

SUPERINTENDENT

FOR

FIVE CIVILIZED

TRIBES

CREEK

VOL. 7

FOREMAN  
TRANSCRIPTS

Copies of

M A N U S C R I P T S

In the Office of the

SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES

MUSKOGEE, OKLAHOMA

Creek - Agricultural Leases  
Creek - Asylums (Orphan)  
Creek - Attorneys  
Creek - Constitution & Laws  
Creek - Courts  
Creek - Doctors  
Creek - Elections  
Creek - Estrays  
Creek - Ferries & Toll Bridges  
Creek - Intruders  
Creek - Land Division  
Creek - Licenses (Attorneys)  
Creek - Minerals

Compiled from original records

selected by

GRANT FOREMAN



**CREEK - AGRICULTURAL LEASES**



D E P A R T M E N T O F T H E I N T E R I O R,  
Washington,

December 11, 1899.

The Acting Chairman of the  
Commission to the Five Civilized Tribes,  
Muscogee, Ind.Ter.

Sir:

The Department is in receipt of your telegram of the 8th instant, recommending that the Department rules and regulations governing the renting and selection of prospective allotments, issued October 7, 1898, be amended so as to permit agricultural leases to be made in the Creek Nation for three years. You state that "a restriction of agricultural leases to one year will practically prohibit the renting of lands for agricultural purposes, not sufficient time being given to warrant tenants in cultivating farms agricultural leases afforded citizens most income and induce most to development of the country."

Said telegram was referred to the Commissioner of Indian Affairs, for consideration, early report and recommendation.

I am now in receipt of his report, dated the 9th instant, in which he quotes from said rules and regulations as follows:

"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  
7705.



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."

He further states that he does not understand it to be the policy of the Government to encourage Indians in the matter of leasing their prospective allotments, but rather to encourage each Creek "to cultivate his allotment." Reference is also made to the fact that your commission "is now conducting the census of the Creek citizens, and it would seem that the allotment of lands in the Creek Nation may be completed within three years." He recommends that you be advised that the Department does not deem it expedient to permit Creek citizens to lease their prospective allotments for a period longer than one year.

Before taking final action in the matter, the Department desires a further report from your commission relative to the probable time that it will take to complete the census and the allotting of lands to the Creek Indians.

Your attention is also called to the fact that an estimate has been made looking to the appraisal of all the lands under the act of Congress of June 28, 1898 (30 Stat., 495) within one year, and you are invited to report in connection with other matters whether there might not be more difficulty in allotment of lands if the same are under lease for the period of three years. An early report is desired.



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

Respectfully,

Thos. Ryan

Acting Secretary.

Ind.Ter.Div.  
3599-1899.  
1 inclosure.

(Endorsed) Union Agency No. 7705 Commission to Five Tribes Received  
Dec.18,1899.Ryan,Thomas, Act.Secy.Department Int. 12/11/99----  
Pertaining to Dawes Commissions telegram, relative to "extension of  
time on agricultural leases in Creek Nation to three years accom-  
panied by conclusions of Indian Commissioner respecting same.----



F.

## DEPARTMENT OF THE INTERIOR,

Washington.

March 10, 1900.

United States Indian Inspector  
for the Indian Territory,  
Muscogee, Indian Territory.

Sir:

I am in receipt of your communication of the 6th instant, enclosing therewith a letter from the United States Indian Agent for the Union Agency to the Commissioner of Indian Affairs, forwarding a petition addressed to the Chairman of the Committee on Indian Affairs, House of Representatives, signed by numerous citizens of the Creek Nation, requesting that they be put in possession of their respective allotments, and insisting that if they are forced to resort to the courts to obtain possession it will involve delay, litigation, cost and worry and to the poorer class of Indians be practical denial of justice.

Reference is made in your communication to the notice issued by you to noncitizen renters in the Indian Territory, dated the 10th ultimo, requiring them to relinquish possession of lands held by them in the Indian Territory, and also to the opinion of the Assistant Attorney General for this Department dated the 5th ultimo, which was approved by me on the same date, and suggesting that you be directed to instruct the Indian Agent to investigate cases submitted to him and whenever he finds "that noncitizens are retaining possession of lands of any individual



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Indian without any contract, lease or right, that he notify them to that effect and, if necessary, dispossess him."

You further state that from your past experience you believe that if such authority be given the Agent there will be no friction as all parties will fully understand the situation.

The Commissioner of Indian Affairs on the 8th instant transmitted your said report, and recommends that you "be authorized and directed to remove all non-citizens from lands held by them in the Indian Territory where, after investigation by the Indian Agent, it is found that the land is claimed by some person who is entitled to an allotment thereof and where it is further found that the non-citizen in possession thereof has no legal right or authority to remain there."

Said recommendation of the Commissioner is approved, and a copy of his said report is enclosed herewith.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.  
895-1900.  
1 enclosure

(Endorsed) Union Agency No. 657. Received Mar. 20, 1900. Office of U. S. Indian Inspector for Indian Territory. Washington, March 10, 1900. Secretary---Agent to remove non-citizen renters after investigation where they have no right under Sec. 3.



Muskogee, I. T.  
Aug. 28, 1902.

Mr. Robert L. Owen,  
Muskogee, I.T.

Dear Sir:-

I am in receipt of your communication of the 25th inst. in which you give me the information that you have considerable tracts of land near Catoosa with a view of putting under cultivation on seven years lease, the agreement of May 25, 1901. Just following you waive the question of the validity of such leases but I think proper under the circumstances to say to you very frankly that no lease for a term of seven years could be legally made under the agreement of May 25, 1901.

Sec.37 of the agreement of May 25, 1901, under which leases may be made, reads as follows: "Creek citizens any lease allotments, when selected for a term not exceeding one year," Therefore, it would be seen that no lease could be legally made, under the agreement of May 25, 1901, for a period of seven years.

You say that many of the allottees have the impression that seven year leases are invalid. In any judgment, there is no question that their impressions are correct.

In the matter of breaking their contracts, the contracts are void when made for a period longer than one year, hence there is no contract for them to break but in the cases where they have received money in sums exceeding the use of the land for the time they have been held by the lease, my advice to them has been to  
--press book P.Porter.letter 248.--

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-2-

return the money or renew the lease of the land for such term as will fully repay the lessor for the expenditures made by him.

I have invariably advised my people, even where advantage has been sought to be taken, that they should be honorable and if they have accepted any man's money to return him value received by renewing the lease for such term as would fully compensate the lessor for all improvements made or money paid.

Now, the provision has been made under the agreement of June 30, 1902, in Section 17, which reads as follows: "Creek citizens may lease their allotments for a term not exceeding five years for strictly non-mineral purposes." Where is it acceptable to both parties and the things stipulated in the contract to be done are in process of fulfillment, contracts could be made under the foregoing provision in the treaty for a term of five years, thus being in harmony with the law governing leases.

I advise my people to take this course in the matter under such circumstances, and my people as a general rule are desirous of following this course.

Yours very truly,

P. Porter.



Muskogee, I.T. Sept. 2, 1902

Mr. Amos Harjo,

Wetumka, I.T.

Dear Sir:

I am in receipt of your letter of August 30th and in reply will advise you that I have transmitted your letter to Hon. J. Blair Schoenfelt, United States Indian Agent, in which you call attention to a certain white man to whom you have contracted a part of your allotment and in which you charge him with violation of contract and threats against your life, with request that he take such steps as will rectify the matter.

Agent Schoenfelt is out of town at present and will not return for some days, but so soon as he returns I will personally make explanation of the matter as I understand it from your letter. It will be necessary for you to write the statement you have made to me to Agent Schoenfelt, giving the name of the white man and the description of the land you actually rented to him, and it might be well to forward to him the contract itself, and if the contract is not in accordance with the law, it will be set aside and you will be placed in full possession.

Respectfully yours,

P.P.



Muskogee, I.T. Sept. 2, 1902

Hon. J. Blair Schoenfelt,

Muskogee, I.T.

Dear Sir:

I herewith transmit to you a letter from a Creek citizen by the name of Amos Harjo, which is self-explanatory. I have written him to forward you the name of the white man he charges with violation of contract and making threats on his life, as well as a full description of the land which he rented or leased and have advised him that should you find the contract was not in conformity with the law that he would be placed in full possession and the contract set aside.

Respectfully yours,

P.Porter,

Principal Chief.



Muskogee, I.T., Sept. 4, 1902.

Watty A. Palmer,

Holdenville, I.T.

Dear Sir:

I am in receipt of yours of the 2nd inst. in which you ask my opinion as to blank form of lease. In reply I will state that I regard the lease as one that no Creek citizen should make. In the first place, the compensation for the use of the land in money and improvements to be put on same under the provisions of such a lease, are entirely inadequate, and the further provision to turn over the things to be done, which are stated in writing, is but a small portion of what will be required to put it in a good state of cultivation with suitable houses, outhouses and farm fixtures, the result of which will be at the expiration of the lease the allotment encumbered with debt that will probably take five years to release the lessor and give full and unrestricted possession. The almost certain ending of such a lease would be a controversy in the courts in which the Indian allottee would lose not only his rental but more than probable his land. I would not advise any citizen to make any lease that makes any provision beyond the term of leasing. In point of fact, the Treaty prohibits the making of leases of such character.

Respectfully yours,

P.Porter.

(Endorsed) Union Agency Press Book, General letters by Pleasant Porter. Letter 267. Muskogee, Oklahoma.



DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D.5544-1902.

September 6, 1902.

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

Sir:

The Department is in receipt of your communication dated September 2, 1902, inclosing a copy of a letter addressed by you to the United States Indian Agent for the Union Agency, Indian Territory, calling his attention to the unsatisfactory manner in which the Creek citizens were being induced to rent or lease their allotments, and in some cases their sale.

You state that the Indian Agent has assured you that he in the main agrees with you in the suggestions made for the remedying of such conditions, and you desire that the matter be given immediate attention by the Department.

You are informed that it would have been more in accordance with the rules and practice of this Department if you had addressed your communication to the Secretary of the Interior in the first instance.

The Department has not received any report from the Indian Agent but has this day advised him to transmit a report upon your said communication, through the United States Indian Inspector, in the usual manner.

4756.



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It would hardly be necessary for the Department to advise you that it earnestly desires to execute the terms of the Creek agreement as set forth in the Act of Congress approved June 30, 1902 (32 Stats., 500), so far as it has jurisdiction over the matters contained in said agreement.

Upon receipt of the report of the United States Indian Agent you will be further advised of the views of the Department.

Respectfully,

E.A. HITCHCOCK,

Secretary.

(Endorsed) Union Agency No.4756 Received Sept.15,1902 Office of U.S.Indian Inspector for Indian Territory Washington,Sept.6, 1902.Secretary.-----Should direct Indian Agent to submit report on letter of P.Porter relative to manner in which Indians are induced to rent or lease their allotments, etc.-----



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

Mr. J. Blair Schoenfelt,

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

Dear Sir:-

Mr. John Davis, of Broken Arrow, a Creek citizen, states that his son Tommie Davis, did, during his lifetime, file upon the S. E. 1/4 of Sec. 12, Township 18, Range 14--160 Acres, and rented said described allotment to one Mr. Lester, a non-citizen, for a term of six years in the latter part of 1901. The purpose of the lease was to put the allotment under cultivation and erect some houses. Said Tommie Davis, shortly after making such lease, died and Mr. Lester, without doing as provided in the contract, sold the contract to a Mr. Crawford. The allotment was without improvement and sometime after his son's death he visited the place and found a Mr. Crawford claiming possession and Mr. Crawford claimed he had paid Mr. Lester something for the lease and that Mr. Lester had paid to his son \$25 as part payment of rental. Mr. Lester claimed that he should be compensated for this and that if he would allow him to use the land until September 30th for the purpose of grazing sheep then he would vacate the allotment and not dispute possession of it.

During this summer Mr. Crawford has placed the possession of the allotment in a new man who, without my knowledge, I living in a different section of the country, has broken up something like a 100 acres of the allotment. Mr. Crawford no doubt claimed the full term of the lease that my son had made. The lease

--Press book P.Porter.Ltr.270.--



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having been made before the adoption of the Supplemental Treaty, was illegal and void by its terms.

Now, Mr. John Davis makes request that he be placed in immediate possession of his son's allotment, he being the only heir to his son's estate he having no children, and the person now in possession be removed therefrom as he is a trespasser and under contract with no person interested in the estate.

I would respectfully request that you investigate this case and place Mr. Davis in possession of his son's allotment. I think it of a character that an example should be made of.

Respectfully yours,

P. Porter,

Prin.Chief.

(Endorsed) Union Agency Press Book, General letters by Principal Chief. Letter 270. Muskogee, Oklahoma.



## DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 6044-1903.

August 8, 1903.

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

Sir:

The Department acknowledges receipt of your letter of July 24, 1903, transmitting a copy of the decision of the United States Court for the Western Judicial District of the Indian Territory, in the case of Evans Brothers vs. the United States Indian Agent and Henry Hutton.

It was stated in said decision that it was not thought that Congress ever intended that parents in the Creek Nation, who are designated as natural guardians, should have the right, without regard to the rights or interests of their minor children, to rent their allotments without the direction of the court, and take the proceeds to pay their private debts.

Referring to Section 17 of the supplemental Creek agreement, the court also stated that if it is urged that at least the verbal agreement would be good as against Hutton, there are two objections to that position.

The first is, that at 40 cents an acre, the allotment of Hutton would produce an income of \$64.00 a year, and if that held until the payment of this \$1004.59, it would operate as a lease of the estate for upwards of fifteen years.



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"The second objection is that it is void under the statute of frauds."

"I cannot imagine a case that can arise which will more forcibly illustrate the necessity of requiring guardians to present leases for approval here in the Creek Nation than the case under consideration. Plaintiffs in their bill aver that defendant Hutton is insolvent today, and that a judgment cannot be recovered against him. Notwithstanding the fact that ever since the day that this splendid estate of more than one thousand acres was turned over to the possession of this natural guardian, he has received the income upon it, yet today he is unable, by reason of his insolvency, not only not to carry out his own contracts, but to pay into court the money which the land of his minor children has earned for them and not him."

A copy of the Acting Commissioner's letter of August 4, 1903, transmitting your report, is inclosed herewith.

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

(Endorsed) Union Agency No. 7070 Received Aug. 15, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, Aug. 8, 1903. Secretary.-----Received letter forwarding decision of Judge Raymond relative to parents leasing land of their minor children.-----



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

ITD 7688-1903.

WHR.

November 2, 1903.

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

Sir:-

October 14, 1903, you reported relative to a communication from the United States Indian Agent, Union Agency, Indian Territory, submitting a contract executed August 2, 1902, by Sukey Tiger, a Creek allottee, and R. O. Harmon, covering a term of five years from January 1, 1903.

This contract was executed prior to August 8, 1902, the date the President proclaimed the ratification of the agreement with the Creek Nation contained in the act of June 20, 1902 (32 Stats., 500).

The Agent states that in a recent decision of the U. S. Court for the Western District of the Indian Territory, it was held that said agreement was not in force or effect until the date of the President's proclamation, and as a great many complaints are being made to his office by allottees who ask to be placed in possession of their lands where leases of this character have been entered into dated prior to August 8, 1902, he requests that he be advised as to the action that should be taken.



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You report that you find that the court has made such ruling as that mentioned but no written opinion was rendered.

You recommend that in view of section 19 of said agreement with the Creek Nation, which provides that allottees shall be placed in unrestricted possession of their lands, and that the Secretary of the Interior shall, through the Indian Agent, protect such allottees in their right to possession, and against any person claiming under any lease, agreement, or conveyance, not obtained in conformity to law; and as in view of said ruling of the court it would appear that the leases referred to were not made in conformity to law, that you be instructed to advise the Agent to remove the persons claiming under such leases, and place the allottees in possession.

Reporting in the matter October 27, 1903, the Commissioner of Indian Affairs states that it appears that the lease in question was made before the Creek agreement became effective, according to the holding of the Court for the Western District, although the lease did not go into effect until the first day of January, 1903. He expresses the opinion that the Agent, upon the request of the allottee and upon proper showing being made, should remove the alleged lessee from the land. He states, furthermore, as the lease seems to have been made by Sukey Tiger for and on behalf of Annie and Legus Tiger, presumed by him to be her minor children, it is void under the



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ruling of the Court for the Western District in the recent case, unless it should be shown that Sukey Tiger complied with the statutes of Arkansas relative to the leasing of lands belonging to minors.

The Department concurs in the recommendation of the Commissioner and you are authorized to instruct the Agent accordingly.

A copy of the lease and papers attached thereto are inclosed herewith, together with a copy of the Commissioner's letter.

Respectfully,

Thos. Ryan.  
Acting Secretary.

2 inclosures.

(Endorsed) Union Agency # 7857 Received Nov. 7, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, Nov. 2, 1903. Secretary. Relative to five year lease between Sukey Tiger, a Creek allottee and R. O. Harmon, executed prior to time sup'l agreement became effective; holds it is not valid and allottees should be placed in possession.



December 8, 1904

Hon. J. Blair Shoenfelt,

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

Sir:

Statement is made by Thomas Adams, Chief of Hillubee Town, that Mrs. Annie Baker did, in his presence, contract to liquidate or settle a mortgage made by her to Ben Lafayette on certain property, by renting to him the use of a certain allotment belonging to her son, Henry Baker, the description of which allotment is "S.W. 1/4 of S.W. 1/4 of Sec. 24, and the W. 1/2 of the N.E. 1/4 of the N.E. 1/4 and the N.W. 1/4 of the N.E. 1/4 and the E. 1/2 of the N.E. 1/4 of the N.W. 1/4 of Section 26, Township 11 N., and Range 16 E." Said Lafayette was to have the use of the land for one year and at the end of that time was to pay Annie Baker \$15.00 over and above the liquidation of the debt. Mrs. Baker made the mortgage and in lieu of same received goods. Ben Lafayette now refuses to return the allotment and also refuses to pay the rent in excess, or \$15.00, which he promised to do, neither will he give her receipt for the payment of the mortgage, claiming that she still owes him.

I would respectfully request that you investigate this matter and cause him, if possible, to return her the mortgage and pay her the balance of the rent, giving possession of the land.

Respectfully,

P. Porter,

Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 528. Muskogee, Oklahoma.



January 4, 1905

Hon. J. Blair Shoenfelt,

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

Sir:-

Tom Harjo, of Wetumka, I.T., makes the following statement, which is verified by the records: That Thomas Bruner filed on the N.E. 1/4 of the N.E. 1/4 of Sec. 16, Twp. 9, Range 11 and the S. 1/2 of the N.E. 1/4 of Sec. 9, Twp. 9, Range 11 for his step-daughter, Losanna Bruner and on the S.E. 1/4 of Sec. 9, Twp. 9, Range 11, for his wife, Mekey Bruner, who is the mother of Losanna Bruner, and both of whom have since died without heir. That Thomas Bruner had no children by Mekey Bruner; that Losanna Bruner was the daughter of Tiiothluppe; that the only living relative and heir of Tinthuppe is a brother, Tommy Harjo, who makes the above statement.

Thomas Bruner, has without any authority of law and not being an heir of these allottees, rented both allotments to a man by the name of Houston or Osborne, a merchant in Wetumka. Upon a part of the allotment of Losanna Bruner is situated the graveyard of Tommy Harjo and his relatives.

This merchant at Wetumka who claims to have rented these allotments now demands possession from Tommy Harjo who is in possession and the rightful heir to both allotments. He requests that I make this statement to you and asks that you notify these parties to desist from disturbing him in the possession of his rightful property. Please give this your immediate attention as they may give him annoyance in the matter.

Respectfully,

P. Porter,

Prin. Chief.

--P. Porter press book. 1tr. 534.--



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(Endorsed) Union Agency press book. Letter 534, Muskogee, Oklahoma.  
General Letters by Principal Chief.



CREEK - ASYLUMS (ORPHAN)



## A N A C T

Appropriating \$600.00 to purchase clothing  
for orphans at Creek Orphan Home.

BE IT ENACTED by the National Council of the Muskogee Nation:  
The sum of Six Hundred Dollars (\$600) be and the same is hereby  
appropriated for the purpose of purchasing clothing for the  
orphans at the Creek Orphan Home.

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.

Adopted Nov. 5, 1900

A.P. McKellop  
Clerk.

Amos McIntosh  
Speaker, House of Warriors.

Concurred in Nov. 5, 1900

Lee McNevins  
Clerk.

T.W. Perryman  
President, House of Kings.

Approved Nov. 5, 1900

ATTEST:

W.S. Fears  
Acting Private Secretary.

P. Porter  
Principal Chief.



DEPARTMENT OF THE INTERIOR  
United States Indian Inspector

For  
D-1423-'00  
Act No. 36. 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 \$600 to purchase clothing  
for orphans at the Creek Orphans Home",

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

Very respectfully,

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



Muskogee, Indian T.,

July 12, 1902.

Reverend J. F. Thompson,  
Tahlequah, Indian T.

Dear Sir:

I am in receipt of yours of the 9th instant, relative to securing a position as principal teacher in the Creek Orphan Home near Okmulgee.

Mr. Gregory, Superintendent of Public Instruction, and Miss Alice Robertson, Supervisor of Schools, has control of the appointment, but I do not know how far they have advanced in making such appointments. However, I will take pleasure in speaking a good word for you, and unless the appointments are already made, you will have the same opportunity as other applicants.

Yours very truly,

P. Porter.



## A N A C T

October 24, 1902.

Making appropriation in favor of Spaulding-Hutchison Mer. Co.

- - - - -

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 Eighty-five and 5/100 (~~\$~~83.05) Dollars, in favor of Spaulding-Hutchinson Mercantile Company, for supplies furnished the Creek Orphan Home.

Said amount to be paid out of the general funds of the Muskogee Nation, under such rules and regulations as may be prescribed by the Secretary of the Interior for the disbursement of Creek funds.

Adopted October 24, 1902.

Lee McNevins  
Clerk.

T.W.Perryman  
President House of Kings.

Concurred in October 24, 1902.

A.P.McKellop  
Clerk

Amos McIntosh  
Speaker House of Warriors.

Approved October 24, 1902.

P.Porter,  
Principal Chief Muskogee Nation.

(Endorsed) Union Agency, Muskogee, Oklahoma--a-105--Pleasant Porter's general letters.



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

Mr. Johnson E. Tiger,  
 Supt. Creek Orphan School,  
 Okmulgee, I.T.

Dear Sir:-

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

1366	Johnson E. Tiger, Supt,	to use for school purposes	\$169.96
1280	Parkinson-Trent Mer.Co.,	Supplies,	443.35
1281	Parkinson-Trent Mer Co.	Supplies,	556.23
1282	F. B. Severs,	Supplies,	23.90
1283	S. P. Rorrison,	Supplies,	9.65
1284	Pickering Bros.	Supplies,	24.12
1285	Morton Bros.	Supplies,	193.65
1286	Harrison Butterine Co.,	Supplies,	18.75
1287	Y.W.Kennedy,	Prin.Teacher,	23.35
1288	Mabel Hall,	Asst.Teacher,	21.00
1289	Lena B. Tiger,	Matron,	90.00
1290	Mollie Jefferson,	Seamstress,	14.00
1291	Kate Wilson,	Matron,	16.00
1292,	Killie Robison,	Cook,	17.00
1293,	H.C.Beckman & Co.,	Supplies,	45.70



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

Respectfully,

P.Porter,

Prin.Chief.

(Endorsed) Union Agency Press book, general letters, by Principal Chief.Letter 320.Muskogee,Oklahoma.



DEPARTMENT OF THE INTERIOR,  
United States Indian Service,

Office of Superintendent of Schools for Indian Territory.

Muscogee, Ind.Ter.

Jan.9,1905.

Supt. Cheesie McIntosh,

Checotah, I.T.

Dear Sir:

I enclose a letter from Supt.Kennedy. There is so much little repair jobs needed there that I am of the opinion it would be advisable to authorize Mr. Kennedy to employ some good workmen by the day.

Return this letter with your recommendations.

Miss Robertson quit us today.

Yours truly,

John D.Benedict,

Supt &c.

Supt.J.D.Benedict:-

I think your plan to do the work on the Orphan Home Bldg by the day a good one. Give Mr.Kennedy such instructions as you may deem suitable and the work may proceed.

Yours very respectfully,

Cheesie McIntosh,  
Supt.Creek Schools.

(Endorsed) Union Agency No.15 Jan.9,1905 John D.Benedict-to Cheesie McIntosh----Concerning repair work to be done at Creek Orphan Home.---



BE IT ENACTED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION: That there be, and is hereby, appropriated the sum of Three Hundred Seventy-five (\$375.00) Dollars, out of the general funds, not otherwise appropriated, in favor of Joseph Howard, being for services rendered as Superintendent of the Colored Orphan Home for the first, second and third quarters of the scholastic year of 1897-1898.

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

A D O P T E D    October 19, 1900.

A.P. McKellop  
Clerk.

Amos McIntosh  
Speaker, House of Warriors.

C O N C U R R E D    I N    October 19, 1900.

Lee McNevins  
Clerk.

T.W. Perryman  
President House of Kings.

A P P R O V E D    October 19, 1900.

P. Porter  
Principal Chief.

ATTEST:

W.S. Fears  
Acting Private Secretary.



DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector  
For

Indian Territory,

D-1360.  
Act No.2.

Muskogee, Ind.T., Nov.30,1900.

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

Sir:

You are respectfully advised that the act of the National Council of the Creek Nation approved by yourself on October 19, 1900, and entitled-

"An act making an appropriation in favor of Jos.Howard",  
- was submitted by the Honorable Secretary of the Interior to the President of the United States for executive action on November 15 1900, was duly approved on the 16th instant and has been placed on file in the Office of Indian Affairs, at Washington.

J.Geo.Wright,

U.S.Indian Inspector,  
for Indian Territory.

(Endorsed) Union Agency, Muskogee, Oklahoma. No. 8.General letters,  
Pleasant Porter.



## A N A C T

Making appropriation in favor of Howard Jenkins.

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

That there be and is hereby appropriated, out of the General Fund of the Muskogee Nation in favor of Howard Jenkins, the sum of One hundred and twenty-five dollars, being for services rendered as Principal Teacher, Colored Orphan Home, September 5th, to November 15th, 1899.

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

Adopted November 23, 1901.

Lee McNevins  
Clerk

John R. Goat  
President House of Kings, Pro Tem.

Concurred in November 25, 1901.

A.P. McKellop  
Clerk.

Amos McIntosh  
Speaker, House of Warriors.

Approved November 26, 1901.

P. Porter,  
Principal Chief.



DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector

For

Indian Territory,

D 3389-1902

Muskogee, Ind.T.,

Jan.25,1902.

Honorable P.Porter,

Principal Chief, Creek Nation,

Muskogee, Indian Territory.

Sir:-

I have to respectfully advise you that the act of the National Council of the Creek Nation, approved by yourself on November 26,1901, and entitled "an act making an appropriation in favor of Howard Jenkins," was submitted by the Department to the President for executive action on January 13,1902, and was duly approved on January 16th.

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.



## EXECUTIVE OFFICE.

Muskogee Nation.

Okmulgee, Indian Territory,

December 7, 1901.

I.P.Porter, Principal Chief of the Muskogee Nation, do hereby certify that the foregoing is an act of the National Council, of said Nation, passed at its regular session of October, 1901, and approved by me in my official character on November 26, 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 16, 1902.  
T.Roosevelt.

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



## EXECUTIVE OFFICE.

Muskogee Nation  
P.Porter, Principal Chief.

Okmulgee, Ind. Ter.

December 10, 1903.

To the Houses of Kings and Warriors of the Muskogee Nation,

In Council assembled:

Gentlemen:

I herewith submit for your consideration the necessity of making an appropriation with which to purchase clothing for the inmates of the Creek Orphan Home and the Colored Orphan Home for the year of 1904.

The amount necessary is nine hundred dollars for the Creek Orphan Home and three hundred dollars for the Colored Orphan Home, together twelve hundred dollars.

Accompanying is a draft of an act making appropriation for the same.

Very respectfully yours,

P.Porter,

Principal Chief.



Committee Room

Dec. 3, 1902.

To the National Council  
of the Muscogee Nation,  
Gentlemen:

We your Committee on Education to whom was referred the report of Johnson E. Tiger, Supt. of Creek Orphan Home, suggesting an appropriation for clothing be made for the year of 1901-02-and 1903, beg leave to report.

After investigating this matter we find no appropriation was made for clothing for the year of 1901-02 for neither the Creek Orphan Home or Colored Orphan Home, we therefore find it necessary to appropriate a sufficient amount to cover the present need of the said schools.

We therefore recommend appropriations for each of said schools as follows to-wit:

Creek Orphan Home	\$900.00	Colored Orphan Home	\$400.00
Making a total of	-----		1300.00

of which we respectfully submit and request your Hon. Body's adoption of the accompanying Act. We are,

Very respectfully,

Chas. Coachman.

Chairman, Educational Committee.

H. M.B. Clk.

----Pleasant Porter a-93----



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

That there be and is hereby appropriated the sum of \$900.00 in favor of Creek Orphan Home \$400.00 in favor of Colored Orphan Home, making a total of \$1300.00. The sum to be paid out of the Gen. fund, under such rules and regulations as the Secretary of the Interior may prescribe for the disbursement of Creek funds.

Adopted 12/3/1902

Amos McIntosh

Sp. H. of W.

A.P. McKellop  
Clerk.

Concurred in 12/3/1902

Lee McNevins  
Clerk.

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



EXECUTIVE OFFICE.

Muskogee Nation

P.Porter,Principal Chief.

Muskogee, I.T.,

Dec.10,1902.

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, <sup>Act</sup>Ad of the National Council, approved by me on December 3,1902, appropriating \$1300 with which to clothe the inmates of the Creek and Colored Orphan Homes of the Nation. The matter of this appropriation was investigated by the proper committee of the Council, when it was found that no previous action has been taken and that said schools are in need of money with which to procure clothing for inmates.

Respectfully,

P.Porter

Prin.Chief Muskogee Nation.







CREEK - ATTORNEYS



## DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington. January 5, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Enclosed herewith is a report of December 21, 1898, from Inspector Wright, who invites attention to the provisions of the act of June 7, 1897, which require that all acts, ordinances, and regulations of the Council of either of the Five Civilized Tribes be certified immediately upon their passage to the President of the United States and shall not take effect if disapproved by him or until thirty days after their passage, and states that in an interview with the Principal Chief of the Creek Nation, in November last, he was informed that the Council of said Nation, at a special session in January, 1898, appropriated \$20,000 for the purpose of employing counsel to test the right of Congress to require the submission of acts for approval by the President and that the firm of Stuart, Lewis, Gordon, and Rutherford, of South McAlester, Indian Territory, were engaged and a contract entered into with them for the purpose; also that of the \$20,000 appropriated, the sum of \$10,000 has been paid to Messrs. Stuart, Lewis, Gordon, and Rutherford in part payment for their said contract; also that the appropriation act referred to was not submitted for the approval of the President, as by so doing, it was considered that the Creek Nation would recognize the validity of the law which it was proposed to contest and he was advised not to present it as in all probability it would be disapproved.



Inspector Wright states too that he understands that warrants were issued for the payment of \$10,000 to the attorneys mentioned, but that they were subsequently recalled by the Treasurer of the Creek Nation and exchanged for an equal amount of good warrants which had previously been issued and turned back into the treasury of the Creek Nation in payment of debts due and should have been cancelled when returned to the Treasurer and not reissued as stated.

Mr. Wright enclosed with his report a letter by the U. S. District Attorney on the subject, in which the principal facts states by Mr. Wright are repeated.

This matter presents a very grave situation. These attorneys appear to be among the most influential members of the bar in the Indian Territory, and their action in this instance would indicate that as to this matter especially their advise to their clients is not only not for the upholding of the law, but is rather in the nature of sharp practice and in contravention of law. In the first place, the contract between Mr. Stuart and his associates and the Creek Nation for the purpose for which this contract was made was absolutely null and void unless approved by the Commissioner of Indian Affairs and the Secretary of the Interior in accordance with the provisions of section 2103 of the Revised Statutes and both the attorneys and the authorities of the Creek Nation have laid themselves liable by the payment and receipt of this money, \$10,000, to prosecution under section 2105 of the Revised Statutes, besides an effort has been made to defeat the ends of the Government in dealing with these tribes of Indians.

Before recommending any action in the premises, I think



it would be better if Inspector Wright should be instructed that it is the desire of this Department to take vigorous action in this case and that it is wished that he make thorough and full investigation, obtaining all of the facts as nearly as possible, together with all papers bearing on these facts that can be secured, when on the receipt of his report with these papers, and statement of facts, the matter can be again considered and reported to the Department with recommendation.

As already above indicated, it is the belief of this office that Mr. Stuart and his colleagues, together with the authorities of the Creek Nation, can be prosecuted under section 2105 of the Revised Statutes on account of the payment and receipt of the money alleged to have been paid to him under this alleged contract which appears to be void. Besides this, a further penalty can be imposed by the Department in the removal of all parties interested from the Indian Territory under the provisions of Section 2149 of the Revised Statutes if the facts in the case appear to warrant such extreme measures.

I have the honor therefore to recommend that Mr. Wright be instructed to make a full, careful, and complete investigation of the matter and to report all facts with all papers bearing thereon, for the future action of the Department.

Very respectfully,

Your obedient servant,

W. A. Jones.  
Commissioner.

Murchison (L'e)



## DEPARTMENT OF THE INTERIOR.

WASHINGTON.

January 11, 1899.

Mr. J. George Wright

U. S. Indian Inspector  
for the Indian Territory.

Muscogee, I. T.

Sir:

I am in receipt of your communication of the 21st ultimo, making a report upon the action of the authorities of the Creek Nation in reference to the appropriation made by said Nation "of \$20,000 for the purpose of employing attorneys to test the right of Congress to require that Acts" be submitted to the President under the provisions of the Act of Congress approved June 7, 1897 (30 Stat., 62,84), and also relative to the payment of \$10,000 to the firm of Stuart, Lewis, Gordon & Rutherford, of South McAlester, I.T., under a contract made with said attorneys for the purpose of testing the constitutionality of said act of Congress.

You state that you "understand that warrants were issued for the payment of the \$10,000, but that the same were taken up by the Treasurer of the Creek Nation and exchanged for an equal amount of good warrants which were turned into the treasury of the Creek Nation in payment of debts due it, and which warrants should have been canceled (Sic) when paid into the treasury, and not again re-issued".

In transmitting your report the Commissioner of Indian Affairs refers to the statement made by you, and calls attention to the fact that "this matter presents a very grave situation. These attorneys appear to be among the most influential members of the bar in the Indian Territory, and their action in this instance would indicate that as to this matter especially their advice to their clients is not only not for the upholding of the



law, but is rather in the nature of sharp practice and in contra-vention of law", and he suggests that it would be better, before taking action in the premises, that you be advised "that it is the desire of this Department to take vigorous action in this case and that it is wished that he make a thorough and full investigation, obtaining all the facts as nearly as possible, together with all papers bearing on these facts that can be secured, when on the receipt of his report with these papers and statement of facts, the matter can again be considered and reported to the Department with recommendation."

The recommendation of the Commissioner is approved, and you will take the action therein suggested, and as soon as practicable make a report to the Department, through the Commissioner of Indian Affairs, of the result of your investigations. A copy of the Commissioner's letter is herewith inclosed for your information.

Respectfully,

Tho. R. Ryan.  
Acting Secretary.

Ind.Ter.Div.

35-1899.

Inclosure.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency # 104, Jan. 11, 1899, The Secretary directs to make full and thorough investigation as to Creek appropriation of \$20,000.00 for attorneys.



35-1899.

Ind.Ter. Office of the Assistant Attorney-General,  
WASHINGTON.

WCP

June 27, 1899.

The Secretary of the Interior,

Sir:

You have submitted to me certain papers in connection with a contract between the Creek Nation and Messrs. Stewart, Lewis, Gordon and Rutherford, for an opinion as to the applicability of Section 2103 Revised Statutes thereto.

By the terms of this contract, which bears date of March 3, 1898, Stewart, Lewis, Gordon and Rutherford agreed "to represent the Creek Nation in all matters pertaining to their interests and affecting their government before the Congress of the United States and the Departments at Washington, D. C., and especially to represent said nation in all habeus corpus matters now pending before the courts of the Indian Territory," in consideration for which they were to be paid \$20,000. This contract was to be in force "until the expiration of the next session of the next U. S. Congress," This contract was not submitted for the approval of the Secretary of the Interior and the Commissioner of Indian Affairs.

It is asserted by the Commissioner of Indian Affairs that this contract, unless approved as required by Section 2103 Revised Statutes, is absolutely null and void.

The attorneys interested have presented an argument in support of the validity of the contract, in which they discuss three propositions, as follows:



Are the provisions of Section 2103 of the Revised Statutes of the United States applicable to the Creek Nation of Indians and to the other tribes known as the Five Civilized Tribes?

