It will require an appropriation but the award will be final I think it is the best to accept the compromise as it is probably that we will never get so favorable a settlement again.

I will be pleased to hear from you at any time.

Respectfully,

P. Porter,  
Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 399. Muskogee, Oklahoma.

35



TERMS OF COURT.

Wisdom V. Tomer,  
Attorneys-at-Law,  
Muskogee, Ind. Ter.

Muskogee--  
1st Mon. in Sept.  
4th " " Jan.

214  
Wewoka--  
1st Mon. in Nov.  
1st " after  
1st Tues. in Apr.

D. M. Wisdom  
Robt. Toomer.

Miami--  
1st Mon. after  
1st Tues. in Oct.  
3d Mon. in Jan.

Wagoner--  
2d Mon. in Nov.  
1st Mon. in Mar.

Tahlequah--  
1st Mon. after 2d  
Tues. in Oct.  
4th Mon. in Apr.

Vinita--  
1st Mon. in Dec.  
2d Mon. in May.

January 26th 1903.

Hon. Commissioner of Indian Affairs.

Washington, D. C.

Sir:

I have the honor to state that I am in receipt of your communication of Jan. 10th 1903. Finances 1, 5954-1902, in regard to the application of Marion E. Tarvin, to be paid certain money due him and his two sons, Pleasant F. and Beau-regard C. Tarvin as "Emigration Creeks,"

You state in your said letter that the manner of payment of such claims, and the evidence required are still under consideration by your office. When such matters have been determined, I would be pleased to have further information from your office in the manner of collecting said claims, and I will ask you to consider my first letter as an application, whether formal or not, on the part of Tarvin and sons to be paid what may be due them on the proof thereafter to be filed. I know Mr. Tarvin personally, and believe his claim to be a meritorious one, Awaiting further advise,

I am your Obedient Servant.

D. M. Wisdom.

(Endorsed) Union Agency # 9192 Received Mar. 29, 1904. Office of U.S. Indian Inspector for Indian Territory. Washington, Mar. 26, 1904. Commissioner. Enclosed letters from Mary, E. Terrell and D. M. Wisdom, relative to self-emigrant Creek roll.



215  
Muskogee, I.T., Jan. 27, 1903

Mrs. Melissa Wiley,  
Okmulgee, I.T.

Dear Madam:-

Yours of Jan. 23rd asking information as regards John Morgan and family who have again entered upon your premises after being removed by the police, he alleges by my permission, and in answer I have this to say. The young man came here and stated to me that he and family had been expelled from their home built by themselves and his mother was sick and the family out of doors, and the house from which they had been expelled was built by them and was vacant. In reply to his statements, I said to him that if the house was vacant and they were out in the weather and no person to stop them from taking shelter, that I would do so. This gave him no permission to resist taking possession by the proper owners of the premises. I would have no such authority under any circumstances and you may be authorized to say to the parties in possession of your allotment there is no authority from me to retain possession and Mr. Morgan should give you immediate possession.

Respectfully,

P.Porter,

Prin.Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 402. Muskogee, Oklahoma.



216  
Muskogee, I.T., March 16, 1903.

Hon. E. A. Hitchcock,  
Secretary of the Interior,  
Washington, D. C.

Sir:-

I am informed through letter by Mr. Peel, attorney of the Loyal Creeks, and also D. N. Hodge, Creek Delegate and representative of the Loyal Creeks, that your Department holds, or is inclined to hold, that no payment can be made of the Loyal Creek Claim until they have signified their willingness to accept the \$600,000 appropriated in the Indian Appropriation Bill for the fiscal year ending June 30, 1904.

Some days since, I issued a call for a convention of the Town Chiefs of the Creek people, together with the loyal creeks, to inform them what had been done by Congress with this claim. Since then it occurs to me that it would be appropriate for me to request that your Department address me a letter on the subject of this appropriation and the views of the Department thereon. The people are very anxious to have a settlement of this claim and no time would it be of more benefit to them than the present time in as much as 95% of them have now received their allotments, and this payment would, in a great measure, enable them to enclose their allotments and put permanent improvements upon them. At least a large percent of them would be enabled to do so.

If it is true that the Department holds that their acceptance is necessary before payment is made, I would suggest that their

--P. Porter press book. ltr. 409.--



acceptance be secured in the form of a general convention, which would fairly represent them, and their individual acceptance could thereafter be obtained when payment is being made.

The call convention referred to is to meet on the 26th day of March, and for this reason a reply prior to that time would be highly appreciated.

Believe me, Sir, to be,

Very respectfully,

P.Porter,

Prin.Chief--Creek Nation.



218  
March 27, 1903.

Resolved, that the town chiefs, Kings, Warriors and Loyal Creeks whose names are hereto attached, representing the Loyal Creeks of the Creek Nation, in convention assembled at Okmulgee, in the Creek Nation, Indian Territory, on March 27, 1903, by these presents accept and agree to the terms of the act of Congress approved March 3, 1903, and entitled -

"An act making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various tribes of Indians for the fiscal year ending June 30, 1904, and for other purposes."

- and accept all of the terms and conditions imposed by said act respecting the appropriation of \$600,000.00 for payment of claims of Loyal Creeks.

Resolution expressing the hope that while accepting the \$600,000.00, in accordance with the terms and conditions under which it was appropriated, under more favorable circumstances the Government would see the equity of paying the full amount originally allowed by the Senate of the United States upon the Loyal Creek Claim.

Resolution expressing the confidence of the Loyal Creeks and the Creek Nation at large, in the integrity of the Honorable Secretary of the Interior, and tendering him their thanks.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 414. Muskogee, Oklahoma.



219  
Muskogee, I.T., May 5, 1903

Honorable Secretary of Interior,  
Washington, D.C.

Sir:

I am in receipt of a copy of your communication of April 27, 1903, through the United States Indian Inspector, in relation to the payment of the Loyal Creek Claim appropriation under provisions in the Indian Appropriation Act of March 3, 1903, together with an opinion of the Attorney-General thereon, stating that the appropriation of \$600,000 is conditional: the main condition of which is that it is necessary for the Creek Council, or the National Council of the Creek Nation to accept the appropriation, with all the provisions embraced in the Act of Appropriation before any payment can be made, either to the Loyal Creek claimants or their attorneys.

In the letter referred to, the United States Indian Inspector is requested to "confer with the Principal Chief of the Creek Nation and ask him to make a written report whether it is not advisable to await the action of the National Council at its regular session upon the acceptance of the terms of said Act rather than incur the additional expense of ~~an~~ extra session."

The appropriation made to pay the loyal creek claim was made immediately available in the Act itself. The reason for this was to enable the claimants to receive whatever their proportionate share in the award at the present moment, that is upon delivery of and being placed in possession of their allotment deeds so  
--P.Porter press book.1tr.416.--



that they may apply it to the improvement of their lands. The money being paid immediately would, in a great majority of cases, protect them against ruinous leases, because they would have the money then with which to fence and improve their own lands.

And again, the rate of interest that our citizens have to pay for the use of money is not less than 10%, and should this payment be deferred to the next Council, it would probably be January, 1904, before the payment could be made, which would be in mid-winter and subject them to great inconvenience.

It is my opinion that the Council will accept without much delay, the award made on behalf of the Loyal Creek Claimants, which, if accepted now, would be a gain to our people in interest saved by the use of their own money of the sum of \$20,000. Other considerations added would almost double its value to our people were it paid immediately. The expense to the Nation will not exceed \$5,000.

I have therefore determined to call the Council, and have fixed the day of its convening for May 19, 1903, and in order to complete this settlement, I regard it as a necessary expense of the Creek Government, and therefore feel fully authorized under the Constitution and Treaty to assume the responsibility of calling the Council.

The United States Indian Inspector was requested by me to telegraph you that I had issued the call of the Creek Council for the 19th inst., and a letter explanatory would follow.

Respectfully,  
P. Porter--Principal Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 417. Muskogee, Oklahoma.



221  
May 22, 1903.

RESOLVED by the National Council of the Muskogee Nation:  
That the Principal Chief be and he is hereby earnestly requested  
to ask the Hon. Secretary of the Interior to locate his agents  
who are to be entrusted with the adjudication of the rights and  
paying of Claimants of the so called Loyal Creek Claim at Okmulgee,  
the same being more convenient and accessable to a large majority  
of said Claimants.

Adopted May 22nd., 1903.

Roley McIntosh

Pres.H. of Kings.

---

Clerk.

Concurred in May 22, 1903.

Amos McIntosh

Speaker of H. of Warriors.

A.P.McKellop  
Clerk.

Approved May 23, 1903.

P.Porter,

Prin.Chief.



May 22nd., 1903.

BE IT RESOLVED by the National Council of the Muskogee Creek Nation, as follows: That

WHEREAS the Congress of the United States in an Act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various tribes for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes," approved March 3, 1903, made provisions for paying the so-called Loyal Creek claims, and appropriated the sum of Six Hundred Thousand Dollars for that purpose, and said appropriation being made on the condition that the sum so appropriated should be accepted as payment in full of all said claims.

NOW, THEREFORE, be it resolved that the said sum of Six Hundred Thousand Dollars, appropriated as aforesaid, is hereby accepted in full payment and satisfaction of all claims and demands growing out of said Loyal Creek claims, and that the payment thereof as directed by said act shall be a final release of the Government from all such claim or claims.

Adopted May 22nd., 1903.

Roley McIntosh

Pres.H. of Kings.

Lee McNevens  
Clerk.

Concurred in May 23rd., 1903.

Amos McIntosh  
Speaker House of Warriors  
pro-tem.

A.P. McKellop  
Clerk.

Approved May 23, 1903  
P. Porter---Prin. Chief.

---P. Porters general letters.---a-17----



223  
Muskogee, I.T., July 9, 1903

Honorable Dawes Commission,

Muskogee, I.T.

Sir:-

This office has no authenticated roll of the Creek citizens, and it is now very necessary that I should have an authenticated roll. The only authenticated roll now obtainable would be the roll made out by the Dawes Commission of such persons as they have adjudged to be Creek citizens and made allotments to them as such. In the delivery of deeds, it is very difficult, for this office, in many instances, to identify the allottee, although the certificate with other inquiries serve for such identification in most cases.