\*\*\*\*\*  
Was Section 2103 of the Revised Statutes of the United States repealed by the provisions of Section 29 of the Act of March May) 2nd, 1890, entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes?

\*\*\*\*\*  
If Section 2103 of the Revised Statutes of the United States be applicable to the Five Civilized Tribes, and if it has not been repealed by the act of 1890, it applies only to a particular class of contracts and did not control or regulate the contract in question.

It is earnestly contended that said section 2103 never applied to the Five Civilized Tribes, that even if it be held that it did, it was repealed as to them, and that if neither of these propositions be sustained yet the contract in question is not of the character contemplated by said section. If this last contention be sustained it will be unnecessary to consider the other propositions.

Section 2103 Revised Statutes provides:

No agreement shall be made by any person with any tribe of Indians, or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to, annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows:

The first legislation upon this subject is found in the act of March 3, 1871 (16 Stat., 544, 570), which provided:

"That hereafter no contract or agreement of any kind shall be made by any person, with any tribe of Indians, or individual Indian not a citizen of the United States, for the payment of any money or other thing of value to him, or any other person, in consideration of services for said Indians relative to their lands, or to any claims growing out of or in reference to annuities from or treaties with the United States, unless" etc.



The act of May 21, 1872, entitled "An Act regulating the mode of making private contracts with Indians" (17 Stat., 136), is the same in this respect as the section of the Revised Statutes above quoted.

In argument upon this branch of the matter it is said:

Our contract with the Creeks was not a contract for the sale or lease of their lands, nor was it a contract to obtain anything of value from the United States government, and therefore, if we are correct in the position above taken, this contract does not come within the provisions of Section 2103. Our contract was simply to represent the Creek Government in the courts of the United States in regard to all questions of whatever kind which should affect them in these, and these services we have faithfully performed.

The wording of the contract does not justify this statement of its extent and limitations in respect to the services to be performed thereunder. These attorneys were to represent the Creek Nation "in all matters pertaining to their interests and affecting their government before the Congress of the United States and the Departments at Washington." This is broad enough to include matters within the purview of the law which mentions in the prohibited class services relative "to their lands, or to any claims growing out of or in reference to annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States." In the argument filed it is contended that a fair reading of said section discloses that it relates to but two classes of contracts. "First, contracts in consideration of services relative to Indian lands, and, second, contracts in consideration of services for the collection of any claims, annuities, installments, moneys, or demands from the United States Government." If, for the purposes of the present inquiry, this be accepted as a correct statement of the scope of the law, it must be held that this contract comes within the terms of said section. The terms of the



contract are such as to justify the Creek Nation in expecting and demanding services thereunder before Congress or the Executive Departments in all matters affecting their interests which would include "the collection of any claims, annuities, installments, moneys or demands from the United States Government." The contention, therefore, that this contract is not of the character contemplated by said Section 2103 Revised Statutes can not be sustained.

In support of the contention that said section 2103 was never intended to apply to the Creek Nation or the Five Civilized Tribes, it is pointed out that they hold their lands under a tenure different from other Indians, that they have established forms of government modeled upon the State governments, and a system of laws recognized by the United States. It is asserted that the right of these people to make contracts and agreements in respect to the possession and control of their lands under and in accordance with these laws has been recognized, and such contracts have been enforced by the courts of the United States without reference to the provisions of said section of the Revised Statutes, and numerous cases are cited in support of this assertion. This is undoubtedly correct. These people have entered into such transactions as are usual in an active business community. This fact does not, however, change their status as Indians not citizens of the United States nor except them from the provisions of a statute relating to that class of persons. Unless there be something in the treaties between the United States and the Creek Indians showing that it was not understood and intended that they should come within the provisions of said law, it must be held applicable to them. There is nothing in these treaties to show that it was intended that the provisions of said section 2103, as to services for them relative to "their lands or to any claims growing out



of or in reference to annuities, installments or other moneys, claims, demands, or thing under laws or treaties of the United States, or official acts of any officers thereof, or in any way connected with or due from the United States," should not apply to the Creek Indians. As pointed out above, the contract under consideration is broad enough to cover such services.

The decisions cited by the attorneys involved only contracts between individuals which did not in any manner relate to any matter specified in section 2103, and hence they are not in point here, where the contract does cover services in connection with such matters. Furthermore, the question of the applicability of said section 2103 was not discussed in any of those cases, nor was that section referred to in any manner. It is frankly stated in the argument that there has not been entire unanimity of opinion among the trial judges or lawyers of the Indian Territory upon the proposition of the applicability of said section to the Five Civilized tribes and that this question has not been determined by any appellate court having jurisdiction in said Territory.

In United States v. Crawford et al. (47 Fed. Rep., 561), it was held that said section 2103 applies to contracts with the Creek Nation, although it was found that the matter there involved was taken out of the general rule by a special act. The question is not discussed, but the court having under consideration a contract between the Creek Nation of Indians and certain individuals, cited the provisions of sections 2103, 2104 and 2105, and said:

All contracts or agreements made in violation of any of these conditions are null and void, and all moneys or other thing of value paid to any person by any Indian or tribe, or any one else for or on his or their behalf, on account of such services, in excess of the amount approved by the Commissioner of Indian Affairs and Secretary of the Interior for such services, may be recovered by suit in the name of the United States.



After a careful consideration of the matter I have reached the conclusion that this section did originally apply to the Creek Nation. There is nothing in the language to indicate an intention to except the Creeks or others of the Five Civilized Tribes, and they certainly come within the letter of the law.

It is confidently asserted that said section 2103 was repealed by section 29 of the act of May 2, 1890 (26 Stat., 81, 93). By that act the Territory of Oklahoma was erected, and as a consequence new limits were fixed for the Indian Territory. By section 29 the jurisdiction of the United States court established by the act of March 1, 1889 (25 Stat., 783), was limited to the Indian Territory, and it was provided:

That the court established by said act shall, in addition to the jurisdiction conferred thereon by said act, have and exercise within the limits of the Indian Territory jurisdiction in all civil cases in the Indian Territory, except cases over which the tribal courts have exclusive jurisdiction; and in all cases on contracts entered into by citizens of any tribe or nations with citizens of the United States in good faith and for valuable consideration, and in accordance with the laws of such tribe or nation, and such contracts shall be deemed valid and enforced by such courts.

A United States court for the Indian Territory was established by the act of March 1, 1889, supra, and was given jurisdiction "in all civil cases between citizens of the United States who are residents of the Indian Territory, or between citizens of the United States or of any state or Territory therein, and any citizen of or person or persons residing or found in the Indian Territory." The question as to the jurisdiction of said court is not important at this time. The only question to be determined now is as to whether a contract between the Creek Nation and individuals, presumably citizens of the United States, which is broad enough in its terms to include services for said nation of the class clearly prohibited by section 2103, and which was not executed and approved



as required by that section, is valid because of the provision in the act of May 2, 1890, that certain contracts named in that act shall be deemed valid. The contracts thus declared valid are those "entered into by citizens of any tribe or nations with citizens of the United States in good faith and for valuable consideration, and in accordance with the law of such tribe or nation." It will be noticed that this law refers only to contracts between individuals, while section 2103 Revised Statutes mentions specifically agreements with "any tribe of Indians" as well as those with individual Indians. Repeals by implication are not favored and only when it is plainly apparent that the latter act was intended to take the place of the former will it be held to operate as repealing such former law. Whatever may be the effect of the act of 1890 as to contracts between individuals, and for the purposes of this inquiry that question need not be considered, it is not clear that it was intended to change the rule laid down in said section 2103 as to contracts with Indian tribes.

No decision is cited, in the argument submitted, upon this question, and it is said that there has been a difference of opinion about it among the trial judges of the Indian Territory.

In the case of Thebo v. Choctaw Tribe of Indians (27 C.C.A. 657) Thebo had brought an action in the United States Court in the Indian Territory against the Choctaw Nation for fees alleged to be due him for professional services. The court cites the acts of March 1, 1889, and May 2, 1890, supra, and holds that neither of said acts conferred on the United States court in the Indian Territory jurisdiction of an action against the Choctaw Nation. In the course of the opinion the following language, which applies with equal force to all the Five Civilized Tribes, is used:



Being a domestic and dependent State, the United States may authorize suit to be brought against it. But for obvious reasons this power has been sparingly exercised. It has been the settled policy of the United States not to authorize such suits, except in a few cases where the subject matter of the controversy was particularly specified and was of such a nature that the public interests, as well as the interests of the nation, seemed to require the exercise of the jurisdiction.

It has been the settled policy of Congress not to sanction suits generally against these Indian nations, or subject them to suits upon contracts or other causes of action at the instance of private parties.

The civilized nations in the Indian Territory are probably better guarded against oppression from this source than the States themselves, for the States may consent to be sued, but the United States has never given its permission that these Indian nations might be sued generally even with their consent. As rich as the Choctaw Nation is said to be in lands and money, it would soon be impoverished if it was subject to the jurisdiction of the courts and required to respond to all the demands which private parties chose to prefer against it. The intention of Congress to confer such a jurisdiction upon any court would have to be expressed in plain and unambiguous terms.

If this ruling is to prevail it would necessarily follow that the United States court for the Indian Territory would not have jurisdiction to enforce the contract in question as against the Creek Nation. If it has not this jurisdiction then the contract in question was not of the class declared valid by the act. This decision if not binding upon the Department is at least persuasive. After a careful consideration of the matter I am of opinion that section 2103 Revised Statutes was not repealed by the act of 1890, Supra, as to contract with any of the Five Civilized Tribes in the Indian Territory.

The proposition to institute suit against said Messrs. Stewart, Lewis, Gordon and Rutherford, under the provisions of section 2103, to recover the money and evidences of indebtedness which they have received from the Creek Nation under said contract presents another question. That section, after prescribing the requirements to be met in the execution of contracts with Indians



for services of the character therein described, and declaring all contracts made in violation of said section null and void, provides as follows:

. . . . and all money or other thing of value paid to any person by any Indian or tribe, or any one else, for or on his or their behalf, on account of such services, in excess of the amount approved by the Commissioner and Secretary for such services, may be recovered by suit in the name of the United States in any court of the United States, regardless of the amount in controversy.

The contract in question is so broad in its terms as to include services not coming within the purview of the law as well as those clearly within that purview. I have no definite information as to what services have been performed by these attorneys. It is possible that none of the services actually rendered under this contract would come within the class described in said section 2103 Revised Statutes, and whether a recovery could be had under such circumstances would better be left to the courts.

The information furnished by the papers submitted is not sufficient to justify the expression of an opinion upon that question, but it seems proper to suggest it.

The papers submitted are herewith returned.

Very respectfully,  
(Signed) Willis Van Devanter  
Assistant Attorney General

Approved June 27, 1899:  
(Signed) E. A. Hitchcock,  
Secretary.



## DEPARTMENT OF THE INTERIOR.

## OFFICE OF INDIAN AFFAIRS.

WASHINGTON. July 8, 1899.

Mr. J. George Wright

U. S. Indian Inspector

Muscogee, I. T.

Sir:

By letter dated June 29, 1899, the Honorable Secretary of the Interior transmitted to this office a copy of an opinion of the Hon. Asst. Attorney-General for the Interior Department, rendered on the 27th ultimo, and approved by the Secretary, relating to a contract between Messrs. Stewart, Lewis, Gordon and Rutherford, Attorneys of the Indian Territory, and the Creek Nation of Indians, also an original letter dated June 29, 1899, from the Secretary to said Attorneys, requesting and demanding that they deliver to you for the use and benefit of the Creek Nation, all moneys, warrants, evidences of indebtedness and other things of value received by them directly or indirectly from the Creek Nation under said contract.

The letter to Messrs. Stewart, Lewis, Gordon and Rutherford is herewith enclosed and you are directed to deliver it to them and to make due report of what is done thereunder by yourself and the Attorneys. A copy of the opinion above referred to is enclosed herewith for your information.

Very respectfully,

W. A. Jones  
Commissioner.

(Endorsed) Union Agency # 263, received July 13, 1899, office of U. S. Indian Inspector for I. T., Washington, July 8, 1899. Commissioner. Sends letter to be delivered to Stuart, Lewis, Gordon and Rutherford.



35-1899.  
Ind.Ter.Div.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JUNE 29, 1899.

Messrs. Stewart, Lewis, Gordon  
and Rutherford.

Gentlemen:

I enclose herewith for your information a copy of an opinion dated the 27th inst., rendered by the Assistant Attorney General assigned to this Department, and approved by me, relating to the applicability of section 2103 of the Revised Statutes to a contract between yourselves and the Creek Nation, which contract purports to have been made March 3, 1898, and to have been approved by the Principal Chief March 9, 1898. This opinion was given after consideration of the matters presented in the papers accompanying the request, including a brief filed upon your behalf. Briefly stated, the opinion holds:

1st. That the terms of the contract, viz: "And in consideration of the sum of money hereinbefore mentioned, the party of the second part, Stewart, Lewis, Gordon and Rutherford agree to represent the Creek Nation in all matters pertaining to their interests and affecting their Government before the Congress of the United States and the Departments of Washington, D. C., and especially to represent (Sic) said Nation in all habeas corpus matters now pending before the courts of the Indian Territory," were such as to justify the Creek Nation in expecting and demanding from yourselves during the term of its continuance "services" before the Congress of the United States and the Departments at Washington, D. C., " "for said Indians relative to their lands, or to



any claims growing out of, or in reference to, annuities, instalments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States." and that to that extent the contract is one which comes within the prohibitive provisions of section 2103 of the Revised Statutes, and is null and void because not executed and approved as required by that section.

2nd. That section 2103 was intended to apply and does apply to contracts of the character named therein, amde (Sic) with the Creek Nation of Indians, one of the Five Civilized Tribes.

3rd. That section 2103 was not be section 29 of the act of May 2, 1890, (26 Stat., 81, 93), repealed or rendered inapplicable to contracts of the character specified in section 2103, when made with the Creek Nation, which is a tribe of Indians.

4th. That the contract in question includes services not coming within the purview of section 2103, as well as services clearly coming within that purview; that the character of the services actually performed under the contract is not disclosed, and that your amenability to suit brought in the name of the United States under the latter part of Section 2103 for the recovery of the money and evidences of indebtedness received by you from the Creek Nation under said contract should be left to the courts for judicial determination.

I now request and demand that, within ten days from receipt hereof, you surrender and deliver to Indian Inspector, J. George Wright, for the use and benefit of the Creek Nation, all the money, warrants, evidences of indebtedness and other things of value, received by you, directly or indirectly, from the Creek Nation, under



said contract. Please be kind enough to acknowledge receipt hereof.

Very respectfully,

(Signed) E. A. Hitchcock,

Secretary of the Interior.

Ind. Ter. Div.  
1856-1899 .  
1 Inclosure.



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

November 17, 1900.

The President,

Sir:

Herewith I transmit an act of the Creek or Muscogee National Council, approved by the principal Chief October 18, 1900, appropriating the sum of \$7,000 out of the general funds of the Nation to pay Messrs. Stuart, Lewis, Gordon and Rutherford, attorneys, for services heretofore rendered by them to the Creek Nation.

For the reason that these services were rendered under a contract coming within the provisions of section 2103 of the Revised Statutes, but which was not executed or approved as required by that section, I respectfully recommend that the act be disapproved.

This act has only come to my office today, and I find upon an examination of the statute (30 Stat., 84,) that if you concur in my recommendation that the act be disapproved it will be necessary for the disapproval to be made today, this being the thirtieth day after the passage of the act.

Very respectfully,

E. A. Hitchcock

Secretary.

(Endorsed) Union Agency # 1361 received Nov. 26, 1900 Office of U. S. Indian Inspector for I. T. Washington, Nov. 19, 1900, Secretary. CREEK Act for relief of Stuart, Lewis, Gordon & Rutherford, DIS-APPROVED.



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

November 19, 1900.

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

Sir:

The act of the Creek Nation approved by the Principal Chief October 18, 1900, was transmitted by you November 15, and by the Indian Office November 16, 1900.

Said act was disapproved by the President November 17, 1900, and it has been returned this day to the Commissioner of Indian Affairs for proper disposition.

Said bill declares:

"That there be, and is hereby, appropriated the sum of Seven Thousand (\$7,000.00) Dollars, out of the general funds of the Muskogee Nation, not otherwise appropriated, in favor of Stuart, Lewis, Gordon & Rutherford, attorneys at law, employed by authority of an act of the National Council of the Muskogee Nation, approved January 7, 1898; said sum, when paid, shall be full settlement of all claims against the Muskogee Nation under any contract which has been made under said act of the National Council approved January 7, 1898.

Said sum 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."

Departmental letter to the President and a copy of the report of the Indian Office are enclosed herewith. You will advise the proper officer of said nation of the action taken.

Respectfully,

Tho. R. Ryan.  
Acting Secretary.



March 1, 1901.

A N A C T

To provide for the prosecution of claims of the Muskogee Nation against the United States.

Be it enacted by the National Council of the Muskogee Nation, That the principal Chief is authorized to employ an attorney to represent the Muskogee Nation in the Court of Claims at Washington, and the Supreme Court of the United States in the prosecution of any claim, or claims the Muskogee Nation may have against the United States, the prosecution of which was authorized by section 27 of the agreement between the United States, and the Muskogee Nation which was ratified by Congress on the first day of March, 1901,.

Sec. 2, In any contract that the Principal Chief may make for services of an attorney for the Muskogee Nation, in the prosecution of claims, against the United States, it may be stipulated and agreed that the Court rendering the final decree in any case may fix the compensation to be paid the attorney for the nation, in the case at such sum as the court may deem just to be paid out of the amount recovered in such case, but not to exceed ten per centum thereof.

Sec. 3. To enable the Principal Chief to employ an attorney for the prosecution of said claims, and to pay the expenses of such prosecution and for any legal services to said Nation the sum of five thousand dollars is hereby appropriated, and the Principal Chief is authorized to draw warrants therefor to be paid out of the general funds of the nation.

Sec. 4. The act of the National Council of the Muskogee Nation, to authorize the employment of an attorney for the nation at five thousand dollars a year, approved by the Principal Chief, on the day of 1901, is hereby repealed.  
 -----Pleasant Porter--2-88-----



May 24, 1901.

24607-B

61

A N A C T.

To approve the employment of an attorney for the Muskogee Nation at Washington.

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

That the employment of William M. Springer by the Principal Chief as attorney and counselor of the Muskogee Nation to assist the Delegates of the Muskogee Nation to Washington and for professional services to the Principal Chief is hereby approved by the National Council of the Muskogee Nation. Such employment is to continue for a period of three years from the first day of January, 1900.

The Principal Chief is authorized to draw warrants to be paid out of the general fund of the Muskogee Nation, at the end of each six months during the continuance of this employment, at the rate of two thousand five hundred dollars a year.

Adopted May 24, 1901.

A.P.McKellop  
Clerk.

Amos McIntosh,  
Speaker, House of Warriors.

Concurred in May 25th, 1901.

Lee McNevins,  
Clerk.

T.W.Perryman,  
President, House of Kings.

Approved May 25, 1901.

P.Porter,  
Principal Chief.

(Endorsed) Union Agency, Muskogee, Oklahoma.--a-55---Pleasant Porters general letters.



Executive Office,

May 24, 1901.

The Members of the House of Kings & Warriors,

Gentlemen:

I herewith transmit to you, for appropriate action, "An Act to approve the employment of an attorney for the Musko-gee Nation at the City of Washington," and in doing so I cannot too strongly impress upon you the importance of passing this act, for the reason that it would be impossible to properly protect the interests of our Nation in the winding up of its affairs without the services of an able attorney at Washington. Judge Springer has already rendered the nation splendid service since his employment, as will be attested by the delegations to Washington in the negotiation of the present agreement.

The Seminole Nation appreciates the importance of being represented by a good lawyer, and has employed Mr. McKennon for a term of five years at an annual salary of five thousand dollars per annum; also the Choctaws and Chickasaws pay their attorneys ten thousand dollars per year.

Having the best interests of the nation at heart, as you have, I therefore earnestly recommend that you give to this act your favorable consideration.

Respectfully,

P. Porter,  
Principal Chief.

Read & Referred to H. of W. ---5/24/1901

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

L. McN.

Clk.

---Pleasant Porters general letters.---a-26----



## A N A C T

May 25, 1901

Making an appropriation to pay for the services of attorney at Washington.

Be it enacted by the National Council of the Muskogee Nation, that there is hereby appropriated to be paid out of the general funds of the nation, the sum of three thousand, six hundred and eighty-seven dollars and forty-eight cents, in full for the services of William M. Springer, attorney for the Muskogee Nation, from January 1st, 1900, to June 21st, 1901, being at the rate of \$2,500-per annum as authorized by act of the Muskogee National Council, approved May 25, 1901; that the Principal Chief is hereby authorized to draw his warrant for said amount, payable to the order of the said William M. Springer, and the said warrant shall be paid out of the general funds of the Muskogee Nation.



## A N A C T

Making appropriation of pay of National Attorney.

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 Five Thousand Dollars, to be used in paying the salary of National Attorney for the fiscal year ending December 31, 1901, or one year from the date of the approval of this act by the President of the United States.

Said sum to be paid under such rules and regulations as may be prescribed by the Secretary of the Interior, and in accordance with the provisions of the act of the National Council creating the office of a National Attorney.

Adopted December 6, 1901.

A.P. McKellop  
Clerk

Amos McIntosh  
Speaker, House of Warriors.

Concurred in December 6, 1901.

Lee McNevins  
clerk

T.W. Perryman  
President, House of Kings.

Approved December 6, 1901.

P. Porter  
Principal Chief.



## 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 6, 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--Washington, Dec. 13, '02.  
Approved:---T. Roosevelt.

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



DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector

For

Indian Territory,

D 5390-1902.

Muskogee, Ind.T.

Dec.26,1902.

Hon. P. Porter,

Principal Chief, Creek Nation,

Muskogee, Indian Territory.

Sir:-

I have to respectfully return herewith an act of the National Council of the Creek Nation, approved by yourself on December 6,1901, and entitled -

"An act making appropriation of pay of National Attorney".

This act was approved by the President on December 13,1902, as shown by his endorsement thereon.

Very respectfully.

J.W.Zevely,

Acting U.S.Indian Inspector  
for Indian Territory.



## A N A C T

Appropriating one thousand dollars to pay expenses  
of National Attorney while engaged in  
Official business outside  
of Creek Nation.

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

That there be and is hereby appropriated, out of the General Fund of the Muskogee Nation, the sum of one thousand dollars, to be used by the National Attorney in defraying his actual and necessary expenses while engaged in official business outside of the Creek Nation, under direction of the Principal Chief.

Said sum to be paid by the Principal Chief upon vouchers furnished by said attorney, duly verified.

Adopted December 6, 1901.

A.P. McKellop  
Clerk

Amos McIntosh  
Speaker, House of Warriors.

Concurred in December 6, 1901.

Lee McNevins  
Clerk

T.W. Perryman  
President, House of Kings.

Approved December 6, 1901.

PLeasant Porter.

Principal Chief.



## 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 6, 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.  
Washington, December 13, 1902.  
Approved:---T.Roosevelt.

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



DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector

For

Indian Territory,

Muskogee, Ind.T., Dec.26,1902.

D 5391-1902

Hon.P.Porter,

Principal Chief, Creek Nation,

Muskogee, Indian Territory.

Sir:-

I have to respectfully return herewith an act of the National Council of the Creek Nation, approved by yourself on December 6,1901, and entitled -

"An act appropriating One Thousand Dollars to pay expenses of National Attorney while engaged in official business outside of Creek Nation."

This act was approved by the President on December 13,1902, as shown by his endorsement thereon.

Very respectfully,

J.W.Zevely,

Acting U.S.Indian Inspector  
for Indian Territory.



Muskogee, I.T. Aug. 29, 1902.

Hon. Wm. M. Springer,  
Ocean Grove NY.

Dear Sir:

Yours of Aug. 3rd was duly received and should have been answered before now. The presentation of your claim for services will be done at the annual session which will meet in October. At the convening of the council in July it could not be taken up for the reason that the Council was called in extraordinary session for a specific purpose which was action upon the supplemental agreement. I have no doubt that the Council already have made appropriation to compensate you for services as attorney and will agree to confirm the appropriation in so far as will cover the period of time that you rendered service.

Thanking you for your kindness in forwarding from time to time such documents and papers as are of interest to this office, and with kindest regards to Mrs. Springer, I am,

Very respectfully yours,

P. Porter,

Prin.Chief-Creek Nation.

(Endorsed) Union Agency Press Book, General letters by Principal Chief.Letter 253.Muskogee,Oklahoma.



LAW OFFICE OF  
WILLIAM M. SPRINGER,  
Kellogg Building, 1416 F Street,  
Washington, D.C.

Nov. 20, 1902.

Hon. Pleasant Porter,  
Principal Chief, Creek Nation,  
Okmulgee, I.T.

Dear General Porter:-

There is another matter, in addition to that mentioned in my first letter, to which I desire to call your attention. You will remember that article 26, of the Creek Agreement, approved by Congress March 1, 1901, provides that the Creek Nation may sue the United States in the Court of Claims for any claims which the Creek Nation may have against the Government. I am absolutely certain that you can recover the amount of your money, which was expended by the Interior Department in suppressing the small pox, amounting, I think, to about \$10,000.

There is also an even chance of recovering back the \$96,000, appropriated by Congress to pay fraudulent Creek Warrants. There is no reason why these and any other claims you have against the United States, should not be prosecuted, and I am willing to enter into a contract with you for that purpose.

I inclose an act which I have formulated on that subject. Sections 3 and 4 of this proposed act, may be omitted if you think they are not necessary. You ought however, to have a fund of \$200 or \$300 for paying Court expenses, printing petitions, Briefs, and arguments, which is required by the Court.

As ever,

Faithfully yours, W.M. Springer  
(Endorsed) Union Agency, Muskogee, Oklahoma.--a-88--Pleasant Porter's general letters.



Law Office of  
William M. Springer,  
Kellogg Building, 1416 F Street,  
Washington, D.C.

Nov. 20, 1902.

Hon. Pleasant Porter,  
Principal Chief, Creek Nation,  
Okmulgee, I.T.

Dear General Porter:-

I have received a letter from Mr. Will S. Fears, in which he informs me that your National Council would convene again on the 18th inst., and remain in session probably two weeks.

Fearing you may not be able to put your hands upon the proposed act of your council, in reference to my compensation for services to the Creek Nation, I would inclose herewith, another draft of the same.

The act inclosed appropriates the sum of \$3,687.48, which is the amount agreed upon by us, when you were in Washington last March. This is for services under the act of your council, approved May 25th, 1901; and covers the period of my services up to the time that this act was vetoed by the President, namely: One year, five months, and twenty-one days.

As it now appears, it will be necessary for me to secure authority of Congress for the payment of this sum, as Secretary Hitchcock is opposed to paying me, for any of my services. I desire an act of your council, to show that the Creek Nation recognizes its obligation to me to pay this amount.

As ever,  
Faithfully yours,  
Wm. M. Springer.

----Pleasant Porter-a-88----



Muskogee, I.T. Dec. 12, 1902.

Hon. E. A. Hitchcock,  
Washington, D.C.

Sir:-

Your telegram of this date received relative to the employment of Mr. A. P. Murphy.

Will you kindly oblige me by the next mail with information as to whether or not the act, approved by me on the 6th of December, 1901, and also the two acts, the one relative to the salary of the National Attorney, and the other relative to the payment of his expenses, have been approved. I believe this to be very essential in order that our official records may be kept straight.

In this connection, I desire to state that Mr. Murphy, who is now present in my office, advises me that he has on file in your office numerous endorsements as to his qualifications. He will, however, furnish me with additional endorsements, which I will forward to you, together with the contract duly executed.

Very respectfully,

P. Porter,

Principal Chief.



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

Mr. A. P. Murphy,  
Crooker, Mo.

Dear Sir:

I am in receipt of your letter and fully appreciate what you have said in reference to the matter of attorneyship for the Creek Nation. I have today telegraphed you that I have forwarded your appointment, as requested by the Secretary of the Interior. The reason I postponed it was because I thought best that you furnish me with such endorsements as were suggested, but since the Secretary of the Interior is satisfied that you are the proper man with suitable qualifications to fill the position in which this appointment will place you, I have forwarded the contract. According to the suggestion made here, it would have been agreeable for you to take Mr. Kevely into partnership with you, inasmuch as he is acquainted with the situation and the people and would possibly have filled the position acceptably. As it is, I am glad that things have taken this turn, because I am better acquainted with you, and your letter is sufficient guarantee to me that you are a man not only of ability but of high order of principle, which I could only learn by contact with you.

With this explanation, I herewith enclose two copies of the contract signed by both of us and forwarded to the Secretary of the Interior, and wish you to sign both of these copies and forward same to the Department for approval and direct that one be returned to me and the other to you.

Yours, truly,  
P. Porter--Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 358. Muskogee, Oklahoma.



Muskogee, I.T., Jan. 8, 1903.

Hon. A. P. Murphy,  
Crocker, Mo.

Dear Sir:-

I enclose you herewith letters from Secretary Hitchcock and W. A. Jones, Commissioner of Indian Affairs, calling attention to defects in the Contract made between myself as Chief of the Creek Nation, and yourself as National Attorney. I enclose you herewith also a copy of such contract that you may note the defects.

You would better come to Muskogee at the earliest possible date that contract may be made and executed in accordance with the enclosures.

Respectfully,

P. Porter,

Prin. Chief.

(Endorsed) Union Agency press book, Union Agency Muskogee, Oklahoma.  
General letters by Principal Chief. Letter 381.



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

Dear Sir:

Referring to your letter of January 3rd returning to me the contracts with A. P. Murphy, as attorney for this Nation, for correction, with enclosure of letter from the Commissioner of Indian Affairs stating his objections thereto, I herewith enclose contract with these objections eliminated.

Trusting you will approve the same at an early date and return a copy to each of us,

Very truly yours,

P. Porter,

Prin. Chief Muskogee Nation.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 386. Muskogee, Oklahoma.



October 17th, 1903

A N A C T

Making an appropriation in favor of A.P. Murphy, National Attorney.

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 seven hundred and nineteen and 40/100 Dollars in favor of A.P. Murphy for necessary expenses incurred and paid by him as National Attorney for said Nation, for the year ending October 1st 1903. Said amount 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 October 17th, 1903.

Roley McIntosh

President House of Kings.

Lee McNevins  
Clerk.

Concurred in October 20th, 1903.

J.H. Land

Speaker, protem, House of  
Warriors.

A.P. McKellop  
Clerk.

Approved October 22nd, 1903.

P. Porter,

Principal Chief.

APPROVED:  
T. Roosevelt.

W H I T E H O U S E.

Washington, D.C., January 6, 1904.  
(Endorsed) Union Agency, Muskogee, Oklahoma--a-124--Pleasant Porter's  
general letters.



EXECUTIVE OFFICE,  
Muskogee Nation.

Muskogee, I.T., Nov. 3, 1903.

I, P. Porter, Principal Chief of the Muskogee Nation, do hereby certify that the attached and foregoing is an act of the National Council of said Nation, passed at its regular session held in October, 1903, and approved by me in my official character October 22, 1903, and I do hereby certify and submit the same for the approval of the President of the United States under the provisions of Section 42 of the act of Congress approved March 1, 1901, (31 Stat. 861) entitled, "An act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes."

IN WITNESS WHEREOF I have hereunto signed my name as Principal Chief of the Muskogee Nation this the 3rd day of November, 1903, and caused the great seal of the Nation to be affixed.

P.Porter,

Principal Chief, Muskogee Nation.

Attest:

Virginia W. Landers

Acting Private Secretary.



Okmulgee, I.T.

Oct. 16, 1903

To the National Council.

Gentlemen:

We, your committee on claims to whom was referred, for consideration, the claim of A.P. Murphy of \$719.40 for services rendered, as National Attorney; Have carefully considered the same, and we, the committee found that said claim is just and correct, Therefore, we, respectfully recommend the adoption of the accompanying act.

Very respectfully,

Jas. Byrd.

Chairman.

Claim Committee.

John Smith,  
Clk.

Finance Committee Room

Oct. 21, 1903

To the National Council of M.N.

Gentlemen:

Your Committee to whom was referred the communication and act providing the sum of One thousand dollars for incidental expenses of the office of the National Attorney was taken up and after carefully examining the same the Committee recommends the adoption of the accompanying act.

Respectfully,

Mildred Childers.

W.A. Palmer--chairman.

--Pleasant Porters<sup>Clk.</sup> general letters.--a-27----



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

D 8396-1904

Muskogee, Ind.T.,  
Jan. 18, 1904.

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

Sir:-

I respectfully return herewith an act of the National Council of the Creek Nation, approved by yourself October 22, 1903, and entitled "An Act making an appropriation in favor of A.P. Murphy, National Attorney."

This act was approved by the President, as shown by the endorsement thereon, January 6, 1904.

Very respectfully,

J. Geo. Wright,

U.S. Indian Inspector  
for Indian Territory.



October 21, 1903

Be it resolved by the National Council of the Muskogee Nation, that the National attorney A.P. Murphy, be and he is hereby instructed to at once institute and pursue investigations in the matter of the unauthorized use and expenditure of the Creek National funds for the suppression of the small pox epidemic as was made some years ago, and all other instances of the expenditure of Creek funds without an act of appropriation by the national council, and to take such steps as shall to him seem practicable for the recovery and return to the Creek treasury of all such sums.

Be it further enacted, that the said national attorney is hereby further instructed to proceed at once to ascertain such course as is most feasible for the nation to pursue, to bring about at the earliest possible date the closing of the Creek rolls of citizenship and the distribution of the surplus lands of the nation to its citizens in the equalization of their allotments, and the per capita distribution and equalization, as is contemplated for and provided for in existing agreements with the general government, and report the same to the adjourned session of the present national council.

Adopted Oct. 21, 1903

J.H. Land  
Speaker pro-tem H. of W.

Concurred in Oct. 21, 1903  
Roley McIntosh  
Pres. H. of Kings

Lee McNevins  
Clk.

Approved Oct 22, 1903

P. Porter,

--P. Porters general  
letters---a-3-----

Principal Chief.



December 12, 1903

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

That the National Attorney, A. P. Murphey, be and is hereby required and directed to visit the towns hereinafter designated and remain one week at each place as stated herein for the purpose of consulting with such citizens as may desire to submit complaints to him or who may have any business requiring his attention.

The said Attorney shall be in Broken Arrow during the first week in Jan. 1904, Sapulpa during the second week in Jan. 1904, Bristow during the third week in Jan. 1904, Okmulgee during the first week in Feb. 1904, Okemah during the second week in Feb. 1904, Wetumka during the third week in Feb. 1904, Holdenville during the first week in Mar. 1904, Spokogee during the second week in Mar. and Eufaula during the third week in Mar.

Adopted Dec. 12, 1903.

Sam Grayson  
Clerk

James (his x mark) Smith  
Pres. House of Kings.

Witnesses: Theo G. Stidham  
E.E. Hardridge

Concurred in Dec. 12, 1903.

Mildred Childers  
Clerk

Alex Davis  
Sp. House of Warriors.

Approved Dec. 15, 1903.

P. Porter  
Prin. Chief.

(Endorsed) Union Agency, Muskogee, Oklahoma.--a-49--Pleasant Porters general letters.



Muskogee, I.T., March 21, 1904

Hon. A. P. Murphy,  
Muskogee, I.T.

Sir:-

I hereby notify you that your employment as Attorney for the Creek Nation, of date January 10, 1903, and approved by the Commissioner of Indian Affairs and the Secretary of the Interior on January 13, 1903, is hereby annulled in accordance with the terms of the contract, as follows:

"This contract shall be approved by the Honorable Secretary of the Interior, and shall be subject to cancellation by either party hereto upon thirty days notice for good cause shown."

Under this provision of the contract, either you or myself can terminate the contract, and for the following reasons, I, under authority in me vested by an Act of the Creek Council of date December 6, 1901, which is an Act for the employment of a National Attorney and for other purposes, do now give you notice that your services as Creek Attorney are discontinued.

My reasons for this notice of cancellation of your contract of employment are, that you have made statements representing the Creek Nation and with reference to Creek business with the Government of the United States, which, through investigations made by the Honorable Bonaparte and Woodruff, were found to be without foundation in fact, and a part of which report of investigation is as follows:

"We find with respect to these charges that Mr. Murphy had no special authority from the Creek Nation to file them on its  
--P. Porter press book. ltr. 458.--"



-2-

behalf, and that they were filed without the knowledge or consent of the principal chief, Pleasant Porter, and, so far as we are informed, without previous consultation with any of the constituted authorities of the Creek Nation. We find further that these written charges were either altogether unfounded or very greatly exaggerated, and, in so far as they had a basis of fact, arose from friction between Mr. Murphy and Mr. Douglas, for which we can not undertake to fix the responsibility." etc.

"We feel that our duty would not be fully discharged if we did not add to what is said of Mr. Murphy in our original report,

that he is, in our judgment, so much influenced in his recollection of events and his opinion of individuals by his very strong sentiments of personal sympathy or antipathy as to render his statements untrustworthy and to impair his usefulness as a public officer."