The Dawes Commission has promised that such a roll shall be furnished this office so soon as completed. Another matter that makes it of extreme necessity to have a complete roll of Creek citizens is the coming general election. Without an authenticated roll, the right to vote and hold office in the Council in many instances is brought into question, and in the event the election is close, to determine who is elected to the office of Principal Chief and Second Chief will be difficult.

For these and other reasons, I would respectfully request that your Commission devise some way by which such a roll of the Creek people by Towns may be made out and turned over to this office.

Respectfully,  
P.Porter--Prin.Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 423. Muskogee, Oklahoma.



224  
Muskogee, I.T., July 9, 1903

Hon. E. A; Hitchcock,  
Secretary of the Interior,  
Washington, D. C.

Sir:-

In my telegram of recent date, I informed you that at present I could not visit Washington as per your request, which I would like to have done. The correspondence in the Douglas matter caused so much misunderstanding that my visit would have only added more cause for rumor. And again, the business of the office needs my presence for quite a while.

The matter which I would like to receive the immediate attention of your Department is that of making the Loyal Creek payment as early as practicable.

The cause of complaint by the people for trespass upon their allotments by grazing of cattle on them, is being attended to by the U.S; Agent now with much vigor, and greatly to the relief of the Creek people.

The matter of greatest importance to the Creek people now is a period fixed for the closing of the rolls, and especially on account of so many cases where claims are made for infants to be enrolled, claiming they were born immediately prior to the date of closing the roll by treaty, which was May 25, 1901, and dying shortly afterwards. Most of these cases I have found to be without foundation in fact, but the discovery that they are not within the period in which they could be enrolled or that the evidence is insufficient, only encourages the manufacturing of evidence to have them enrolled. I do not think it would be an injustice  
--P.Porter press book.1tr.424.--



to arbitrarily fix a period for closing the roll forever. This will have to be done before what<sup>t</sup> constitutes the residue of land is applicable to evening up the difference in the valuation of allotments. So soon as the rolls are closed, doubtless the Dawes Commission will state the account to each citizen that has received his allotment of 160 acres at so many dollars appraisement, and if under the maximum valuation on \$1040, it will be so stated and the allottee will be given the privilege of taking land at its appraised value to balance the account, and if he prefers money, he will have to hold the account until all the assets of the Creek estate constituting money shall have been aggregated and then paid.

In the matter of the sale of portions of their lands by the allottees while it is undersirable in most cases, yet in many instances it would be for the best interest of the allottee himself, that is in the case of very old poor persons, all the members of their family having allotments, and also of deceased persons for the purpose of distribution to their heirs, the requirements by rule of the Department might be amended so as to authorize the Agent, or person in charge of making recommendations to your office for approval, to suggest an appropriate price per acre where the price appears to be inadequate.

In the matter of leasing land, while there are many cases of illegal leasing that have been adjusted, there still remain cases that are difficult of equitable disposition, but in such cases, time and experience will no doubt bring them within the control of the law, and allottees will receive the protection promised in our agreement.



Should any other matter of importance relating to Creek affairs come to your notice, I will be glad to give such support to the Department as may be within my power.

Very respectfully,

P.Porter,

Prin.Chief.



Muskogee, Indian Territory,

July 10, 1903.

United States Indian Agent,

Union Agency.

Sir:

Mr. Joe C. Smith a farmer living east of Henryetta informs me that the Indian Police are now driving one hundred and forty head of his cattle out of the Nation. He presents a letter showing that he is a farmer of good reputation and promises that in the future he will see that his cattle are kept upon inclosed lands. My desire in making the complaint was to see that the law was complied with and I believe that this will be an example not only to Mr. Smith, but to the neighborhood and he has my permission to return his cattle and keep them as required by law and upon further complaint no leniency to be shown.

He informs me that he did not introduce the cattle but bought and raised them since he has been here.

Very truly,

P.Porter,

Prin.Chief.



228

Muskogee, I.T., July 17, 1903

Hon. J. George Wright,

U.S. Indian Inspector for Indian Territory,

Muskogee, I.T.

Sir:-

By reference to the act of appropriation for the current and contingent expenses of the Indian department, you are no doubt cognizant of the provision appropriating Six Hundred Thousand Dollars for the payment of the Loyal Creek Claims. One of the provisions of the appropriation was that the Indians should accept the appropriation "as full payment and satisfaction of all claims and demands growing out of said Loyal Creek Claim - -"

Instructions were given that prior to the payment the Creek Council should express by resolution, or act, signifying its acceptance of this provision, and thereby give a full release of the Government from all liability on account of said Claim.

Another provision of the appropriation was that it should be immediately available. This provision was made so as to enable the claimants to have immediate use of their money in improving their allotments, or their proportionate share of the Creek lands. In order that this might be carried out without delay, the claimants being very desirous of receiving their proportionate interest in the claim, I called an extraordinary session of the Council and submitted the matter of acceptance of the claim as full payment to the Council and the council did, by resolution, accept in behalf of the Loyal Creeks the Six Hundred Thousand Dollars as full payment and satisfaction and release of the Government for all

--P.Porter press book.1tr.429.--



liability on account of said claim. This action was taken on May 22, 1903, and a certified copy of such resolution was forwarded to the Department with the hope that within a reasonable time the claimants would be paid.

The resolution of acceptance was approved by the President, and I was informed by the Assistant Secretary of the Interior, Hon. Thomas Ryan, that the United States Indian Agent for the Indian Territory, the Hon. J. Blair Shoenfelt, was designated as pay-master of said claim. I was thereafter advised that rules and regulations governing the matter of payment would be forwarded without delay and that the payment would be made. Very nearly two months have elapsed since the acceptance by the Creek Council was made, and yet no payment has been begun. The claimants, heirs of claimants and their legal representatives, who reasonably expected to have received their money before now, are exhibiting great anxiety about it and the country is rife with rumors as to the possibility of ever being paid. Our general election is to be held on September 1st and this delay in payment is having a very decided effect in breeding dissatisfaction among the people.

Instructions from the Department with the rules under which is to be paid, and the beginning of payment will have a quieting influence. The claimants are, from every view of the case, entitled to immediate action in the matter. You are in a position to understand fully why it is urgent that immediate payment should be made.



I wish to express the hope that you will call attention of the Department to this matter in such terms as will secure immediate action. Trusting you will forward this communication to the Department with such additional recommendations as you may see proper, I am,

Very respectfully,

P.Porter,

Principal Chief.



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THE

DEPARTMENT OF THE INTERIOR  
I.T.D. 6914-1903. Washington.

October 3, 1903.

United States Indian Inspector  
for the Indian Territory,  
Muskogee, Indian Territory.

Sir:

September 2, 1903, you submitted a communication from Mr. A. P. Murphy, attorney for the Creek Nation, dated August 24, 1903, addressed to the Secretary of the Interior, inclosing a newspaper clipping containing a purported interview with the United States Indian Agent, Union Agency, relative to Creek Freedmen; also a letter from Mr. Shoenfelt in regard to the matter, in which he states that he did not give out the statement credited to him; that he had been misquoted; that the article in the Kansas City Journal did him an injustice, and that the attack on him by Mr. Murphy resulting from the alleged interview was uncalled for; that citizens of the Creek Nation, regardless of their race, receive the same consideration from him as do others, although he has been compelled to criticise negroes as well as others for improper actions, and that he has used every possible effort to protect the property rights of citizens of the Creek Nation against the devices of schemers.

A communication from Channing Folsom, of September 2, 1903, to the Agent, is found with the papers. Mr. Folsom



states that the interview contained in the newspaper clipping referred to was written by him; that through transmission or negligence on his part the mistake was made in making it appear that the Agent criticised the negro race in general; that his recollection is that the Agent criticised the class of non-citizen negroes who came daily into his office.

The Commissioner of Indian Affairs, reporting in the matter September 23, 1903, states that he is of the opinion that the matter is not of sufficient consequence to merit any serious consideration; "that the officers of the Indian Territory, including the attorney for the Creek Nation, have work of enough magnitude to require individually their entire time and attention without complaining of each other having given out interviews real or otherwise, especially when the same are of little if any importance." He recommends that you be advised that the Agent's explanation is satisfactory.

While concurring generally in the views of the commissioner, the Department has no desire to criticise the action of the attorney for the Nation. The Agent's explanation is satisfactory, and that is sufficient. You are directed to advise Mr. Murphy and the Agent in accordance herewith.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan  
Acting Secretary.

1 inclosure.

(Endorsed) Union Agency No. 7558 Received Oct. 12, 1903 Office of U.S. Indian Inspector for Indian Territory. Washington, Oct. 3, 1903. Secretary.----Rel. to letter of A.P. Murphy, Atty. for Creek Nation, concerning interview of Indian Agent rel. to Creek freedmen; states explanation of Agent is satisfactory. Should advise parties.-----



233

Muskogee, I.T., Sept., 10, 1903

Hon. J. Blair Shoenfelt,

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

Sir:

From letter of Hon. Tams Bixby, of date September 9th, 1903., addressed to Hon. J. George Wright, U.S. Indian Inspector, brought to my notice by J. B. O'Neill, Examiner of applications for sale of Creek allotments, it appears that the Dawes Commission has been notified that the Creek Nation will contest the rights of Ezekiel Moore, Jackson Smith, Rachel Turner and Gabe Moore, to enrollment as Creek citizens.

While I am not sure of it, I presume that Mr. Murphy served notice on the Dawes Commission to that effect. All deeds that have been issued, signed and subsequently delivered to Creek allottees, were for such persons as have been duly enrolled by the Dawes Commission, the only lawful authority to determine questions of citizenship that I know of. If since that time the rights of any person to enrollment have been questioned, it is within the sole province of the Dawes Commission to determine whether such questions, after the delivery of the deed, can be lawfully made. However, I presume this will be subject to appeal to the Secretary of the Interior.

There is no roll in my office of 1895 termed the "Doubtful" roll of Creek Citizens. In fact, there is no authenticated roll in the office of the Principal Chief whatever, nor has there been since the roll of the Creek Nation was made by the Dawes Commission under an Act of Congress. It is my understanding that the --P. Porter press book. ltr. 438.--



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Dawes Commission has the lawful authority to pass upon all claims of citizenship of the Creek Nation made by any person whatever. If there be such a "Doubtful" roll in the office of the Dawes Commission, that would be of service to Mr. O'Neill in listing allotments for sale, I would be glad if the Commission furnish such roll, if it can be of service in protecting the property rights of the Creek Nation. Upon what information the rights of the persons have been questioned, is unknown to me and I have no knowledge of it but would suggest before passing upon it that time be given for me to communicate with Mr. Murphy, Attorney for the Creek Nation, on the subject.

Respectfully,

P.Porter,

Prin.Chief.



235  
December 5, 1903

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

That there shall be elected at the present session of the Council three citizens as Delegates to represent the Muskogee or Creek Nation at Washington, D.C. during the next session of Congress which will convene on Dec. 5, 1903.

The said Delegates shall act under such instructions as the Council may, by Resolution, provide, and under such further instructions as the Principal Chief may deem advisable for the interests of the Muskogee Nation.

The said Delegates shall remain at Washington during the session of Congress or during such time as the interests of the Nation may demand.

---



236  
Okmulgee, I.T.

Dec.12th,1903

To the Honorable National Council

Gentlemen:

Your Committee on Judiciary beg leave to submit the attached Resolution and respectfully recommend your adoption of the same.

Very respectfully,

David Anderson,

Chairman.

J.H.Lynch  
Clerk.

BE IT RESOLVED: By the National Council of the Muskogee Nation: That the Principal Chief and the National Attorney are hereby requested to make a complete list of all persons who were admitted or enrolled as citizens of the Creek Nation by the Creek Commission on citizenship, the Dawes Commission, or by the United States Court on appeal, whose names do not regularly appear upon the Authenticated census rolls of 1890 and 1895 and the omitted census rolls of 1895, including the children of such persons, and submit the same to the Honorables Charles J. Bonapart and Clinton R. Woodruff, Special Agents of the United States Government together with the evidence upon which they were admitted or enrolled as citizens of the Muskogee Nation, with a view to securing from the Secretary of the Interior or by act of the Congress of the United States a reopening of

---Pleasant Porters general letters.--t--



of such cases for further investigation.

Adopted Dec.14,1903

Alex Davis

Sp. H. of W.

M.C.  
Clk.

Concurred in with the following amendments - That after the words "Dawes Commission, add the words, "And the National Council" -

Dec. 14,1903

James Smith,

President H. Kings

Sam Grayson

Clerk

Amendment concurred in Dec.14,1903.

M.C.  
clerk.

Alex Davis

Spk. H. of W.



EXECUTIVE OFFICE

Muskogee Nation

P.Porter, Principal Chief.

Okmulgee, Ind.Terr.,

Dec. 14, 1903.

TO THE HONORABLE HOUSE OF KINGS AND WARRIORS:

Gentlemen:

I herewith transmit to you a copy and draft of a Memorial and Resolution of the National Council of the Muskogee Nation to Congress touching the matter of separate statehood for the Indian Territory and expressing the willingness to make a constitution and establish a State embracing the country owned and occupied by the Five Civilized Tribes to go into effect March 4, 1906.

You will give this your endorsement so that I can transmit it immediately to Congress. I am,

Very respectfully yours,

P.Porter,

Prin. Chief.



239  
December 15, 1903

TO THE SENATE AND HOUSE OF REPRESENTATIVE  
OF THE UNITED STATES IN CONGRESS ASSEMBLED.

We, your memorialists, the National Council of the Muskogee or Creek Nation in regular session assembled, realizing that the Indians of the Five Civilized Tribes, namely, the Creeks, Choctaws, Chickasaws, Cherokees and Seminoles, must soon discontinue their tribal relations and assume the responsibilities of the United States Citizenship; and knowing that the Indians of the Five Tribes would be more fully protected in their property holding, and therefore better satisfied with their new surroundings if permitted to have a hand in shaping the policy of the Government under which they will live in the near future; and knowing that the Indians would have more influence in the organization of a state formed out of Indian Territory alone, hereby adopt the recommendations of the Chief Executive of the Five Civilized Tribes issued in convention at Eufaula, Indian Territory, May 21, 1903.

This convention was the outcome of a meeting held by the Indians of the Five Tribes at the same place on November 28, 1902, when they protested against any legislation by Congress whereby Indian Territory may be organized into a Territorial Government or be annexed to Oklahoma, prior to March 4, 1906, the date fixed in the late agreements with the said Five tribes for the dissolution of their Tribal Governments. The desire of the Indians is that a state be formed of Indian Territory upon the dissolution of their Tribal Governments in order that they may incorporate in the Constitutions a provision prohibiting the sale of intoxicating



liquors in the new state.

A prohibition clause could not be embodied in a constitution of a State formed by the union of Oklahoma and Indian Territory, because Oklahoma is now a Saloon Territory.

It is well known that the political, civil and religious conditions of the Indians in the Territory of Oklahoma are seriously affected by the liquor traffic, which is no where more arrogant than in Oklahoma. The extension of the liquor business over Indian Territory is earnestly desired by the wholesale liquor dealers of the United States. The daily papers of the Middle West have published the statement that the liquor dealers have already pooled their interests and arranged to maintain a strong lobby in Washington until the Indian Territory is made a part of Oklahoma. The Creek people maintain a high standard of morality and religion, which will, beyond any doubt, be seriously lowered if not totally destroyed, if they be exposed to the baneful influences of free saloons. This consideration alone should receive the careful attention of Congress.

Congress has at all times prohibited the introduction or sale of intoxicants in this country as will be shown by the acts of Congress quoted below; and we believe there was no time when the Indians needed protection more from that evil than they will when they become citizens of an independent State and shall no longer be under the control of Congress and the Department of the Interior.

"No ardent spirits shall be introduced, under any pretense, into the Indian Country."

Section 2139, U.S.Stat. "The United States agrees to maintain  
----P.Porter-a-101----



strict laws in said Nation against the Introduction, sale, barter, or giving away, of liquors or intoxicants of any kind whatsoever." Creek agreement of March 1, 1901.

The United States has guaranteed us against absorption by other States or Territories without our consent, and has also assured us of Separate Statehood for Indian Territory. "The United States do solemnly agree and bind themselves that no portion of either of the tracts of Country defined in the first and second articles of this agreement shall ever be embraced or included within or annexed to any Territory or State without the full and free consent of the legislative authority of the Tribe owning the same. "Creek Treaty Aug. 4, 1856. The last act of Congress, which also was the entering wedge for the description of the Indian Governments of the Territory, in defining the objects for which the Commission to the Five Civilized Tribes, (Dawes Commission), was created reads as follows: "With a view to such an adjustment, upon the basis of justice and equity, as may, with the consent of such Nations or Tribes of Indians, so far as may be necessary, be requisite and suitable, to enable the ultimate creation of a State or State of the Union which shall embrace the lands within the Indian Territory." Act of Congress of 1893.

The Five Tribes do not base their appeal for a Separate State alone on the pledges of the United States Government.

The area, population, mineral resources and fertile soil of their country, are in themselves sufficient to entitle them to separate Statehood.

In area the Indian Territory is: Twenty-nine times as large as Rhode Island, Sixteen times as large as Delaware, Six



times as large as Connetticut, Four times as large as New Jersey, almost four times as large as Massachusetts, Three times as large as New Hampshire, Three times as large Vermont, Three times as large as Maryland.

Indian Territory has 6000 square miles more than West Virginia, 1500 square miles more than Maine, 1200 more than South Carolina, is practically the size of Indiana and is four fifths the size of either Ohio, Kentucky, Virginia or Tennessee.

According to the census of 1900, the population of the Indian Territory was 392,060 which exceeded the population of seven states and five Territories, namely:

Nine times that of Nevada,

Six times that of Alaska,

Four times that of Wyoming,

Three times that of Arizona,

Twice that of Hawaii,

Twice that of Delaware,

Twice that of Idaho,

Twice that of New Mexico,

148,000 more than Montana,

113,000 more than District of Columbia,

115,000 more than Utah,

72,000 more than North Dakota.

Since the last census, emigration to the Indian Territory has been enormous and it is safe to say that the present population exceeds that of either Oklahoma, Oregon, Rhode Island, South Dakota, Washington, Colorado, Florida or New Hampshire.

In natural resources the Indian Territory is not surpassed by any state in the Union. Oil and natural gas have been



developed in each of the five Nations, but on account of the holding of the lands in common, have not been operated.

The same condition obtains with reference to lead, zinc, tin, and other minerals. The coal and asphalt deposits of the Indian Territory are superior to those of any state in the South West. The coal industry is but in its infancy, and yet the annual report of the United States Mine Inspector for the year ending June 30, 1903, will show that during the year more than 3,000,000 tons of coal were mined in the Choctaw Nation alone. In each of the other Nations are extensive fields of coal which are being rapidly developed and operated.

The Indian Territory has the most productive soil, four fifths of which may be profitably farmed. Citizens of the five Tribes have been prominent in the up building of the Indian Territory, and are today foremost in all enterprises for its permanent development. Proof of this is, that of the Board of seven Commissioners, selected to co-operate with the Interior Department in management of the Indian Territory Exhibit at the Louisiana Purchase Exposition, five are citizens of the Five Civilized Tribes.

The citizens of the Five Tribes are qualified to organize a State Government, and, in asking that they be permitted so to do, are not ignoring the non-citizens of Indian Territory, but, on the contrary, are soliciting their advice and co-operation and are assured of their hearty support.

Therefore,

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

Sec. 1. That we most earnestly and respectfully request that the Congress of the United States fulfill the sacred pledges



made to the Indians of the Five Tribes and permit them, together with the non-citizens of Indian Territory to organize a State embracing the lands now occupied by the Five Civilized Tribes to become effective at the expiration of the several Tribal Governments on March 4, 1906.

Sec. 2. That we emphatically protest against any legislation by Congress providing for the annexation of the Indian Territory to Oklahoma, either in whole or in part, or for a Territorial form of Government for Indian Territory either now or hereafter.