You are no longer authorized to represent the Creek Nation under the provisions of the aforesaid contract before the United States Government, or any of its Departments, or any other thing or duty imposed upon you as Attorney for the Creek Nation, and such acts will have no further validity, force or effect, and I will so notify the several Departments of the United States Government, and the citizens of the Creek Nation.

The contract directs that I give you thirty days notice, which is hereby given, and as there can be no further relation between you and the Creek Government from this on, you may, if you desire, take thirty days furlough.

Respectfully,  
P.Porter--Principal Chief M.N.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 459. Muskogee, Oklahoma.



Muskogee, I.T., March 22, 1904

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Sir:

On yesterday I gave Mr. Murphy the enclosed notice annulling the contract of employment as Attorney for the Creek Nation made by me with him.

The purpose of this communication is to advise you that he is no longer Attorney for the Creek Nation, and no papers presented by him or any other person, as Attorney, in behalf of the Creek Nation, will have any validity or binding force on the Creek Nation unless signed by me as Chief of the Creek Nation.

Very respectfully,

P.Porter,

Prin.Chief.



Muskogee, I.T., March 29, 1904

Commission to Five Civilized Tribes,

Muskogee, I.T.

Sirs:-

I have the honor to acknowledge receipt of your communication of the 26th inst., relative to the matter of A. P. Murphy's right to appear before your Commission as Attorney for the Creek Nation, under the terms of his contract with me as Principal Chief of the Creek Nation.

In reply I wish to state that under the contract Mr. Murphy, after having received my notice of the cancellation of his contract, has no authority whatever to represent the Creek Nation before the Dawes Commission in any matter whatever, and any act or thing done by him will not be binding on the Creek Nation.

The Act of the Creek Council of December 6, 1901, provides for the appointment of an Attorney or firm of attorneys, and provides also for the cancellation of their contract by the Principal Chief. It makes no special provision to retain any one attorney. I did not understand that the question was submitted to you for decision, but simply to inquire whether you could permit him to appear before you after the contract had been cancelled.

With this notice, I am,

Respectfully,

P. Porter,

Prin. Chief M.N.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 473. Muskogee, Oklahoma.



Muskogee, I.T., April 6, 1904

Mr. W. Scott Smith,

Private Secretary, Washington, D.C.

Dear Sir:-

My action in cancelling the contract with Mr. Murphy and giving him thirty days' notice was forwarded to the Secretary of the Interior on March 22, 1904. I have no information as to how the suggestion in reference to the appointment of an Attorney after the expiration of the thirty days, is regarded by the Secretary. An Attorney by the name of Mott has been recommended to the Secretary, to whom, in the event it is thought best to have a permanent Attorney, I have promised to give the place. Mr. Murphy's time expires on the 21st of this month. I would like for you to give me such advice as you think proper for me to take in the premises.

Of course you are acquainted with the fact that Mr. Murphy has notified me that he intends to stand on his contract and expects to get the salary. I have had him do no service and do not propose to. Of course if he persists in it, it may go to the courts on the question of salary. As far as I am concerned, I do not intend to issue any warrants to him for salary or any other expense attending his office, after the 21st day of April 1904.

An early reply with such suggestions as you may think are advisable, will be highly appreciated.

Respectfully,  
P. Porter,  
Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 474. Muskogee, Oklahoma.



Muskogee, I.T., March 25, 1904

To the Honorable,

The Secretary of the Interior,

Sir:

I notice in the papers that a claim of some Six Thousand Dollars, in favor of the estate of William M. Springer, has been presented as an amendment to the Indian Appropriation Bill now in the Senate.

The Creek Council passed an Act authorizing his employment and made an appropriation for his employment at a salary of \$2500.00 per year. The President disapproved this act and when disapproved I notified Judge Springer that I would have no authority to continue his services, but gave him a statement of what the Creek Nation would owe him for the term of service he had rendered, which was some Thirty-five Hundred Dollars. That statement was presented by Judge Springer to the Senate Committee on Indian Affairs last year, and the Committee refused to allow it to be paid. The application of this Six Thousand Dollars is without any authority whatever and I earnestly request that you call attention of the Committee to the facts in the case. The records of the Department will show the true status of the case, and no doubt the Senate Committee on Indian Affairs has a record also.

I respectfully request that you call the committee's attention to this matter that Creek interests be protected.

Respectfully,  
P.Porter--Prin.Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 472. Muskogee, Oklahoma.



Muskogee, I.T., April 22, 1904

To the Honorable

The Secretary of the Interior,

Washington, D.C.

Dear Sir:-

I have the honor to acknowledge receipt of your communication of the 13th inst., in regard to the employment of an Attorney for the Creek Nation. The statements made in your letter in reference to appointing an Attorney for the Creek Nation upon the dismissal of A. P. Murphy are correct so far as they go, but I remember very distinctly of further stating to you that in case matters effecting the general interest of the Nation should make necessary the appointment of an Attorney that I would make such appointment temporarily, but in all cases, subject to your approval. This is exact, and I think you will remember it when your attention is thus called to it.

Now, I have no reconciliations to make; I adhere to this statement, and wrote to your private secretary a letter, a copy of which is herewith enclosed, verifying the statements that I made to you verbally. Again, I enclose herewith a letter written to Ex-Senator Marion Butler, which is in accordance with the statements made to you. There is no contradiction whatever in the position taken by me, nor neither will there be. You will see in my letter to Senator Butler that I was willing to appoint Mr. Mott with your approval when I needed an Attorney.

Now, to maintain the interests of the Nation, it is clear to me that a temporary Attorney is needed. Within the last month there are thirteen cases of citizenship, some involving quite a number  
--P. Porter press book. ltr. 477.--



to the family, which have been re-opened on account of rulings made by your Department, and quite a number pending which Mr. Murphy had received notice of; and there is still appearing applications for enrollment of infants; Also, Mr. Murphy in his reply to me states that he would not be dismissed, that he would stand on his contract, and that will involve a suit against me representing the Nation for his salary as Attorney, even though he is dismissed. I have the confidence of the Dawes Commission adjusting all these citizenship cases with due regard to the interests of the Nation had they the authority and means to secure witnesses on behalf of the Nation. Again, there are cases affecting the interests of the Nation which doubtless will come up that will have to be adjudicated by the Courts.

Under these circumstances, I would be pleased for you to advise me that you will approve the appointment of Mr. Mott, and thereupon I will forward his appointment. The law for the appointment of an Attorney is still a law, and the fact of the removal of Mr. Murphy does not affect the law but only his encumbency, and in case of necessity, another attorney's appointment would be in accordance with the same law. I am,

Very respectfully,

P.Porter,

Prin.Chief.



Muskogee, I.T., May 10, 1904

Mr. M.I. Mott,

National Hotel, Washington, D. C.

Dear Sir:-

I have this day had drawn duplicate copies of contract of employment of yourself as National Attorney for the Creek Nation, signed by myself. It is probable that you will have to come here before signing it in the presence of the Judge, and then return it to the Secretary for approval. However if it can be done, I will prefer that the approval be made immediately upon receipt of this contract. All three copies will have to be returned here for the certificate of the Judge. The rate of employment is at \$5000.00 per annum, as you will see.

There is great urgency for you to be present as there are quite a number of citizenship cases pending which are continued until the Creek Nation can appear by Attorney.

Trusting the matter may be facilitated and that I will see you soon, at this place, I am,

Respectfully,

P.Porter,

Prin.Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 486. Muskogee, Oklahoma.

B.

450



Sept. 20, 1904.

Editor St. Louis Republic,

St. Louis, Mo.

Dear Sir:-

My attention has been called to an article appearing in your issue of the 16th inst. under the heading; "Murphy has reason to speak his mind." In this article mention is made of the suit for damages instituted by Mr. Murphy against Pleasant Porter, Principal Chief of the Creek Nation in which the charge is made that I dismissed Mr. Murphy without cause, and did various other things.

It is true that I dismissed Mr. Murphy, but I did so for good cause shown. He was appointed by me under a law authorizing such appointment and dismissal for good cause.

His appointment and his dismissal was approved by the Secretary of the Interior. All other things set up in his complaint has no foundation in fact.

Again, in the article referred to the assertion is made that efforts have been made to compromise the case. This is untrue. Whoever wrote the article must either be ignorant of the facts in the case or is trying to create public sentiment in Mr. Murphy's behalf.

I trust you will give this publicity in your paper.

Respectfully,

P. Porter.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 516. Muskogee, Oklahoma.



November 28, 1904

Mr. M. L. Mott,  
National Hotel,  
Washington, D. C.

Sir:-

In my letter Saturday, I omitted to say anything in reference to your desire to come back by way of Augusta, Georgia to see your family. It will be entirely satisfactory to me.

I wish you to stay in Washington until Col. Shoenfelt and J. George Wright reach there because the matters which have been committed to your charge will be decided after conference with them. Keep me advised on every turn our affairs take.

Respectfully,

P. Porter,

Prin. Chief.



DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D.3405-1906.

March 27, 1906.

The United States Indian Inspector  
for Indian Territory, Muskogee, Ind. Ter.

Sir:

The Department is in receipt of a letter from the Hon. P. Porter, Principal Chief of the Creek Nation, in which he suggests that when the case of A. P. Murphy, plaintiff, against P. Porter and M. L. Mott, defendants, is appealed, the "United States District Attorney" should be requested to appear for the defendants in said case.

You are advised to confer with the Attorney in the matter and request his appearance in the case, unless in his judgment there be some good reason why such action should not be taken.

Respectfully,

Thos. Ryan  
Acting Secretary.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency No. 13777 Received Apr. 2, 1906 Office of U.S. Indian Inspector for Indian Territory. Washington, March 27, 1906. Secretary.-----Rel. to U. S. District Attorney appearing for defendants in case of A. P. Murphy against P. Porter and M. L. Mott.-----



**CREEK - CONSTITUTION & LAWS**



(Warrants for this Appro. filled out, numbers 726 and 727)

95

## Muscogee (Creek) Nation

## AN ACT

TO PROVIDE FOR PAY OF G.W.GRAYSON'S AND D.C.WATSON'S SERVICES  
AS TRANSLATORS OF THE CURTIS' LAW AND THE DAWES-CREEK TREATY.

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

That there be and is hereby appropriated out of the General Funds  
of the Muscogee Nation the sum of Two Hundred Fifty-five and  
70/100 Dollars (\$255.70) in favor of G.W.Grayson and D.C.Watson  
for services rendered as translators of the Curtis' Law and the  
Dawes Creek Treaty, in amounts set opposite their respective  
names.

G.W.Grayson- issue to C.E.Foley - - - - - \$135.70

D.C.Watson- - - - - 120.00

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

Lee McNevins  
Clerk of H. of K.

Adopted Nov.25th,1899  
G.A.Alexander  
Pres. of H. of K.

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

Concurred in 11/25/99  
W.A.Sapulpa  
Sp. of H. of W.

H.M.Harjo  
Priv.Sec.

Approved Nov.25th,1899  
Isparhecher his x mark  
Prin.Chief.

Witnesses F.B.Severs  
B.G.Baugh.



DEPARTMENT OF THE INTERIOR,

Office of U.S. Indian Inspector,

For

Indian Territory,

Muscogee, Ind.T., January 10, 1900.

Hon. Pleasant Porter,

Principal Chief, Creek Nation,

Muscogee, Indian Territory.

Sir:

You are respectfully advised that the Act of the National Council of the Creek Nation, approved by Principal Chief Isparhecher on November 25, 1899, and entitled:

"An Act to provide for pay of G.W.Grayson's and D. C.

Watson's services as translators of the Curtis

Law and the Dawes-Creek Treaty,"

was submitted by the Honorable Secretary of the Interior to the President of the United States for executive action on December 26, 1899, and was duly approved on the same day, and has been placed on file in the Office of Indian Affairs at Washington.

Very respectfully,

J.Geo.Wright,

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



APPROPRIATION IN FAVOR OF G. W. GRAYSON.

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

That there be and is hereby appropriated, out of the General Fund, the sum of One Hundred Twelve & 60/100 (\$112.60) Dollars, in favor of G.W.Grayson, being for services rendered in the work of translating the Creek-Dawes Agreement of February 1, 1899.

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

A D O P T E D    October 24, 1900.

A.P.McKellop  
Clerk.

Siah Gray  
Speaker, House of Warriors, Pro Tem

L

C O N C U R R E D    I N    October 24, 1900.

Lee McNevins  
Clerk.

T.W.Perryman  
President, House of Kings.

A P P R O V E D    October 24, 1900.

P.Porter  
Principal Chief.

ATTEST:

W.S.Fears  
Acting Private Secretary.

(---)--Pleasant Porters general letters. No. 17.--(---)



DEPARTMENT OF THE INTERIOR,  
United States Indian Inspector  
For

D 1337-'00  
Cr.Act No. 7

Indian Territory,

Muscogee, Ind.T., November 22,1900

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

Sir:

You are respectfully advised that the act of the National Council of the Creek Nation, approved by yourself on October 24, 1900, and entitled -

"Appropriation in favor of G.W.Grayson,"

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

Very respectfully,

J.Geo.Wright,

U.S.Indian Inspector,  
for Indian Territory.

(Endorsed) Union Agency,Muskogee,Oklahoma. No. 17. Pleasant Porters general letters.



## EXECUTIVE OFFICE

Muskogee Nation.

P.Porter, Principal Chief.

October 18, 1900.

The National Council of the

Muskogee Nation,

GENTLEMEN:

I herewith transmit to you a communication of Honorable G.W.Grayson of the date of October 18, 1900, verified by affidavit, asking relief through means of an appropriation to pay him for services rendered in translating and attending to the printing and distributing to the various towns the treaty of February first, 1898.

This office is of the belief that the claim of Mr. Grayson is a just and proper one, and there is no evidence in the office that he has ever received compensation for his work.

I would therefore respectfully request that you make an appropriation of \$112.60 to pay him for his said services.

Respectfully,

P.Porter

Principal Chief,  
Muskogee Nation.



Okmulgee, I.T.

Oct. 18th, 1900

Hon. P. Porter

Principal Chief M.N.

Dear Sir:

Under authority of the action of the national council, the principal chief engaged my services in the translation and preparation for the press of the Creek Dawes agreement negotiated by the Creek and Dawes commissions at Muscogee on February 1st, 1898. In consequence of the fact that the conditions were such as required of me the completion of the work in the shortest possible time in order that it may be submitted to the vote of the people before the adjournment of Congress on March 4th, next ensuing, I was put to extraordinary expense and trouble in accomplishing the work assigned me. I did complete the work, and in printed form it was distributed to the various towns to be voted on. For this work, and unavoidable expenses incurred therein, I charge and ask to be compensated in the sum of \$112.60 and hereby respectfully request that you take such proper action as will result in my relief. I have the honor to be

Yours truly

G.W. Grayson.



October 18, 1900

United States of America,

Indian Territory,

Northern District

SS.

G. W. Grayson, being first duly sworn, deposes and says; that he was appointed by the Principal Chief, under act of the National Council, to translate the Agreement made between the Dawes Commission and the Creek Delegation, of February first, 1898; that in pursuance of said appointment he translated and prepared for the printer said agreement, and that the services rendered were reasonably worth the sum of \$112.60; that he has never received any sum in compensation for his said services, and that there is now due and owing to him the said sum of \$112.60.

G.W.Grayson

Subscribed and sworn to before me this 18th day of October, 1900.

W.S.Fears

Notary Public.



CREEK - COURTS



Muskogee, Indian T.,

June 5, 1902.

R. C. Hawkins, Esq.,

Muskogee, Indian T.

Dear Sir:

Your report of the sale of the Muskogee District Court House, from which it appears that the building was sold at auction to the highest bidder, and was bought by Solomon Rentie at \$153.00, is hereby approved, and also the allowance of ten per cent of said sum as commission for your services as agent of the Muskogee Nation, and I also acknowledge the receipt from you of the sum of \$137.70, being the sale price less your commission of ten per cent.

Yours respectfully,

P. Porter,

Principal Chief.



Sapulpa, I. T.  
1/28/'99

To the Dawes Commission--

Muskogee, I.T.

Gents:

I am informe by a reliable person living in Tulsa, that G. W. Grayson and Roly McIntosh, have agreed to support Tulsa in getting the U. S. Court there, for five (\$500.00) hundred dollars, cash down and the required am't. has been made, and sent by Geo. Perryman. If money is what is going to win regardless of merit and location, justice, can not be expected I think by right the court ought to be at Sapulpa, and is the only location on this side the Arkansas River suitable for the Court, and handiest for the people in the western portion of the country. The idea of Rulding (Sic) Court in Tulsa only 26 miles from Claremore, and on the same side of the river--and not one on this side, A county of 50 miles square with court just to satisfy (Sic) two greedy persons. I hope the matter will be settled with an eye to the interest of the county and not only two men.

Yours,

J. H. Land

(Endorsed) # 2194, Received Jan. 30, 1899. Commission to Five Tribes, Muskogee, I.T. J. H. Land. Sapulpa, I. T. 1/28/'99  
Relative to U.S. Court at Sapulpa



March 1, 1905

104

To the Hon. members of the Commission appointed by the Muskogee Nation to treat with the Dawes Commission:-

The citizens of the Town of Eufaula, Indian Territory, and of the country contiguous thereto, through their duly appointed representative, C. E. Foley, of Eufaula, would respectfully petition your Honorable Body to use your best efforts to secure the location of a District Court at Eufaula, Indian Territory.

For the following reasons, to-wit:

1st. That the location of a District Court at Eufaula would best subserve the interests of, be most accessible to and suit the convenience of a greater number of people than any other point or location in the Creek or Seminole Nations.

2nd: That the citizens of Eufaula and vicinity, are now compelled to prosecute their cases and try their causes of action in the District Courts of Muskogee, thirty-four miles away, and at Vinita, ninety-nine miles away, the nearest District Court towns, which makes it most inconvenient and expensive to said citizens.

3rd: That within the last three years over eight hundred criminal prosecutions have been instituted before the United States Commissioner at Eufaula and about two hundred and fifty civil cases filed, which shows the great amount of business that would naturally flow into and be determined in a District Court at Eufaula, and that at a great saving in expenses to the Government and parties litigant.



-2-

4th: That Eufaula is located on the M. K. & T. Railway, thirty-four miles south of Muskogee, in a thickly settled country, between the North and South Canadian Rivers, and that all of the country between and along said rivers for forty miles east and fifty miles west, which is thickly settled, is tributary to Eufaula for trade and Court purposes, which would make it a natural and practical location for a District Court.

We therefore respectfully request that your Honorable Commission use your best endeavors to secure the location of a District Court at Eufaula.

January 25th, 1899.

THE CITIZENS OF EUFAULA, AND VICINITY.

By C.E.Foley,  
Their representative.

(Endorsed) Union Agency No.37 Relative-----Act providing for additional judges of U.S.Court in the Indian Territory-----approved March 1, 1905.-----



DEPARTMENT OF THE INTERIOR,  
Washington.

March 22, 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 4th ultimo, in which reference is made to your letter of the 13th of January, submitting two Creek warrants, which were issued in payment for services of tribal court officers in the Creek Nation after October 1st, 1898, and calling attention to the provision of the act of Congress approved June 28, 1898, (30 Stat., 495), which abolished the tribal courts of the Creek Nation after October 1st, 1898. On the 28th ultimo, said Creek warrants were returned to you, together with a copy of the report of the Commissioner of Indian Affairs upon your said communication of January 13, 1899, and you were advised that "the question of authority for the issuance of warrants by the Creek and Cherokee Nations, and the manner in which they should be paid by said Nations, as well as others, should any be deemed valid, has been referred to the Comptroller of the Treasury for decision." The Department has heretofore sent you a copy of the decision of the Comptroller upon the Cherokee warrants, and the manner of their payment under the direction of the Secretary of the Interior in accordance with section 19 of said act of June 28, 1898. The Commissioner of Indian Affairs, in transmitting your said communication of February 4, 1899, says "The statement made by the Principal Chief to Inspector Wright that he had never been officially informed that said courts were now at an end, is



of no force, as the officers of the Creek Nation were fully informed as to the restrictions contained in the so-called "Curtis Act" in regard to the abolishment of the courts of the Creek Nation after the first day of October, 1898."

The authorities of the Creek Nation were bound to take notice of the provisions of said section 28, and the Department concurs in the statement of the Commissioner that the allegation of the Principal Chief of the Creek Nation, that he had no official notice of the passage of said act, is without force, and that he would have no authority to issue warrants for the payment of services rendered by any officer of the court after October 1st, 1898, for the reason that said section expressly prohibits any officer of said courts from receiving pay for any official act.

The letter of the Principal Chief, together with the copies of your letters to him dated November 26 and December 23, 1898, and February 4, 1899, and also copy of Departmental letter to the Principal Chief dated December 8, 1898, are returned herewith.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind. Ter. Div.  
379-99 5 incls.

Through Com'r of Ind. Af.

(Endorsed) Union Agency No. 67 Received Mar 27, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington, March 22, 1899. Secretary.-----Relative to Creek warrants issued for Court officials after Oct. 1, 1898.



DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.  
Washington, January 21, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Enclosed, herewith, is a letter dated January 13, 1899, from Inspector Wright, who transmits copy of a letter written by him on December 23, 1898, to the Principal Chief of the Creek Nation, relative to certain warrants issued by the authorities of said Nation, for services of Court Officials for the quarter beginning September 4, 1898, and ending December 4, 1898, in which he refers to the provisions of the Act of June 28, 1898, abolishing all tribal courts in the Creek Nation from and after October 1, 1898; also two warrants issued by the Creek authorities, one for \$25.00 to Barney Green, or bearer, for salary as prosecuting attorney of Eufaula District fourth quarter, 1897-8, and the other for \$68.75 to Sampson Yahola, or bearer, for salary as Private, Light Horseman, (Sic.) same district for the same quarter.

There is nothing presented in Inspector Wright's report to show that these warrants were not intended to cover the services rendered by these officers from September 4 to October 1; at the same time they purport to be salaries for the entire quarter.

The warrant for \$25.00 to Barney Green as prosecuting attorney, would indicate from the amount of the warrant, that it was intended to be only in part payment of a quarter's services, and it would seem that if there are no other warrants issued for the same quarter to the same party, that the intention was to pay Mr. Green for his services from September 4th to October 1st, as



\$25 would not be anything like an excessive compensation for that period. But the warrant for \$68.75 to Sampson Yahola for salary as Private, Lighthorseman, would seem to have been intended to cover an entire quarter, considering the amount it would be excessive for the period between September 4th and October 1st, but not excessive for three months.

However this may be, the question presented by Inspector Wright is as to the power of the Creek authorities to issue any warrants for salaries accruing for services rendered by court officials after October 1, 1898.

The Curtis Act provides that officers of the courts of the several tribes in the Indian Territory shall, after July 1, 1898, not have authority to perform any official acts connected with the courts "or to receive any pay for the same"; but, by a proviso, the operation of this law was suspended as to the Chickasaw, Choctaw and Creeks until October 1, 1898.

It would seem, therefore, that there can be no question arising as to the rights of any party to receive compensation as an officer of a court in the Creek Nation for services rendered after October 1, 1898.

I have the honor, therefore to enclose Inspector Wright's report and to recommend that he be instructed to advise the Creek authorities that any warrants issued in payment of salary of a court official in the Creek Nation for services rendered after that date, would be absolutely null and void.

Very respectfully,  
Your obedient servant,

W. A. Jones,  
Commissioner.

K.S.M.  
(H)



EXECUTIVE OFFICE, May 24, 1901.

The Members of the

House of Kings & Warriors,

Gentlemen:

Herewith inclosed you will find a letter from McKellop & Reed, attorneys for the Creek Nation, calling attention to the fact that the per diem allowed witnesses on the part of the Nation is insufficient, and also that they have no authority to use the funds with which to conduct their business.

They recommend the passage of an act, a draft of which is herewith submitted, authorizing them to use a certain portion of the funds heretofore appropriated, for office rent and for the purchase of stationery, etc.

I would recommend that you give it consideration at the present session of council, as it is a matter of considerable importance.

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.--



May 21, 1903

AN ACT.

APPROPRIATING ONE THOUSAND DOLLARS

FOR USE AS COURT COSTS, AND FOR OTHER PURPOSES.

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

That there be and is hereby appropriated out of the General Fund of the Muskogee Nation, the sum of One Thousand Dollars, or so much thereof as may be necessary, to be used in defraying the costs of any witness or witnesses or costs of any character required by law in any court or before any tribunal or officer in which the Muskogee Nation has an interest or is an interested party. That upon the written request of the National Attorney setting forth the name of the person or persons to whom it is to be paid, the amount to each, separately, specifying the particular use or purpose for which such money is to be used, giving the name of the cause or style of the case or proceeding, the tribunal, court or officer before whom it is pending, or, in case of an original proceeding, in addition, shall set forth the kind and character of the action, the names of the parties, the court, officer or tribunal before whom the suit or proceeding is to be brought or filed, and, that such is necessary to a proper commencement, prosecution, defense or determination of such action or proceeding, the Principal Chief shall issue a warrant in favor of the National Attorney, including in one warrant as far as possible the expenses or costs in each case.

--Pleasant Porters general letters.--a-15----



It shall be the duty of the National Attorney to account to the Principal Chief, quarterly, for the use or expenditure of such money by duly verified vouchers signed by the parties to whom the money is paid, showing the amount and for what purpose.

The Principal Chief shall annually report to the National Council the amount of warrants drawn, for what purpose and the amount of vouchers or reports made by the National Attorney stating each case or proceeding separately.

All warrants issued in pursuance of this act are hereby declared to be preferred.

Adopted May 21st, 1903

Roley McIntosh

Pres. House of House of Kings.

Lee McNevins  
Clerk.

Concurred in Amos McIntosh  
Speaker of House of Warriors.

A.P. McKellop  
Clerk.

Approved May 23rd, 1903.

P. Porter,  
Prin. Chief.



CREEK - DOCTORS



## EXECUTIVE OFFICE MUSKOGEE NATION

Okmulgee, I. T.  
Feb. 19, 1899

Dr. Blakemore:

Dear Sir:

Your note received. Contents duly noted. You request my cooperation in preventing the spread of the disease. I will say that I will do all I can. But as Inspector Wright has written me to make recommendation for appropriation to meet the expences of this quarantine and as there being other verry important business for the council to attend to, I will be compelled to convene council and I beg or request you to place heavy quarantine around the pest houses so if any of my council members comes to your lines, please to let them pass. I will be there to-morrow even about 1 oclock and would like to see you so be sure and meet me.

So hoping you will succeed in this matter, I am very truly  
yours Isparhecha

(Signed) Isparhecha

Principal Chief M. N.

No. 182  
A. L. S.



Union Agency

Muscogee, I.T., Feb. 24th, 1899.

Mr. Osborn A. Morton,  
Coweta, I.T.

Sir:-

The Interior Department has taken what steps it can to prevent the spread of smallpox. I would advise you to have all of your pupils vaccinated, and would also suggest that you consult Dr. I.W. Henaley of Choska, I.T., in reference to this matter.

Very respectfully,

D. M. Wisdom.

U.S. Indian Agent

Approved:

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

(Endorsed) Union Agency, Muskogee, Oklahoma, Press Book # 1,  
Letter # 14.



n

Union Agency,

Muscogee, I. T. Feby. 27th, 1899.

Mrs. Ella Blacknelder,

Sapulpa, I.T.

Madam:

Yours received. The town of Sapulpa has a perfect right to quarantine against smallpox and the officers of said town should take proper steps in that direction at once. All towns and communities adjacent to smallpox should quarantine rigidly and everybody should be vaccinated. These are the most effectual mode for preventing the spread of this dread disease.

Very respectfully,

D.M.Wisdom.

U.S. Indian Agent.

Approved:

J. Geo. Wright.

U.S. Indian Inspector.

(Endorsed) Union Agency, Muskogee, Oklahoma, Press Book, # 1,  
Letter # 33



Union Agency,  
Muscogee, I.T., March 3, 1899.

Mr. Joseph McIntosh,  
Special Indian Police,  
Muscogee, I.T.

Sir:-

You are hereby directed to report to Dr. J. L. Blakemore for service in connection with the enforcement of the quarantine and prevention of spread of smallpox. You will comply with his instructions in every respect.

Your pay will be the same as that stated in my letter to you of the 20th ultimo.

Very respectfully.

D. M. Wisdom.

U.S. Indian Agent.

Approved:

J. Geo. Wright.

U.S. Indian Inspector.

(Endorsed) Union Agency, Muskogee, Oklahoma, Press Book, # 1  
Letter # 88.



Okmulgee, I. T.  
Feb. 21, 1899

Nivey Grimes from Hillabee Creek found five miles west from Okmulgee and under of order of Dr. Blakemore to Joe McIntosh, U. S. Indian police arrested said Nivey Grimes and sent him to the pest house, and after one day he made his escape from guard, leaving a horse, saddle and some other articles that he had in his possession.

(Signed) Joe McIntosh

Attest:

(Signed) S. J. Haynes

" J. L. Blakemore

" C. J. Shields

" C. W. Moore

A. D. S.  
No. 53

Copied GBD  
4/2/34



Okmulgee, I. T.  
Feb. 27, 1899

335

118

Hon. J. G. Wright  
U. S. Indian Inspector  
Muscogee, I. T.

Dear Sir:

We have the trouble here about wiped out and I have vaccinated everyone who was willing to be and by this means have prevented the spread of the disease. Willie Haines and wife, both at the pest house have a mild attack, also Mrs. Anderson has. They have run an even course and yesterday I thought improving. Have moved Amos Gray and what was left of his family out to the pest house where I had erected a good comfortable tent for them and provided with new clothes etc. and burned his little hut with everything in it. I believe that I can thoroughly disinfect Austin Anderson's house and render it safe for occupancy. All the clothing and bedclothes Tom Scott had, were burned as soon as he died and Anderson's family moved out of the house into a tent.

I shall raise the quarantine here except against the Hillabee county and at the pest house. I think it best that the mail should start so that it will leave here Monday morning & please have it started from Muscogee at the same time. I also think it safe for me to leave here by Wednesday if no new developments. We have had a rough time but I trust have done much good.

Very truly yours

(Signed) J. L. Blakemore

A. L. S.  
No. 53

Endorsement: J. L. Blakemore. Report as to status of smallpox epidemic. Notified this P. M. about starting mail.

Copied  
GBD 4/2/34



McAlester, I. T.  
Feb. 21, 1899

119

To J. George Wright,  
Muskogee, I. T.

Town is not under quarantine. No precaution being taken by  
citizens. Dr. J. H. Hindman.

No. 59

Bristow, I. T.  
Feb. 25, 1899

To Wright, Inspector at Muskogee:

Physician is here. Refuses to attend smallpox cases  
without contract for twenty-five per day. He is the man  
you want. Answer at once. Eads, Mayor

No. 60

Holdenville, I. T.  
Feb. 21, 1899

To Hon. Geo. Wright,  
Indian Inspector, Muskogee, I. T.

After consulting with Governor Brown, I ask you to establish  
quarantine along south bank of North Canadian including Arbeka  
to Wetumka. Government quarantine will be much more effective  
than anything we can do.

D. J. Read Mayor



Okmulgee, I. T.  
Feb. 22nd, 1899

337  
120

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

Dear Sir:

I have the honor to report that upon receiving instructions from yourself and Agent Wisdom, that I left Muskogee, Feb. 16, 1899 en route for Okmulgee, I. T. to investigate the reported smallpox epidemic at that place. Upon arriving at Lee Ind. Ter, a place about 22 miles east from Okmulgee, I decided to put a quarantine guard upon the road leading from Okmulgee to that place and allow no one to enter until I had determined whether smallpox existed or not. I arrived at Okmulgee about nine o'clock that evening and as it was late, I put off examining the case until next morning. When I repaired to house of one Amos Gray, a Creek Indian, who lived in the north west part of town with Dr. Mitchiner (and Dr. Hensley. I made an examination and found that his little daughter Sarah was suffering from a severe attack of smallpox and her face presented a terrible sight, also Charley Simmons and his wife. I learned that three people who had been living in the same house had died from the same disease, namely Sam Haynes, jr., Ramsen Haynes and an old lady. I then determined to put a guard around the house and keep the inmates from mingling with the rest of the community. I also put a strong quarantine guard on the several roads leading into town and gave them strict orders that they should not allow anyone to enter or leave town. I selected the following guards and it gives me great pleasure to say that they have followed my orders



to the strict letter.

Sam Haynes, Interpreter

John Brockman, Capt. of the Guard

John Stephens

Steve Grayson

Jones

J. A. Roper

George Dan (?)

Josh Cudjo

Wm. Dan (?)

Fred Rentie

Legh Grayson

March Stidham

Gary

Steve Carr

Tom Blackwell

Sonnie Jackson

Ray Bradford

Nelson Bradford

Louis Luckey

Chas. Sneed

Ben Grayson

Dade Hughes

Josh Tabler

Rus McGee

Sam Checotah

Ben Grayson

and Ellis Gentry. Gentry left his post about two o'clock in the morning and upon it being reported to me I gave Capt. Brockman orders to discharge him, which was doen. I advised the citizens of Okmulgee of their danger and also told them that there was a necessity of establishing a pest house and removing and confining therein all suspects. They held a meeting and selected a house about two miles from town. I ordered the removal thereto of Willie Haynes and his wife whom I found at Amos Gray's house. Upon the same day it was reported to me that there existed a case at the house of Austin Anderson about nine miles northwest from here. Upon reaching the place I found one Thomas Scott, a Creek Indian down with the disease. Scott had been a frequenter of the house of Amos Gray and had contracted the disease at that place, but had left and gone to work for Anderson before it had broke out on him. He died



February 20th and was buried at that place. I put a guard on the place, namely Dick LaFore, and Charley Laughlin, and told them to confine Anderson's family thereto and allow no one to enter the premises.

At present no new cases have developed and I think that we can confine it to where it started. I am vaccinating all the people I can and I have made trips in every direction and have investigated all reports that come to me. On the morning of the 21st while across Deep Fork, I encountered an Indian, one Nivey Grimes, who had lost four of his family from the smallpox, in Hillabee district and been southwest trading. As he was apt to come in contact with people who had not been exposed to it, I put him under arrest and brought him back to Okmulgee and had him confined in the pest house to await developments. In my letters to you, I advised against the meeting of the Creek Council owing to the danger to which they would be exposed and still further spreading the disease, throughout the Creek Nation, and I forwarded a letter to Chief Isparhecher to that effect and warning him of the result and the danger attached. He came over last Monday and I held a conference with him. I pointed out to him the danger his people would be exposed to. He agreed with me in views and issued a proclamation postponing the Creek Council until such time as it would be safe to meet. He also issued an order forbidding any of his people to enter Okmulgee. Everywhere I have been I have advised the people to stay at their own houses, which I think they are doing, until the danger is past. And I have great hopes of confining the disease to where it started and preventing its spread, throughout the country.



Herewith is a summary of the reported cases, deaths, etc.

No. of cases of smallpox at present	3
No. of deaths to date	4
No. of cases investigated and found not to be smallpox	27
No. of cases reported and found to be smallpox	1
No. of people (Creek citizens) Vaccinated	500
No. of suspects	1

I gave orders to the Superintendent of the Creek Orphan asylum to keep the children at school and allow no one to enter the premises, which I am pleased to say he has done. The Chief told me he would assemble the people together near his home and would send me word and I could come over and vaccinate them. It is the intention of the people that as soon as the inmates of the Gray and Anderson houses are out of danger, to burn the buildings. The disease was introduced (so it is reported) into this district by Amos Gray, who had been to Stroud Okla. Ty. for whiskey, and came back to this town by the way of Hillabee Creek. Gray, it seems, has served a term in the penitentiary for selling whiskey, and I have no doubt that is the way it was introduced into this neighborhood. ~~Dr. Mitchener to vaccinate at the~~ I have detailed Dr. Mitchener to vaccinate the Cassaḡah Band who care to assemble on orders from their Band Chief, Little Bear, at a place 6 miles southeast of here in a few days.

Very respectfully

(Signed) J. L. Blakemore

A. L. S.  
No. 26

Endorsement: J. L. Blakemore reports in regard to smallpox epidemic

Copied GBD

4/2/34



Okmulgee, Ind. Ter.  
Feb. 22, 1899

Mr. George Wright  
Indian Inspector  
Muskogee, I. T.

Dear Sir:

I thought I would ask you for information about the guard fee, and I would like very much to know whether it is \$1.50 or \$2.00 a day for Gard of this quarantine gard or not. They told me that it is \$2.00 a day and then turn around and said it is \$1.00 a day, so please will you tell me what is proper day Gard get. Gard told me to found out and see.

Yours truly

(Signed) Josh H. Cudjo

Quarantine G. S? Gard

Okmulgee

N. 72  
A. L. S.

Endorsement: Josh H. Cudjo wants information as to getting pay for service as quarantine guard.

Copied GBD  
4/2/34



Okmulgee, Ind. Ter.  
Feb. 22, 1899

342

125

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

As yet there is nothing new to report, no new cases have developed, but Doc Blakemore is kept busy investigating reports. Tom Scott who had the small pox at Austin Anderson's died yesterday. Captured Nivey Grimes from Hillubbee yesterday and put him in the pest house. 5 of his people died from it. Will send in a full report in a day or so.

Respfy

(Signed) C. W. Moore

No. 28  
A. L. S.

Endorsement: C. W. Moore Okmulgee, I. T. Feb. 22, 1899  
Reports Dr. Blakemore kept busy investigating small pox reports.

Copied GBD  
3/31/34



Lee, Ind. Ter.  
Feb. 27, 1899

Hon. J. Geo. Wright  
Indian Inspector  
Muskogee, I. T.

Dear Sir:

I am here to finish vaccinating at this place to-day. I find several who had small-pox ~~several~~ years ago and others who refuse to be vaccinated, owing perhaps to the many false and conflicting reports regarding the prevalence of the smallpox. I find on inspection that the report of smallpox on Ash Creek at Lovell's entirely false, as are most of such reports.

I enclose note from Capt. F. B. Severs which explains itself. I am sorry to report that I saw the patient, Mr. Anderson's 12 yr. old girl and I feel quite sure she ~~thas~~ has smallpox. Mr. Anderson, her Father, was with the two corpses at Okmulgee and also with the case of smallpox at his brother's (Austin Anderson's) and his daughter was exposed by him just about twelve days before taking sick. She has all the typical symptoms except the eruptions which is not due until noon to-morrow.

Please have Dr. Fite send me a small apparatus for disinfecting myself, etc. including the lamp, alcohol, etc. for fumigating. Instruct me as to whether I shall further expose myself by treating this and possibly other cases of smallpox that may develop in my section. I ordered David Anderson to guard the house until I hear from you. Shall I continue to do so. An early reply will greatly oblige.

Most respectfully

(Signed) J. W. Hensley

P.S. The bearer will bring reply



Wagoner, Ind. Ter.

Feb. 28, 1899

Gov. J. G. Wright  
U. S. Indian Inspector  
Muskogee, I. T.

Dear Sir:-

Yours of the 27th received. I will take  
pleasure in assisting you and others in controlling  
and stamping out the small-pox in this country.

Yours very respt.

(Signed) J. D. Brazeel

No. 74  
A. L. S.

Endorsement: Will assist in attending to smallpoz as requested.

Copied GED  
3/31/34



Vinita, Ind. Ter.

March 1, 1899

128

Hon. J. G. Wright,

U. S. Ind. Insp. for Ind. Ter.

Dear Sir:

Am in receipt of your communication including notice of appointment to inspect smallpox cases on designated portions of the St. Louis & San Francisco Railway. The matter shall receive my best attention as per instructions.

Very resp.

(Signed) B. F. Fortner, Pres.

A. L. S.  
No. 100

Endorsement: B. F. Fortner Vinita, I. T. March 1, 1899  
Acknowledge receipt of instructions as to smallpox; send copy of circular issued.



Vinita, I. T.  
March 1, 1899

346  
129

To the Mayor of \_\_\_\_\_

Sir:

Pursuant to the request of Indian Inspector Wright, I have the honor to represent him primarily in small pox matters upon the 'Frisco railroad at Vinita and West to Stroud. Mr. Wright has wisely undertaken to systematize the work of preventing smallpox and of extinguishing it, by calling the medical profession to cooperate with him. He has appointed a medical inspector for each line of road traversing the Indian Territory to co-operate with Boards of health, and with other physicians practicing within dangerous proximity to such roads.

Permit me to express through you to the physicians of your town and country my willingness to be of any service that I may in the matter, and ask the Board of Health to communicate with me.

Yours respectfully

Small Pox Inspector for 'Frisco Ry.

Copy  
No. 100.

Copied GBD  
4/2/34



March 2, 1899

130

Hon. J. George Wright  
U. S. Indian Inspector  
Muskogee, I. T.

Dear Sir:

Complying with your order requesting me to keep you advised as to smallpox situation here, I have to say that we have no new cases in my section to-day, and Mrs. Ellen Taylor, who I reported as very sick yesterday, is still living, but quite low. I am <sup>having</sup> three infected houses guarded and also the ferry here on the Ark.

At noon to-day I drove out west ten miles to vaccinate Tecumseh's family, an Indian family I had missed last week, and while there I heard smallpox had broken out in Austin Anderson's family again. I went on to further investigate it and when I came to Mr. Bluford Miller's, I learned that in a very few hours after the guards had left the house, two were taken sick and that at present there four of the family down with small pox and two of that number were broken out well. Mr. Miller also said he thought they were entirely without attention, medical and other, as well as all the neighbors (and Mr. A. himself) were afraid to go over there.

I could find no one there that would guard, all were so scared. If you have not already dispatched a physician and guard to help this distressed family, advise me how much you will allow for guards, and I will take them from here. This being out of my



section and previously under care of Dr. Blakemore, I was not sure you would approve of my taking charge of them. It seems that the place must have been abandon too soon. The people here are very much excited, but I yet believe this (north) side of the river in little danger. Some are clamoring for a fifty mile line of guards. I think the best, cheapest, and quickest way is to keep all infected houses closely guarded, then all other being vaccinated and their homes disinfected, there is little danger except two or three Indian families who have not been vaccinated, but have already been exposed. I will get to them to-morrow. I shall finish what little vaccinating there is yet to do in the most exposed section and then give my whole attention to care of the sick ones and quarantining their homes.

I have vaccinated something like three hundred, some others have had small pox, some have gotten points and vaccinated themselves, so there are comparatively few exposed who are not now protected. Please advise me further as to that family out west that I may go soon to-morrow to aid them, if no one has yet gone. I shall keep you advised as to the developments from day to day.

Mr. Murphy, our police, is now in Muskogee, I think when he comes back he will be able to assist in keeping the guards at their posts, etc. He seems very willing to cooperate in quarantining river and elsewhere.

Yours truly

(Signed) J. W. Hensley

No. 109  
A. L. S.

Endorsement: Dr. J. W. Hensley reports as to status of the smallpox situation - serious.



Muskogee, Ind. Ter.

March 2, 1899

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

Sir:

Your communication of Feb. 27th relative to my attending to cases of smallpox and suspects along line of M. K. & T. R. R. received. In reply will say that I will attend to the matter as outlined in your letter.

Very truly yours

(Signed) Francis B. Fite

per C.A.T.

No. 120  
A. L. S.

Endorsement: Muskogee, I. T. March 2, 1899 Dr. F. B. Fite  
Will attend to smallpox matter as requested on M. K. & T. Ry.

Copied GBD  
3/31/34



(undated)

133

Hon. J. G. Wright  
U. S. Indian Inspector

Dear Sir:

I enclose you Chief Isparhecher's letter and ask your advice. I suggested that Council be abandoned until there was not the least chance of spreading the disease. We have just now got the people to understand what a quarantine is, and I hope have a fairly good chance, if we can have the cooperation of all concerned, in eradicating the dreadful disease, but if Council meets, there will be every council member exposed and will take it back to their people. There has only been two cases developed since I came and no deaths with perhaps two other cases not fully developed. You might suggest to the Chief that after the disease is over, then you will know the expense and could act more intelligently. Please to hasten the bearer of this back so that I may know what to say to the Chief to-morrow at one.

Very truly yours

(Signed) J. L. Blakemore

I add that vaccination is going steadily on and we hope to have all vaccinated in this county by Tuesday night.

No. 182

A. L. S.

Endorsement: Okmulgee, I. T. Dr. J. L. Blakemore. Relative to smallpox.

(Received at Office of U. S. Indian Inspector Mar. 8, 1899).



Union Agency,  
Muscogee, I. T.  
March 13, 1899.

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

Dear Sir:-

I have the honor to enclose herewith, a letter directed to me from Hon. Lee Patrick, U. S. Indian Agent at the Sac and Fox Agency, Oklahoma Territory.

Mr. Patrick, by direction of the Commissioner of Indian Affairs, has charge of the Creek Indians in the Hilabee district who have been afflicted with the smallpox, and he now states that there are several minor orphan children in his charge from three to fifteen years old, who have survived the smallpox and are ready to be disinfected and moved from the pest camp. He states also that their parents are dead and that they have no place to go and he wants to know what disposition he shall make of them.

I respectfully submit this question to your consideration and for your recommendation to the National Council, which I understand assembles on the 15th instant. I think that the Council should have these children taken to the orphan's Home of the Creek Nation, where they could be properly cared for, and that an appropriation to provide for such children should be made by the National Council.

--press book no. 1-letter208.



You will readily understand that this agency has no funds out of which to pay for the care of these children and their disposition is one that comes immediately, as I think, under the action of your Council.

Very respectfully,

D. M. Wisdom.

U. S. Indian Agent.

Approved.

J. Geo. Wright,

U. S. Indian Inspector.



Union Agency,  
Muscogee, I. T.  
March 13, 1899.

Hon. Lee Patrick,  
U. S. Indian Agent,  
Sac and Fox Agency, O. T.

Dear Sir:-

Yours received in which you state that you have several minor orphan children in your charge from three to fifteen years old, who survived the smallpox, and are ready to be disinfected and moved from the pest camps. You also state that their parents are dead and they have no place to go, and you ask that I shall advise what disposition you shall make of them.

You are respectfully informed that I have submitted your letter to Hon. Isparhecher, Principal Chief of the Creek Nation, Okmulgee, I. T., and have urged him to recommend to the National Council to move these children to the Orphan's Home near Okmulgee and to make the necessary appropriation out of the National funds for that purpose. I think this is the best disposition that can be made of the orphan children mentioned by you. The Creek Council assembles on the 15th instant, and Hon. J. George Wright, U. S. Indian Inspector, will attend said Council and will see that this matter is properly presented through the Chief, as above indicated, and at the very earliest date you will be advised of what action has been taken.

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

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

(Endorsed) Union Agency - Muskogee, Oklahoma. Press book no. 1---  
letter 209.



Okmulgee, I. Ter.

137 350

March 21, 1899

Mr. George J. Wright,  
U. S. Inspector

Dear Sir:

While have got this view in your hand I thought I would write you this. Mr. Wright they has not seen they they do not want to pay us for the guarantee buisness. They have got the bill before the house and they said let the government pay you people, that they had employed you. They said that they did not emply you people at all and is not expect not to pay you anything. That what they told me myself because I always work for the Council and I was in the house of Kings. They swere that the Nation will not pay it. They say that government employed us folks and let the U. S. pay it. I know them and I am right here every day and night and they say that they wont pay. So I thought that I would inform you that the boys ask me to write you in regard of that they wont make know proprations for our money. So let the man hired you people. So answer me at once.

(Signed) J. H. Cudjo

No. 351  
A. L. S.

Endorsement: J. H. Cudjo, Okmulgee, I. T. Mar. 21, 1899  
Creek council will not pay smallpox bills.

Copied GBD 3/31/34



## EXECUTIVE OFFICE MUSKOGEE NATION

Okmulgee, I. T.  
March 23, 1899

Hon. J. George Wright,  
U. S. Indian Inspector  
Muskogee, I. T.

Sir:

I hereby hand you a copy of the action of the National Council of the 21st inst. approved by me, and which is self explanatory.

Respectfully

(Signed) Isparhecher

Prin. chief, M. N.

No. 403  
A. L. S.

Endorsement: Isparhecher P. C. M. N. Okmulgee, I. T. 3/23  
Transmits resolution of Creek Council that the U. S. government should pay expenses incurred fighting smallpox.



Okmulgee, I. T.

Whereas, the Principal Chief has submitted to the council for consideration, a communication from Hon. J. Geo. Wright, Indian Inspector, suggesting to the chief that he recommend to the Council the appropriation of \$6000.00 to be used in paying liabilities incurred in establishing pest camps and maintaining quarantine, etc. in the Creek Nation to prevent the spread of smallpox, and

Whereas, it does not appear that any debt was incurred by authority of the council or by direction of any officer of the Nation, and

Whereas, the amount of \$6000.00 is excessive, especially as there is no itemized statement showing how the debts were incurred - by whom and under what authority they were made, or why the Nation should be liable therefor, therefore

Be it resolved by the National Council of the Muscogee Nation, that it is the opinion of the National Council that the Creek nation is not liable for any debts contracted in the manner stated by the Hon. Indian Inspector, J. Geo. Wright, and the principal chief is hereby instructed to officially notify Inspector Wright of the sense of the National Council as expressed in this resolution.

Adopted Mar. 20, 1899

A. O. McKellop (Signed), Clerk (Signed) G. W. Grayson  
Speaker of H. of W. pro tem

Concurred in Mar. 21, 1899

(Signed) G. A. Alexander Pres. H. of Kings

(Signed) J. H. Alexander Clk.

Approved March 21, 1899

(Signed) Isparhecher, Prin. chief  
M. N.



Union Agency,  
Muscogee, I.T.

March 29, 1899.

Hon. Lee Patrick,  
U.S. Indian Agent,  
Sac and Fox Agency, O.T.

Dear Sir:-

I have the honor to enclose herewith a copy of a letter that I have just received from Isparhecher, Principal Chief of the Muscogee Nation, in which he explains why an appropriation was not made for the care of certain orphans in the Creek Nation, and whose parents were victims of the smallpox.

He intimates that in May next, if he can secure the statement as to the number, he will be glad to lay the matter before the Council.

I regret very much the tardiness of the Creek officials in regard to this matter, but it seems now that it cannot be helped. Please furnish me, if not too inconvenient, the names of such orphans, so that when the Council meets in May I may be able to present it in such a way as to avoid any objection and secure thereby the proper appropriation.

Very respectfully,

Approved;

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

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

(Endorsed) Union Agency Press Book no. 1. letter 396. Muskogee, Okla.



## THE WESTERN UNION TELEGRAPH COMPANY

number	-	sent by	-	rec'd by	-	check
5	-	AT	-	VN	-	24 Collect Govt 23¢

RECEIVED at 1 PDated Stroud I.T. 4/11/99To Wright InspectorMuskogee, I.T.

Unless clerical assistance is furnished me at once I will  
abandon further operations with small pox among creeks

Patrick Agent

(Endorsed) Union Agency No.653 Received Apr.11,1899 Office of  
U.S.Indian Inspector for Indian Territory.Patrick Agent Stroud  
I.D.----Wires will abandon smallpox unless clerical assistance  
is furnished at once.----



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

Dr. V. Berry,  
Wewoka, I.T.

Dear Sir:-

Yours of the 27th ultimo to Col. D. M. Wisdom has been received. Col. Wisdom's resignation having been accepted by the Department, I have been appointed his successor.

Relative to the payment of your bill for vaccinating the "wards of the nation," I have to inform you that as yet no appropriation has been made for the payment of the indebtedness incurred during the smallpox epidemic in the Creek Nation. As soon as I receive any further information about this matter, I will advise you.

Very respectfully,  
J. Blair Shoenfelt,  
U.S. Indian Agent.

Approved:

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



DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington,

July 27, 1899.

Refer in reply to the following:

Finance.  
34706-'99.

J. Geo. Wright,  
U.S. Indian Inspector,  
Muscogee, I. T.

Sir:

This office is receipt of your communication of the 20th instant, transmitting a statement of the expense incurred in suppressing the smallpox in the Creek Nation amounting to \$4,609.93, and requesting that authority be granted for agent Shoenfelt, to settle said indebtedness.

In reply you are advised that under existing regulations agent Shoenfelt can not settle any indebtedness incurred by his predecessor, except for employes. To enable him to do this it will be necessary for his predecessor to prepare proper vouchers covering each indebtedness. Agent Wisdom should submit monthly reports of irregular labor covering the services of all persons employed by him, showing the time they were employed, the rate per day and the character of service rendered, and forward the same to this office for approval. He should also prepare certified pay-rolls covering the amounts due the parties as shown by the monthly reports, and submit them to this office for proper action. Where purchases were made of drugs, lumber and supplies, as shown in your statement, he should submit certified vouchers covering the expenditure and forward them to this office for payment.



You will please notify agent Wisdom of this fact, and give him such advise or assistance as may be necessary in the preparation of these accounts.

Very respectfully,

W. S. Jones.

Commissioner.

T.B.W.

(J.)

(Endorsed) Agency No. 287. Received Jul. 31, 1899. Office of U.S. Indian Inspector for Indian Territory. Washington, July 27, 1899. Commissioners. Ex-Indian Agent Wisdom should prepare vouchers for smallpox indebtedness.



## DEPARTMENT OF THE INTERIOR,

Office of U. S. Indian Inspector,

For

Indian Territory,

Muscogee, Ind. T., July 26, 1900.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to the provision of the Indian Appropriation Act, approved May 31, 1900 (Public 131), as follows:

"Fifty thousand dollars, or so much thereof as may be necessary, to be immediately available, in payment of liabilities already incurred and for amount necessary to be expended in suppressing the spread of smallpox in the Indian Territory among those residents of said Territory not members of any Indian tribe or nation therein, all accounts to be first carefully examined and approved by the Secretary of the Interior as just and reasonable."

and also to Indian Office letter dated July 5, 1900, addressed to the United States Indian Agent, concerning smallpox accounts in the Creek Nation, I have the honor to report that the accounts for expenses incurred for the suppression of smallpox, under the direction of Dr. Fite, have been forwarded to the Indian Office by the United States Indian Agent, with the request that the bills for supplies be paid, and estimate for money to pay irregular employes has been made.

In the examination of the smallpox accounts of the Choctaw Nation, it is found that they are in such shape as to require very extensive investigation, and to do this will require a considerable  
---press book no. 4-letter 166.--



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length of time, but the preparation of such accounts will be expedited as much as possible, and as soon as same are in proper form, all remaining accounts will be forwarded to the Department.

Very respectfully,

J. Geo. Wright,

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

(Endorsed) Press Book Union Agency-book No. 4 Letter 166. Muskogee, Okla.



DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, December 27, 1899.

J. George Wright,  
U. S. Indian Inspector,  
Muscogee, Indian Territory.

Sir:

This Office is in receipt of a telegram from the U. S. Indian Agent at Union Agency, I. T., dated the 22nd instant, as follows:

"Dr. Fite, who was sent from this office to investigate reported cases of smallpox Chickasaw Nation, reports twenty-seven cases at Colbert, nine deaths. Two cases at Chickasha. No board of health in Chickasaw Nation. Cases mostly among non-citizens, towns not incorporated. Am informed Chickasaw Nation will care for citizens. Request authority be granted by wire to enforce vaccination and to place Dr. Fite in charge. Will mail report".

This Office is also in receipt of letter of the 14th instant reporting action taken by him in reference to the suppression of smallpox in the Creek Nation.

The Agent states that he has appointed Dr. F. B. Fite, a prominent physician of Muscogee, to take charge of all smallpox matters in the Creek Nation, and that he has given him authority to hire guards, to buy vaccine matter and to take such other precautions as might be necessary to stamp out the disease, and that the doctor receives for his services the sum of \$500.00 per month.

Relative to the alleged smallpox cases in the Creek Nation near the Sac and Fox Agency, it seems that the matter was investigated by one Dr. Thompson, who received \$25.00 per day for seven days, and that two other physicians have been employed at a compensation of \$12.50 per day.



## 2.

The Agent embodies in his letter an extract from the report of Dr. Fite, saying that he (Dr. Fite) assumed active charge of the smallpox epidemic in the Creek and Cherokee Nations on November 23d, and found the disease to exist at Eufaula, Wagner and Holdenville, in the Creek Nation, and at Webber's Falls, in the Cherokee Nation; that at Eufaula there are eight cases in various stages and twelve that have been exposed. Notwithstanding the assertion of Dr. Fite that the disease exists at Eufaula, the Office is informed (and the information comes from a reliable source) that smallpox does not exist at Eufaula, nor is there a case in thirty miles of the town. Now, if this is really true, it seems that the physician is acting in bad faith and that the pay promised by the Agent is a stimulus to prolong the scare or report other diseases as smallpox. The Office knows nothing of the professional reputation of the physician, and is therefore not in a position to judge whether or not he is able to determine between smallpox and kindred diseases.

In view of the fact that the Agent has already incurred obligations for which no authority has been granted and as the Office has absolutely no funds at its disposal to meet any of the expenses that have been or will be incurred, and it is thought that the appropriation of \$50,000.00, if authorized by Congress, will be but a small item of the amount which will be actually required - it is desired that you make an exhaustive investigation as to whether or not the disease really exists at Eufaula and the other places re-



3.

ported, and to what extent. It is also desired that you state what you consider a reasonable compensation for physicians, guards and other persons whom the Agent has employed.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

H.P.(S)

Copied from U. S. Ind. Inspector's letter No. 483 in files of Superintendent of Five Civilized Tribes, Muskogee, Oklahoma.



## DEPARTMENT OF THE INTERIOR.

Washington.

December 6, 1900.

The United States Indian Inspector

for the Indian Territory,

Muskogee, I.T.

Sir:

The Department is in receipt of a letter of December 3, 1900, from the Commissioner of Indian Affairs, in which he states that on November 6, 1900, A.R.Querry, of Tulsa, Indian Territory, wrote to his office relative to the matter of the collection of tribal taxes from Dr.Samuel G. Kennedy, of Tulsa, Creek Nation. He stated that on September 30, 1896, Dr.Kennedy married Agnes Lombard, an Osage Indian, and about the same time began the practice of medicine in Tulsa; that he complied with the Creek laws by going before the medical board of that nation and securing a license to practice, and that he claims to be exempt from the payment of the tribal tax assessed against physicians, for various reasons, inviting attention to section 12 of the Compact between the Cherokees, Creeks and Osages, page 158 of the Creek laws, edition of 1893, namely:

"The legislative authorities of the nations, parties to this compact, may regulate by law the time, manner and conditions upon which the citizens of the other nations, parties to this compact, may be allowed to reside within its limits for the purpose of trade, stock raising, farming, or other business, or pleasure, and certificates signed by the Principal Chief and attested by the seal of the nation to which the person availing



himself of the benefits of any law regulating such privileges shall be taken and held as prima facie evidence of the citizenship of such person."

The Commissioner states that this letter was referred by his office to you on November 13, 1900; that you say in your communication of November 23rd that said Compact was not intended to authorize persons in the position of Dr. Kennedy to reside in the Creek Nation without payment of tax; that the Creek Nation never promulgated any regulations pursuant to section 12 of the Compact above quoted, but, in fact, passed a law that "no non-citizen shall have the right to reside in or to own any improvement in this nation, except as provided for in the treaties between this nation and the United States;" that it is your opinion that Dr. Kennedy is not exempt from the operation of the Creek license law.

The Commissioner concurs with you, and recommends that you be advised that Dr. Kennedy should pay the Creek tax, and that, if he refuses to do so he will be subject to removal from the said Nation and the Indian Territory.

The Department concurs in this recommendation, and you will proceed accordingly.

A copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind. Ter. Div.  
3984-1900.  
1 inclosure.



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(Endorsed) Union Agency No.1451 Received Dec.11,1900 Office of U.S.Indian Inspector for Indian Territory.Washington, Dec.6, 1900, Secretary.-----Approves report of Inspector in regard to rights of Dr.Samuel G.Kennedy, of Tulsa, in Creek Nation, and directs to so inform him.-----



CREEK - ELECTIONS



Muskogee, I.T., August 29, 1903

Hon. J. Blair Shoenfelt,

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

Sir:

In order that the election may be held without any disturbances at the towns of Arkansas Colored, Canadian Colored and North Fork Colored, I would respectfully request that you detail a policeman to be present at each place at their election. The one for the Arkansas Colored Town send across the River at the Clarksville bridge; the one for the Canadian Colored send to Wash Charles' Spring on Cane Creek some five miles or more from Boynton: the one for the North Fork Colored, send to Pecan Creek near John Myers. Also send Lewis Hardridge to Big Spring election as he votes at that precinct.

I think this will be absolutely necessary and trust you will give it your immediate attention.

Respectfully,

P. Porter,

Prin. Chief.



To the Honorable House of Kings and Warriors,

Okmulgee, Ind.Terr.,

Oct. 17, 1903.

Gentlemen:

I have the honor to recommend for your confirmation the Honorable Robert Frye for Auditor of the Creek Nation.

Very respectfully yours,

P.Porter,

Prin.Chief.

Votes cast in the House of Kings on the Chief's nomination for National Auditor, Robert Frye.

Pro	Con.
24	0

Oct. 17, 1903.

Lee McNevins, Clerk

Roley McIntosh, Pres.H. of K.

Lee McNevins, Clerk (Sic)

Votes Cast in the House of Warriors in the Chief's nomination for National Auditor, Robert Frye.

Pro.	Con.
47	1

A.P.McKellop, Clerk.

J.H.Land, Sp. H. of W. Protem.



CREEK - ESTRAYS



Union Agency,

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

Louis Townsend,

Wellington, I.T.

Sir:-

Mr. J. Dudley states to this agency that he had a horse to stray from his place on Goodys Creek, about four miles from Muscogee, one month ago; said horse is described as follows:

A brown horse, about 15 hands high, nine or ten years old, roche mane; is branded a round top T on the left shoulder.

He has been informed that said horse is in your possession and he wants to have the same returned to him. He is willing to pay you a reasonable charge for taking care of said horse during the time he has been in your possession. If you and Mr. Dudley can settle the matter satisfactorily, I advise you to do so, but if you cannot, you will both come to this agency and bring said horse with you, and I will settle the matter myself.

Your failure to obey this order will compel me to restore said horse to said Dudley by such an order as I may deem proper.

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 495. Muskogee, Okla.



CREEK - FERRIES & TOLL BRIDGES



Union Agency,  
Muskogee, Indian Territory,  
July 7th, 1899.

Mary Cummings:

The above named plaintiffs Ed. England and A.F. England having this day filed with me a sworn complaint that you are forcibly preventing them from operating the ferry boat in their possession at the ferry across the Arkansas River where the Mo. Kan. & Tex. Ry bridges crosses the same on the road leading from Muskogee, I.T., to Gibson Station, I.T., thereby rendering it impossible for the traveling public coming over said road from points north of the Arkansas River to Muskogee or other points south of the Arkansas River to cross at this point and prevents the traveling public from going along said road to points north of the Arkansas River from crossing at this point, it is therefore ordered that you cease and refrain from in any manner interfering with the operation of the ferry at this point or any other manner, by force or threats or otherwise obstructing the public highway leading from Muskogee, I.T., to Gibson Station, I.T., or from threatening to in any manner obstruct the same upon the penalty of being removed from the Indian Territory if this order is disobeyed.

Given under my hand at Muskogee, Indian Territory this 7th day of July, A.D. 1899.

J. Blair Shoenfelt.

Approved;

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

(Endorsed) Union Agency Press Book No. 3 Letter 417. Muskogee, Okla.



July 7, 1899

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Union Agency,  
Muskogee, Indian Territory.

Mary Cummings;

The above named plaintiffs Ed. England and A. F. England having this day filed with me a sworn complaint that you are forcibly preventing them from operating the ferry boat in thier (Sic) possession at the ferry across the Arkansas River where the Mo. Kan. & Tex. Ry bridge crosses the same on the road leading from Muskogee, I. T., to Gibson Station, I. T., thereby rendering it impossible for the traveling public coming over said road from points north of the Arkansas River to Muskogee or other points south of the Arkansas River to cross at this point and prevents the traveling public from going along said road to points north of the Arkansas River from crossing at this point, it is therefore ordered that you cease and refrain from in any manner interfering with the operation of the ferry at this point or any other manner, by force or threats or otherwise obstructing the public highway leading from Muskogee, I. T., to Gibson Station, I. T., or from threatening to in any manner obstruct the same upon the penalty of being removed from the Indian Territory if this order is disobeyed.

Given under my hand at Muskogee, Indian Territory this 7th day of July, A. D. 1899.

J. Blair Shoenfelt.

J. Geo. Wright.

(Endorsed) Union Agency press book no. 3-letter 417. Muskogee, Okla.



Land  
140-1901

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,

Washington, Jan. 5, 1901.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated Dec. 29, 1900, from Inspector Wright, transmitting a communication dated Dec. 26, 1900, addressed to this office through Inspector Wright by Mr. C. W. Turner, of Muscogee, I. T., in which it is stated that he and his associates under the name of the Muscogee and Clarksville Bridge Company proposes to construct a highway toll bridge for the accomodation of travelers between Muscogee and the country north of the Arkansas River, said bridge to be over the Arkansas River at a point about 4 miles northwest of Muscogee and to cost in the neighborhood of \$30,000.

Mr. Turner further states that said bridge company desires to issue bonds for one-half of the cost of the bridge, the same to be secured by the bridge, the franchise, and the tolls, and asks to be advised at an early date whether the Department would favor the passage by Congress of an act authorizing said bridge company to construct said bridge and to issue its obligations to the extent of one-half of the cost of the bridge. Mr. Turner further states that he and his associates have one-half of the money ready to invest in said enterprise and that certain



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bond buyers are ready to invest in the bonds to be issued by the bridge company.

Inspector Wright states that it would appear that the building of a bridge as proposed by the company would be a public benefit and he submits Mr. Turner's communication for such action as the Department may deem proper in the premises.

It is thought by this office that a bridge across the Arkansas River at the point mentioned by Mr. Turner would be of great service to the traveling public in the Indian Territory and if the proper safeguards are provided in an act of the character of that mentioned by Mr. Turner, this office would interpose no objection to its being enacted into law and it is recommended that the Inspector, if the Department shall agree with this office, be instructed to so advise Mr. Turner.

Very respectfully,  
Your obedient servant,

W.A. Jones.

Commissioner.

G.A.W. (L'e)

(Endorsed) Union Agency No. 1595 Received Jan. 14, 1901 Office of U.S. Indian Inspector for Indian Territory. Washington, Jan. 8, 1901, Secretary.-----Declines to state what action Department would take on proposed Act authorizing building a bridge over Arkansas River.-----



## Permit to Operate a Ferry Boat

Know all men by these presents; That Sam Chissoe; a citizen of the Creek Nation, in the Western District, is hereby duly authorized to own, operate, and control, a Ferry Boat plying on the Verdigris River for the purpose of carrying passengers and freight, back and forth across said River, from points located and situated on the said Verdigris River, and described as follows:- From a point on the East Section line running, across said River to a point, on the opposite bank, all the points mentioned being located in the N.E. 1/4 of the N.E. 1/4 of section 5. Township 16. Range 18. which land is owned and controlled by the said Sam Chissoe.

It is further authorized that the said Sam Chissoe has been granted the absolute and exclusive rights, and privileges, to own, operate, and control, said Ferry Boat on said River too and between the points as previously set out in this instrument, and that all other persons are warned and prohibited, from operating or controlling any Ferry Boat plying on the said River, from the points on the Section line as above described.

It is further authorized, that the said Sam Chissoe may charge a reasonable fee, for carrying such passengers and freight across, said River on the Ferry Boat owned, operated, and controlled by him, plying too and between the points as before described in this instrument.

P.Porter, Prin.Chief.Muskogee Na.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 400. Muskogee, Oklahoma. 1-21-03



CREEK - INTRUDERS



DEPARTMENT OF THE INTERIOR.  
Washington.

L.T.D. 3639-1902.

June 12, 1902.

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

Gentlemen:

Your Commission will transfer and turn over to the United States Indian Agent, Union Agency, on July 1st next, two horses, two buckboards, harness, whips, lap robes, halters &c, to enable said agent to remove intruders from the Creek nation in the Indian Territory.

This direction is made after a personal interview with the Acting Chairman, Mr. Bixby, who is now in the city.

Respectfully,

Thos. Ryan

Acting Secretary.

(Endorsed) Union Agency No. 9996 Received Jun. 20, 1902 Department,  
Ryan, Washington, D.C., June 12, 1902.-----Directs Commission to turn  
over to Indian Agent two horses, two buckboards, harness, etc.,  
to enable said agent to remove intruders from the Creek Nation.-----



DEPARTMENT OF THE INTERIOR.  
Washington.

ITD 1846-1903.

February 26, 1903.

United States Indian Inspector  
for the Indian Territory,  
Muskogee, Indian Territory,

Sir:

The Department is in receipt of a report from the Acting Commissioner of Indian Affairs, dated February 14, 1903, inclosing a telegram (Sic) from Acting Indian Agent Wisdom, of the Union Agency, to the U. S. Indian Agent for the Union Agency, and by him referred to the Indian Office, requesting the removal of Jack Dulin from the Creek Nation and the Indian Territory, under the provisions of section 2149 of the Revised Statutes of the United States. Said telegram is inclosed herewith.

The Department has advised the Commissioner of Indian Affairs relative to the matter in a letter, press copy inclosed herewith, in which he has been informed that the Department is unwilling to issue the order from the information derived from said telegram. The Department requests you to investigate the matter and make a full report, showing First, whether the presence of said Dulin is detrimental to the peace and welfare of the Indians in the Territory.

Second, whether a warrant for murder has been issued by the United States court and is in the hands of the marshal and what efforts are being made to execute said warrant.



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Third, whether said Dulin is the owner of any lot or parcels of land in any town or city in the Indian Territory which has been designated as a townsite under existing laws and treaties.

Fourth, whether in case he is the owner of such lots his cattle ought to be removed from said Territory.

Fifth, any other facts pertinent to the matter, together with your recommendation in the premises.

There is inclosed a copy of the letter of the Acting Commissioner of Indian Affairs and you will, return the telegram above referred to, with your report.

Respectfully,

Thos. Ryan.  
Acting Secretary.

3 inclosures.

(Endorsed) Union Agency # 5894 Received Mar. 6, 1903. Office of U. S. Indian Inspector for Indian Territory. Washington, Feb. 26, 1903. Secretary. Directed to investigate and report in matter of request of Indian Agent for authority to remove Jack Dulin from Creek Nation.



Form No.586.

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## LETTERS OF GUARDIANSHIP.

UNITED STATES OF AMERICA,)

Indian Territory, )ss.

Western District. )

To all to whom these presents shall come----GREETING:

KNOW YE, That, whereas Benj.F.Bruner has, on this day, by the United States Court in Probate in and for the said Western District in the Indian Territory, been appointed guardian for Ella Pearl Bruner, Ivory Ann Bruner, Leona Belle Bruner, Edna Irene Bruner minors, under the age of 14 years, by his entering into Bond to the United States of America for the use of said minor in the sum of Two Thousand Dollars, and whereas the said Benj. F. Bruner has this day filed his Bond in such sum to the United States of America for the use of said minors, which said Bond stands approved by the Court.

NOW, therefore, he, the said Benj. F. Bruner is hereby authorized and empowered to collect and receive all moneys, property, and effects, that are now, or hereafter may become due to his said wards, and in general to do and perform all and singular the duties devolving upon him as such guardian by law, or that may be enjoined upon him by the lawful order, sentence or decree of any Court having competent jurisdiction.

IN TESTIMONY WHEREOF, I. R.P.Harrison

Clerk of the United States Court in Probate, in and  
for the said Western District in the Indian Territory,



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hereto set my hand and affix the seal of said Court, at  
my office in Wewoka, this 5th day of May, A.D.1904.

R.P.Harrison, Clerk,

By -----R. A. Bayne, Deputy.



GEO. C. CRUMP

HARRY H. ROGERS,

CRUMP & ROGERS  
L A W Y E R S  
WEWOKA, I. T.

August 9, 1905.

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

Dear Sir:-

On the 8th inst. Ben Bruner went to the premises of Mrs. W. R. Morris with an Indian Police and demanded possession of NE 1/4 of Section I, Township nine (9) and Range Eight (8), in the Creek Nation. The Indian Police told her that she would have to give possession of the house only but Ben Bruner demanded possession of the whole place including the crops. Mrs. Morris was alone when they came and was so badly excited she remembered but little but from what she says we are of the opinion they were not acting under your authority. They showed no papers of any kind. This is a peculiar case and as this is a widow woman with a family of seven children we think you will pardon us for writing us (Sic) in her behalf. W. R. Morris, the husband of this woman died on the 28th day of last December. He had an old lease for five years which would have expired this year but he had taken a new lease which runs two years after this. These leases were taken from Daniel King who was the occupant of the land at the time and who still occupies the land but who seems to have lost out in his attempt to secure a deed. Morris took this place which was heavily timbered and there is now in cultivation 75 1641.



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acres. The entire 160 acres is fenced and there is a good well and fair out buildings and a good house. The place is a number one farm and was nothing but a wilderness when Morris took a lease on it. Mrs. Morris is perfectly willing to vacate the place at the end of this year and we believe you will see that the equities are with her and that the allottee cannot suffer because the place has been trebled in value by the labors of this woman and her husband before his death. We had heard that there was likely some action to be taken with your office and wrote Mr. Shoenfelt in regard thereto and we were assured by him that nothing would be done until there was an opportunity to be heard. For this reason we think the action of yesterday was not warranted.

We trust that you will thoroughly investigate this matter before depriving this woman of her crops for this year. She will gladly vacate if she can save this year's crop.