Sec. 3. That the Private Secretary of the Prin. Chief is hereby instructed to furnish certified copies of this memorial to the Chairman of the Committee of the Five Civilized Tribes, who is directed to forward copies to the President and Secretary of the Interior with the request that the latter transmit the same to Congress.

Sec. 4. These Resolutions to take effect and be in force from and after passage and approval.

Adopted Dec.15,1903

Alex Davis,

Sp.H. of W.

Mildred Childers,  
Clk.

Concurred in  
James Smith,  
Presdt. H. Kings.

Sam.Grayson  
Clk.



243  
December 15, 1903

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

That four Delegates be appointed to visit the City of Washington, D. C. during the present session of Congress vested with full power to make final settlement between the Muskogee Nation and the Government of the United States of all claims and liabilities growing out of treaty stipulations, including all moneys of the Muskogee Nation which have been paid out without the consent and appropriation of the National Council as provided in Section 33 of the Creek agreement approved March 1, 1901.

BE IT FURTHER ENACTED:

That the Prin. Chief is hereby required to accompany the said Delegation as an Ex Officio member of the same.

BE IT FURTHER ENACTED:

That the said Delegation shall use every effort to secure from the United States Government the reimbursement to the Muskogee Nation of the \$100,000.00 of the proceeds of the sale of lands under the treaty of 1866 which was paid to the Loyal Creeks, the money expended for the suppression of small pox in 1898; the various sums of money expended in payment of salary and expenses of the Revenue Inspector and the Supervisor of Schools for the Muskogee Nation and the Supt. of Schools for the Indian Territory, which said sums of money were paid out of the Muskogee National Funds contrary to Treaty Stipulations; also all other unsettled accounts which may be due the Muskogee Nation from the United States Government.



BE IT FURTHER ENACTED:

That the said Delegation shall also perform such other duties as the National Council may impose by Act or Resolution.

Acopted after amended so as to substitute the following:

Instead of that part of the bill providing for four delegates, that there shall be 3 delegates and one interpreter, the said interpreter to have the same authority in all respects as member of said delegation.

Adopted Dec. 15, 1903.

Sam Grayson  
Clerk

his  
James x Smith  
mark  
Pres. House of Kings.

Concurred in Dec. 15, 1903.

Witness: Theo G. Stidham  
S. J. Haynes

Mildred Childers

Alex Davis  
Sp. House of Warriors.

Approved Dec. 17, 1903.

P. Porter,  
Prin. Chief.



24  
December 16, 1903.

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

That the election for Delegates to Washington, D. C. be held  
at 10;00 A.M. Dec. 17.

Adopted Dec. 16, 1903.

Mildred Childers  
Clerk.

Alex Davis  
Sp. House of Warriors.

Concurred in Dec. 16, 1903.

Sam Grayson  
Clerk.

James (his x mark) Smith  
Pres. House of Kings.

Witnesses: S.J. Haynes  
Theo G. Stidham

Approved Dec. 17, 1903.

P. Porter  
Prin. Chief.

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Clerk.

James (his x mark) Smith.

Witnesses: S.J. Haynes  
Theo G. Stidham

Approved Dec. 17, 1903.  
P. Porter-Prin. Chief.

(Endorsed) Union Agency, Muskogee, Okla.  
a-46--P. Porters general letters.



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Muskogee, I.T., Jan. 5, 1904.

Hon. J. Blair Shoenfelt,

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

Sir:

I notice in the daily press all section lines in the Creek Nation are to be opened for use as public highways as provided in the Supplemental Treaty; that you have established a road department and the funds of the Creek Nation are to be used for this purpose.

I would thank you to advise me to what extent and for what particular use, if any, the monies of the Nation are to be used, by what and whose authority as well as how and in what manner to be taken and paid.

Appreciating a prompt reply, I am,

Respectfully,

P. Porter,

Principal Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 450. Muskogee, Oklahoma.



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Muskogee, I.T., Jan. 18, 1904

The press seems to misunderstand the position taken by the Creek authorities in the matter of opening public highways along section lines in the Creek country. There never has been any objections on the part of the Creek people to the opening of public highways along section lines in their country, but they do object to the use of their funds for such purpose as is now being done by the Government. The provision for roads along section lines was proposed by the Creek delegates themselves and inserted in the Supplemental Treaty, Article 10, which reads as follows:

"Public highways or roads 3 rods in width, being one and one-half rods on each side of the section line, may be established along all section lines without compensation being paid therefor; and all allottees, purchasers, and others shall take the title to such lands subject to this provision. And the public good, the actual value of the land taken elsewhere than along section lines to be determined under the direction of the Secretary of the Interior while the tribal government continues, and to be paid by the Creek Nation during that time; and if buildings or other improvements are damaged in consequence of the establishment of such public highways or roads, whether along section lines elsewhere, such damages during the continuance of the tribal government, shall be determined and paid in the same manner."

Each allottee took his allotment subject to this provision and every person making improvements obstructing these highways after the passage of the Supplemental Treaty, did so in violation of

--P. Porter press book. ltr 452.--



the law. It appeared at the time that some of the section lines would injure or damage the permanent improvements of a few of our citizens, that is by passing through their houses and orchards. This, the Creek delegates thought should be paid for by the Creek Nation. The cases were so few that it was thought it would not be a matter of any great expense, but they expected to pay for it, when complaint was made by the citizens and damages assessed, from appropriation made by the Creek Council to such allottee. The provision for payment where roads were made elsewhere than on section lines, was added in order to make reparation for damages done where roads had to be constructed diverging from the section lines on account of natural obstructions, such as hills, mountains and rivers, and such damages were expected to be assessed by the Creeks and payment made by appropriation of the Creek Council to the allottee.

So far as the reservation of three rods for the width of the roads is concerned, that is one and one half rods off each allottee land bordering on said section lines, that is dedicated and belongs to the public and no damages can be done to any person by removing obstructions that may be in the course of the road, but no expense of this kind was contemplated should be chargeable to the Creek Nation.

With this explanation I trust that the matter will not become a matter of controversy by the press.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 452. Muskogee, Oklahoma.



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DEPARTMENT OF THE INTERIOR,  
United States Indian Service,

L'Ause, Mich.

March 19th, 1904.

Hon. Commissioner Indian Affairs,  
Washington, D.C.

Sir:

I have the honor to acknowledge receipt of office letter, Accounts, 17159-1904, March 17th, making inquiry concerning the Original Roll of Self-emigrant Creek Indians prepared by former Agent R.L.Owen, of Muskogee.

This roll, together with other papers bearing on the subject, was left by me in the drawers of the desk which I had used while engaged upon the work. The original roll was enclosed in a large buff envelope, which was labelled to indicate what it contained. I arranged these papers and documents of various kinds in as compact and secure manner as possible and called the attention of Chief Clerk Wisdom thereto, showing him where and how they were left. Several Applications which I had found to be correct, were completed and left, for want of room elsewhere, in a drawer in a long standing desk in the room occupied by M.C.B. Douglass, to which attention was also called.

Very Respectfully,

D.W. Manchester

Special Indian Agent.



Accounts,  
19402-1904.  
1 enclosure.

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,

Washington, March 24, 1904.

Mr. J. George Wright,  
U.S. Indian Inspector,  
Muskogee, Ind. T.

Sir:

In connection with office letter of 17th instant, wherein you were informed that Special Agent Manchester had been requested to furnish any information he might have as to the whereabouts of certain documents pertaining to the self-emigrant Creek investigation, I now enclose Mr. Manchester's reply, which may be of some service to you in locating the documents in question.

Very respectfully,

A.C. Tonner

Acting Commissioner.

(K)

(Endorsed) Union Agency No. 9177 Received Mar. 23, 1904 Office of U.S. Indian Inspector, Indian Territory. Washington, Mar. 24, 1904. Commissioner. --- Encloses letter from Special Agent Manchester, relative to whereabouts of certain papers concerning self-emigrant Creek roll. ---



May 10, 1904.

Commission to Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:-

The map of the Creek Nation made after survey, which we have had in use in the office, has become so dilapidated that it is practically of no value to us, and as we need one for the use of the office continuously, I make application to your Commission to furnish us with another one on canvas if there are any to be had.

Respectfully,

P. Porter,

Principal Chief.

(Endorsed) Union Agency press book, general letters by  
Principal Chief. Letter 356, Muskogee, Oklahoma)



254  
May 24, 1904

Commission to Five Civilized Tribes,

Muskogee, I.T.

Dear Sirs;-

It has been called to my attention that the office of the Chief of the Creek Nation has no roll of the tribe. If your office is without one, I am well aware of the arduous work and labor it will require to have you comply with this request, but the very great importance of the work we wish to undertake on behalf of the young and unprotected will more than compensate any one for the labor expended. We especially desire this roll with a view of determining who are minors without guardians, or where they may have guardians but not such a one as is intended by the law and who are neglecting or wasting the estate. I do not know if it is within the province of your Honorable Commission to furnish this roll, however it may be, I will thank you most kindly for any aid or information you may be able to furnish me.

Very respectfully,

M.I.Mott,

National Attorney  
Creek Nation.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 489. Muskogee, Oklahoma.



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DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D.5638-1904.

July 18, 1904.

Commissioner of Indian Affairs.

Sir:

July 9, 1904, the Acting Commissioner transmitted the record in the Creek land contest, No.700, entitled Cuffey McIntosh, contestant, vs. Louis Ballard and Lucy Smith as sole heirs of Mary Ballard, deceased, contestees, involving the NE/4 of Sec.11, T.18 N., R. 18 E. of Indian Meridian, containing 160 acres.

April 22, 1904, the Commission to the Five Civilized Tribes decided the controversy favorable to the contestees.

On appeal to your office, the Acting Commissioner, on June 2, 1904, affirmed the Commission's decision. The matter is now before the Department on appeal from the Acting Commissioner's decision.

The Department has carefully examined the record, and your decision, in so far as it awards the land to the contestees, is hereby confirmed, for the reason that it appears that at the time Mary Ballard filed on said land the contestant was not in possession of the improvements thereon.

The papers in the case are returned herewith.