Crump & Rogers.

(Endorsed) Union Agency No. 1641 Received Aug. 10, 1905 Office of U.S. Indian Agent, Muscogee, Ind. Ter. Aug. 9, 1905 Crump & Rogers, Wewoka, I.T.-----Relative to intruder complaint of Ben Bruner vs Mrs. W.R. Morris.-----



In the United States Court, Western District, Indian Territory  
Sitting at Wewoka, April Term, A.D.1907.

Honorable Louis Sulzbacher, United States Judge, Presiding:

Nisey Cain,.....Plaintiff

vs

Complaint in Equity.,

Edna I. Bruner, and Ben Bruner,

as Legal Guardian of Edna I.

Bruner,.....Defendants.

Comes now the plaintiff, above named, Nisey Cain, and respectfully states to the Court: That the plaintiff and defendants are both residents of the Western District of the Indian Territory and have been for more than one year last past, and that the lands hereinafter described and set forth herein are situated in the XIIIth. Recording District of the Indian Territory, and that the town of the said Western District nearest to the residence of the defendants at which terms of the United States Court are held is Wewoka; that plaintiff is a Creek Indian of full blood and does not read, write or speak the English Language; that she is the wife of Daniel Cain and has been for more than ten years last past, that plaintiff and her said husband are both citizens of the Creek Nation and that her husband, Daniel Cain, is also a full blood Creek Indian and does not read, write or speak the English Language; that she believed she was entitled to live upon the land which she had improved and that she improved the Northeast Quarter of Section one in Township Nine North of Range 1641.



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East in the Creek Nation and made her home thereon continuously since 1899 and that prior to her taking possession of the said land she bought the improvements then upon the said land, that she has lived upon said land-the Northeast Quarter of Section one township nine North Range eight East,-and has made her home thereon and now lives upon said land; that she has been informed that one Ben Bruner has filed upon said land for his minor child Edna I. Bruner and claims the land as her own; that the said defendants have never done anything upon said land and have never been in possession of the same; that plaintiff owns the improvements upon said land and is entitled to the possession thereof as an allotment in the lands of the Creek Nation; that she has never asked for any other lands in the Creek Nation and that she claims the said lands as her own; that she has been sent deeds by the Commission to the Five Civilized Tribes which call for other lands in the Creek Nation; but that she has never authorized any person to allot her upon any other lands than the land hereinbefore described and that she never authorized Ben Bruner or any person for him authorizing him to allot Edna I. Bruner upon the lands of the plaintiff; that if defendant, Ben Bruner, has any papers which show him to be entitled to the possession of said lands that such papers have been obtained by fraud and that if Edna I. Bruner has any papers showing her right to these lands such papers have been obtained by fraud and without the knowledge or consent of this plaintiff; that the said Ben Bruner is the legal Guardian of Edna I. Bruner;

Wherefore, plaintiff prays that a decree of this court be entered setting aside the deeds heretofore issued by the Commis-  
1641.



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sion to the Five Civilized Tribes to Edna I. Bruner to the lands herein described, to-wit: The North East Quarter of Section One Township nine North Range Eight east in the Creek Nation, Indian Territory, and that the title to the said lands be decreed to be in this plaintiff and that all deeds made by the Commission to the Five Civilized Tribes conveying to plaintiff any other lands be also set aside and cancelled, and that the defendants pay the costs of this action, and for such other and further relief as the court may appear just and equity require, and thus she will ever pray,

her  
Nisey x Cain  
mark.

United States of America.,

Western District, Indian Territory. ss

Nisey Cain being duly sworn says that she has heard read the foregoing complaint and knows the contents thereof and that the same is true.

her  
Nisey xCain  
mark

Subscribed and sworn to before me this 24th day of January 1907.

Commission expires 1/25/1909.

C.I. Thatcher, Notary Public.



DEPARTMENT OF THE INTERIOR,  
United States Indian Service,

Okmulgee, I.T.

Aug. 12, 1905

Hon. Dana H. Kelsey, U. S. I. A.,

Muskogee, I. T.

Dear Sir,-

In intruder case #1641 in which Benjamine F. Bruner, guardian of Irene Bruner, is plaintiff versus Frank Tate, defendant, for possession of the S1/2 of N. E. 1/4; Lots 1 and 2 of Sec. 1, T. 9, R. 8,

I beg leave to submit the following report:

According to instructions I went to this allotment, and find two families of non citizens occupying said allotment, their names are Mrs. W. R. Morris and E. L. Gibson. Also find a creek citizen occupying the same, name Daniel Cain,

Daniel Cain is a full blood creek citizen and has been living on this place fifteen or eighteen years, when the filing began about four years ago these other parties went to Cain and leased this land with an understanding that Cain would file on it. Cain tried to file on it but not knowing anything about the numbers of the land filed on some land some miles away from this land thinking he had filed on this, which was his old home.

These two families non citizens agreed to vacate by the twelfth of this month, but I will have to have further instructions with reference to Cain.

Yours very truly,

Samuel Haynes.  
U.S. Indian Police.



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(Endorsed) Union Agency No.44085 Received Aug.14,1905 Office of  
U.S.Indian Agent,Muscogee,Ind.Ter.Aug.12,1905 Samuel Haynes,  
U.S.I.P.,Okmulgee,I.T. Report on INTRUDER #1641.----



J. C. JOHNSON  
Attorney and Counselor At Law  
Wewoka, Indian Terry.

August 14, 1905.

Hon. Dana H. Kelsey,  
U.S. Indian Agent,  
Union Agency Muskogee, I.T.  
Sir:

In Creek Intruder case No. 1641, in which I am Guardian of Edna Irene Bruner, Hon. Sam Haynes was here and we went to see those people, and they refused to give possession of anything except the house I tried to get them to agree to pay rent but this they refuse to do, now my report as Guardian was not approved because I could show no returns for this Minor's lands, I am also in receipt of a letter from the National Attorney which I enclose you I want possession and the parties removed from this land and giving possession of the house along does not constitute possession, please advise me at once,

Respectfully,

Benjamin F. Bruner.

(Endorsed) Union Agency No. 44273 Received Aug. 15, 1905 Office of U.S. Indian Agent, Muskogee, Ind. Ter. August 14, 1905 Benjamin F. Bruner, Wewoka, I.T. Encloses letter from W.L. Mott, Atty. Creek Nation; Wants advice relative to Intruder #1641.----



INTRUDER  
Creek No.1641.

UNION AGENCY.

Muskogee, Indian Territory,

August 16, 1905.

Sam Haynes,

United States Indian Policeman,

Okmulgee, Indian Territory.

Sir:

Receipt is acknowledged of your communication of August 12, 1905, with reference to Creek Intruder case Number 1641, Bruner versus Tate, et al., in which you say you found two non-citizen families occupying said allotment, whose names are Mrs. W. R. Morris and E. L. Gibson, also a Creek citizen occupying the same by the name of Daniel Cain; that said Cain is a fullblood Creek Indian and has lived on the place for 15 or 18 years; that when the Commissioner began to allot about four years ago the two non-citizens above mentioned leased the land from said Cain with the understanding that Cain would file the same; that Cain subsequently tried to file on said land but not knowing the numbers of the land he filed on lands some miles from this particular tract, thinking it was on his old home, and you ask to be instructed relative to removing Cain.

In reply you are advised that you need take no action to remove Cain or his tenants from said land until further instructed, as the plaintiffs are Freedmen, and if Cain is a fullblood



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it would seem that he would be permitted to allot the land upon which he has improvements and lived upon so many years.

Very respectfully,

United States Indian Agent.

WWB(S).



INTRUDER  
Creek No.1641.

UNION AGENCY.

Muskogee, Indian Territory,

August 17, 1905.

Benjamin F. Bruner,  
c/o J. C. Johnson, Attorney,  
Wewoka, Indian Territory.

Sir:

Receipt is acknowledged of your communication of August 14, 1905, in which you enclose a communication from Mr. M. L. Mott, National Attorney for the Creek Nation, with reference to Creek Intruder case number 1641, in which you as guardian of Edwin Irene Bruner, are plaintiff versus F. Tate, Daniel Cain, et al., defendants.

It seems that the defendant Cain is a fullblood Creek Indian; that this land is his old homestead which he has occupied for many years; that by mistake he was allotted on other lands in a different Township and Range from the land upon which he had improvements and where he had lived for more than 18 years.

The matter has been taken up with the Commissioner to the Five Civilized Tribes and Cain has been requested to appear at this office that the facts may be ascertained, at which time you will be advised. In the meantime, Policeman Haynes has been instructed to take no further action or steps to remove Cain from said lands or to place you in possession.

Very respectfully,  
United States Indian Agent.



INTRUDER  
Creek No. 1641.

UNION AGENCY

Muskogee, Indian Territory

August 17, 1905.

Daniel Cain,  
Wewoka, Indian Territory.

Sir:

Complaint was filed in this office by Benjamin F. Bruner, as guardian of Edwin Irene Bruner, asking that you and others be removed from the

S/2 of NE/4 and lots 1 and 2 of Section 1, Twp. 9 N.,  
Range 8 East.

Instructions were sent to Samuel Haynes, United States Indian Policeman, of Okmulgee, Indian Territory, for investigation and he reports on August 12, 1905 that you are a fullblood Creek Indian; that you have been living upon this place for 15 or 18 years; that in filing you intended to allot said land as it was your old home, but by mistake you filed on other lands in a different Township and Range.

As you are a fullblood Indian, you are respectfully requested to call at this office in person that the facts may be ascertained and an effort made, if possible, to have said filing of Edwin Irene Bruner cancelled and your filing also cancelled that you may be permitted to file upon your old homestead.

You will also bring with you the deeds of your lands.  
1641.



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Very respectfully,

United States Indian Agent.

WWB(S).



Before the United States Indian Agent, Union Agency, Muskogee,  
Indian Territory.

Creek Intruder Case #1641.

Answer of Mrs. W. R. Morris.

Comes Mrs. W. R. Morris and for her answer to the complaint of the plaintiff filed herein begs leave to state: That M. R. Morris, her husband, took an improvement agricultural contract on the North East Quarter of Section One (1), Township Nine (9) North and Range Eight (8) East in the Creek Nation, Indian Territory which contract will expire about January 1, 1906; said contract is not hereto attached but will be produced on the day this case is set down for hearing.

Defendant further states that said above mentioned tract of land was in an absolutely raw condition, unfenced and heavily timbered when leased by W. R. Morris; that said place is now under fence, the entire tract being fenced with a three wire fence and all the cultivating land fenced with a rail and wire stock proof fence; that there is now in cultivation about 75 acres of said tract; that there is a good two room house and other suitable outbuildings and a good bored well; that there are lot and garden spots fenced and other improvements which add materially to the value of said premises; that said W. R. Morris died in December, 1904, and that said place has been in the possession of the defendant since his death and that defendant now has a valuable crop thereon which she is desirous of harvesting.

Defendant further states that just as soon as she can harvest the crop she has grown on said premises this year she is



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perfectly willing to surrender the possession thereof to complainant.

Wherefore, defendant prays that she be not molested until she has had an opportunity of harvesting her crop for the present year.

Crump & Rogers.  
Attys. for Defendant.



GEO.C.CRUMP      HARRY H.ROGERS.

CRUMP AND ROGERS.  
L A W Y E R S.  
Wewoka, I.T.

August 17, 1905.

United States Indian Agent,  
Union Agency,  
Muskogee, I.T.

Sir:-

We herewith enclose you answer of Mrs. W. R. Morris and will thank you to advise us as soon as possible when this matter will come up for hearing.

Very truly yours,

Crump & Rogers.



J. C. JOHNSON  
Attorney and Counselor At Law  
Wewoka, Indian Territory.

December 5th, 1905.

Hon. United States Indian Agent,  
Union Agency Muskogee, I.T.

Sir:-

Replying to your letter in regard to Creek Intruder No. 1641, in which Mr. Ben F. Bruner is Guardian of his Minor child I notice that you say no further action will be taken by your office to place Mr. Bruner in possession as the Treaty provides, for the reason the Daniel Cain has made application to relinquish the lands he now owns and contest Mr. Bruner for this land, in reply to which I desire to state that Daniel Cain certainly is not in earnest about his statements for he has this land leased to the Wewoka Trading Co, for five years from Sept. 7th, 1901, he has since advertised it for sale and the bid will be opened on December 16th, (No 2443). Now Mr. Agent I will tell you something about this Indians contest, he had leased the lands filed on by Mr. Bruner for his child to one J. M. Thomas, or Morris--Morris is dead and Thomas is acting for his Daughter who is or was the wife of Morris; he is the man who is inciting this Indian to make the kick; Now it does seem that the Department is willing to do anything for an Indian just because he says he did not know; what will you do with the lands that Cain has advertised? Will you let him sell it and still bring his contest against the child? Bruner



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has the deed for this land and has had it for more than a year; under the Treaty the Department ceases to have anything to do with lands after the deed has been issued, but in this case you seem to not know it. We only ask fair play and I am sure that you will understand that Thomas has persuaded this Indian to make the kick till his time expires. Please advise me of what you intend to do as we certainly dont intend to give up without a struggle,

Respectfully,

J.C.Johnson.

Atty for Ben.F. Bruner.



J.C. JOHNSON  
Lawyer

Wewoka, I.T.,

April 23rd, 1907.

Hon. United States Indian Agent,  
Muskogee Ind. Ter.

Sir:

Enclosed find copy of order in suit filed by Ben Bruner Guardian, vs Daniel Cain, this is the copy I promised to send showing that the suit by Bruner had been dismissed, and I trust that you will now be ready to render judgment for we have certainly waited long enough, please advise me by return mail as to when we can expect possession,

Respectfully,

J.C. Johnson

Attorney for Guardian.

(Endorsed) Union Agency No. 24294 Received Apr. 24, 1907 Office of U.S. Indian Agent, Muskogee, Ind. Ter. April 23. J.C. Johnson, Wewoka, I.T. ---- Encloses copy of order of court in case of Ben Bruner, Gdn. vs. Daniel Cain and asks for decision from this office in certain case. ----



## COPY OF ORDER OF COURT.

UNITED STATES OF AMERICA, )  
 Indian Territory, )  
 )-ss.  
 Western District,-----)

IN THE UNITED STATES COURT, in the Indian Territory, Western District, at a term thereof begun and held at Wewoka in the Indian Territory on the 8th day of April 1907 and on the 8th day of said term, to-wit; the 8th day of said month, Present, and presiding, the Honorable LOUIS SULZBACHER, Judge of said Court.

The following order was made and entered on record, to-wit:

Edna Irene Bruner

by Ben Bruner, Guardian

vs

Daniel Cain

4/18/07 Dismissed at Plaintiff costs.

The above is a true copy from the record of an order made by said court on the 8th day of April 1907.

R.P.Harrison  
 Clerk.

By R.A.Bayne.  
 Deputy.

(Endorsed) Union Agency No.876 Ben Bruner, Guardian versus Daniel Cain COPY OF ORDER OF COURT R.P.Harrison, clerk--by R.A.Bayne, Deputy.-----Received Apr.24,1907 office of U.S.Indian Agent,Muscogee,Ind.Ter.-----



CREEK - LAND DIVISION



Union Agency,  
Muscogee, I. T.,  
March 14, 1899.

Mr. Thos. J. Adams,  
Sapulpa, I. T.

Dear Sir:-

In reply to yours of late date, you are informed that the Dawes Commission will open a Land Office for citizens of the Creek Nation, at Muscogee, I. T., on April 1st, when you will be allowed to file on such lands as you propose to take in your allotment. I think if you will appear before said Commission and make the proper affidavit that you had selected these lands before any one made claim thereto, you will be allowed to file on them and will be protected in your filing. I have myself, no jurisdiction over the matter.

Very respectfully,

D. M. Wisdom,

U. S. Indian Agent.

Approved.

J. Geo. Wright,

U. S. Indian Inspector.



Union Agency,  
Muscogee, I.T.

March 30th, 1899.

C. A. Renshaw, and  
J.S.Berryhill,  
McDermott, I.T.

Gentlemen;-

In reply to yours of late date you are advised that a land office for Creek Indians will be opened at Muscogee on the first day of April next and if you wish to file on your claims, you will have to come to Muscogee to make the filing. I am not aware that any allotting agents will be sent out through the country to receive filings of claims. I would advise you to come to Muscogee and see about the matter in person.

Very respectfully,

D. M. Wisdom.

U.S.Indian Agent.

Approved;

J.Geo.Wright,

U.S.Indian Inspector.



Union Agency,  
Muscogee, I.T.,  
March 31, 1899.

Mr. E. K. Hayward,  
Holdenville, I.T.

Dear Sir:-

Yours received in which you ask me, that if, after the Creek citizens take their allotments in the Creek Nation they will have the right to rent their lands to cattlemen.

You are informed that I think after they take their allotments in good faith they can rent the same to cattlemen for one year only. They will also have the right to cut timber and dispose of the same, on their places, when said timber is cut in good faith for the purpose of improving said place.

Very respectfully,

D.M. Wisdom,

U.S. Indian Agent.

Approved;

J. Geo. Wright,

U.S. Indian Inspector.



Union Agency,

Muscogee, I.T., June 8th, 1899.

Mr. James Parkinson,

Okmulgee, I.T.

Sir:-

Complaint having been made to this office by D. L. Berryhill, a Creek citizen, that you have taken possession of, and fenced his allotment, towit: the northeast quarter of section 5, township 13, range 13 east, and upon investigation I find that Mr. Berryhill holds certificate of selection, allottees roll # 60 issued by the Commission to the Five Civilized Tribes, for the above described land, dated April 1st, 1899. I further find that no application to contest the right of Mr. Berryhill to the above land has ever been filed.

You doubtless understand that contests must be initiated by an adverse claimant against a party to any application or filing under the laws of Congress relating to the lands of the Five Civilized Tribes, for any sufficient cause, effecting the right of possession of the land in controversy, by applying for the same land; that all contests must be initiated within 90 days from the date of the original application.

You are therefore required to show cause, if any you have, within five days from the date of service hereof, why you should not be declared an intruder and dealt with accordingly.

Thos. Flint is hereby authorized to serve copy of this notice on you.

Very respectfully,

J. Blair Shoenfelt.

U.S. Indian Agent.

approved:

J. Geo. Wright. U.S. Ind. Insp.

(Endorsed) Union Agency Press Book # 3, Letter # 54, Muskogee, Okla



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

Hon. J. George Wright,  
U.S. Indian Inspector,  
Muscogee, I.T.

Sir:-

I have the honor to return herewith Department letter "Land 24470-1899" dated June 8th, enclosing a letter from Thlechumfixico and others, referred to this office for consideration and appropriate action together with a report thereon.

I beg leave to submit the following: That on the 15th instant, Thlechumfixico, Cosarfixicochee, Eufaula Harjo, Earnest Gouge and Chokales Harjo, full blood Creek Indians, called on me at the agency office and after considerable talk with them through an interpreter, I learn that they feel very much discouraged over the conditions now existing in the Creek Nation, and that they claim the allotting of their lands is a violation of their old treaty of 1866. They declare they will never consent to take their lands under the allotment now going on in the nation, and as near as I could ascertain, they claim that the Creek Indians under the treaty of 1866 agreed to such legislation as Congress and the President of the United States might deem necessary for the better administration of justice and the protection of the rights of person and property; but that such legislation should never in any manner interfere with or annul their present tribal organization, rights, laws, privileges and customs, and that the treaty above referred to guaranteed them quiet and peaceable possession of their country and agreed to protect them from intrusion of the white man.

#3-L.172.



They also complain bitterly against white settlers in their locality and say that these white men steal their cattle, hogs, horses and milk cows, and that they abuse their women and children. I inquired very closely into the complaints made against these white men, and I am inclined to think that their statements are true to a certain extent at least.

In an endeavor to improve these conditions, I have decided (with your approval and consent) to station a policeman in their midst. When this is done the policeman can protect them and prevent a repetition of the outrages complained of.

I explained to them that the agreement entered into by and between the government of the United States and the government of the Muscogee or Creek Nation, had been ratified by a majority of the votes cast by the members of their own tribe at an election held for that purpose prior to December 1st, 1898, and that a public proclamation had been made notifying them of such election for the purpose of voting on said agreement, and that if said agreement was ratified by Congress at its next session it would become a law, but that at the present time the Act of Congress of June 28, 1898, commonly known as the "Curtis Bill" was in full force and effect and that its provisions would be enforced by the government without respect to race or condition.

I endeavored to show them the advantage to be derived by taking their lands in allotments and the benefits to be derived thereby, and I explained to them that the object of allotment was for the purpose of inducing them to feel a personal interest in a particular piece of land and to have them learn by its cultivation with the labor of their own hands, how to gain a better

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subsistence than they have previously enjoyed, and at the same time acquire the arts of civilization and learn the means of self support.

I assured them that the recent laws passed by Congress were for the protection of all the people of the Territory, and that it was not intended to be inimical to the interests of the Indians, but for their ultimate and final advantage.

They also insisted upon being permitted to go to Washington for the purpose of laying their complaints before the Honorable Secretary of the Interior, and should they not be permitted to go to Washington, that then they desire a letter from the Honorable Secretary confirming what I have said to them in reference to the agreement entered into on the part of the Government of the United States in its behalf by the Commission to the Five Civilized Tribes, and the Government of the Muscogee or Creek Nation in this Territory.

The proposed visit to Washington I deem unnecessary, but would respectfully suggest that you forward this letter to the Honorable Secretary of the Interior with the recommendation that he write Thlechumfixico and others, through this office, and advise them plainly and in unmistakable (Sic) language, of the passage of the Curtis Act by Congress, and that it is the intention of the Department to enforce its provisions until the next meeting of Congress, when, if the Creek agreement is ratified, it will become the law, where its provisions do not conflict with the Curtis Act, and that these laws when wisely enforced will redound (Sic) to the benefit of the Indians, thrown (Sic) them upon their own resources and subject them to the moral stimulus and discipline

# 3. L. 172-3-4.



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which necessity affords.

The letter of Thlechumfixico and others is herewith returned.

Very respectfully,

J. Blair Shoenfelt,

U.S. Indian Agent.

Approved:

Encl.

(Endorsed) Union Agency Press Book, # 3, Letter 172-173-174,  
Muskogee, Oklahoma.



## DEPARTMENT OF THE INTERIOR,

Office of U.S. Indian Inspector,

For

Indian Territory,

Muscogee, Ind. T., July 18, 1900.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

I have the honor to enclose herewith a letter from the United States Indian Agent at Union Agency dated the 17th instant in reference to a certain temporary injunction granted by Honorable John R. Thomas, Judge of the United States Court for the Northern District of the Indian Territory, restraining the officers of the Government from interfering with property of a Creek citizen.

It is shown by the Agent's letter and accompanying papers that a certain Creek citizen had enclosed a certain tract of the public domain with wire fence prior to the selection was made it did not include the tract on which his fence was located and which was selected by another citizen; that subsequently the citizen owning such fence was allowed a specified time to remove same which, although he promised to do so, was not done. Therefore the Indian Agent directed a Policeman to remove said fence, at which time the citizen applied to and obtained from the United States Court a temporary injunction restraining the Agent and other officers from removing or attempting to remove any portion of said fence.



The Court holds, practically, that the Curtis Act is unconstitutional; but that even if same was valid there had as yet been no allotment in the Creek Nation, nor was it shown that the lands on which the fence had been placed was more than the citizen's pro rata share; and, further, that the Creek law permitted a citizen to go upon the public domain and make improvements thereon which became a vested property right of which he could not be deprived, except by "Due process of law," and that an Act of Congress was not due process of law, and that in the opinion of the court the "Curtis Act" was wholly inoperative since the Creek Nation had not entered into a treaty authorizing the allotment of their common property.

In view of this injunction and action of the court, no further action in such matters will be taken, until further instructed or until after a final hearing is had and the injunction dissolved or made permanent.

Very respectfully,

Your obedient servant,

U.S. Indian Inspector

For Indian Territory.



## DEPARTMENT OF THE INTERIOR,

I.T.D.  
2678-1901.

Washington.

July 5, 1901.

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

Sir:

With the letter of the Commissioner of Indian Affairs of June 29, 1901, there was transmitted a report from you dated June 22nd, in which you inclosed thirty-one communications addressed to the United States Indian Agent for the Union Agency by different parties, requesting to be placed in possession of their lands, and stating that numerous verbal requests are constantly being made by citizens of the Creek Nation to be put in possession of their lands, as provided by the agreement contained in the act of March 1, 1901 (31 Stat., 861).

You state that, if it is possible, the removal of a few intruders may have the desired effect, "without the necessity of removing others, and, unless the Department has objections, the Agent will so proceed."

The Commissioner refers to section 3 of the act of June 28, 1898 (30 Stat., 495), and also to section 6 of the Creek Agreement, and to section 8 of said Agreement, which is as follows:



"The Secretary of the Interior shall, through the United States Indian agent in said Territory, immediately after the ratification of this agreement, put each citizen who has made selection of his allotment in unrestricted possession of his land and remove therefrom all persons objectionable to him; and when any citizen shall thereafter make selection of his allotment as herein provided, and receive certificate therefor, he shall be immediately thereupon so placed in possession of his land."

He also calls attention to section 41 of said agreement. He states that, under the provisions of this agreement, it is the duty of the Government to put Creek citizens in possession of their allotments when they have made selections and desire "unrestricted possession" thereof; that if there are any non-citizens in possession of such Creek lands who are not the tenants of the citizens, he sees no objection to their removal therefrom, as suggested by you, and that he does not consider it necessary for the Agent to transmit each request to be put in possession before or after action thereon; that this is a matter that should be left to you and the Agent.

The Department concurs in the recommendation of the Commissioner, and you will advise the Agent accordingly.

The inclosures received with your letter are herewith returned. A copy of the Commissioner's letter is also inclosed.

Respectfully,

E.A.Hitchcock.

Secretary.

32 inclosures.

(Endorsed) Union Agency No.2405 Received Jul.13,1901 Office of U.S.Indian Inspector for Indian Territory.Washington, July 5, 1901. Secretary.-----Returns letters concerning putting Creeks in possession of allotments, with instructions.-----



## DEPARTMENT OF THE INTERIOR.

## OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

July 13, 1901.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report dated July 5, 1901, from C. R. Breckenridge, Esq., Commissioner in charge of the work of the Dawes Commission, transmitting a copy of the commission's rules to govern the selection of allotments in the Creek Nation:

The rules are as follows:

"1. Applications for allotments must be made by all adult citizens in person, except as hereinafter provided.

"2. Citizens who have married, whether they have attained their majority or not, will be regarded as of age for the purpose of making applications for allotments.

"3. Applications may be made by citizen parents for unmarried children under ~~twenty-one~~ years of age, but if said children have attained the age of eighteen years they may make application in their own behalf.

"4. A male citizen may make application for his citizen wife and minor unmarried children.

"5. A citizen widow may make application for her minor unmarried children.

"6. Application must be made in person by the citizen wife, on behalf of herself and minor unmarried children, if her husband is a citizen of the United States or of another nation

10831



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or tribe.

"7. Applications for allotments to minor orphans must be made by legally appointed guardians or curators.

"8. Applications for allotments to minors having no living citizen parent may be made by the living non-citizen parent, or by legally appointed guardians or curators.

"9. Applications for allotments to prisoners, convicts, aged and infirm and permanently disabled persons, and soldiers and sailors of the United States stationed on duty outside the Indian Territory, must be made by some person duly authorized thereunto by power of attorney, but it shall be the duty of the Commission to see that selections of land are made for the best interests of such parties.

"10. Applications for allotments to incompetents must be made by legally appointed guardians or curators.

"11. Power of attorney will be refused when presented by other than a near relative or member of the family of the party who has granted the same, except in the cases of prisoners convicts and aged and infirm persons as provided in Rule 9.

"12. Upon the application of a near relative or duly appointed administrator, land will be reserved for the heirs of a deceased person whose death may be established in accordance (Sic) with the Creek agreement ratified by the Creek Council May 25, 1901, but said land will not be allotted until the Commission shall determine and order the proceedings relating thereto".

The first paragraph of section four of the Creek agree-



ment provides that:

"Allotment for any minor may be selected by his father, mother or guardian, in the order named, and shall not be sold during his minority. All guardians or curators appointed for minors and incompetents shall be citizens".

While rule Six of the commission provides that application must be made in person by the citizen wife on behalf of herself and minor unmarried children, if her husband is not a citizen of the Creek Nation, it would seem to be the intention of the agreement to permit the father, if living, even though he be a non-citizen, to select an allotment for his minor children, and the office sees no objection to any of said rules except said rule six which it is thought should be modified so as to agree with the provision of the agreement above quoted.

Very respectfully,

Your obedient servant.

W. A. Jones.  
Commissioner.



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

July 17, 1901.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Sir:

The Department is in receipt of your letter of July 5, 1901, transmitting a copy of instructions to govern selection of allotments in the Creek Nation prepared by the Commission.

You state that this copy is submitted for any instructions in relation thereto that may be desired.

The Commissioner of Indian Affairs in his letter of July 13, 1901, reporting in the matter, states that he sees no objection to any of the rules except rule six, which, it is thought, should be modified so as to agree with the provisions of the Creek Agreement, which provides that "Allotment for any minor may be selected by his father, mother or guardian, in the order named, and shall not be sold during the minority. All guardians or curators appointed for minors and incompetents shall be citizens." Said rule six provides that application must be made in person by the citizen-wife on behalf of herself and minor unmarried children if her husband is not a citizen of the Creek Nation.

The Commissioner states that it was apparently the intention of the agreement to permit the father, if living, even though he be a non-citizen, to select an allotment for his minor children.



A copy of the Commissioner's letter is inclosed, and you are advised that the Department concurs in his views expressed therein.

Rule 8 will necessarily have to be changed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

(Endorsed) # 10831, Received Jul. 22, 1901. Commission to Five Tribes. Muskogee, I.T. Department, Ryan, Washington, D. C., July 19, 1901. Acknowledged rect. letter relative to governing allotments in Creek Nation; also copy of instructions recommends that Rule 8 be changed.



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Executive Office,  
Muskogee Nation.

P. PORTER, Principal Chief.  
M. L. MOTT, National Attorney.

MUSKOGEE, INDIAN TERRITORY.  
Aug. 9th, 1901.

Ben Bruner Esq.

Yeager, P.O., I.T.

Sir:

Dan'l Cain has been before the Chief and made complaint that you had filed on his homestead and that in making his own filing a mistake had been made and he was allotted land other than what he lived on.

I am invited by the Chief to notify you not to make any sale or disposition of the Dan'l Cain home till the matter is determined by the Com's.,

Yours truly

M. L. Mott

Atty for Creek Nation



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## DEPARTMENT OF THE INTERIOR,

United States Indian Inspector

D 3355-1902

For

Indian Territory,

Muskogee, Ind.T., Jan.23,1902.

Honorable P.Porter,

Principal Chief, Creek Nation,

Muskogee, Indian Territory.

Sir:-

I have to respectfully advise you that the resolution of your National Council approved by yourself on December 4,1901, and entitled "A resolution in reference to the enclosing of unlotted lands in the Creek Nation," was submitted by the Department to the President for executive action on January 4,1902, and was disapproved January 7,1902.

The Honorable Secretary of the Interior in submitting this act called attention to the provisions of section 37 and 38 of the Creek Agreement, as ratified by the act of March 1,1901, and stated that the law cannot be affected or modified in any way by a resolution of your National Council, and as such resolution appears to be in conflict with the sections referred to, he recommended the act for disapproval.

Such resolution bearing the disapproval of the President is respectfully enclosed herewith.

Very respectfully,

J.Geo.Wright,

U.S.Indian Inspector for I.T.

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



Muskogee, Indian T., May 2, 1902.

Hon. Thomas W. Perryman and

D. M. Hodge,

Creek Delegates to Washington,

Washington, D. C.

Gentlemen:

I inclose you a clipping from this morning's Kansas City Star, which is somewhat of a surprise to me, and after receiving your letter that the maximum appraisement of \$6.50 had been agreed to by the Committee, and making contracts to run for a period of three years, subject to the approval of the United States Indian Agent and Principal Chief. If what you say is true, it would be generally satisfactory, but if the report of the Star is correct, and the plan of distribution is to be upon the acreage method without the ratification of the Creek Council, it would disarrange all the work of the Dawes Commission, and be so manifestly unjust that we would be unable to proceed with the distribution at all.

Take immediate steps to find out what the Committee has done, and if nothing can be done without doing such a manifest injustice and changing the whole system of allotment it would be better to ask Congress to disapprove the whole supplemental agreement. Even if that was done, I notice in the Indian Appropriation Act that provision is made for the enrollment of children born up to May 26, 1901, and also provides a law of descent and distribution, which are the two things of greatest importance, inasmuch as there

---Press book General Letters by Prin.Chief.--(ltr 38)



are hundreds of our people still uncounted, and also several hundred that have died, and some definite law under which, the estates of such deceased persons can be distributed to the heirs is one of the things most needed.

The Creek people have made every effort to comply with the policy of the Government and have acceded to every reasonable demand, and we deserve fair or treatment at their hands.

Write all of the particulars, and if there is an agreement of the commission to anything that our people could not accept, and which would be unjust, telegraph me, as I believe that under such circumstances no further agreement should be made with the Government, but the lands be distributed under the Agreement of May 25, 1901.

Yours truly,

P. Porter,

Principal Chief.



Muskogee, Indian T., May 3, 1902.

Hon. J. Blair Shoenfelt,  
United States Indian Agent,  
Muskogee, Indian Territory.

Sir:

I inclose herewith a letter from Mr. Freeland McIntosh, citizen of the Creek Nation, and would respectfully call your attention to that part of his letter in reference to trespass by one W. T. Gamble upon his allotment.

I would earnestly request that you issue such instructions to Mr. Gamble in regard to his stock as will stop him from permitting any further trespass, or have him remove his stock to some inclosure in order to keep them from trespassing upon anybody's allotment.

Yours truly,

P. Porter,

Principal Chief.



Muskogee, Indian T.,

June 28, 1902.

Ripley Land Company,  
Ripley, Oklahoma.

Gentlemen:

Replying to your letter of the 21st instance, in which you ask if the Creek people are in a position to sell any portion of their lands, I would advise that at the present time no lands in the Creek Nation outside of townsites set apart by the Government can be sold.

The agreement under which the lands of the Creek Nation are being allotted provides that the allottee, with the approval of the Secretary, may dispose of 120 acres of his allotment after he has received a deed from the Principal Chief. Any attempt by the allottee to sell his land before receiving deed should be discouraged, as it will no doubt lead to litigation.

Yours respectfully,

P. Porter,

Principal Chief.



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

209

July 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 9, 1902, by the Commission to the Five Civilized Tribes, referring to Departmental letter of May 23, 1902 (It'd-3266), which concurred in the recommendation of this office that it would be better to delay the printing of the form of deed to heirs of deceased Creek allottees until after pending legislation had been disposed of.

The Commission now forwards a form of deed which it believes will be suitable for the purpose. The office has carefully examined the form submitted by the Commission and agrees with it. The Commission also states that it believes the Creeks will ratify the recent Act of Congress approved June 30, 1902, Public No. 200; that about 6,000 deeds to Creek allottees have been written on the form theretofore adopted, and it is of the opinion that in order to obviate the necessity of re-writing these deeds, it will be sufficient to insert before the attestation clause the words "and to the provisions of the Act of Congress approved June 30, 1902 (Public No. 200)", and it submits forms of deeds heretofore adopted showing this addition thereto.

The office agrees with the Commission in this particular and respectfully recommends that it be advised it's report 11920.



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is approved.

In this connection attention is respectfully invited to office letter of July 10, 1902, suggesting that the Commission be requested, in order to save time, to submit forms of deeds sufficient for the purposes above mentioned. The office believes that it will not be necessary for the Department to take action on its said letter in view of the communication of the Commission herewith inclosed.

Very respectfully,

Your obedient servant,

A. C. Tonner,  
ACTING COMMISSIONER.

3 inclosures.



DEPARTMENT OF THE INTERIOR.  
Washington.

July 18, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

The Department is in receipt of your letter of July 9, 1902, in which you state that it is believed that the supplemental Creek agreement,--act of June 30, 1902 (Public 200),--will be ratified by the Creek National Council, and with a view to saving the labor would be involved in the rewriting of approximately 6,000 allotment deeds already prepared by you, it is suggested that the words "and to the provisions of the Act of Congress approved June 30, 1902 (Public No. 200)," immediately preceding the words "In Witness Whereof," as shown by the blanks submitted, marked "A" and "B", will be sufficient reference to the legislation of June 30, 1902, to make a suitable conveyance.

This clause, you say, may be readily printed on the deeds which have heretofore been prepared. A form of deed is submitted, in which a slight modification of the approved form has been made with reference to the paragraph preceding the words "In Witness Whereof."

You recommend that these blanks be approved by the Department, subject to the ratification of said supplemental agreement, and state that this is desirable in order that, upon such ratification, the necessary modifications may be made immediately, and avoid the delay which would result were no action taken by the Department until after the ratification; that should the agreement fail of ratification, the old forms would meet requirements.



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Reporting in the matter July 15, 1902, the Acting Commissioner states that the form submitted by you have been carefully examined. He recommends that you be advised that your report is approved.

The Department finds the form satisfactory and approves your report. A copy of the Acting Commissioner's letter and the forms are inclosed herewith. The Department has not deemed it necessary to take action on the acting Commissioner's letter of July 10, 1902, referred to by the Acting Commissioner in his letter of July 15, in view of the action herein taken.

Respectfully,

Thos. Ryan.

ACTING SECRETARY.

4 inclosures.

(Endorsed) # 11920, Received Jul. 25, 1902. Commission to Five Tribes. Muskogee, I.T. Department, Ryan, Washington, D. C. July 18, 1902. Approved report of Commission as to form of Creek deeds.



Muskogee, Indian T., August 2, 1902.

To his Excellency,

the President of the United States,

S i r :

I am directed by the National Council of the Creek Nation to forward to the President of the United States a copy of the herewith inclosed preamble and resolutions, which are self-explanatory, and while the resolutions requests me to add such suggestions as I may deem necessary, I do not think I can describe the existing conditions in any stronger terms, and the dangers threatening the Creek people in their effort to accept the policy of the Government to distribute their lands to the individual citizens thereof.

It will require the utmost vigilance on the part of the Government to prevent the Indians from being overreached by the incoming home-seekers from the surrounding states. The policy of change as set out by the Government was to give to each citizen of the Nation an equal share in the lands patented to them in common, and to throw around them the protecting arm of the government so that as individual citizens of the United States, as they are now declared to be, they might be enabled to put their lands to the highest productive use without endangering its ownership, and as circumstances seem to justify, with the approval of the Secretary of the Interior, they may part with portions of their lands. But the policy was not intended to provide a means of divesting the Indians of their lands, but to individualize  
--press book general letters p.porter.letter 208.--



them and protect them in the ownership of them and afford them an opportunity through which they might develop them by a system of rentals.

No doubt there will be great difficulty in maintaining this policy, but thus far the government has adhered to it and it is the purpose of this resolution to call attention to the evasions of it, and the means being used to overwatch the Indian allottees in the use of their lands, and in the guise of lease contracts get possession of their lands, and having possession trust that time will favor their continuance in possession and convert the Indian allotments to themselves.

I earnestly request that you give this matter your attention through the proper channels of the government.

Yours respectfully,

P. Porter,

Principal Chief.

(Endorsed) Union Agency Press Book, General letters by Principal Chief. Letter 208. Muskogee, Oklahoma.



Red Fork I.T. August 13, 1902

Hon. Secretary of the Interior,

Washington, D.C.

Dear Sir:-

In view of the fact that deeds to the Indian lands will soon be issued to the Citizens of the Creek Nation, and believing that it is the intention of the Interior Department to handle this matter in such a way that all the people who come in here to buy a farm or to lease will have equal rights is why I write you this letter:

I think it justice that you be informed of some of the conditions that exist in the Creek Nation today, that you might make some ruling on the matter before the deeds are issued to the Citizens; I realize the fact that you have officers in this country who keep you advised, and it is their duty to look after such matters, at the same time these officers are not in a position to see some of this work like an outside citizen;

I have been in the Creek Nation 14 months, since I came here, I know of all kinds of trades being made, such as buying lands from the Indians, contracting to buy their lands and paying a small sun (Sic) down, writing deeds and leases and leaving out the date and Notary Commission to be filled in at any time they see fit to do so;

I know of parties who have been buying lands and has quite a lot under contract, and where He makes a purchase and pays some money down, He takes a mortgage on the Indians crop or stock to cover the amount he has paid and to guarantee that he will make him another deed when he gets his deed from the Chief;



I made a trip into the Country a few days ago, and found a man on a farm who said he was working for a corporation in Muscogee, and that they had about 150 farms bought on about the above conditions; There is some parties here now writing up leases for mineral and Oil, they are taking all they can get of them while they do not expect to operate them, it will get the land in litigation; I believe that if you should make some investigation of this matter that you will make some kind of a ruling that will conform with the spirit of the Treaty, and at the same time eliminate a great deal of this kind of fraud;

If this fraud can be prevented, it would certainly result in great good to those who expect to make the Creek Nation their home; I think that all the people who are writing these contracts and leases are thoroughly acquainted with the Treaty but they hope to get something for nearly nothing and sell it to the honest investor who comes in after the proper time to make deeds;

I believe however (if it is practical) That to have commissioned officers at every town, such as a Notary Public who would give a good bond, and under penalty, that He would perform his duty, and all deeds or leases made after the Citizen gets his deed from the Chief, would have to be dated and signed in his presence.

This would shut out all former contracts; A regulations fee could be charged by such officer for such kind of work and would not have to come out of any contingent fund;

I believe that if you will investigate this matter, that you will find all the statements in this letter true and that you will take



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some action and make a ruling on the subject before the deeds are issued;

Yours respectfully,

Usher Carson.

(Endorsed) Union Agency No.4660 Received Aug.25,1902 Office of U.S.Indian Inspector for Indian Territory.Washington,August 21,1902.Secretary.----Refers, for appropriate action, letter from Usher Carson, of RED FORK, Indian Territory, relative to condition in the Creek Nation.----



Muskogee, Indian Territory, Aug. 26, 1902.

Hon. J. Blair Shoenfelt,  
U. S. Indian Agent, Union Agency,  
Muskogee, Indian Territory,

Dear Sir:-

Since the adoption of the supplemental agreement of June 30th last by the Creek Council, and the proclamation of the President declaring it in full force and effect and binding on all citizens and others affected thereby, and the beginning of the issuance of title to allottees thereunder, I am informed that contracts for various uses of the lands of the allottees are being made, many of which are in flagrant conflice with the letter and spirit of that agreement, while others are evasive and misleading.

The agreement expressly provides that:

"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 purposes, but without any stipulation or obligation to renew the same. X X X X X X Any agreement or least of any 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."

--Press book, general letters P.Porter.Ltr.241.--



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The leases are being made for a period of five years and purport to be for agricultural purposes, but an analysis of their stipulations clearly show their prime object to be the securing possession of the citizen's allotment by making to him a first payment of one-half year's rental for his allotment of one hundred and sixty (160) acres at rates of from 15 to 25 cents per annum. In most cases the lease provides that improvements made upon such lands shall be paid for out of the stipulated rentals, and it is evident that any inconsiderable improvements that may be placed on these allotments will, at the expiration of the term of five years, exhaust all rents accruing under the contract, thus giving the use of one-hundred and sixty acres to the lessee for that period, for the pitiful pittance of some fifteen or twenty dollars, with the doubtful probability under the then grown up conditions, of the Indian allottee ever recovering possession of his allotment.

The policy of the Government, which was accepted in good faith by the Creeks, was clearly understood; being the distribution of their common estate in lands to the individual Creek citizen; the placing him in the unrestricted possession of his distributive share of land; the providing of a way whereby he may utilize for his personal benefit, by a well guarded system of renting and leasing, the highest productive capacity of his selected share of the common property. It has come to light that other engagements are being made with our citizens, purporting to be agricultural contracts for a period of five years, but their letter shows them to be for grazing or for purposes other than agriculture. Contracts have been made prior to the supplemental agreement of June 30, 1902, for periods of time ranging from --press book P.Porter, letter 241.--



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four to seven years, some for even longer periods than seven years, whereas Section thirty-seven of the prior agreement ratified by the Creek Council May 25, 1901, under the provisions of which they claim to have rented, provides that Creek citizens may rent their allotments when selected, for a term not exceeding one year;" therefore all rents or leases for more than one year are void and persons having so contracted for the use of such allotments have no right to claim or retain possession of them.

It is but just to state that many persons understanding the purpose of the land distribution policy of the Government, have made lease or rental contracts with our citizens for the use of their lands in conformity with the terms of the agreement and are observing them in good faith. It is well understood that the Government's policy in the matter of the distribution of lands in the Creek Nation includes the prohibition and restriction of sale of the lands allotted to the citizens; one hundred and twenty acres for five years and forty acres for twenty-one years. This is continually sought to be violated, especially in cases where the allottee has died and his allotment is to be inherited by his heirs at law, by land purchasers who assume to determine for themselves in advance of any adjudication by any proper tribunal, as to who are the proper heirs at law, and pay money to persons who claim to be heirs, and thereupon take possession of descendants' allotments. The allotments of incompetents and convicts are in like manner seized upon by persons claiming either to have rented or purchased them of the allottee or someone claiming to represent them. Other classes of cases where the lands of the allottees are being taken from them by means of improper methods, --Press book general letters P.Porter.Ltr 241.--



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might be mentioned, but their existence is of such public notoriety as to render their mention in this connection unnecessary.

The purpose of this communication is to invite your attention to the state of affairs above recited, and to insist that such remedial measures be taken by your office as will prevent the continuance of the unlawful practices above cited, and make clear the way for the legitimate leasing and renting of Creek lands for the wholesome and beneficial development of the same, as contemplated by our agreements with the Government. My necessarily deep interest in the subject will justify me, I trust, in suggesting that such direct action as is provided for in section nineteen of our supplemental agreement of June 30, 1902, be taken, as the initiative in the work of correction needed, said section reads as follows:

"The Secretary of the Interior shall, through the United States Indian agent in said Territory, immediately after the ratification of this agreement, put each citizen who has made selection of his allotment in unrestricted possession of his land and remove therefrom all persons objectionable to him; and when any citizen shall thereafter make selection of his allotment as herein provided and receive certificate therefor, he shall be immediately thereupon so placed in possession of his land, and during the continuance of the tribal government the Secretary of the Interior, through such Indian agent, shall protect the allottee in his right to possession against any and all persons claiming under any lease, agreement, or conveyance not obtained in conformity to law."

and has been ratified and officially proclaimed, but as yet the  
--press book P.Porter.letter 241.--



greater number of Creek allottees have not been placed "in unrestricted possession" and their allotments still remain in the possession of, and are being used by persons who, prior to the adoption of the supplemental agreement, had by contracts of doubtful validity secured possession and occupancy of them. This work of correction may begin by proceeding to inquire of allottees whether or not they are in unrestricted possession of their allotments, either in person or through some legal tenant holding under a contract for the specific purposes provided for in the agreement aforesaid. All persons in the Creek country claiming the occupancy of land under lease or rent contracts, or by reason of having paid to some assumed representative or heir any sum of money for such possession, should be required to produce and show the evidence of their right to such possession or occupancy to the United States Indian Agent, who has been specifically authorized and charged with the duty of placing each Creek citizen in possession of his allotments free from all incumbrances. In all cases where possession of Creek lands has not been secured in accordance with the provisions of our agreements with the Government, the United States Indian Agent should remove such occupancy and place the Creek allottee in possession. Referring to the incompetent and convict class of Creek recipients of allotments, I might add orphans who are minors, for whom under existing conditions no guardian can practicably be appointed, and also the landed and other interests of the estate of deceased persons. As one possible way out of these latter difficulties, it might be suggested that all estates of this character be placed in the

--Press book P. Porter. letter 241.--



hands of trustworthy Creek citizens who can allign themselves with security or trust companies of approved financial stability, who would bear the actual responsibility of the care and preservation of such estates.

Knowing that in the execution of the provisions of an agreement inaugurating such radical changes it is impossible to adequately and specifically provide for the proper settlement and protection of every interest, the framers of the agreement of May 25, 1901, very wisely included in said instrument for the adjustment of just such contingencies as these herein pointed out, the forty-fifth article, which reads as follows:

"All things necessary to carrying into effect the previsions of this agreement, not otherwise herein specifically provided for, shall be done under authority and direction of the Secretary of the Interior."

and which amply authorized the Department to take the steps I have here suggested.

In conclusion, I earnestly urge that whatever remedial action shall be determined on, the same be done at once. Any policy of vacilation or delay must and will fail of the object sought; namely, the preservation of the rights and property of the individual Creek just being clothed with United States citizenship. The Government of the United States has pledged its faith to induct them into full citizenship, protecting them in all their property interests, thus advancing them to a higher plane in respect of their social, political and property rights and interests, and under existing circumstances I am impelled to invoke the sovereign power of the Government to keep faith with this people, carrying



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to fall fruition its policy, humane in spirit and design, admirable in sentiment and in everyway worthy of the great American Nation.

Very respectfully,

P. Porter,

Principal Chief-Creek Nation.

(Endorsed) Union Agency Press Book, General Letters by Principal Chief. Letter 241. Muskogee, Oklahoma.



Muskogee, I.T., Sept.2,1902.

Hon. Tams Bixby, Chairman, Dawes Commission.

Muskogee, Ind.Ter.

Dear Sir:-

Hon. Roley McIntosh, town chief of Tulledda Town, states that a great number of the members of his town did not in person select their allotments, but they were selected or assigned to them by the Dawes Commission. Such persons as have had their allotments assigned to them, as aforesaid, now begin to wish to know the number and description of their allotments, so as to select their homesteads. I request that he be furnished a copy of such members of his town as had their allotments assigned to them so as to assist them in finding their allotments. If he can thus be furnished a copy of the names of such persons, and a description of the lands assigned to them by the Commission, I think it would tend largely to satisfy this disaffected element of the Creek people and be promotive of much good.

Respectfully submitted,

P.P.

Principal Chief.



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

Hon. Tams Bixby,

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

Sir:

Sometime ago request was made by me that Roley McIntosh of Tulladeega Town be furnished a list of persons belonging to said town to whom allotments had been made by the Commission, together with description of the land allotted to such persons. I am informed by yours of Sept. 20th inst. that such list desired by Mr. McIntosh is being prepared.

It has occurred to me that a list of like character be furnished each member of the House of Kings of each town, as soon as practicable, say sometime during the month of October while the Council is in session.

Respectfully,

P. Porter

Prin. Chief.



DEPARTMENT OF THE INTERIOR, EAF.

ITD.5472 &  
5536-1902.

WASHINGTON.

September 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department is in receipt of a report from the Acting Commissioner of Indian Affairs dated September 2, 1902, referring to correspondence of the Department relative to the appraisement of the lands of the Creek Nation.

Reference is also made to your report dated August 23, 1902, forwarding for departmental action 991 deeds for lands allotted to Creek citizens, signed by the Principal Chief of the Creek Nation, and recommending their approval.

The Acting Commissioner calls attention to the provision in the act of Congress approved June 30, 1902 (32 Stat., requiring all lands belonging to the Creek tribes of Indians in Indian Territory, with certain exceptions therein specified, to be "appraised at not to exceed \$6.50 per acre, excluding only lawful improvements on lands in actual cultivation;" also to the provision in section 3 of said act, that "If any citizen select lands the appraised value of which is \$6.50 per acre, he shall not receive any further distribution of property or funds of the tribe until all other citizens have received lands and moneys equal in value to his allotment."

The Acting Commissioner expresses doubt as to the



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advisability of approving and delivering any of said deeds before the lands of the Creek Nation have been appraised and the appraisal shall have been approved by the Secretary, and he submits the matter to the Department for instructions "as to whether the Commission should be requested to forward the appraisements in order that they may be acted upon prior to action upon the deeds."

In your telegram of September 4, in response to departmental telegram, you state that "Creek appraisement committee is now at work under section two supplemental agreement. Appraisement can probably be made of lands described in deeds already forwarded, within thirty days." The Department desires that the appraisements be made as soon as practicable and forwarded for its consideration, so that there may be forwarded for departmental action. A copy of the report of the Acting Commissioner is inclosed herewith.

Respectfully,

Thos. Ryan  
Acting Secretary.

1 inclosure.

(Endorsed) Commission To Five Tribes. No. 14863. Received Sep. 12, 1902. Department, Ryan, Washington, D.C., Sept. 5, 1902. ---Relative to the appraisement of the lands of the Creek Nation.



Refer in reply to the following:

Land.  
51108-1902.

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

September 2, 1902.

The Honorable

The Secretary of the Interior.

Sir:

On January 16, 1902, the office invited the attention of the Department to section 2 of the Act approved March 1, 1901 -- The Creek Agreement --, which provided for the appraisement of the lands of the Creek Nation, and suggested that in order to expedite as much as possible the issuance of deeds to the Creek citizens, the Commission to the Five Civilized Tribes be requested to forward to the Department in duplicate, reports of the appraising committees so that the appraisements might be approved by the Department at an early date.

On January 20, 1902 (ITD-3339) The Department referred said letter of this office of January 16, to the Commission for report and recommendation.

The Commission reported on February 3, 1902, stating that it had hesitated to proceed with the work of appraisement for the reason that subsequent legislation might change the manner of allotment to Creek Indians, and that the work done would therefore be valueless. The Commission's report was transmitted by this office on February 11, 1902.

On March 17, 1902, and again on April 29, 1902, the Department called on the Commission for report, and on May 12, 14863



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1902 the Commission referred to its said report of February 3, 1902. No report of any appraisements in the Creek Nation has been made so far as this office is advised.

With it's report of August 23, 1902, the Commission forwarded for the action of the Department 991 deeds conveying land to Creek citizens, all signed by the Principal Chief of the Creek Nation, and recommended their approval.

The Act of Congress approved June 30, 1902, provides that -

"All lands belonging to the Creek tribe of Indians in Indian Territory, except town sites and lands reserved for Creek schools and churches, railroads, and town cemeteries, in accordance with the provisions of the act of Congress approved March 1, 1901 (31 Stat.L.861), shall be appraised at not to exceed \$6.50 per acre, excluding only lawful improvements on lands in actual cultivation.

Such appraisal shall be made, under the direction and supervision of the Commission to the Five Civilized Tribes, by such number of committees with necessary assistance as may be deemed necessary to expedite the work, one member of each committee to be appointed by the principal chief. Said Commission shall have authority to revise and adjust the work of said committees; and if the members of any committee fail to agree as to the value of any tract of land, the value thereof shall be fixed by said Commission. The appraisal so made shall be submitted to the Secretary of the Interior for approval.

It is further provided in section 3 that --

"If any citizen select lands the appraised value of which is \$6.50 per acre, he shall not receive any further distribution of property or funds of the tribe until all other citizens have received lands and moneys equal in value to his allotment."

The office seriously doubts the advisability of approving and delivering any of these deeds before the lands of the Creek Nation have been appraised and the appraisal shall have been approved by the Secretary. It does not question the authority of the Secretary to approve these deeds prior to the approval



of the appraisements, but at the same time it has doubts concerning the propriety of so doing, and therefore submits the question for instructions as to whether the Commission should be requested to forward the appraisements in order that they may be acted upon prior to action upon the deeds.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

993 inclosures.



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

Alice B. Adams,

Okemah, I.T.

Dear Madam:-

I am in receipt of your letter of the 16th inst. and in reply to same will assure you that Nokes Fixico will deed to his allotment, both the homestead and the 120 acres, delivered to him in person if he desires it, or by express in the event that he can not come and receive it. Therefore, it will be delivered either by myself or by express and there is no danger of it falling into the hands of any one else. And even in the event it did, the lands are conditioned by the terms of the Treaty and can not be sold without the consent of the Secretary of the Interior, the 120 acres before five years and the 40 acres before twenty-one years has expired. So I am glad you called my attention to the matter and you may assure any of the Creek people that no matter what they may have done, the land they receive has the law impressed upon it even if the person does not understand it, and will attach to the land.

Respectfully,

P.Porter,

Prin.Chief.

(Endorsed) Union Agency Press book, general letters, by Principal Chief. Letter 295. Muskogee, Oklahoma.



Land  
58460-1902.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington,

Oct. 4, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Department letter of October 1, 1902, which inclosed for consideration, report and recommendation, a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated September 26, 1902, relative to the appraisement of Creek lands.

On September 4, the Department, by a telegram, inquired of the Commission relative to the matter of forwarding appraisements of lands the descriptions of which were contained in deeds signed by the Principal Chief of the Creek Nation and forwarded for the consideration of the Secretary. The Commission replied on the same date that appraisement could probably be made, of lands described in the deeds already forwarded, within thirty days.

In its report under consideration it is stated that it has been found quite impossible to furnish the Department with the appraised value of the lands covered by the deeds mentioned, within thirty days; that the very nature of these allotments makes it a laborious task; that the records from which the descriptions must be obtained are in constant use in its regular work,



"and to divert the keepers of these records from their regular duties for the purpose of furnishing descriptions would result in serious delays and generally interfere with the established routine. It will be understood that allotments in many instances are made up of separate tracts, which must be assembled and the valuation carefully abstracted from the records of valuation and applied proportionately to the tracts covered by the deeds."

Continuing, the Commission states that it assumes that the information is desired (Sic) "for the very proper purpose of preparing and maintaining in your office a record which will show the distribution of property to each citizen from time to time," and suggests that a great amount of time and labor may be saved, both to the Commission's office and that of the Secretary by awaiting such time as the actual allotment record may be forwarded to the Department, showing descriptions of land, valuation, etc, and it says that the record is very complete and will correspond with fidelity to that upon which final distribution of communal property will be made in the field.

The office hardly understands how it can make an intelligent report in this case. It desires of course that no time be lost and that the Commission be not embarrassed in its work. It does not know how long it will be before the Commission can forward the complete record mentioned, but it is believed that it would be better probably to act upon the suggestion of the Commission and hold the deeds now in this office unacted upon until such time as the final and complete record of appraisements is forwarded by the Commission, provided, of course that it can be forwarded within a short time.

It is suggested that it might be possible for the Commission. in forwarding the deeds. to forward with each batch or



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lot, a schedule showing the name and number of the allottee, the land conveyed and the valuation thereof. It is doubtful, however, if this plan would be feasible. The same objections could be urged to this plan as is now urged by the Commission to the proposed plan of sending in partial appraisements with the deeds.

In view of the doubt as to the time which will elapse before the Commission can send in a complete record of appraisements, it is respectfully recommended that the Commission be requested to state approximately when such complete record can be forwarded.

The office notes that the Commission assumes that the record is desired for the office of the Secretary. It is not believed that the record will be filed there when received, but that it will be filed in this office, this being the record office.

Very respectfully,

Your obedient servant,

A.C.TONNER,

Acting Commissioner.

(Endorsed) Union Agency No.18385 Recd. Oct. 16,1902 Department, Ryan, Washington, D. C., October 7, 1902.-----Desires Commission to state approximately when the complete record of the appraisal of Creek lands can be forwarded. Enclosing, for appropriate action, recommendation of the Acting Commissioner of Indian Affairs.-----



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

ITD 6082-1902.

Washington.

October 7, 1902.

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

Gentlemen:

The Department is in receipt of a communication from the Acting Chairman, dated September 26, 1902, relative to the appraisement of Creek lands.

Said communication was forwarded by the Department to the Commissioner of Indian Affairs for his recommendation on October 1, 1902. The Department is now in receipt of a report from the Acting Commissioner, in which he recommends that you be requested to state approximately when the complete record referred to by you can be forwarded. He also states that he does not believe that the record will be filed in the office of the Secretary when received, but will be filed in the Indian Office, where the records are kept.

The Department concurs in the recommendation of the Acting Commissioner, and incloses a copy of his report for your information and appropriate action.

Respectfully,

Thos. Ryan

Acting Secretary.



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

Providing for the collection of moneys due the Creek Nation  
from sale of lands for Cemeteries, Parks and Schools.

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

That the Principal Chief of the Muskogee Nation is hereby  
authorized to take such steps as he may deem proper to collect  
moneys due the Creek Nation, from the sale of lands for cemeteries,  
parks and schools, as provided in the Supplemental Agreement rati-  
fied July 26, 1902.

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 23, 1902.

P. Porter,  
Principal Chief Muskogee, Nation.

--P. Porter general letters (Principal Chief) An Act(a)---



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

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Approved October 23, 1902.

P.Porter

Principal Chief Musk.Nation.



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

Hon. J. Coody Johnson,

Wewoka, I.T.

Dear Sir:-

I am in receipt of yours of Oct. 30th making request in regard to Mamie McClosky's allotment and other dues from the Creek Nation which may accrue to her as a Creek citizen. In reply I can only advise you that her allotment, together with other interests, will be subject to the order of the U.S. Court before whom her heirs will have to establish their rights.

Respectfully,

P. Porter,

Prin. Chief.

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

Mr. L. P. Barnes,

Coweta, I.T.

Dear Sir:-

Your note requesting me to furnish you with a copy of all treaties extant between the U.S. Government and the Creek Nation is received and in reply will say that I have to advise you that I have a copy of the Statutes at Large including all the treaties between the Creek Nation. You can get the treaties in Vol. 7 of the statutes at Large and the Volume entitled Revision of Indian Treaties, in Washington. There is an agreement in the Statutes at Large which cedes Oklahoma to the United States which was

--P. Porter, press book, ltr. 316.--



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Feb. 8, (1889). The allotment agreements can be secured at the Phoenix Ptg. Co., at Muskogee.

Respectfully,

P.Porter,

Prin. Chief.



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

November 13, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 29, 1902, you transmitted a contest affidavit by John B. Hosey, for Isaac Hosey, against Mollie E. Thomas, as guardian of George W. Thomas, filed in your office on October 23, 1902, involving the allotment of said George W. Thomas for land in Section 17 Township 13, Range 7 East.

It is shown that the name of said George W. Thomas, a minor, appears upon the roll of Creek citizens approved by the Department, at No. 3071, and that said land was selected as his allotment by his mother, Mollie E. Thomas, on March 30, 1900.

Referring to departmental instructions of January 24, 1902, directing you, as soon as the Creek citizenship roll was returned approved, to cause deeds to be prepared containing the description of the land and the names of parties to whom allotments were made, in accordance with the instructions heretofore given, and transmit the same to the principal chief of the Creek Nation for his execution, with the request to return such deeds to you as soon as executed, and for you to transmit the same to the Department through the Commissioner of Indian Affairs for departmental approval, you report that deeds to said land, No. 1996 and No. 1997, were prepared and transmitted for the approval of the Department August 26, 1902. The deeds have not been approved by the Department and have remained in the Indian office, under instructions from the Department. You state that, under



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the instructions above mentioned, you consider that your jurisdiction of the subject matter of the controversy sought to be raised by said complaint ceased when the deeds for said lands were transmitted to the principal chief for his execution; you therefore refer the matter to the Department for such action as it may deem proper.

The manner of executing, recording and delivering deeds for Creek lands is provided in Section 23 of the Creek Agreement, (31 Stat., 861).

Reporting in the matter November 10, 1902, the Commissioner of Indian Affairs states that the question to be determined is whether title passed by the signature of the principal chief to the deed; that if such was the case the jurisdiction of your Commission then ceased; that if, however title did not pass to the allottee and will not pass until the deeds shall have been approved by the Department, recorded by the Commission, and delivered to the allottee by the principal chief, the jurisdiction of the Commission over the lands still exists; that he prefers to refrain from making a recommendation because your Commission has not decided the case, and further, he would be glad to have the views of the attorneys who represent the parties. He recommends that the affidavit of contest be returned to you with directions to take such action as you deem proper and notify the parties thereof, in order that, if your commission deems it proper to dismiss the contest, the whole matter may be brought before his office and the Department on appeal in the regular way.



The Department concurs in the views of the Commissioner, and the affidavit of contest is herewith inclosed, together with the copy of his letter.

Respectfully,

Thos. Ryan.

ACTING SECRETARY.

2 inclosures.

(Endorsed) # 21979, Received Nov. 20, 1902. Commission to Five Tribes. Muskogee, I.T. Department, Ryan, Washington, D. C., November 13, 1902. Affidavit of contest by John B. Hosey, for Isaac Hosey, against Millie E. Thomas, as guardian of George W. Thomas, is returned, and the Commission is directed to take

such steps in the matter as it may deem proper and to notify the parties, that if the Commission should dismiss the contest, appeal may be had in the regular manner.



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Refer in reply to the following:  
Land.  
67068-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington

Nov. 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made November 7, 1902, by the Commission to the Five Civilized Tribes, inclosing a copy of the instructions issued by the Commission on September 20, 1902, to the Creek appraisement committee having in charge the appraisement of Creek lands under the provisions of section 2 of the agreement with the Creek Indians approved March 2, 1901.

The Commission states that it is deemed advisable to submit the plan to the Department in advance of the actual report, as the appraisements, when completed, must meet with the approval of the Secretary, and it is deemed highly important to insure the acceptability of the work done, it is stated that the Commission has given careful consideration to the matter, and while it is difficult to devise a plan which will afford perfect equity, it is believed that the one agreed upon best meets the ends desired.

The letter of instructions to the Creek appraisement committee is as follows:



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"Muskogee, Indian Territory, Sept. 20, 1902.

"James C. Wilkinson, Chairman,

"E. C. Backenstoce,

"Henry C. Kessler,

"G. W. Grayson,

"Creek Appraisement Committee,

"Muskogee, Indian Territory.

"Sirs:

"The supplemental agreement with the Creek tribe  
"of Indians, contained in the act of Congress approved June  
"30, 1902, (Public No. 200), was ratified by the Creek Nation  
"on July 26, 1902, and proclaimed by the President on Aug-  
"ust 8, 1902.

"Section 2 said agreement is as follows:

"Section 2 of the agreement ratified by the act of  
"Congress approved March 1, 1901, (31 Stat.L., 861), is  
"amended and as so amended is reenacted to read as follows:  
"All lands belonging to the Creek tribe of Indians in  
"Indian Territory, except townsites and lands reserved for  
"Creek schools and churches, railroads, and town cemeteries,  
"in accordance with the provisions of the act of Congress  
"approved March 1, 1901 (31 Stat.L., 861), shall be ap-  
"praised at not to exceed \$6.50 per acre, excluding only  
"lawful improvements on lands in actual cultivation.

"Such appraisement shall be made, under the direction  
"and supervision of the Commission to the Five Civilized  
"Tribes, by such number of committees with necessary as-  
"sistance as may be deemed necessary to expedite the work,  
"one member of each committee to be appointed by the prin-  
"ciple chief. Said commission shall have authority to  
"revise and adjust the work of said committees; and if the  
"members of any committee fail to agree as to the value of  
"any tract of land, the value thereof shall be fixed by  
"said Commission. The appraisement so made shall be sub-  
"mitted to the Secretary of the Interior for approval."



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"You are, accordingly, directed to proceed with  
 "the appraisement of Creek lands and to enter the appraise-  
 "ment of record on the books of this office provided for  
 "that purpose.

"You are further directed to make the classifica-  
 "tions of land heretofore made, the basis of said appraise-  
 "ment at the following valuations:

"1.	Natural open bottom land	)	
"2.	Best black prairie land	)	\$6.50
"3.	(a) Bottom land covered with timber and thickets.)	)	
"3.	(b). Best prairie land other than black	)	\$5.00
"4.	(a) Bottom land subject to overflow	)	
"4.	(b) Prairie land, smooth and tillable	)	\$4.00
"5.	(b) Rolling land free from rocks	)	
"5.	(a) Rough land free from rocks	)	
"6.	(b) Sandy prairie (Land)	)	\$3.00
"7.	(a) Alkali prairie land	)	
"6.	(a) Rocky prairie land	)	
"8.	(a) Swamp land	)	\$2.50
"7.	(b) Hilly and rocky land	)	\$2.00
"8.	(b) Mountain pasture land	)	
"9.	(a) Mountain land, sandy loam	)	\$1.50
"9.	(b) Mountain land, silicious	)	\$1.00
"10	(a) Rough and rocky mountain land	)	
"10	(b) Flint hills	)	\$ .50

"The valuation of all lands within five miles of  
 "a railroad, valued at less than \$6.50 per acre under the  
 "above schedule, shall be increased ten per cent, and the  
 "valuation of such lands from five to ten miles of a rail-  
 "road shall be increased ten per cent. For lands within  
 "five miles of two railroads the percentage of increase shall



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"be thirty per cent and for lands from five to ten miles of  
 "two railroads the percentage of increase shall be twenty  
 "per cent.

"All lands within two miles of the following towns  
 "shall be appraised at \$6.50 per acre, viz:

"Wagoner,	Okmulgee,
"Muskogee,	Sapulpa,
"Checotah,	Redfork,
"Eufaula,	Tulsa,
"Holdenville,	Wewoka,

"All lands with-(in) one mile of the following towns  
 "shall be appraised at \$6.50 per acre, viz:

"Inola,	Kelleyville,
"Wetumka,	Mounds,
"Henrietta,	Bristow,
"Weleetka.	

"Directions relative to the appraisement of lands  
 "adjacent to the towns of Coweta and Clarksville and towns  
 "along the Ozark and Cherokee Central Railroad, Fort Smith  
 "and Western Railroad and the Wybark extension of the M.K.&  
 "T. Railway will be given when said lines of railroad have  
 "been definitely located and officially platted.

"Instructions with reference to the appraisement  
 "of mineral lands cannot be given at this time and the work  
 "of the Committee under this order will, therefore, be con-  
 "fined for the present to the eastern half of the Nation.

"You will, in the appraisement of the lands of the  
 "Creek Nation, be governed by this letter of instructions,  
 "and you are further directed to revise such work as has  
 "heretofore been done by you to conform herewith.

"Respectfully,

69271

"(signed), Tams Bixby,  
 Acting Chairman.



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"T. B. Needles,  
Commissioner.  
"C.R. Breckinridge,  
Commissioner."

The office sees no objection to the plan devised by the Commission and understands that the judgment of the personnel of the various committees must be relied upon to a great extent.

It is respectfully recommended that the Commission be advised that its letter of instructions is approved.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

WCV  
D

3 inclosures.

(Endorsed) Union Agency No. 69271. Commission to Five tribes. Received Nov. 25, 1902. Department, Ryan, Washington, D.C. November 20, 1902.  
----Approves Commission's plan to appraisement as set forth in its instructions issued to the Creek Appraisement Committee on September 20th, 1902.



Muskogee, I.T., November 17, 1902.

Mrs. Mary Chissoe,

Coweta, Indian T.

Dear Madam:

I am informed that Guy Bowman, to whom you sold 120 acres of your land near Coweta, is agreeable to advancing you \$500.00 more on your land at this time, but in order to do so will have to have you sign another deed so as to more fully comply with the requirements of the Dawes Commission: that on account of the trouble caused you on account of J.H. Leavitt and others you were unwilling to sign any more papers in connection with your land, in accordance with the directions of the Indian Agent, unless the Indian Agent or myself advised you that it would be all right.

Since you have sold your land to Mr. Bowman and have already received \$500.00, and are now to receive \$500.00 more, and that there will still be deposited to your account at the First National Bank of Muskogee, you would be doing no wrong to sign these additional papers, and if you are willing for them to proceed it is a matter between you and Mr. Bowman, and I am sure you will be caused no trouble on account of any of the Government officials here.

Yours truly,

P. Porter,

Principal Chief.

P.S. I inclose also letter from the bank showing the money is there.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 326. Muskogee, Oklahoma.



Muskogee, I.T., March 3, 1903

Mr. J. R. Dunzy,  
Wetumka, I.T.

Dear Sir:-

I herewith return to you certificates of Harnogee, Harney King, Sam Yargee, Ahalek Hanaye, Selina Davis and Louisa Tiger with the information that deed for Sam Yargee is now in the office and if he wishes it forwarded, return certificate with information where to send it. The others will not be ready for about six months.

You are also advised that deeds must be delivered to the parties in person: Where they are not able to call for them in person, they may have them forwarded to them by express or registered mail by forwarding to this office the registering fee of ten cents.

You are mistaken in the law requiring deeds to be delivered free of cost. The law provides for their being recorded instead of being delivered and it is necessary to have their receipts for deeds and we do not recognize any orders or powers of attorney. We have no fund for prepaying charges, which would amount to a large sum if required to be paid by this office, and only a small sum for each individual to pay.

The deeds for the certificates sent for yourself and family have not yet been received at this office but will be forwarded as soon as received.

Respectfully,

Moty Tiger

--P.Porter press book.1tr.20.--Second Chief.



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(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 20. Muskogee, Oklahoma.



Muskogee Indian Territory, April 23, 1903

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

Relative to your request to execute new deeds in favor of Georgia Brown, Carrie Whetstone and Edward Whetstone.

The only record of these transactions the law requires is the recording of the deeds by the Dawes' Commission after the approval by the Secretary of the Interior. The deeds in question have not been approved by the Secretary, neither have they been recorded as required and as I view it there is nothing to prohibit my correcting any error that might be found therein at this time. The Secretary has not even accepted them for approval and they stand in the same relation as if they had never left my office. If I was required to acknowledge these deeds before an officer or could I question them in any particular, a new deed might become necessary.

As the original deeds are correct and the same as the new ones you ask me to execute, I for the above reasons, decline so to do, and they are herewith returned.

Very truly,

P.Porter,

Principal Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 61. Muskogee, Oklahoma.



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

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Land.

May 1, 1903.

25444-1903

J. Blair Shoenfelt, Esq.,  
U. S. Indian Agent,  
Muskogee, Indian Territory.

Sir:

I am in receipt of your communication of April 3, 1903, transmitting the papers in the case of Willie D. Edwards, a Creek allottee, vs. The Muskogee Development Company in reference to his application to be placed in possession of his allotment.