Respectfully,

Thos. Ryan

Acting Secretary.

Creek No. 700

3041.



256  
Sept. 23, 1904.

Hon. J. Blair Shoenfelt,  
United States Indian Agent,  
Muskogee, Indian Territory.

Sir:-

Hon. Lahtah Micco (Thomas Culler) a member of council from Tuckabatchee makes the following representation on behalf of himself and John, Dave and Anna Culler, members of his family, in reference to their allotments situated in Sections 12 and 13, Township 8 North and Range 8 E.

That one Jese Self, a citizen of the United States leased for grazing purposes for one year only the allotments of the above, which was at that time enclosed by a wire fence. That said lease expired last year, and that Self persistently claims possession and has cut hay off the ground this year, and that lately the wire has been removed.

That Self claims the use of the land for five years which Culler denies and says he has given no lease on the land.

Will you kindly look into this matter and notify Thomas Culler at Yeager, I.T. and Jess Self at Holdenville, I.T. of your action.

Respectfully,

P. Porter,

Principal Chief, M.N.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 518. Muskogee, Oklahoma.



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EXECUTIVE OFFICE,

Muskogee Nation.

P.PORTER, Principal Chief.

Muskogee, Indian Territory,

Oct. 5, 1904.

Mr. John Adams,

Muskogee, I.T.

Dear Sir:-

The bearer, J.C.Johnson, has been appointed by the Court administrator of the Estate of Monday Ard, deceased. You will please deliver to him Creek deed for Monday Ard on his presenting certificate as issued by the Dawes Commission.

Respectfully,

P.Porter,

Principal Chief, M.N.

--P.Porters general letters--Executive office--

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258  
October 20, 1904

WHEREAS, The Principal Chief in his annual message of October 4th, 1904 to the Creek National Council expressed the belief that it is the wish of the Creek people in the question of State-hood for the Indian Territory that such a State government should be formed of the Indian Territory alone without any alliance with the Territory of Oklahoma; and

WHEREAS, at a conference of the chief executives of the Five Civilized Tribes held at Eufaula May 21, 1903 resolutions were unanimously adopted favoring the formation of a State embracing the country now occupied by the Five Civilized Tribes,

THEREFORE, BE IT RESOLVED, That it is the sense of the Creek National Council that if the United States Government shall attempt to carry out its promises of State-hood for the Indian Territory at the next session of Congress the same be established so as to embrace only the Territory now occupied and owned by the so-called Five Civilized Tribes of the Indian Territory.

Adopted Oct. 20th, 1904

James Smith,

Presdt. H. Kings

G.W.Grayson  
actg. Clk

Concurred in Oct. 20th, 1904

D.C.Tiger

Alex Davis

Clk Pro tem

Sp. H. of Warriors.

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



Judiciary Committee Room

Okmulgee, I.T.

Oct.27,1904

To the National Council of the  
Muskogee Nation.

Gentlemen:

Your committee to whom was referred that part of the Chiefs  
message in regarding to an establishment of citizenship court  
beg leave to submit enclosed preamble and an act for your considera-  
tion and adoption.

Very respectfully,

Whig Murray,

Clerk pro-tem.

Bunnie McIntosh

Chairman pro-tem.



260  
October 28, 1904

A N A C T

APPROPRIATING \$6000.00 FOR THE SUPPORT OF THE CREEK  
COMMISSION.

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

That the members of the Creek Commission created under act of the National Council to negotiate a final settlement of Creek Affairs with the United States, shall be paid a per diem of seven (\$7.00) dollars for each day occupied in the discharge of their official duties, and ten (10) cents for each mile necessarily traveled while in the discharge of duty as commissioner. When in session they shall be allowed at reasonable pay such sufficient clerical force for keeping the records of its proceedings, and shall rent and provide itself with a room in which to hold its business sessions if the same shall be necessary.

BE IT ENACTED FURTHER, That there be and is hereby appropriated, the sum of six thousand (\$6000.00) dollars or so much thereof as may be necessary to pay the per diem, mileage and other necessary expenses of the Creek Commission provided for by law, which sums shall be paid out upon vouchers rendered and requisitions made upon the principal chief, all to be paid out according to rules established by the Secretary of the Interior regulating the disbursement of Creek funds.

Adopted Oct. 28, 1904

R.F. Bruner  
Prsd't. H. Kings, Pro tem

Concurred in Oct. 28, 1904  
Alex Davis-Spk. H. of W.

Sam Grayson

Clk.

Mildred Childers.--Clk.

--(Endorsed) Union Agency, Muskogee, Oklahoma.--a-79--Pleasant Porter's general letters.



261  
October 31, 1904

WHEREAS: Art. 10th of the Creek Supplemental Agreement provides that the damages to citizens in consequence of the establishment of public highways or roads shall be determined under the direction of the Secretary of the Interior, and

WHEREAS: The allotment of the lands of the Creek Nation and enclosing of allotments by the allottees make it necessary that public roads be opened on the section lines.

THEREFORE: Be it Resolved by the National Council of the Muskogee Nation: That the Secretary of the Interior is hereby requested to provide at as early a day as convenient for the appraisement and award of damages which may be caused to the improvements of citizens in consequence of the opening of public highways or roads as provided for in said Art. 10th of the Creek Supplemental Agreement.

Adopted Oct 31, 1904

James Smith

Pres. H. of Kings

Sam Grayson  
Clerk.

Concurred in Nov. 1, 1904

Alex Davis

Spk. H. of W.

Mildred Childers  
Clerk.

Approved Nov. 1, 1904

P. Porter----Prin. Chief.

(Endorsed) Union Agency, Muskogee, Okla. Pleasant Porters general letters.---s---



262  
Nov. 7, 1904.

Hon. J. Blair Shoenfelt,

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

Sir:-

Wash Adams requests me to state to you that he will be down to pay the royalty on timber cut on public domain. It seems that a case has been brought in court regarding this charging him with cutting timber on public domain. He did not do so with any purpose of defrauding the Nation but is now finding that it is regarded as trespass and reports to the court, and depends upon your office urging his prosecution. I would respectfully request that you notify the Prosecuting Attorney that the matter can be arranged without any suit. Withdraw the suit and I will see to it that he pays the royalty necessary.

Respectfully,

P. Porter,

Prin. Chief.



THOMAS & FOREMAN,  
Attorneys At Law.

John R. Thomas.  
Grant FOREMAN.

Rooms 9 and 10 Turner Block.

Muskogee, Ind. Ter.  
November 17, 1904.

Hon. Tams Bixby,  
Chairman Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.  
Sir:

We write to thank you for your special courtesy in furnishing to our Mr. Foreman, the information we were so much in need of in the matter of the children of Ella Berry a freedman citizen of the Creek Nation, and also for sending to Tahlequah for certain evidence in the matter of a contest against Delilah Falling, recently tried before the Contest Division at Tahlequah.

We are aware that it is not customary to furnish such information on application of attorneys and therefore your courtesy is the more keenly appreciated by us, for by your kindly action in this matter you have saved us considerable trouble and expense.

Sincerely yours, etc

Thomas & Foreman,

By John R. Thomas.

(Endorsed) Union Agency No. 843 Rel. ---- Thanking Mr. Bixby of the Five Civilized Tribes for information not usually given, regarding the matter of the children of Ella Berry a freedman citizen of the Creek Nation. ----



264  
Nov. 23, 1904

Hon. M. L. Mott,  
National Hotel,  
Washington, D.C.

Dear Sir:-

Yesterday brought your letter giving account of your interview with Secretary Hitchcock. In your interviews with the Secretary, call attention to each particular Act that you have in your possession, and discuss with him the reasons why the Creek people think it necessary to have the matters agreed upon and not arbitrarily legislated upon. The whole matter can be attended to so far as Agreement is concerned, by the Secretary directing the Dawes Commission to meet with the Creek Commission at this place. It would not take more than two weeks at the outside, and then the agreements made by the Commissions can be forwarded to him and by him referred to Congress with such endorsement as he may feel able to make, and Congress can take action on the same without having any delegation visit Washington, if the matter of expense is the principal difficulty in the way.

It is not the desire to spend money but a desire to have a thorough understanding on all matters with the Government that are now being made subject to change by decision of court or new issuance of orders from the Department. All the settlements made with the Five Civilized Tribes took shape under Secretary Hitchcock's administration, and our people have confidence in him, that

--P.Porter press book.ltr.524.--



265  
he wishes them well, and while he is still in office, are very desirous that any matters subject to misunderstanding may be thoroughly made intelligible.

You will remember that the Council passed an Act, the purpose of which was to make agreement so that children born up to the termination of tribal Government, March 4, 1906, shall receive allotments of 160 acres each. If this should seem impracticable, it might be well, it being the wish of the Creek people, to limit the period of time to March 1, 1905, or a little later if possible in order that the work be finished.

I think it would be advisable for you to remain in Washington until you have pretty thoroughly understood what is possible to do. Be sure and have the matter of my issuing warrants for your pay attended to so that I may be relieved from the injunction of the Court.

Respectfully,

P. Porter,

Prin. Chief M.N.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 525. Muskogee, Oklahoma.



266  
December 8, 1904

Messrs. Bushing & Proctor,

Eufaula, I.T.

Dear Sirs:-

Replying to yours of the 7th in which you ask that the deed for the heirs of Jackey be sent to you to be used as evidence in Court for the purpose of establishing the heirship of your clients, whose names you do not mention, would say that as previously advised, this deed is now on hands ready for delivery but the provides (in effect) that deeds must be delivered to allottees, and in case of deceased persons, to their heirs, the acceptance of which serves as the relinquishment, etc. In the delivery of deeds to heirs this office requires that affidavits be furnished tending to establish who are the heirs, and in cases where there is a doubt as to who are the heirs, or different persons contending, deeds are not delivered until the court has determined who are the heirs and a copy of the finding of said court filed in this office.

You make application for these deeds that you may use them in evidence to establish your clients' heirship to Jackey, and your opponents may make the same request. It seems to me that the first requisite necessary is for you to establish the fact that your clients are heirs of Jackey, and can not understand how or in what way the deeds would assist you any more than any other property belonging to the estate of Jackey. It is out of the question for this office to grant your request.