It appears from the papers transmitted in this case, that the same has been appealed by the attorneys for the Muskogee Development Company from your decision, which was to the effect that the allottee should be placed in possession of his allotment. The briefs setting up somewhat at length their respective contentions relative to the controversy, which is based upon the fact that the said Willie D. Edwards leased his allotment of 160 acres of land to the Muskogee Development Company for a longer term than one year, towit, for seven years from April 1, 1902, and that under said lease the Muskogee Development Company took possession of his said allotment and he now seeks to eject them from the same on the ground that his said lease to them being for a longer term than one year is illegal and void.



In passing upon the appeal in this case, the office considers that the only question to be determined is whether or not the said Willie D. Edwards as a citizen of the Creek Nation had such title to the land leased herein as would authorize him under the law to lease the same for a longer period than one year. The facts show that at the time said Edwards leased his allotment herein, he was not in the possession of a deed to the same but did have a certificate of allotment, and without entering into any discussion of the several arguments made in behalf of the claim of the Muskogee Development Company herein, the office considers that the question raised is fully answered by the opinion rendered by Assistant Attorney General Van Devanter (I.T.D. 2278-1902), which is as follows:

The Department has held that under the agreement with the Creek Indians ratified by the act of March 1, 1901 (31 Stat., 861) Creek Citizens may not rent the lands selected by them for allotment for a longer period than one year until deeds shall have been issued to them, It is now urged that this construction should not obtain but that said agreement should be construed as authorizing the leasing of such allotments without restriction as to the length of term, as soon as the selection has been made and certificate issued thereon, and the matter has been submitted for my opinion.

Paragraph 37 of said agreement contains a provision as follows: "Creek of citizens may rent their allotments, when select-ed, for a term not exceeding one year, and after receiving title thereto without restriction."



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Under the agreement each citizen was to receive an allotment of one hundred and sixty acres of land to be selected by or for him in the manner prescribed therein and the principal chief was to execute in due form and deliver to each citizen so selecting an allotment "a deed conveying to him all right, title and interest of the Creek Nation and of all other citizens in and to the lands embraced in his allotment certificate." This deed is to be approved by the Secretary of the Interior, which approval is to serve as a relinquishment of all right, title and interest of the United States in the land described therein.

The Acceptance of the deed by the allottee is to be taken as an assent on his part to the allotment, and sale of the lands of the tribe, as in said agreement provided, and as a relinquishment of all his right, title and interest in and to the same, except in the proceeds of the land reserved from allotment. Not until such a deed is executed, approved and accepted, is the transaction completed and the title vested in the allottee. The completion of the transaction was evidently the point thereto without restriction.

Upon making selection the applicant is given a certificate stating that he has selected the land described and this is the allotment certificate mentioned in the agreement. It is evident that a person to whom it is given has selected an allotment. Thereafter, and until title passes to him, he may under the first clause of Paragraph 37, rent his allotment for a term not



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exceeding one year. Theoretically, the certificate would issue immediately upon the selection being presented and the provision permitting the renting of allotments must be read with this theory in mind. There would be no room for the operation of the first clause if the contention were correct that it refers only to the time between the presentation of a selection and the issuance of an allotment certificate. It may be that in administering this law it has been found advisable to delay the issuance of a certificate until it can be ascertained whether such selection should be allowed but such delay would be too short to make a permission to rent during that time of any practical benefit to the allottee. That delay was not, however, contemplated by the agreement and therefore the fact that there is such a delay does not constitute a valid argument in support of the contention that the first clause of paragraph 37 relates to the period covered by it. I am of the opinion that the phrase "after receiving title" should be construed as referring to the time when title actually passes by the delivery and acceptance of the deed provided for in said agreement.

The paper submitted herewith is returned.

It is therefore considered by the office that since the said Willie Edwards had not received a deed for his said allotment on the date that he executed said lease to the Muskogee Development Company he had no lawful right to so lease his land and that said lease is therefore void and of no effect; and that



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he should be placed in possession of his land in accordance with the finding of Agent Shoenfelt whose decision is hereby affirmed and the appeal dismissed.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

(Endorsed) Union Agency No. 6311. Received May 5, 1903. Office of U. S. Indian Inspector for Indian Territory. Washington, May 2, 1903. Commissioner----Encloses letter to Indian Agent affirming his decision that Willie Edwards should be placed in possession of his allotment, appeal being taken by Muskogee Development Co.



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

May 2, 1903.

Land.

25444-1903.

J. W. Zevely, Esp.,  
Acting U. S. Indian Agent,  
Muskogee, Indian Territory.

Sir:

The office is in receipt of the papers forwarded by you in the matter of the appeal of the case of Willie Edwards, a Creek allottee, vs. the Muskogee Development Company for the possession of his allotment, from the decision of Agent Shoenfelt, which accompanies said papers and in which decision you concur.

After examining this decision, the office sees no reason why it should be disturbed, and has affirmed the same in a communication to Agent Shoenfelt which is enclosed herewith and which you will forward to him.

Very respectfully,

A. C. TONNER,  
Acting Commissioner.



Land.  
40893-1903.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington,

July 3, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to the regulations approved May 4, 1903, governing the leasing and sale of lands in the Creek Nation, I.T., I have the honor to transmit herewith a report from Inspector Wright, dated July 1, 1903, in which he suggests that certain amendments be made to the grantor's and grantee's affidavits, respectively. He states that these suggestions are made in view of many reports and, in one or two instances, evidence that money has been used and other improper means resorted to, in order to induce the Indian to sell his land. He considers that by amending these affidavits as suggested by him it is doubtful whether parties will then resort to the methods now pursued in order to obtain the signatures of Creek citizens, and states that if they do so it will enable him to refer the matter to the United States District Attorney for prosecution in cases where it is ascertained that false affidavits have been submitted.



He asks that the subject be given early consideration; that the regulations be modified accordingly; that he be furnished with correct forms of affidavits, or authorized to have the same printed, and be advised in reference thereto at the earliest possible date.

He suggests that the grantor's affidavit be amended by adding after the word "thereof," the ninth word of line 8, as the affidavit appears on page 39 of the regulations, the following;

"That neither the grantee, his agent, or employee, has directly or indirectly paid, loaned, promised, or given to me, or any one for me, any money or other thing of value, as an advancement on the purchase price of my land, or as a consideration for, or inducement to, the sale of my land, and the execution of the deed thereto, nor for any other purpose."

and that the grantee's affidavit be amended by adding after the word "land," the last word in the affidavit, the following;

"That neither myself, my agent, or employee, has directly or indirectly paid, loaned, promised, or given to the grantor, or any one for him, any money, or other thing of value, as an advancement on the purchase price, or as a consideration for, or inducement to, the sale of his land and the execution of the deed thereto, nor for any other purpose."

The Inspector, it will be noticed, states that in one or two cases evidence has been obtained to the effect that money and other improper means have been resorted to in order



to secure the signatures of Creek citizens to deeds.

I have considered his suggestion, and as he is of the opinion that if these affidavits are amended as suggested by him, persons who then make the required affidavit may be prosecuted if it is shown that any consideration or inducement was given or paid to the citizen to sign the deed, other than the consideration mentioned therein, I see no objection to amending the affidavits as suggested by the Inspector.

Very respectfully,

W.A.Jones,

Commissioner.

GAW-O.

(Endorsed) Union Agency No.6870 Received Jul. 20, 1903 Office of U.S.Indian Inspector for Indian Territory. Washington, July 13, 1903. Secretary.-----Approves recommendation that certain affidavits required by regulations govern sale of Creek lands, be modified.-----



## DEPARTMENT OF THE INTERIOR.

262

Washington.

ITD 5982-1903.

August 4, 1903.

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

Sir:

July 30, 1903, the Commissioner of Indian Affairs transmitted a communication to him of July 18, 1903, from the U.S. Indian Agent, Union Agency, inclosing a copy of a decision of the United States Court for the Western District of Indian Territory, dated July 13, 1903, in the case of Witten and Blake vs. said Agent.

It appears that the plaintiffs' bill recited that in August, 1902, Sandy Foster, a Creek citizen, made a contract in writing whereby he leased the land embraced in his allotment and the land embraced in the allotment of his children, to Witten for a term of five years for agricultural purposes, and that Witten assigned and transferred said leases to Blake. The plaintiffs' sought to enjoin the defendant from dispossessing him of said tracts. Referring to section 19 of the supplemental agreement with the Creek Indians (32 Stat., 500), and to sections 3498 and 3500 of chapter 73 of Mansfield's Digest of the Statutes of Arkansas, the Court stated that it does not appear from the bill that either one of said sections had been complied with, and in the absence of any averment in



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the bill to that effect, the contracts were made with the father without the advice and direction of any court, and therefore not obtained in conformity to law, and as to the three spearate (Sic) quarter sections of land owned by the minors, the injunction was denied. As to the tract covered by the lease made from Sandy Foster, the adult, to Witten, the prayer for an injunction is sustained.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

(Endorsed) Union Agency No. 7044 Received Aug. 10, 1903 Office of U.S. Indian Inspector, for Indian Territory. Washington, Aug. 4, 1903. Secretary.-----Rel. to decision of Judge Raymond in case of Witten and Blake vs Indian Agent, in matter of placing Sandy Foster and minor children in possession of their allotments.-----



## DEPARTMENT OF THE INTERIOR.

Washington.

ITD.6834-1903.

September 25, 1903.

United States Indian Inspector

for Indian Territory, Muskogee, I. T.

Sir:

The Department is in receipt of your report dated September 9, 1903 (D 7284), forwarded by the Commissioner of Indian Affairs on the 18th instant, relative to certain deeds purporting to convey Creek lands, which have been recorded in the office of the Clerk of the U. S. Court at Muskogee, without first having been submitted to the Department as required by law.

You report that you suggested to the Clerk of the Court that said instruments were not legal until approved by the Secretary, and the Clerk advised you that he did not consider it was within his province to pass upon the legality of papers submitted, but that it was his duty to receive for record such papers as were by any one submitted, and that the question of their legality was for the courts to determine.

You further state that you had conferred with the U. S. Attorney, who expressed the opinion that said papers were not legal and should not be accepted for record.

The Commissioner of Indian Affairs quotes from section 16 of the supplemental agreement made with the Creek Nation, ratified by the act of Congress approved June 30, 1902 (32 Stat., 500), which prohibits the alienation of allotted lands by Creek citizens



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within five years from the date of the approval of said agreement, "except with the approval of the Secretary of the Interior," and further declares that -

"Any agreement or conveyance of any kind or character violation of any of the provisions 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 Commissioner declares that the deeds referred to "are absolutely null and void, the law not having been complied with." He further adds that "The recording of them, however, places a cloud upon the record title to the land purported to be conveyed by them respectively," and he recommends that the matter be brought to the attention of the Department of Justice, with the request that the Clerk of the U. S. Court for the Western District of the Indian Territory, and the Deputy Clerks of the different recording districts be instructed not to accept for record any deed purporting to convey lands allotted to citizens of the Creek Nation unless such deed bears the approval of the Department.

The Department concurs in said recommendation.

He further expresses the opinion that the Department of Justice should be requested to instruct the U. S. Attorney for the Western District of Indian Territory to commence proper action "to have the recording records purged of the deeds heretofore recorded, and such record cancelled and declared by the court to be of no avail, in order that the record title to the lands involved may not be clouded," and that it is believed that



you or the Indian Agent should be instructed to carefully examine the records of each of the recording districts, and obtain for the use of the U. S. Attorney, in the event such action is commenced, the name or names of the purported grantor or grantors, the name of the alleged grantee, the legal description of the land as the same appears of record, the area covered by such deed, the alleged consideration, the time when the deed was filed, and the book and page where recorded.

The Department concurs in the view of the Commissioner that the deeds are "absolutely null and void," and ought not to have been received by the clerk for record. It is not, however, deemed advisable to ask the Department of Justice to instruct the District Attorney "to commence proper action to have the recording records purged of the deeds heretofore recorded." It is deemed sufficient to request the Department of Justice to ask the judge of the Western District to instruct the clerks not to receive any deed purporting to convey lands allotted to citizens of the Creek Nation, unless such deed bears the approval of the Department, unless, in the judgment of the Attorney General, such action ought not to be taken.

In the case of *Hannewinkle vs. Geortetown* (15 Wallace, p. 547) Mr. Justice Hunt speaking for the Supreme Court, says:

"It has long been held, also, that there exists no cloud upon the title which justifies the interference of a court of equity, where the proceedings are void upon their face; that is, the same record which must be introduced to establish the title claimed will show that there is no title;"

citing *Heywood vs. City of Buffalo*, 14 New York, P. 534,



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and Susquenhanna Bank vs. Supervisors, Broome County, 25  
New York, p. 312.

Respectfully,

Thos. Ryan,

Acting Secretary.

(Endorsed) Union Agency No. 7462. Received. Oct. 1, 1903. Office  
of U. S. Indian Inspector for Indian Territory. Washington,  
Sept. 25, 1903. Secretary----Rel. to filing of deeds conveying  
land of Creek allottees without approval of Secretary; Dept. of  
Justice will be asked to instruct Clerk and Deputy Clerks of  
Western District not to receive same for record.



## DEPARTMENT OF THE INTERIOR.

Washington.

ITD.7040 &  
6834-1903

October 5, 1903.

United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

There is inclosed herewith for your information a copy of a letter of September 30, 1903, from the Acting Attorney General, Department of Justice, in which he states that on the same day he had written Mr. R. P. Harrison, the clerk of the U. S. Court for the Western District, I. T., a letter a copy of which he transmitted to the Department. It is stated in the letter to said clerk that:

"After a careful consideration of these questions, which are before me both by your inquiry and by a communication from the Secretary of the Interior, I answer your request for advice by saying that it seems to me you should refuse to record deeds executed under authority of paragraph 16 of the supplemental agreement unless they bear the approval of the Secretary of the Interior.

I have no doubt that the agents of the Interior Department will give you such assistance as may be necessary in ascertaining the facts in regard to any particular conveyance sought to be recorded, as, for instance, the fact of the grantor being an Indian allottee and the land in question a part of his allotment.

I inclose five copies of this letter to be forwarded to your deputies."



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You are directed to furnish said clerk or his deputies such information regarding Indian deeds as may be requested, if possible to do so.

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

(Endorsed) Union Agency No. 7581 Received Oct. 16, 1903 Office of U.S. Indian Inspector, for Indian Territory. Washington, Oct. 5, 1903. Secretary.-----Encloses copy of letter from Acting Atty. General to Clerk of Court at Muskogee, directing that he refuse to receive deeds for record conveying Creek lands, unless they bear the approval of the Secretary; should furnish such clerk any information desired rel. thereto.-----



Muskogee, I.T., October 16, 1903

Citizens National Bank,

Okmulgee, I.T.

Dear Sirs:-

On April 18th, 1903, Mr. D. N. Smith, President of your Bank, wrote this office enclosing certificates for Willie Scott and Betty Scott his wife, requesting that deeds be forwarded to them in care of the Bank, and to which letter we replied on April 21st that the order to send deeds must come from the allottees themselves. On April 24th, you sent order to "Please express deeds for me and Betty Scott to us at Okmulgee in care of Citizens National Bank." Signed Willie Scott.

With your first letter you enclosed memorandum of selection for these two parties, that of Willie Scott being the Southwest Quarter of Section One, Township Fourteen and Range Fourteen. This day Willie Scott in person presents his certificate covering this same land and says that he is not married and does not know Betty Scott, has never signed the order. He was accompanied by his mother who had certificates for herself and the rest of the family, and it appears to be as he states, although I do not understand how you had the memorandum for the same allotment.

If you have the deed, please return same to this office at once.

Respectfully,  
P. Porter,  
Principal Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 154. Muskogee, Oklahoma.



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

ITD 6880, 7270-1903.

WHR.

October 17, 1903.

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

Sir:

September 5, 1903, you reported relative to the letter of R. H. Jenness, of Okmulgee, Indian Territory, requesting that the "Okmulgee Chieftain" be designated as the newspaper outside of Muskogee in which to publish the advertisements for the sale of lands in the Creek Nation, as provided by the regulations of July 10, 1903, and submitted a report of the United States Indian Agent, Union Agency, Indian Territory, in the matter, in which he states that Okmulgee is located about fifty miles west of Muskogee, and is a town of probably twenty-five hundred inhabitants; that the Okmulgee Cheiftain is a good paper with a bona fide circulation, and that Mr. Jenness, the publisher, is a man of high standing, and he sees no reason why this paper should not be designated for the publication of these notices.

You concurred in the recommendation.



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In regard to the statements of the Agent that no provision is made in the regulations of July 10, 1903, for the payment of advertising in case the allottee should refuse to accept the bid, or that bids could not be accepted for any reason you state that it seems to you that this is a matter that cannot be determined at this time; that if each piece of land was advertised separately, it is probable the difficulties suggested by the Agent might arise, but in view of the fact that each advertisement will contain a large number of tracts of land, some of which will undoubtedly be sold, it is believed the fees prescribed by the regulations of the Department will be sufficient.

Reporting in the matter September 23, 1903, the Commissioner of Indian Affairs concurs in your views and in the recommendation that the Okmulgee Chieftain be designated as recommended. He, however, informed the Department that he had communicated with the Agent requesting him to inform him whether the revenue derived from the sales, for the purpose of advertising, would be sufficient to justify the publication of the notice in an additional paper to that at Muskogee. On October 10/ 03, he submitted a report from the Agent in which he states that he will have money sufficient to pay for inserting in two papers; that he has heretofore recommended that the Okmulgee Chieftain be designated as the paper outside of Muskogee



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in which to advertise lands listed for sale under the recent regulations.

As the Agent is of the opinion that he will have money sufficient for inserting these notices in two papers, the Commissioner again concurs in this recommendation.

In view of these recommendations the Okmulgee Chieftain is hereby designated as the paper in which to publish the advertisement in question, and you will so inform the Agent and Mr. Jenness.

Copies of the Commissioner of Indian Affairs' letters of September 23, 1903, and October 10, 1903, are herewith inclosed.

Respectfully,

Thos. Ryan.  
Acting Secretary.

2 Inclosures;

(Endorsed) Union Agency # 7686 Received Oct. 26, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, Oct. 17, 1903. Secretary.  
Designates Okmulgee Chieftain as paper outside of Muskogee in which to publish advertisements of sale of Creek lands.



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## DEPARTMENT OF THE INTERIOR,

Washington.

ITD 8592-1903.

December 9, 1903.

SPECIAL.

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

Sir:

On December 8, 1903, the Acting Commissioner of Indian Affairs forwarded a telegram from Agent Shoenfelt, as follows;

"My appraiser of Creek lands cannot begin to keep up with appraisement. Many complaints are being made that bids are not being opened in accordance with the regulations. I have no funds from which to employ additional help, therefore cannot open all bids, as only small portion of the lands posted can be appraised during the week. January first fund will be entirely exhausted,"

to which this answer was made by the Department:-

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

"Answering telegram from Agent Shoenfelt, dated December sixth, you will direct him to open all bids at the time appointed, although lands have not been appraised at that time. Return checks to bidders for lands not appraised, except the one covering the highest bid, which he will retain until appraisement, and then accept or reject as required by the rules. This action should be made known at time bids are



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opened. Appraisement should be made without knowledge of the bids on the part of the appraiser so far as practicable.

Rhos. Ryan

Acting Secretary."

In the report of the Acting Commissioner, he recommends that two of the employees of the Commission to the Five Civilized tribes should be detailed and instructed to report to the U.S. Indian Agent for directions in connection with the appraisement of Creek lands, and that such employees should continue in this work until such time as lands listed for sale on a particular day have all been appraised.

The Department concurs in the recommendation of the Acting Commissioner, and has this day directed the Dawes Commission to detail two of their employees to report to you for assignment to the work of appraising Creek lands listed for sale, under the direction of the U.S. Indian Agent for the Union Agency.

A copy of the letter of the Acting Commissioner is inclosed herewith.

Respectfully,

Thos. Ryan

1 inclosure.

Acting Secretary.

(Endorsed) Union Agency No. 8117 Received Dec. 15, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, Dec. 9, 1903. Secretary.----Rel. to appraisement of Creek lands and opening of bids; has directed Dawes Commission to detail two employees to assist in work.----



December 12, 1903

A N A C T

Making appropriations to pay for extra clerical aid incident to the issuance of deeds.

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 Two Thousand Five Hundred Dollars, (\$2,500.00), or so much thereof as may be necessary, in favor of the Executive Office, for the purpose of paying the Clerical expenses incident to the issuance of deeds and keeping a proper record of same.

A strict account of the expenditure of said sum to be kept by the Principal Chief for the information of the National Council.

Adopted Dec.12,1903

Mildred Childers  
Clerk

Alex Davis  
Sp.House of Warriors.

Concurred in Dec.17,1903  
his

Sam Grayson  
Clerk

James x Smith  
mark

Witnesses: E.E.Hardridge  
John A.Jacobs

Approved Dec.17th,1903

P.Porter,

Prin.Chief.

(Endorsed) Union Agency, Muskogee, Oklahoma--a-135--Pleasant Porter's general letters.



## EXECUTIVE OFFICE.

Muskogee Nation

P.Porter,Principal Chief.

Okmulgee, Ind.Ter.,

December 12,1903.

To the Honorable

House of Kings and

House of Warriors.

Gentlemen:

During the session of the late Council I made a requisition for an appropriation of four thousand dollars to enable me to complete the record of deeds of allotments of Creek citizens and also that of town lots disposed of in the Creek Nation. This requisition failed to receive their sanction. I now request that an appropriation be made for this purpose. At this time, however, the late Council having made provision for the employment of an interpreter I will ask for a less amount. I believe that two thousand five hundred dollars will answer for this purpose. If you will make this appropriation I will do my best to complete the record in such a manner as will be sufficient for the protection of our citizens and to give them a complete record of the land titles both as to allotments and the sale of town lots in the towns of the Creek Nation disposed of for their benefit. This appropriation is absolutely necessary to enable me to keep an accurate record of the persons to whom deeds are delivered in order to guard against error or fraud.

I herewith transmit the draft of a bill for this purpose.

Very respectfully,

P.Porter.--Principal Chief.

--Pleasant Porters  
general letters.--k--



## EXECUTIVE OFFICE.

Muskogee Nation

P.Porter, Principal Chief.

Okmulgee, Ind.Terr.,

Dec. 15,1903.

TO THE HONORABLE HOUSE OF KINGS:

Gentlemen:

On Dec. 12, I transmitted a draft of an act appropriating \$2,500,00 or so much thereof as may be necessary in favor of the Executive Office for to pay the clerical expenses incident to the issuance of deeds and keeping a proper record of the same.

This passed the House of Warriors but failed to receive your concurrence. I cannot but believe with the proper understanding of the necessity of continuing and completing these records in our office for the benefit of the people, that you would make the appropriation and for that reason, I herewith return the act non concurred in by you and earnestly and respectfully request that you tkae it under consideration and pass the same.

In the event that you cannot agree to pass it, I would respectfully request you to direct me, by some act or resolution, what course I am to pursue in regards to the records now made and in my hand.

Of the allotment records, about 12500 have been completed accept as to delivery. Records of delivery is made of something over 5,000 persons.

In regard to the Town lot records, I beg leave to inform you that they are made out entirely in our Office and no complete record is kept of any lots except those in the Executive Office and it is absolutely necessary for this to be completed in our --Pleasant Porters general letters.--k--



Office.

I desire that you take this under consideration and dispassionately act upon the same. It is my duty, as your Chief Executive, to follow such direction as you may give me in the matter, but without your advice, I am at a loss to know what to do, in the event you should fail to make this appropriation.

Trusting that you will make the appropriation and I believe it my duty to again return it to you, I hereby do so.

Very respectfully yours,

P.Porter,

Prin.Chief.



Muskogee, I.T., Jan. 18, 1904

Hon. J. George Wright,

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

Sir:-

It has come to my knowledge that allottees, after advertising their lands for sale, have in some instances, leased their lands for a term of years, thus placing an encumbrance upon their lands before sale.

It will be seen that this would operate to reduce the amount bid on the allotment because all persons purchasing land would desire to have immediate possession of such land and full control over it.

I think that it would be advisable to withdraw from advertisement all lands where the allottee makes lease subsequent to the listing of his land for sale.

Respectfully,

P. Porter,

Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 451. Muskogee, Oklahoma.



## DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D. 1346-1904.

February 20, 1904.

United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

Acknowledging receipt of your letter of January 23, 1904, in which you suggest a detail for duty in appraising lands listed for sale in the Creek Nation of some other special agent more familiar with field work in the place of Special Agent Thomas Downs, who though capable, you consider handicapped in the work because of his want of familiarity with locating legal subdivisions of land in the field, and in which you also suggest the advisability, when funds are available, and if others are to be later employed in place of special agents now detailed, that competent farmers now in the Indian service and qualified for this work, who are familiar with land values and the manner of locating lands according to legal surveys, with no interests in the Creek Nation, be detailed for this important duty, you are advised that on February 9, 1904, the Acting Commissioner of Indian Affairs reported that he believed Mr. Downs will be able to familiarize himself with land descriptions, and that he is perfectly competent to do the work that has been assigned to him, and that his detail should not be withdrawn.

Relative to your other suggestion, he reported February 16, 1904, that he believed "the Special Agents should be relieved in the matter of appraising Creek lands as soon as funds are



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available for the employment of other persons for this duty, as the Special Agents are needed for duty elsewhere."

The Department concurs in the views of the Acting Commissioner. Copies of his letters are inclosed.

Respectfully,

E.A.Hitchcock.

2 inclosures.

Secretary.

(Endorsed) Union Agency No.8872 Received Feb.29,1904.Office of U.S.Indian Inspector, for Indian Territory.Washington, Feb.

20,1904.Secretary.-----Special Agents on duty appraising Creek lands will be relieved when funds are available to employ other persons.-----



Muskogee, I.T., March 4, 1904

Timmie Procter,  
Holdenville, I.T.

Sir:

I have sent you today under one cover, deeds for the following persons; the descriptions for which were furnished by the Dawes Commission:

Maleya Harjo  
Marsey Harjo  
Tahahke Simpson  
Noah Harjo  
Nocuseka  
Wilson Gibson  
Katie  
Lena Homahte  
Nochiheche Homahte  
Watko Homahte  
Milley Harjo  
Mary Harjo  
Sawanoke Harjo  
Thomas Homahta  
Polly Bearhead  
Betsey Bearhead  
Caesar Proctor  
David Proctor.



I expect you to make a personal delivery of these deeds to the allottees in each case.

Respectfully,

Moty Tiger,

Acting Principal Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 268. Muskogee, Oklahoma.



Muskogee, I.T., March 24, 1904

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

Sir:

In the Indian Appropriation Bill, under the head of "Miscellaneous," pages 28 and 29 embrace the following provisions, "That said Commission (Dawes Commission) is hereby granted authority to sell at public sale, in tracts not exceeding 160 acres to any one purchaser, under rules and regulations made by the Secretary of the Interior, the residue of lands in the Creek Nation belonging to the Creek tribe of Indians and now unsettled, constituting about 500,000 acres, and being the residue of lands left over after allotments of 160 acres to each member of said Tribe."

This is in violation of Article 3 of the Creek Agreement of March 1, 1901, which, among other things, provides "that 160 acres of land, valued at \$6.50 per acre shall constitute the standard value of an allotment, and shall be the measure for equalization of value, and any allottee receiving lands of less than such standard value, may, at any time select other lands which at their assessed value are sufficient to make his allotment equal in value to the standard so fixed."

The sale of the residue of Creek lands as proposed in the aforementioned provisions of the Indian Appropriation Bill, would estop the privilege of Creek citizens, who have allotments of less value than the standard allotment, from taking land to equalize their

--P.Porter press book. ltr.470.--



allotments. This ought not to be done for the reason that quite a number of Creek citizens did not select their allotments, but were assigned to them by the Dawes Commission. Again, quite a number of citizens made error in selecting and have allotments not suitable for cultivation, such as rocky hill tops and over-flow land, such lands being less in value than the standard allotment, and would like to select lands out of the residue of land suitable for making a home.

Other cases they desire to equalize their land by selecting land lying adjacent to their present allotment, from lands unselected. I would suggest that this provision of the Indian Appropriation Bill be stricken out or modified so as to give each citizen of the Creek Nation who has not received a standard allotment a limited time in which to make selection of land to equalize his allotment before any of the residue is disposed of. Should this not be done, it will cause great dissatisfaction among the Creeks. I feel they have reason to hope that the terms of the Agreement will be carried out in good faith.

I trust you will call attention of the Senate to this subject in order that it may be corrected. I am,

Very respectfully,

P.Porter,

Prin.Chief.



## DEPARTMENT OF THE INTERIOR.

Washington.

ITD.3214-1905.

April 19, 1904.

Commissioner of Indian Affairs.

Sir:

April 14, 1904 (Land 22663), you transmitted letters of March 29 and April 1, respectively, from the Indian Agent, Union Agency, I.T., and the Indian Inspector for Indian Territory, reporting on a letter from Charley Rowley, written at Pineville, La., who complains that G.M.Swanson, who made the highest bid for his land in the Creek Nation, refuses to take the same.

The Agent states that bids on the 80 acres of land listed for sale by Rowley were opened on December 4, 1903; that G.M.Swanson made a bid of \$1,000, which was the highest one offered; that on December 3, Charley Rowley was advised by the Agent as follows:

"You are hereby notified that the bids on your allotment, listed No. 199, will be opened at this Agency at 2 Pm.on December 4, 1903, and it is desired that you should be present, and after the bids have been opened, present this letter at room No. 6, at this Agency."

that at the time of the sale Mr.Swanson was notified that he was the successful bidder, and notice to that effect was also sent to Rowley; that Mr.Swanson deposited a certified check to complete the payment of \$1,000 for the land; that every effort



was used to locate Rowley, and Mr. Swanson frequently called at the Agent's office and informed the Agent that he had written to a number of places trying to find Mr. Rowley, but had been unsuccessful, and on January 15, 1904, he wrote to the Agent as follows:

"I hereby demand the return of checks put up for full payment of the Charles Rowley land \* \* \*. I have been unable to reach him as he has left the Territory;" that on the day following the receipt of this letter Mr. Swanson called at the Agent's office and stated that he desired very much to get the land but was unable to find the allottee, and wishing to bid on other lands and not have his money tied up, the Agent returned to him said checks. The Agent further states "that in the meanwhile I had notified Mr. Swanson that Rowley's postoffice address was Pineville, La., and he stated in reply that he had tried to communicate with him there but had been unsuccessful."

As it appears that Mr. Swanson was anxious to purchase the land and the allottee is willing to accept his bid, the Inspector recommends that the Agent be advised that if the allottee and Swanson desire to complete the sale at this time, there will be no objection to this procedure; otherwise, the allottee should be notified that it will be necessary for him to readvertise the land.

You report that -

"In the event the amount bid is the reasonable value of the land and equal to or exceeds the appraised value, made by the official appraiser, this office sees no objection to the parties to the transaction being permitted to complete the sale

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if they desire to do so, and it is respectfully recommended that the office be authorized to instruct Agent Shoenfelt accordingly."

I concur in your recommendation, with the understanding, however, that if deed be executed it shall be transmitted for departmental approval in the usual manner.

It does not appear that Mr. Rowley notified the Agent that he would not accept the bid of Mr. Swanson, or that the Agent communicated with the Department before returning the checks to Swanson. Neither does the Agent state whether Mr. Swanson's bid exceeds the appraised value of the land or whether the appraisal had been made when he returned said checks. You are requested to direct the Agent not to return checks submitted by the highest bidder unless the allottee shall advise him that he will not sell the land for the price offered, or unless he shall have received the permission of the Department so to do.

Inclosed herewith is a letter to be forwarded to the Inspector, transmitting a copy of this communication.

Respectfully,

E.A. Hitchcock,

Secretary.

1 inclosure.

(Endorsed) Union Agency No. 9413 Received Apr. 28, 1904 Office of U.S. Indian Inspector, for Indian Territory. Washington, April 19, 1904. Secretary.-----Relative to report on complaint of Charley Rowley, that G.M. Swanson, who made highest bid for his land refused to take same; agent should not return check of highest bidder, unless allottee will not sell for that price.-----



Muskogee, Indian Territory, April 22, 1904

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

Sirs:

Having reference to your April 19th, (M.27), in which you enclose deeds numbered 13890 and 13891 drawn in favor of Nan-pe-chee Polecat, whose name, it appears, was on Creek Indian Roll No. 9125, but which you state, has, by order of the Department, been stricken from the rolls of the Creeks by blood and directs the cancellation of these deeds, will you kindly furnish me with enough of the history of the cause for striking this allottee from the rolls, to the end that I may make explanation when the deeds are applied for?

Respectfully,

P.Porter,

Principal Chief, M.N.



Land.  
35737/1904.

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,  
Washington,

June 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Inspector, dated May 27, 1904, returning a communication addressed to the Department on February 1st last, by Sissie West, of Morse, Indian Territory, complaining of the alleged purchase of land of her deceased sister by A.W.Robb, of Muskogee, which communication was referred to the Inspector by the Department on February 11, 1904.

The Inspector says that upon receipt of the letter, he wrote Sissie West for a copy of the lease mentioned and for full information concerning the subject, and suggested that if she happened to be in Muskogee that she personally call to see him. No reply was received from her until April 8, 1904. Her reply is among the papers.

She says that she has no copy of the lease and that Mr.Robb told her it was for five years for agricultural purposes, and that they now want to obtain a deed and intend to hold the land.

The Inspector says Mr.Robb is a resident of Muskogee and probably one of the most reliable and well known men of the Indian Territory; that he is president of the Patterson Mercantile Company, which operates a small store at Morse; that he personally



conferred with Mr. Robb upon the subject and furnished him a copy of the complaint of Sissie West.

In a communication from Mr. Robb dated March 31, 1904, he says that for the past ten years his company has had a store building, two dwelling houses, a cotton-gin and a mill upon the land in question, and that the only value it had to them was because such property was located on the land, and that he supposed the Indian thoroughly understood the transaction.

April 21, 1904, Mr. Robb furnished the Inspector with an alleged memorandum between himself as President of the Patterson Mercantile Company and Sissie West and other heirs of Nancy Harjo, deceased, agreeing to pay them \$600.00 for the tract of land upon which the buildings are located, "as soon as such sale shall have the approval of the Secretary of the Interior, or it shall have been judicially determined that such approval is not required."

The alleged memorandum is as follows:-

Agreement with Joseph Deer, etl., heirs of Nancy Harjo.  
Morse, Ind. Terr. May 7, 1903.

We hereby agree to pay the Joseph Deer, Yarnier Deer, Sissie West, Waddy West, Barney Marshall and Minnie Marshall, being all of the heirs of Nancy Harjo, the heirs or assigns, to the sum of Six Hundred Dollars, (\$600.00) being the balance due us on the following described land, viz: NE/4 of Sec. 18, township 12 north, range 10 east, which we have this day sold to The Patterson Mercantile Company., as soon as such sale shall have the approval of the Secretary of the Interior, or it shall have been judicially determined, that such approval is not required. In the event of the delay in securing the approval of the Secretary of the Interior if



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such should be required we agree to pay the foregoing named parties, their heirs or assigns, annually on or before the seventh day of May of each year the sum of one hundred and fifty dollars, (\$150.00) until the whole amount of Six Hundred Dollars, (\$600.00) has been paid.

(Signed.) The Patterson Mercantile Co.,

A.W.Robb, Pres.

and your attention is respectfully invited to the fact that it is not signed by Sissie West or any of the other persons mentioned therein, supposed to be the heirs of Nancy Harjo, deceased. This transaction occurred May 7, 1902, before the final regulations governing the sale and leasing of lands in the Creek Nation were promulgated, and Mr. Robb says that the company of which he is President, has improvements on the land which cost more than \$10,000; that the ground has but little value, "not over (80) acres tillable;" that the firm has never claimed the land, although the heirs positively agreed to sell the same to the company as soon as title could be perfected.

He says that they agreed to sell the land to the company at \$5.00 per acre for the entire tract of 160 acres; that they were indebted to the company in the sum of \$200; that the company agreed to pay them \$600.00 over and above the indebtedness; that since May 7, 1902, the company has paid "Sissie West \$266.05; Warner Deer, \$251.50; Barney Marshall, \$248.05;" which is a total of \$766.20.

The Inspector says that Morse is an interior post-office about twenty-five miles west of Okmulgee; that he was unable to see personally any of the persons mentioned in the alleged agreement and that he is convinced "as to the good faith in this



matter and do not believe it necessary to further investigate the same." He says that from conversation with Mr. Robb it appears that it is the desire of the company to protect their improvements upon the tract; that the allottee is dead; that the Indian heirs are of the fullblood, and that it would seem that the only way absolute title to the land can be obtained is with the consent and approval of the Department and proper administration of the estate. He recommends that Sissie West be so advised.