Respectfully,

P. Porter, --- Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 571. Muskogee, Oklahoma.



267  
December 9, 1904

Hon. M. L. Mott,  
National Attorney, Creek Nation,  
Washington, D. C.

Sir:-

I am just in receipt of your communication of the 6th inst. I am pleased with the full manner in which you have reported upon the situation of Creek affairs in Washington.

I wish you to especially present definite and legal objections to the scheme to interfere with the allottee's deeds made out and delivered under provisions of solemn agreement between the United States and the Creek Government. No further restrictions or encumbrances other than those already imposed by treaty should be placed upon the individual allotments of Creek citizens through legislation. The greater number of adult Creek citizens are fully competent to take care of their own allotments with out Government interference, and as the policy of the Government was to make them citizens, the sooner they are clothed with the rights, privileges and responsibilities of American citizens, the better it will be for them. The treaty limits placed upon the full control and management of their landed estate is amply sufficient.

An effort is being made by the Creek people to meet the changing conditions with all the courage and energy of any people subject to new conditions as they are now. It is unjust, ungenerous as well as false for Government officials to charge them with

--P.Porter press book. ltr.529.--



incompetency, laziness and criminality when they are making the supreme effort of their lives to maintain themselves and meet the situation. The charges come to us through the newspapers, and while it is enough for the venal portion of the press to do this, Government officials should not.

Regarding the matter of handling the residue of our land, insist upon the full performance of the terms of the treaty. No question should be raised as to the capacity of our commission appointed by us as they are fully instructed by the Council through the Chief. It is known upon our acceptance of the distribution of our landed estate and the dissolution of tribal government in 1906, that by amending the laws respecting the Indian people, the Indians of the Five Nations were declared to be citizens of the United States. Now, after they have received their individual share of their land and the time limit placed upon them as regards the sale, nothing should be done compulsory, looking towards the compulsory sale of any portion of their land, and to enact a law violating the sacredness of individual title to lands would be the greatest injustice imaginable and the height of perfidy on the part of the United States.

I would suggest that you pursue the course that you have been instructed by law and resolutions in your hands until you succeed, appearing before any Department of the Government, as you are authorized by law to do, until you succeed or until nothing further can be done before the holiday adjournment, at which time I would suggest that you return home as it is hardly probable that any legislation respecting Indian affairs will be perfected until after the holidays. Use your own judgment as to what time to return



home. There is much for you to do here, so whatever can be done, try and complete it before the holidays.

If anything further about which I have written you occurs to me, I will write again.

Respectfully,

P.Porter,

Prin.Chief.



Land.  
87682-1904.

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,  
Washington.  
Jan. 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Indian Inspector for Indian Territory of December 12th, transmitting resolution of the National Council of the Creek or Muskogee Nation, approved by the Principal Chief November 1, 1904, requesting the Secretary of the Interior to provide at as early a date as convenient for the appraisement and award of damages which may be caused to the improvements of citizens in consequence of the opening of public roads or highways as provided by Article 10 of the supplemental agreement with the Creek Nation.

In this connection the Inspector reports that the matter of the appraisement and payment of damages by reason of the opening of public highways in the Creek and Cherokee Nations has been placed in the hands of the Indian Agent at Union Agency, and he refers to Department letter of November 30, 1903 (I.T.D. 8134-1903), wherein he was directed to instruct the Agent in reference to these matters.

A copy of the resolution transmitted was referred to the Agent by the Inspector and he encloses a communication from the Agent in reference thereto, in which report is made as to the



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action taken under the instructions of the Department, from which he says it appears that in cases where waiver of damages has not been filed, the actual damage has been appraised and the owners of the land notified that upon presentation of proper proof they would receive the money due them, and that in four cases payments have been made.

Mr. Wright further says while the Principal Chief certifies the resolution enclosed for the approval of the President, he does not believe action thereon is necessary. He therefore transmits it for the information of the Department, suggesting that if deemed advisable he be instructed to notify the Principal Chief of the action which has heretofore been taken in reference to these matters.

From the report of the Agent and Inspector it is evident that everything necessary to be done is being done for the orderly and expeditious transaction of the business intended to be covered by the resolution. I therefore concur in the recommendation of the Inspector that the Principal Chief be notified as to what is now being done in the matter.

Very respectfully,

C.F. Larrabee

Acting Commissioner.

EBH-H

(Endorsed) Union Agency No. 10957 Received Dec. 31, 1904. Office of U.S. Indian Inspector, for Indian Territory. Washington, Jan. 23, 1905. Secretary.-----Resolution of Creek Council requesting that provision be made for appraisement and payment of damages on account of opening public roads, not required to be approved; should advise Prin. Chief of action heretofore taken.-----



DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D. 1134-1905.

February 2, 1905.

Direct.

United States Indian Inspector

for the Indian Territory, Muskogee, I.T.

Sir:

In accordance with the recommendation of the Acting Commissioner of Indian Affairs, in his letter of February 1, 1905, there is inclosed herewith, for immediate report and recommendation, a draft of a proposed amendment to H.R. 17474, the Indian appropriation bill for the year ending June 30, 1906, submitted to the Department by the Chairman of the Committee on Indian Affairs, United States Senate. The proposed amendment is as follows:

"That the Secretary of the Interior is hereby authorized and directed to pay, out of any money in the Treasury belonging to the Creek Nation, to C.W. Turner, of Muskogee, Indian Territory, Creek Warrant No. 2671 drawn on the Creek Treasurer on March 12, 1898 for one thousand dollars and now unpaid, which said warrant was drawn under an appropriation act of the Creek Council, was presented to the Creek Treasurer for payment and is yet unpaid."

The Acting Commissioner states that a careful search in his office fails to disclose any information on the Creek warrant No. 2671, drawn by the Treasurer of the Creek Nation March 12, 1898, in favor of C.W. Turner, for the amount mentioned in



the proposed amendment.

Report direct. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan

2 inclosures.

Acting Secretary.

(Endorsed) Union Agency No.10988 Received Feb.6,1905 Office of U.S.Indian Inspector for Indian Territory.Washington, Feb.2, 1905.Secretary.-----Encloses for immediate report draft of proposed amendment to Indian Appropriation Bill directing Secretary to pay Creek warrant No.2671, in favor of C.W.Turner, dated Mar.12,1898, and still unpaid.-----



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May 3, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Ind. Ter.

Gentlemen:-

Herewith enclosed I hand you letter from Ottawa  
Cain and Bunnie McCosar. Some days ago I advised Cain and  
McCosar to procure the names of the babies of their town  
who were not enrolled, and to assist their people in having  
them enrolled. This letter this day received is referred  
to you for such action as is possible and proper.

Respectfully,

P. Porter,

Prin. Chief.

(Endorsed) Union Agency press book. General Letters by  
Principal Chief. Letter 667, Muskogee.



278  
May 26, 1905.

Hon. J. Blair Shoenfelt,  
Muskogee, I.T.

Dear Sir:

We the undersigned citizens of the Creek Nation ask that you appoint another Indian Police in Lewis Hardage's place. Last year he was ordered to stop and confiscate all fishermens tools, but did not take action; not only this, but has failed to do his duty in other matters as Indian Police. More whole sale fishing is going now, netting of all sorts; not only speculating, but destroying fish. If you see fit we ask and recommend that you appoint David Bruner of Holdenville, I.T.

Respectfully,

John A. Jacobs  
T.M. Miller,  
Mack Cosar,  
Willie Pornoskey,  
Amos Eddis,  
Atowa Cain,  
Brennie McLesson,  
Ceber Smith.

(Endorsed) Union Agency No. 28 Received May 27, 1905 Office of U.S. Indian Agent, Muskogee, Ind. Ter. John A. Jacobs, et al, Holdenville, I.T.-----Ask that another Indian Policeman be appointed in Lewis Hardage's place, as they state he is not doing his duty. David Bruner.-----



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Cheesie McIntosh,  
Attorney at Law.

SUPT. CREEK SCHOOLS.

Checotah, October 20, 1905.

Hon. Dana H. Kelsey,  
U.S. Indian Agent,  
Muskogee, I.T.

Dear Sir:-

The undersigned, Freeland McIntosh, respectfully makes application to you to be appointed a member of the Indian Police force. Your applicant respectfully represents that he is 25 years of age and a Citizen by blood of the Creek Nation; that he resides with his father, Cheesie McIntosh, at Checotah, I.T., and has so there resided for the last four years; that he can, if appointed, report at once for duty and can be reached at any time by mail, telephone or telegraph; that he believes himself fully qualified, intellectually, physically and morally to fill the position which he seeks.

Very respectfully,

Freeland McIntosh.



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

Checotah, I.T.

Oct.21,1905.

Hon.D.H.Kelsey,  
U.S.Indian Agent.  
Muskogee, I.T.

Sir:

I hereby apply for appointment on the Indian Police force.

My name is Freeland A. McIntosh. I am twenty five years old.

I am 1/4 Indian blood. I am the son of Cheesie McIntosh. I do not use whiskey, nor tobacco nor do I gamble. I am located at Checotah, at wich (Sic) place I can be reached by daily mail, telephone or telegraph.

Hoping for early and favorable consideration of my application, I am,

Very respectfully,

Freeland A. McIntosh.

(Endorsed) Union Agency No.71 Received Oct.23,1905 Office of  
U.S.Indian Agent, Muskogee, Ind. Ter. Oct.21,1905 Freeland A. McIntosh,  
Checotah, I.T.-----Makes application for appointment as Indian  
Policeman.-----



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DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D.15766-1905.

November 29, 1905.

The President.

I have the honor to transmit herewith for executive action, under the provisions of the act of March 4, 1901 (31 stat., 261), an act of the National Council of the Creek Nation, approved by the Principal Chief November 2, 1905, making an appropriation of \$3,000 to pay the per diem expenses of witnesses who are called upon to give testimony in reference to fraudulent enrollments. The United States Indian Inspector, located in the Indian Territory, referring to the fact that a similar act appropriating \$5,000 was disapproved by you February 1, 1905, upon the recommendation of the Department, submits this act "for such action as is deemed proper."

The Indian Office in letter of November 23, 1905, suggests that the recommendation to you in this case should be in harmony with the action upon the bill disapproved by you February 1, 1905.

The Principal Chief of the nation earnestly urges the approval of the bill. He states that the Council of the nation passed this act believing that in the interest of justice and right the expenditure provided for should be incurred and would be of great benefit to the Creek Nation.

Since the action upon the bill which was disapproved in 1905, Congress in the act of March 3, 1905 (33 stat., 1048) (1071), authorized the enrollment of Creek children born subsequent to May 25, 1901, and prior to March 4, 1905, and living on said latter date.



False swearing as to the date of the birth and death of children has been frequent in similar cases.

The Choctaw, Chickasaw, and Cherokee nations have employed attorneys and gone to considerable expense otherwise to protect their interests in citizenship cases pending before the Commission to the Five Civilized Tribes.

It is only proper that the Creek Nation should be allowed a fair opportunity to show fraud in any case.

I have therefore to recommend that the bill receive your approval.

Very respectfully,

E.A.Hitchcock,

Secretary.

4 inclosures.

(Endorsed) Union Agency No.12927 Received Dec.9,1905 Office of U.S.Indian Inspector for Indian Territory.Washington,Dec.4,1905. Secretary.-----Advising that Act of the Creek National Council, making appropriation of \$3,000 to pay per diem expenses of witnesses in the matter of fraudulent enrollments, was approved by the President on Nov.29,1905.-----



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DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D. 7038-1906.

May 5, 1906.

The United States Indian Inspector

for Indian Territory, Muskogee, Ind. T.

Sir:

In reply to your letter of February 26, 1906, suggesting that you be authorized to advise the Principal Chief of the Creek Nation of the advisability of procuring an additional appropriation for the payment of per diem and mileage of witnesses and other necessary expenses incurred in investigating alleged fraudulent enrollment, you are informed that on the 30th ultimo the Commissioner to the Five Civilized Tribes was instructed, as it is understood the Principal Chief has called a meeting of the Creek National Council, to suggest to the Principal Chief the need of an act making an appropriation, with suitable safeguards regarding its expenditure, for the purpose of securing testimony in citizenship cases.

You are authorized to advise the Principal Chief in accordance with your recommendation.

A copy of Indian Office letter of April 25, 1906 (land 22206-06), submitting your report, is inclosed,

Respectfully,

Through the Commissioner  
of Indian Affairs.  
1 inclosure.

Thos. Ryan .

First Assistant Secretary.

(Endorsed) Union Agency No. 14070. Received May 10, 1906. Office of U. S. Indian Inspector for Indian Territory. Washington, May 6, 1906. Secretary.-----Authorizes that Prin. Chief of Creek Nation be advised of the advisability of procuring additional appropriation for the payment of per diem and mileage of witnesses and other necessary expenses incurred in investigating alleged fraudulent enrollment.



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PIONEER TELEPHONE AND TELEGRAPH COMPANY

E.D.Nims, President  
Jno.M.Noble, Vice Pres. & GenlMgr.  
E.E.Westervelt, Sec'y & Treas.  
Arthur Whorton, Auditor  
Henry E.Asp, General Solicitor.

Oklahoma City Oklahoma  
July 30, 1906.

J. Geo. Wright, Esq., U. S. Indian Inspector,  
Muskogee, Indian Territory.

Dear Sir:

Replying to your favor of July 9, "Telephone No.178" addressed to Mrs. E. A. Hummer, Holdenville, Indian Territory, requesting the approximate date the exchange at that place was constructed by Mr. F. D. Hummer in the name of the Southern Arkansas Valley Telephone Company, will say that this permit was granted about July 31, 1901 - see letter "land 40652-1901" of W. A. Jones to E. D. Nims, Roff, Indian Territory. The exchange was completed about one year after this date.

The original permit was, if I remember correctly, granted to the Arkansas Valley Telephone Company which we later assigned to Mr. Hummer. Probably you will find in the records that the original permit was made to the Arkansas Valley Telephone Company.

Yours very truly,

E.D.Nims.  
President.

EDN-RAR  
(Endorsed) Union Agency No.57594 Received Jul.31,1906 Office of  
U.S.Indian Insp.for I.T.Oklahoma City,O.T.July 30,1906 E.D.Nims,  
Pres.Pioneer T. & T. Co.----Relative exchange at town of Holden-  
ville, I. T.----



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D E P A R T M E N T O F T H E I N T E R I O R.  
W A S H I N G T O N.

I.T.D. 14794-1906.

September 1, 1906.

United States Indian Inspector  
for Indian Territory,  
Muskogee, Ind. T.

Sir:

With his report of August 15, 1906, the Indian Agent, who was also at that time Acting Inspector, forwarded an oil and gas lease dated June 27, 1906, for the term of ten years, between T.H. Martin, guardian of Herbert Sells and Stella Sells, minors, heirs to an undivided one-half interest, and Beacon Oil Company, a corporation, purchaser of an undivided one-half interest in the allotment of Birdie Sells, a deceased Creek citizen, as lessors, and Beacon Oil Company, of Muskogee, Ind. T., lessee, covering the NE/4 of Section 9, T. 17, N., R. 12 E., Creek Nation, Indian Territory, 160 acres.

The only evidence furnished as to the heirs of said Birdie Sells is a certified copy of a portion of the report of the Probate Commissioner in the matter of the petition to make said lease, in which he finds--

"That said minors are the owners of an undivided half interest in the northeast quarter (NE 1/4) of Section 9, Township 17, North, Range 12 East of the Indian meridian; that said land was allotted to the heirs of Birdie Sells, who died May 26,



1899; that upon her death the said land descended in equal parts to the father and mother of said Birdie Sells, deceased; that said father has since died; and his undivided half interest in said lands descended to the wards herein, Stela (Sic) and Herbert Sells; that Silla Sells, the mother of said Birdie Sells, conveyed her interest therein to R. A. Josey; that said R.A. Josey, subsequently conveyed an undivided one-quarter interest in said land to O. M. Lancaster, and that said Josey and Lancaster have conveyed their undivided half interest in said land to the Beacon Oil Company."

Said Probate Commissioner recommended that the lease be approved, and his report was confirmed by the court on July 11, 1906.

In his opinion dated June 14, 1904, the Acting Attorney General states:

"I am convinced that the act of June 7, 1897, by providing that the laws of Arkansas in force in the Territory should apply to all persons therein, operated to extend the Arkansas law of distribution to the individual estates of Indians dying after January 1, 1898."

Section 2522 of the laws of Arkansas provides that--

"When any person shall die, having title to any real estate of inheritance,\*\*\* it shall descend and be distributed, in parcenary, to his kindred, male and female, subject to the payment of his debts and the widow's dower, in the following manner:



First. To Children, or their descendants, in equal parts.

Second. If there be no children, then to the father, then to the mother", etc.

It appears that Birdie Sells died on May 26, 1899, and under the law above quoted, her said land descended to her father, instead of to her father and mother in equal parts, as stated in the Probate Commissioner's report. At the death of the father, which is not given, the land would descend to his children, subject to the widow's dower of one-third.

From the evidence submitted the Department is of opinion that Stella Sells and Herbert Sells are each entitled to an undivided one-third interest in the tract of land described.

The lease above described has been this day approved by the Department, for the reason that it is alleged that operations on adjoining property will drain the land covered by the lease.

You are requested to make a further investigation as to the heirs of Birdie Sells, deceased, and to submit the matter to the court, in order that the interests of Herbert Sells and Stella Sells, the minor heirs, may be properly guarded, reporting to the Department.

Respectfully,

Thos. Ryan.

ACTING SECRETARY.

(Endorsed) Union Agency # 15235 Received September 14, 1906.  
Office of U.S. Indian Inspector for Indian Territory. Washington (Sic)  
Sept. 1, 1906. Sec. Advises approval of oil & gas lease between T.  
H. Martin, Guardian Herbert & Stella Sells, minors, and Beacon Oil  
Co. purchasers of part allotment Birdie Sells, deceased minor; calls  
for further investigation & Report relative heirs of Birdie Sells.



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DEPARTMENT OF JUSTICE.

OFFICE OF UNITED STATES ATTORNEY.

WESTERN DISTRICT OF INDIAN TERRITORY.

MUSKOGEE.

Muskogee, Indian Territory, November 2, 1906.

Hon. J. George Wright,  
U.S. Indian Inspector,  
Muskogee, I.T.

Sir:

The case of W. G. Crump against yourself, Indian Agent Kelsey and others is set for trial on the 19th of December. It will be necessary in this trial to have certified copies of all rules and regulations and instructions from the Interior Department at Washington relative to the collection of the Creek tribal tax. The printed regulations can not properly be introduced in evidence for the reason that they do not seem to have been published by authority of law. I think the Secretary of the Interior should certify to all original rules and regulations and instructions in regard to the collection of this tax and have the same in your hands at the time mentioned. The law provides the manner in which documents of this character shall be certified to by the head of a department.

Will you kindly inform Mr. Kelsey of the time of the trial of this case, and see that all defendants are present upon the date mentioned.

Yours respectfully,

M.M. Mellette

UNITED STATES ATTORNEY.



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( Endorsed) Union Agency # 59691 Received Nov. 3, 1906. Office of U.S. Indian Inspector for Indian Territory. Muskogee, I.T. Nov. 2, 1906. W. M. Mellette. Stating that the case of W. G. Crump against J. G. Wright, et al, has been set for Dec. 19, 1906.



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George E. Butte,  
Attorney and Counselor at Law,  
Muskogee, Ind. Ter.

January 5, 1907.

Hon. J. George Wright,  
United States Inspector for Indian Territory,  
Muskogee, Indian Territory.

Sir:

Referring to the letter of the Acting Secretary of the Interior, Hon. Thomas Ryan, dated September 1st, 1906, I.T.D. 14794, 1906, in which the Honorable Acting Secretary requests you to make a further investigation as to the heirs of Birdie Sells, deceased, and to submit the matter to the Courts in order that the interests of Herbert Sells and Stella Sells, the minor heirs who are joined as parties lessor in an oil and gas mining lease to the Beacon Oil Company may be properly guarded, and requesting you to report to the Department, I have the honor to state that the question of the interest of said minors in the said land is discussed in the report of the Probate Commissioner, before whom the testimony was taken in the matter of the said lease and the findings of the Probate Commissioner were duly approved by the Court, as is shown by the order signed the 11th day of July, 1906, by the Hon. William R. Lawrence, Judge of the United States Court for the Western District of the Indian Territory at Muskogee, the finding of the Court being as follows:

"And the Court having examined the said lease and the



petition filed therewith, and it appearing that the said lease has been executed in all respects in conformity with the rules and regulations prescribed by the Secretary of the Interior, and it further appearing that the said minors are the owners of an undivided one-half interest in said lands, and that the said Beacon Oil Company is the owner of an undivided one-half interest in said land, and that said Beacon Oil Company has offered said guardian a bonus of \$500.00 for a lease of said minor's interest, to be paid upon the approval of said lease by the Secretary of the Interior,

IT IS THEREFORE ORDERED, That the said lease and all the acts and doings of the said guardian in connection with the execution thereof; be and the same are hereby approved, ratified and confirmed."

The United States Courts in the Creek Nation have held that the allotment of any Creek citizen who died prior to the Act of Congress of May 27, 1902, (Indian Appropriation Act) descended to the heirs of such allottee under the terms of the original Creek agreement or treaty, which provides as follows:

"All citizens who were living on the 1st day of April, 1899, entitled to be enrolled under section 21 of the act of Congress approved June 28th, 1898, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," shall be placed upon the rolls to be made by said Commission under said Act of Congress, and if any such citizen has died since that time, or may hereafter die, before receiving his allotment of lands



and distributive share of all the funds of the tribe, the lands and money to which he would be entitled, if living, shall descend to his heirs according to the laws of descent and distribution of the Creek Nation, and be allotted and distributed to them accordingly."

The Creek law provides that in a case similar to the case under discussion the property descends to the nearest living relative, and inasmuch as the father and mother were related in equal degrees to Birdie Sells, an infant, deceased, the father and mother each took an undivided one-half interest in the allotment of land of the said Birdie Sells, deceased. Upon the death of the father his one-half undivided interest descended his children, Herbert Sells and Stella Sells. The undivided half interest of the mother, Silla Sells, was lawfully sold by warranty deed to the Beacon Oil Company.

Such has been the practically uniform holding of the United States Courts in the Creek Nation as to the descent of Creek allotments where the allottee died prior to the Act of May 27, 1902, which expressly repealed the Creek law and substituted the Arkansas law of descent and distribution.

If the allotment of Birdie Sells descended to her heirs under the Arkansas law of descent (Mansfield's Digest of 1884, Chapter 49), it is very generally held by our courts that such allotment, being a new acquisition in the hands of Birdie Sells,



the interstate, who left no descendants, would to the father for his lifetime and then in seccession to the mother for her life time and then in remainder to the collateral kin of the deceased, to wit: Herbert Sells and Stella Sells, but as stated above, the courst (Sic) of the descent depends upon the date of the death of the allottee. If the allottee died prior to May 27, 1902, the allotment would descend to the heirs of the deceased according to the Creek law. In the allottee died subsequent to said date, at which time the Creek law was repealed and the Arkansas law prescribed as the law under which Creek allotments should descend, the land in the case in question would follow the course above indicated.

Such, briefly, has been the practically uniform holding of our court, provided that the claimants of an interest in the estate of the interests are duly enrolled and recognized citizens of the Creek tribe, and of this latter condition there is no question in the present case, for father and mother, brother and sister, of Birdie Sells, deceased, are all enrolled as Creek citizens.(Sic)

Respectfully yours,

GEORGE C. BUTTE.



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DEPARTMENT OF THE INTERIOR,  
Washington.

SPECIAL.

I.T.D.2184-1907.

February 6, 1907.

The United States Indian Inspector  
for Indian Territory, Muskogee, Ind.T.

Sir:

The Department is in receipt of your letter of January 3, 1907, relative to the manner of making payment of expenses incurred in the investigation of fraudulent enrollments in the Creek Nation under the Act of the Creek Council, appropriating \$8,000 for such purpose.

Reporting February 2, 1907 (Land 1929-1907), the Indian Office concurs in your recommendation that departmental instructions of December 27, 1906, be modified so as to allow payments to witnesses in the Creek Nation to be made in accordance with the practice pursued in the Cherokee Nation, i.e., that a pay roll be prepared and approved by the National Attorney and also approved by the Commissioner to the Five Civilized Tribes and yourself, and then transmitted to the United States Indian Agent for payment, and that one copy of each voucher taken by the National attorney be attached to the pay roll. You state that this procedure would be in accordance with the instructions of the Department of December 27, 1906, except that the witnesses would receipt the pay roll instead of the vouchers, and warrants would not be drawn in each individual



case, and thus save labor and avoid delays.

The Department also concurs in said recommendations and the instructions of December 27, 1906, are hereby modified accordingly. Copy of Indian Office letter inclosed.

Respectfully,

E.A.Hitchcock.

Secretary.

1 inclosure.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency 16782 Received Feb.11,1907 Office of U.S.Indian Inspector for Indian Territory.Washington,D.C.Feb.6, 1907.Secretary.-----Modified instructions of Dec.27,1906, relative manner of payment of expenses incurred in investigation of fraudulent enrollments in Creek Nation, I.T. under act of Creek Council appropriating \$8,000.-----



Kiefer, I.T.  
3/5/ 1907.

United States Indian Agent.

Dear Sir:

There is two telephone lines one telegraph line and two pipe lines run across my farm. I have received pay for one telephone line and make this enquiry (Sic) to know if all of them are under a charter and your office responsible for damages.

Respectly (Sic)

Sam Vowell,

(Endorsed) Union Agency # 62336 A Received March 9, 1907. Office of U.S. Indian Inspector for Indian Territory. March 5, Sam Vowell, Kiefer, I.T. Wants damages for pipe lines and telephone lines over his allotment.



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DEPARTMENT OF THE INTERIOR.  
United States Indian Inspector  
for  
INDIAN TERRITORY.

Wetumka, Ind.T.  
3/13/1907.

Hon. J.G. Wright,

U.S. Indian Inspector

Muskogee, I. T.

Sir:-

Quite a number of men who want pasture have solicited me to meet them in Fort Worth, Texas, next week at the Cattle-men's Convention, Stating that they want pasture and if I would be there they felt sure they would be able to lease pasture for this season from me. Others have urged me to come down as they wished to see me about the terms and conditions up here and others want to make application to introduce cattle. All the cattlemen of the South and West annually meet at that time, to get cattle, arrange for pasture, etc. Last year it met at Dallas, Texas, I attended it and found I could accomplish much that I could not elsewhere or in any other way. If my going down there meets your approval please let me know by return mail as I want to start on next Sunday. Write me at Okmulgee, I.T. % The Bozarth Hotel.

Very Respectfully,

Eugene T. Johnson  
Grazing Fee Collector.

(Endorsed) Union Agency # 62439 Received Mar. 14, 1907. Office of U.S. Indian Inspector for Indian Territory. Wetumka, I.T., March 13, 1907. E. T. Johnson. Desires to meet the cattle men at Fort Worth, Texas, next week.



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Boswell, I.T.  
April 21, 1907.

Hon. J. G. Wright,  
United States Indian Inspector,  
Muskogee, I.T.

Dear Sir:

I will write to you a short words today and every think (Sic) is all wrighte (Sic) in our country. I wold (Sic) like to know every thinks (Sic) all about Indiun (Sic) business at Washington. Some Indiun (Sic) Represuntives (Sic) at White house at Washington on business about old time Tready (Sic) try to take a back on his law, when come back from Washington to Indian Territory and tell all about to Indiun (Sic) every think (Sic) take all a back on his country and gest (Sic) like it was befoure (Sic) wild country. Please let me know whute (Sic) its (Sic) right and true. I hope to hear from you as soon as a possibile (Sic) as you can. I am a full blood Choctaw Indiun (Sic) but I am not much able to write English language and so I will close at my writing.

I hope to hear from you at once.

Yours Respectfully,

Ishum Oshter

Box 167.

P.S. I am understand some Indian Agenst a allortment (Sic) this is a Crazey (Sic) Snake he wold (Sic) not take his a allotment she wand (Sic) take all a back on his law and I



would (Sic) like to know she will take chance to get all to  
all a back. Answer.

(Endorsed) Union Agency No.63402 Received Apr.24,1907 Office of  
U.S.Indian Inspector for Indian Territory.Boswell,I.T.,Apr.  
21,1907 Ishum Oshter Box 167----Relative to Indian Affairs at  
Washington.-----



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(FIRE)

GERMAN AMERICAN

Insurance Company

Western Department, Chicago

Eufaula, I.T. May 4th, 1907

Hon. J. George Wright

U.S. Ind. Inspector

Muskogee, I.T.

Dear Sir:

Some of our fullblood Indians are continually asking what has been, or is to be done about their claim for pay for self-emigrant as they call it. They say persons whose claims were made out by your office at this place at the same time theirs were, have long since been paid by the department while theirs remain unsettled.

They wish to know what they may expect of this matter, and I write to ask that you write me so I may give them the desired information when they next ask me.

Respectfully,

G.W.Grayson.

(Endorsed) Union Agency No. 63691 Received May 6, 1907 Office of U.S. Indian Inspector for Indian Territory. Eufaula, I.T. May 4, 1907 G.W. Grayson----Asks when the full bloods may expect pay for self emigrant claim----



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The Honorable

House of Kings and Warriors.

Gentlemen:

A representative of the Dawes Commission is here for the purpose of securing additional evidence in cases wherein applications have been made for enrollment.

I am informed by said representative that the evidence in these cases, now before the Commission, is not sufficient.

These applications embrace members of every town in the Creek Nation. The Commission earnestly requests that each King and Warrior call at the Supreme Court Room and furnish such information as they may have in order that these cases may be cleared up.

I urge upon each member the importance of giving this matter their attention.

P.Porter

Principal Chief.