The office does not agree with the Inspector as to the good faith of the company. It is shown by Mr. Robb's own statement that although the company agreed to pay the heirs but \$600.00 above their indebtedness to the company, there has already been paid to three of the heirs \$166.20 in excess of this amount, and no payment seems to have been made to Joseph Deer, Waddy West, or Minnie Marshall, who are mentioned in the alleged agreement or memorandum.

It is not probable that the company will require for a store building, cotton-gin, corn-mill, two dwellings and a blacksmith shop, 160 acres of land, and although it appears to have been the intention of the company to purchase the entire tract for \$800, \$5 per acre, it is shown that at least 80 acres of land is suitable for agricultural purposes. It is reasonable to suppose that the land should be worth more than \$800.00.

However, the office knows of no reason why the company should not be permitted to purchase an area sufficient to protect their improvements or the entire tract if the heirs desire to sell the same and will comply with the regulations of May 12, 1904, governing the removal of restrictions upon alienation of land allotted to citizens of the Five Civilized Tribes, of Indian



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blood; but it is believed that the office should be authorized to instruct Agent Shoenfelt to ascertain whether the Patterson Mercantile Company is in possession of the entire tract, and if so, by what authority.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

GAW-H

(Endorsed) Union Agency No.9748 Received Jun.17,1904 Office of U.S. Indian Inspector for Indian Territory.Washington,June 10,1904. Secretary.-----Relative to alleged purchase of land of deceased sister of Sissie West, of Morse, Indian Territory, by A.W. Robb.-----



August 29, 1904.

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

Sirs:-

This office is in receipt of your letter of August 27th, 1904 giving description of allotments for Poh-la-tah-shee-nay Polecat and Ka-no-chee-shu-mar Polecat, Creek Indian Roll Nos. 9126 and 9127, deeds Nos. 13892 and 13893, and 13894 and 13895, with information that the allottee desired deeds forwarded to their post office address at Bristow, Indian Territory.

Under date of August 26, 1903, you requested that we withhold these deeds from delivery until further instructed, as there was some question as to their citizenship. Again, under date of March 23, 1904, you requested that deed for Nan-pe-chee Polecat be returned to your office, as the name of Polecat had been stricken from the rolls. Under date of April 19, 1904, you directed cancellation of the deed for Nan-pe-chee Polecat, and under date of June 1, 1904, you advised that the Department had indorsed its concurrence in cancellation of my signature upon deeds numbered 13890 and 13891, issued in favor of Nan-pe-chee Polecat. The other two deeds above mentioned are still held in this office according to your instructions of August 26, 1903.

Please advise what decision has been reached in the case of the two latter deeds, which you described in your letter of August 27, 1904.

Respectfully,

P. Porter, --Principal Chief, M.N.

(Endorsed) Union Agency press book, general letters by Principal Chief. letter 457. Muskogee, Oklahoma.



EXECUTIVE OFFICE,

297

Muskogee Nation

P.PORTER, Principal Chief.

Okmulgee, Indian Territory,

Oct.5,1904.

Hon.J.Blair Shoenfelt,

United States Indian Agent,

Muskogee,Indian Territory.

Dear Sir:-

Cilla Brown, wife of Madison Brown listed her land for advertisement for sale and has been informed that the bid was accepted.

Madison Brown visited Muskogee some time ago and while there tried to secure the check but was informed that for some reason it had not yet arrived. He is now sick at home and wishes you to inform him through his father, Hon. Samuel Brown, Town King of Euchee Town, if the check has arrived.

Please give this matter your early attention and address your reply to Hon. Sam. Brown, Sapulpa, I.T.

Respectfully,

P.Porter,

Principal Chief,M.N.



~~EXECUTIVE~~ OFFICE,

Muskogee Nation.

P. PORTER, Principal Chief.

- - - - Indian Territory,

Oct. 6, 1904.

Hon. J. Blair Shoenfelt,

United States Indian Agent,

Muskogee, Indian Territory.

Dear Sir:-

There has been listed for advertisement and sale by Louisa Tiger the following described allotment:

120 acres situated in the S.W. 1/4 of Section 36, Township 10 North and Range 9 East.

Simpson Tiger at the time of selection selected the above described allotment for his wife, Louisa Tiger. The selection was made by him on the statement of Billy Scott that the land was good and well watered, and that there were no improvements thereon.

After this Sarty Dacon who lives upon the allotment and who has considerable improvements thereon, consisting of two houses, crib, lots and an orchard, together with about forty acres of improved farm land well fenced made application to the Dawes Commission to file on the S.W. 1/4 of Section 36, Township 10 North and Range 9 East for Nannie Dacon his deceased daughter.

It appears that the Dawes Commission finding that Louisa Tiger a living Creek had made application upon the same piece of ground in error of description as aforesaid and made out an allotment for her on this place and assigned an allotment to Nannie Dacon near-by in Section 30, Township 10 North and Range 10 East, and

--P. Porter's general letters--Executive office--



it appears that since then Louisa Tiger has received deed for the said allotment and has advertised and listed it for sale.

The further facts in the case are as follows:

The improvements were made by Cusseta Yarholah, and embraces the burying place of Motey Tiger's parents and kindred, together with those of Cusseta Yarholah. Sarty Dacon's wife, Annie Dacon was a daughter of Cusseta Yarholah, who gave the place to his daughter and improved another place.

Therefore the improvements have been in the family for a period ranging back before the Civil War. Louisa Tiger is willing to yield the place back to Sarty Dacon for his deceased daughter. Simpson Tiger who was sent to the Penitentiary for some offense has just returned, and I understand will make statement that the selection was made as above stated. Sarty Dacon appeared before the Dawes Commission some months ago and stated the facts in the case and the Dawes Commission assured him they would send out a party to visit the spot and verify the facts in the case.

This has been done but Sarty Dacon has not been advised of anything further in the matter. Billy Scott upon whose erroneous description the allotment was made has since died. Motey Tiger, second Chief is conversant with all the facts in the case, as is William Hill and Paro Bruner and numerous others.

The object of this communication is to secure a suspension of the advertisement and sale of the allotment so that the error can be corrected and Sarty Dacon be confirmed in his home and the land allotted to his deceased daughter. Please with-hold the advertisement and sale until the facts can be fairly established

--P.Porters general letters--Executive Office--



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and justice meted out to the parties concerned.

Respectfully,

P.Porter,

Principal Chief, M.N.

--P.Porters general letters--Executive office.--



December 28, 1904

Mrs. Louisa Tiger,

Wetumka, I.T.

Dear Madam:-

On October 15, 1904, there was a deed forwarded to you at Wetumka, by express for an allotment in the Creek Nation covering the Southeast Quarter of Section 30, Township 10 N., and Range 10 E., upon which Sarty Dacon lives. Sarty Dacon owns all the improvements on the same and was entitled to select it for himself or one of his family. It appears that some one, I understand your former husband, filed upon it for you and for that reason the allotment was made out to you.

I am informed that you have no improvements whatever on the said allotment, and that Sarty Dacon has his home and some fifty acres under cultivation, and lives there.

Again I am informed that you have advertised it for sale. This would be a gross wrong to Sarty Dacon, were you permitted to keep the allotment.

Now, in order to keep out of trouble in this matter, which will surely come to you, I advise you to return the deed to this office and make your selection elsewhere, in order that Sarty Dacon may file for one of his children on his improved place upon which he is now living.

This will be handed you by Sarty Dacon.

Respectfully,  
P. Porter--Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 533. Muskogee, Oklahoma.



March 10, 1905

Commission to Five Civilized Tribes,

Muskogee, I.T.

Sirs;

I herewith enclose letter from Lousa Tiger which explains itself. It seems that she has filed on and received deed to the land on which is located the home and improvements of Sarty Dacon, and she is now willing to have the matter rectified if possible. If you can do anything for her in this matter please correspond with her, giving instructions how to proceed.

Respectfully,

P.Porter,

Prin.Chief.



October 14th, 1904

CITIZENSHIP

REFERRED TO JUDICIARY COMMITTEE

Attention has been called to the fact that quite a number of people have been enrolled as Creek citizens and entitled to allotments who if their cases were fully investigated would be found to be neither Creek citizens by blood nor adoption. Quite a number of these were passed upon when the Court had jurisdiction over the determination of citizenship matters. The Creek Nation did not make an appearance in many cases and they were adjudged to be citizens upon the evidence presented by them. Thereafter all these cases were affirmed by agreement approved March 1, 1901. In other cases claimants procured false evidence and were enrolled and allotments made for them who died prior to April 1, 1899, who would have been entitled to allotment had they been living at that time. Doubtless in some of these cases, allotments have been made and deeds delivered to them, but it is neither the desire of the Creek people nor the Government to wrong those entitled to allotments by taking a part of their patrimony and giving it to those who have no right to it. Means should be instituted to investigate all these cases, and for this purpose I would recommend that you, by resolution, petition Congress to have a citizenship court appointed in like manner and with like power as has been appointed for the Choctaw and Chickasaw Nations, so that it will enable the Nation to

---Pleasant Porters general letters.--a-20----



present these cases for full adjudication.

JUDICIARY COMMITTEE ROOM

Okmulgee, I.T. Oct. 14th, 1904

To the Hon. National Council of the  
Muskogee Nation,  
Gentlemen:

Your committee to whom was referred the inclosed message of the  
Principal Chief respectfully submit the following preamble and  
resolution and ask its adoption by your honorable body

Very respectfully

David Anderson

Chairman.

Whig Murray  
Clerk pro-tem.

WHEREAS, when the law providing for the distribution of the lands  
belonging to the Creek people called the Curtis Act was passed  
the purpose and intent of it was to give each citizen the lands  
including his home, and protect him by law in its exclusive use.-and  
WHEREAS, as the policy of distribution took form in the shape of  
Treaties or agreements the same policy was followed, it being  
specifically provided that each citizen would have the right to  
select lands owned and occupied by them, and in cases where any  
citizen had improvements including more than their pro rata  
share that they would have the right to select so much thereof as  
would be a pro rata share, and the balance so improved should be  
---Pleasant Porters general letters.--a-20----



appraised, and any citizens taking appraisement were required to pay for the improvements thereon, and it was further distinctly understood and explained that this policy would not be varied from and that each citizen entitled to allotment would not be deprived of the value of his work even where he had improved more land than would be his pro rata share, and whereas, in violation of this provision many cases of selection were made by persons not owning the improvements on the improvements of other citizens and in a great many cases the Dawes Commission has corrected errors of this kind, and

WHEREAS, the rule followed by the Dawes Commission was intended to carefully carry out the provisions of the agreement and allottees of land were required to make oath that the lands selected by them did not include the lands or improvements of any other citizen and

WHEREAS, quite a number of citizens either through error or with purpose violated their oath and selected lands upon which other citizens had improvements and intended to allot such lands, and

WHEREAS, in some cases citizens were tardy in selecting allotments and other citizens finding that the homes and improvements of such negligent citizens were unallotted took them as allotments, knowing that other citizens had improvements thereon and

WHEREAS, in this way much wrong has been done to the property rights of quite a number of our citizens, and

WHEREAS, the Creek rolls have been closed, but in the closure of the rolls it does not prevent persons who have selected allotments on which the improvements of other citizens entitled to allotment are located from having their allotments changed and given other

---Pleasant Porters general letters.--a-20----



allotments where such wrongs have been perpetrated.

THEREFORE

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

That the attention of the Honorable Secretary of the Interior be and is hereby called to the above statement of facts with the request that he take such action in the matter as he may deem proper and advisable to permit all citizens of the Muskogee or Creek Nation to select lands upon which they have improvements and to cancel all filings heretofore made on such improved lands by other than the owners of such improvements.

Adopted Oct. 15th, 1904

T.J. Adams

Presdt. pro-tem

Sam Grayson  
Clerk.

Concurred in Oct 18th, 1904

Alex Davis

Sp.H. of Warriors

L.C. Tiger

Clk-pro-tem

Approved Oct. 22, 1904.

(Endorsed) Union Agency, Muskogee, Oklahoma.--Pleasant Porters  
general letters.--a-20----



The  
Baltimore Hotel  
John Faubion, Propr.

Okmulgee, Ind.Ter.,

Nov. 2, 1904

WHEREAS: Sec. 9 of the Creek agreement approved Mar. 1, 1901, provides that "when allotment of one hundred and sixty acres has been made to each citizen the residue of lands not herein reserved or otherwise disposed of, and all the funds arising under this agreement shall be used for the purpose of equalizing allotments so that the allotments of all citizens may be made equal in value as nearly as may be in manner herein provided, and

WHEREAS: any proposal to dispose of any portion of Creek lands contrary to said provision of the agreement without their consent thereto first obtained, would be most extraordinary, and in effect subversive of that order and regularity of method pursued in other like conditioned transactions and

WHEREAS: the act of Congress of April 21st, 1904, "making appropriations for the current and contingent expenses of the Indian Department" &c &c, is clearly in conflict with said agreement and the known will and expectations of the people respecting the final disposition to be made of their surplus land, and provides no method of procedure in the execution and delivery of deeds of conveyance to would-be purchasers therefore----

Be it resolved by the national council of the Muscogee nation, that while the Creeks have not always made use of all of their lands after the manner of the more advanced communities of the states surrounding them, they have nevertheless always religiously regarded them as their most sacred, most valuable and enduring

---Pleasant Porters general letters.---a-2-----



possessions fondly terming them "The life of the nation, the mother of the people." It has been always their policy to keep them "As long as water flows and grass grows" and they have never been known to take the initiative in the disposal of lands, but in each case where they have parted with territory, it has been the result of force and the superior diplomacy of the United States. And now when their once vast domain, by changing conditions has been reduced to the paltry amount of a little over 160 acres to the individual, it is their earnest desire and will that this their last remaining resting place be divided among them in strict accordance with the terms of recent agreements with the United States, and in no other way.

Be it further resolved, that it is the desire and will of the Creeks that after allotment of 160 acres to each citizen, there shall remain lands unallotted and not otherwise reserved, they shall be used as stipulated in agreement, for the purpose of equalizing allotments according to value. After all who so desire, have selected lands for the purpose of equalizing their allotments, if there shall remain any lands of the Creeks not so selected, such remainder may be sold in the same manner as individual allotments are now being sold, the proceeds to be covered into the common general fund of the nation for future distribution, ample time being allowed each citizen within which to make his or her selections. In all cases where lands are sold money recd from the sale of their lands, by installments will result in the establishment among our people of a system similar to that in vogue among the blanket Indians of the West, who are supported by periodical issuance of rations by the Government. Such a system

---Pleasant Porters general letters.---a-2-----



will deprive our people of the immediate use of the money necessary to build homes, to purchase stock, and farming implements which are indispensable to every successful farmer, and which our citizens must have at once in order that they may, as soon as possible, assume the responsibilities and duties of American citizenship. Therefore---Be it Further Resolved, That it is the judgment of the national council of the Muskogee Nation, in regular session assembled, that the payment to our people of the proceeds of the sale of such portions of their allotments as they may elect to sell, in installments, will defeat the purposes of the Agreement under which lands were allotted to our citizens, and the policy of the Government to teach the anxious of this Territory self reliance and self help in order that they may take their places in all respects as free and unrestricted citizens of the United States a characteristic which more than any other distinguishes the American people, and places them in the van of modern civilization.

Adopted Nov. 2, 1904

James Smith,

President H. Kings.

Sam Grayson  
Clk.

Concurred in Nov. 3, 1904  
Alex Davis  
Spk. H. of W.

Mildred Childers  
Clk

Approved Nov. 3, 1904

P. Porter,

Principal Chief.

(Endorsed) Union Agency, Muskogee, Oklahoma.--Pleasant Porters  
general letters.--a-2-----



November 29, 1904

Mr. M. L. Mott,

National Attorney, Creek Nation,  
Washington, D. C.

Dear Sir:-

The allotments of the Creek Nation are only in part surveyed into forty acre tracts, and for this reason the boundaries of the homesteads are very difficult to locate unless by survey. Much difficulty is experienced by our allottees who wish to reserve their homesteads from lease or sell a portion of their allotment, in determining the boundary lines.

You will please call the attention of the Department to this source of difficulty to our people and ask them that this survey be completed into forty acre lots.

Respectfully,

P. Porter,

Prin. Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 527. Muskogee, Oklahoma.



DEPARTMENT OF THE INTERIOR,  
Office of the Assistant Attorney-General,

Washington, January 20, 1905.

216-1905  
I.T.D.

The Secretary of the Interior,

Sir:

With your note of the 12th instant you transmitted copy of an opinion of Judge Raymond in the case of Todd and Smith against Shoenfelt, Indian Agent, et al., with request for my opinion as to what action, if any, the Department ought to take in the premises. The paper submitted is not in any manner authenticated but is probably a true copy of the opinion.

It seems that Nimrod N. Doyle, a Creek Indian, as parent and natural guardian, without having been appointed guardian by any court, executed a lease or leases covering lands of his minor children held by them as allotments. Doyle was afterward appointed guardian of the estates of said children and, apparently, applied to the Indian Agent to be put in possession of the allotments of his children. It seems the Indian agent held the lease or leases to be void and was about to remove the lessees, or those claiming under them, from the land. A bill was filed asking for injunction to prevent such action by the Indian agent.

The court finds that leases executed by the parent of minor allottees in Indian Territory, not regularly appointed guardians by some court having jurisdiction, are void and to this extent



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fully sustains the conclusion reached by the Indian agent. The court proceeding further, however, held that it would be inequitable to permit the owners of the land to regain possession thereof without making full compensation to those who had made permanent improvements thereon, and decided that a receiver should be appointed to take charge of the premises and the cause referred to a master to hear the evidence on both sides and state the account, charging complainants with the rents of the lands during their occupancy and giving proper credits for improvements made by them, and ordered an injunction issued.

The facts presented by the papers submitted are not sufficient to justify any opinion or recommendation as to what action should be taken by the Department in the premises. A report from the Indian agent giving a full history of the case would be absolutely necessary to a satisfactory consideration of the matter. Presumably, although it is not shown or indicated by the papers submitted, the Indian agent was defended by a representative of the Department of Justice. If that be so, the advice of that Department should be sought before any determination is made as to the further steps to be taken. I would respectfully suggest that the Indian agent be directed to submit a full report of the facts in the case with his recommendation in the premises.

The papers submitted are herewith returned.

Very respectfully,

Frank L. CAMPBELL,

Assistant Attorney General.

January 20, 1905.

APPROVED:

E. A. HITCHCOCK,

11032 Secretary.



(Endorsed) Union Agency No.11032 Received Feb.11,1905 Office of U.S.Indian Inspector for Indian Territory.Washington, Feb.7, 1905.Commissioner.Addressed to Indian Agent.----Encloses opinion of Asst.Attorney-General, in case of Todd & Smith vs.Indian Agent et al, involving placing of Creek allottee in possession of his land; calls for further report.----



## DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D. 2600-1905.  
4552-1905.

May 1, 1905.

United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

Referring to your **report** of March 3, 1905, relative to the proper place for recording approved certificates removing restrictions upon alienation of allotments, and transmitting a duplicate certificate showing the removal of restrictions upon the sale of the surplus lands of John Henry Leath, a Creek citizen, the original certificate having been lost, there is inclosed herewith a press-copy of an opinion of the Assistant Attorney General, dated and approved April 27, 1905, holding that such certificates shall be recorded in the same manner as patents for lands are recorded, by the Commission to the Five Civilized Tribes, without expense to the allottees, and that they should be so recorded before delivery.

The duplicate certificate has been signed and returned to the Indian Office for appropriate disposition.

Respectfully,

E.A.Hitchcock.

1 inclosure.

Secretary.

(Endorsed) Union Agency No. 11555 Received May 12, 1905 Office of U.S. Indian Inspector for Indian Territory. Washington, May 1, 1905. Secretary.-----Encloses copy of opinion of Asst. Attorney General, dated April 27, 1905, holding certificates removing restrictions upon alienation of land by allottees should be recorded by Dawes Commission.-----



DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

Land  
92791-1905.

November 2, 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 the 16th instant, transmitting a resolution of the National Council of the Creek or Muskogee Nation in reference to securing legislation to declare void all deeds to Creek allotments obtained by fraud, etc., approved by the Principal Chief October 31, 1905, and reading as follows:

WHEREAS, many citizens of the Muskogee Nation have been induced by a small cash payment of five, ten or more dollars, to sign warrantee deeds to their lands and in addition to the deed a contract is drawn and signed, naming a certain sum or balance (in every case a nominal or altogether inadequate price or sum) to be paid upon removal of restrictions from said lands; And,

WHEREAS, many citizens of the Muskogee Nation, who, having sought small loans and secured the same, believing they had the legal right to mortgage their allotments, have been induced by false representations and false interpretations of the Creek language to sign warrantee deeds to their lands, also contracts



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agreeing to accept a certain sum or balance upon removal of restrictions from said lands; And,

WHEREAS, there is a common and prevailing opinion that all inherited lands are free and exempt from limitations and restrictions, many citizens of the Muskogee Nation, have by false and fraudulent representations been induced to sign and give warrantee deeds to said inherited lands, believing that said deed so signed was a mortgage or temporary security for the said small or nominal sum received; And,

WHEREAS, the said conditions above set out are having the effect to materially diminish the value of said lands, in that when they are offered for sale legally and regularly, under the rules and regulations laid down by the Secretary of the Interior, parties desirous of purchasing the same refuse to offer any price at all or a price totally inadequate to its worth and value, and further, if said deeds are under the law invalid and altogether void, the effect is sufficient to put a cloud upon the title, which will necessitate going into the Courts in long, tedious and expensive litigation, a hardship, sacrifice and loss to the citizens of the Muskogee Nation that the Government of the United States should not permit; Therefore,

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

That the delegation to Washington be and is hereby instructed to lay before the Committees on Indian affairs of both



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houses of Congress the conditions as above set out, and urege(Sic) upon said Committees the necessity for the passage of such legislation by the Congress of the United States as will utterly make void all deeds, transfers and conveyances, as above set out and described, and further, upon the failure of the grantee to surrender and quit claim to the grantor, on or before March 4th 1906, all deeds for lands upon which the restrictions had not been removed, he shall be deemed guilty of a misdemeanor and a penalty of Fifty dollars imposed for each and every day after March 4th 1906, he or she fails to make said quit claim deeds.

Inspector Wright says the Indian Appropriation Act of March 3, 1905, authorizes the Secretary of the Interior to investigate leases which it is believed have been obtained by fraud, or in violation of existing law, and refer the cases to the proper United States Attorney to institute suit for cancellation of the instruments, and every effort is being made to properly protect the interests of the allottees as provided by the Act. In numerous cases where it is ascertained that leases or deeds have been secured in violation of law, or the Indians in any way defrauded, the matter has been referred to the National Attorney for the Creek Nation and in some cases to the United States Attorney and a number of inditelements have been returned by the grand juries. The Inspector says, however, it is utterly impracticable to control such matters unless all sales and leases are submitted to some officer for approval when executed.

12987



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He does not believe this resolution requires executive action and therefore submits it for such consideration as the Department deems proper.

I recommend that the resolution be submitted to the Committee recently appointed by you to make a draft of appropriate legislation for the closing up of the affairs of the Five Civilized Tribes in Indian Territory.

Very respectfully,

C.F. Larrabee,  
Acting Commissioner.

(Endorsed) Union Agency # 12987 Received Dec. 18, 1905, Office of U.S. Indian Inspector for Indian Territory. Washington Dec. 11, 1905, Secretary. Relative to Creek act in reference to declaring void all deeds obtained by fraud, etc., appro. recommendation made to Congress.



## 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. 15730-1905.

December 11, 1905.

U. S. Indian Inspector

for the Indian Territory,

Muskogee, Ind. Ter.

Sir:-

The Department is in receipt of your report dated November 16, 1905. (51173-1905) transmitting a resolution of the National Council of the Creek or Muskogee Nation, concerning legislation desired to declare void all deeds to Creek allotments obtained by fraud, approved by the Principal Chief October 31, 1905.

Your report was forwarded by the Indian Office on November 22, 1905, (Land 92791-1005), with the recommendation that it be submitted to the Committee recently appointed by the Department to make a draft of appropriate legislation for closing up the affairs of the Five Civilized Tribes in the Indian Territory.

The matter was duly considered by the Committee, and such provisions were incorporated in the bill submitted to Congress which were deemed appropriate and necessary.

A copy of the report of the Indian Office is enclosed.

Respectfully,

Thos. Ryan.

First Assistant Sec.

1 enclosure.  
12987



THE MUSKOGEE (CREEK) NATION.  
INDIAN TERRITORY.

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TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, By the Act of Congress approved March 1, 1901 (31 Stats., 861), agreement ratified by the Creek Nation May 25, 1901, it was provided that all lands of the Muskogee (Creek) Tribe of Indians, in Indian Territory, except as therein provided, should be allotted among the citizens of said tribe by the U. S. Commission to the Five Civilized Tribes so as to give to each an equal share of the whole in value, as nearly as may be, and

WHEREAS, It was provided by said Act of Congress that each citizen shall select, or have selected for him, from his allotment forty acres of land as a homestead for which he shall have a separate deed, and

WHEREAS, The said Commission to the Five Civilized Tribes has certified that the land hereinafter described has been selected by or on behalf of. . . . . a citizen of said tribe, as a homestead.

NOW, THEREFORE, I, the undersigned, the Principal Cheif of the Muskogee (Creek) Nation, by virtue of the power and authority vested in me by the aforesaid Act of the Congress of the United States, have granted and conveyed and by these presents do grant and convey unto the said . . . . . all right, title and interest of the Muskogee (Creek) Nation and of all other citizens of said Nation in and to the following described land, viz: . . . . . of the Indian Base and Meridian, in Indian Territory, containing . . . . . acres, more or less, as the case may be, according to the U. S. survey thereof, subject, however, to the con-  
11920



ditions provided by said Act of Congress and which conditions are that said land shall be non-taxable and inalienable and free from any incumbrance whatever for twenty-one years; and subject, also, to provisions of said Act of Congress relating to the use, devise and descent of said land after the death of the said.....; and subject also, to all provisions of said Act of Congress relating to appraisement and valuation, and to the provisions of the act of Congress approved June 30, 1902 (Public No. 200 )

IN WITNESS WHEREOF, I, the Principal Chief of the Muskogee (Creek) Nation, have hereunto set my hand and caused the Great Seal of said Nation to be affixed this.....day of....., A. D. 190,.....

Prin. Chief of Muskogee (Creek) N.

Department of the Interior,

Approved. .b. . . . ., 190....

. . . . .  
Secretary.

11920.



CREEK - LICENSES (ATTORNEYS)



7143-1893

Department of the Interior  
Office of the Assistant Attorney General,  
Washington, October 12, 1893.

322

The Secretary of the Interior,

Sir;

I have considered the question presented by the Commissioner of Indian Affairs, in his letter to you of the 20th of September, 1893, in compliance with your request, indorsed thereon, under date of the 4th instant.

In said letter, the Commissioner makes inquiry touching the right of the Creek Nation to tax non-citizen lawyers in said nation.

On the 1st of March 1889, Congress established a United States Court in the Indian Territory, since which time certain non-citizen lawyers have resided in Muscogee in said Territory, for the purpose of practicing law.

On the 21st of January, 1891, the National Council of the Creek Nation passed an act imposing an annual tax of twenty-five dollars on all lawyers practicing law in said Nation.

Upon demand being made by the National Tax collector of the Creek Nation, certain members of the Muscogee bar refused to pay the same, whereupon the United States Indian Agent served the said recreant members with notice that they had, in consequence of their said refusal to pay the tax aforesaid, "been declared intruders and their removal requested, and giving them twenty days in which to show why they had failed to meet the demands of the nation."



Under this state of facts, two questions are raised by the letter of the Commissioner of Indian Affairs, hereinbefore mentioned;

1st:- Does the Creek Nation have the legal right to impose **such** a tax? 2nd:- In default of payment, has the Creek Nation the right to treat such defaulters as intruders subject to removal from the limits of their country in conformity with treaty stipulations?

The fifteenth article of the treaty with the Creeks and Seminoles, made in 1856 (11 Stat.,P.703), provides as follows:-

So far as may be compatible with the constitution of the United States, and the laws made in pursuance thereof regulating trade and intercourse with the Indian tribes, the Creeks and Seminoles shall be secured in the unrestricted right of self-government, and full jurisdiction over persons and property, who are not, by adoption or otherwise members of either the Creek or Seminole tribe; and all persons not being members of either tribe found within their limits shall be considered intruders, and be removed from and kept out of the same by the United States Agents for said tribes, respectively-assisted, if necessary, by the military-with the following exceptions, viz: Such individuals, with their families, as may be in the employment of the government of the United States; all persons peaceably travelling or temporarily sojourning in the country, or trading therein under license from the proper authorities of the United States; and such persons as may be permitted by the Creeks or Seminoles, with the assent of the proper authorities of the United States, to reside within their respective limits without becoming members of either of said tribes.

The tenth article of the treaty with the Creek Indians, of 1866 (14 Stat.P.788), provides that:-

The Creeks agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory; Provided, However, that said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges and customs.

The seventh section of said article also provides that:

The Creeks also agree that a Court or Courts may be established



in said territory, with such jurisdiction and organized in such manner as Congress may by law provide.

Under the terms of the treaty stipulations, all persons who are not members of a tribe found within the limits of the Creek country are regarded as intruders, unless they are included in one of the exceptions enumerated therein.

The right of non-citizen lawyers to reside within the limits of said country is based upon the permission of the Creeks or Seminoles, with the assent of the proper authorities of the United States. The right, on the part of the Indians, to give such permission implies the right to couple the permission with reasonable conditions, or to withhold it altogether. The Creek Nation, through its National Council, have seen proper to impose a tax, which is not complained of as unreasonable-upon non-citizen lawyers residing within the limits of their country, the effect of which is that, if the tax is paid, permission is thereby given the tax-payer to remain, otherwise the permission is withdrawn.

Permission being withdrawn from that class of persons to longer remain within the limits of said Indian country, any further residence on their part would be in violation of law. The Creeks have the right to say: You may remain, if you pay this reasonable tax. If you do not pay it, you may not remain. If you remain without the payment of the tax, you are intruders, and, being intruders, you are liable to be removed as such.

The remedy provided by law for the expulsion of all persons who are found in the Indian country contrary to law, is as follows:-



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The superintendent of Indian Affairs, and the Indian Agents and sub-agents shall have authority to remove from the Indian Country all persons found therein contrary to law; and the President is authorized to direct the military to be employed in such removal.

It is contended by certain lawyers, who protest against the right of the nation to levy the tax referred to, that the Creeks having agreed that Congress might establish a Court within the limits of their country, such agreement carried with it also the right to create its proper officers and to have them reside where the court holds its sittings.

An examination of the Act of Congress, and the subsequent amendment thereto, establishing a United States court in the Creek country, discloses the fact that, with the exception of the office of Clerk of said court, no attempt is made to fix the residence of the officers where the court holds its sittings.

In my opinion, the Creek Nation has the right to levy the tax referred to in your letter, and to impose the penalty therein mentioned, in case of default.

Very respectfully,  
JOHN I. HALL,  
Assistant Attorney General.

Approved:

HOKE SMITH  
Secretary.

.....;  
The above is a true copy p;  
.....;



January 24, 1902.

Hon. Guy P. Cobb,

Revenue Inspector, City.

My Dear Sir:-

Your favor of the 23d inst. enclosing notice and request that I pay tax of the Creek Nation, is at hand. Since my conversation with you some three months ago I have been under the impression that I would be exempt from the payment of this tax. I am the regularly employed attorney of the Ozark & Cherokee Central Railway Company, and also of the Shawnee, Oklahoma & Missouri Coal & Railway Company, both of which companies have been authorized, by the Secretary of the Interior, to construct lines of railway in the Creek Nation. Work upon the O & C C Railway is in progress, some fifteen miles having been graded in the Indian Territory, and trains being about ready to run to Westville on the Kansas City Southern. All the preliminary steps have been taken in regard to the Shawnee end of the road, and as I have been actively engaged for about six months past in work for this company, I believe that under the treaty and Acts of Congress I should not be required to pay this tax.

Trusting that this view may meet with your approval, I am,

Yours very truly,

N.A. Gibson.



(Endorsed) Union Agency No.511 REVENUE INSPECTOR Muskogee,  
I.T., Jan.24,1902. N.A.Gibson----Advises that he is a railroad  
attorney and not subject to tax.----



## DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D. 8160-1905.

July 19, 1905.

United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

On July 10, 1905, the Indian Office transmitted your report dated June 29, 1905, forwarding a copy of a communication from Preston C. West, an attorney at Muskogee, dated June 27, 1905, in which he claims that he is exempt from payment of the Creek tribal tax by reason of the fact that he is the local attorney for certain railroads. There was also inclosed a communication from Thomas H. Owen, of Muskogee, who claims that he and his partner, Mr. Bailey, are also not liable for said tax for the reason that Mr. Owen is attorney for certain railroads.

There was also transmitted with the Indian Office letter a report from you dated July 1, 1905, inclosing a communication from John G. Lieber, an attorney at Muskogee, claiming that he is exempt from the payment of the Creek tribal tax by reason of the fact that his wife is a citizen of the Creek Nation.

Relative to the communications of Mr. Owen and Mr. West, you refer to the opinion of the Assistant Attorney General of June 21, 1905, holding that notaries public in the Creek Nation, Indian Territory, are subject to the tribal tax. You also refer to that portion of article 5 of the Creek treaty of 1866, granting rights of railway, which provides:

"That officers, servants and employes of said railroad,



necessary to its construction and management, shall not be excluded from necessary occupancy, they being subject to the provisions of the Indian intercourse law and such rules and regulations as may be established by the Secretary of the Interior."

In your report dated July 1, 1905, relative to the communication of John G. Lieber, you state that it does not appear that the name of Mr. Lieber is upon the approved roll of citizens of the Creek Nation, and the fact that his wife was a Creek citizen would not exempt him from the payment of the Creek tax, unless he had been adopted by the Nation, which does not appear to be the case.

Reporting July 10, 1905, the Indian Office states, with reference to Mr. West and Mr. Owen, that if they were not engaged in general practice, it is probable that they would not be liable for the tax under the provisions of article 5 of the treaty of 1866, but that inasmuch as they do a general law business in addition to the services rendered certain railroads, their cases are fully covered by the opinion of the Assistant Attorney General of June 21, 1905, in which he stated:

"His appointment as notary public does not authorize him to transact any other character of business or follow any other occupation within the Creek Nation for which the Creek law requires the payment of a permit tax. The proposition seems to be too plain to admit of argument. As appropriately said by the United States Indian Inspector, he might, with equal reason, claim to be exempt of tax as a merchant if he were engaged in merchandising. One who is an officer of the United States court



in the Indian Territory may claim, by reason of holding such office, the right to be and remain within the Territory, but he cannot claim the right to pursue any business or occupation outside his duties as such officer, except upon payment of such permit tax as the Creek law may prescribe."

It is also the opinion of that office that the fact that John G. Lieber is married to a citizen of the Creek nation does not exempt him from liability for this tax.

It is unnecessary for the Department to pass upon the question as to whether attorneys who devote their entire time to the service of railroads are exempt from the payment of the tribal tax, for it appears that in the cases submitted both of said attorneys do a general law business in addition to being attorneys for certain railroads. The Department finds nothing in the opinion of the Assistant Attorney General referred to, or the law relative to the Creek tribal tax, which could be so construed as to justify the conclusion that a lawyer could be exempt from the payment of the tribal tax for the reason that he happens to be rendering legal services to a railroad. These gentlemen being engaged in a general law practice, clearly come within the meaning of the term "lawyer" mentioned in the permit law of the Creek Nation approved November 22, 1900.

Section 1 of said law defines who shall be subject to the taxes provided therein, as follows:

" . . . . All persons who are not citizens by blood of the Muskogee Nation, or who have not been adopted by the Muskogee Nation and whose names do not appear on the authenticated rolls of the Muskogee Nation, who shall desire to engage in any manner of business in the Muskogee Nation . . . ."



It is clear from your report and Mr.Lieber's letter that he comes within this class. He is therefore not exempt from the payment of the tax.

A copy of Indian Office letter is inclosed.

Respectfully,

Thos.Ryan

Acting Secretary.

1 inclosure.

(Endorsed) Union Agency No.12039 Received Jul.24,1905 Office of U.S.Indian Inspector for Indian Territory.Washington,July 19, 1905.Secretary.----Rel.to liability for tribal tax of attorneys, practicing generally, who are R.R. employees or who are married to Creek citizens.----



## DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D.  
14374-1905.

November 7, 1905.

United States Indian Inspector  
for Indian Territory.

Sir:

Receipt is acknowledged of your letter of October 21, 1905, submitting for departmental consideration a letter dated October 16, 1905, from Mr. John J. Lieber, in which the writer takes exception to the ruling of the Department under which he and Mr. J. Burdett were required to pay the tax imposed by the Creek Nation (upon lawyers), notwithstanding that their wives are citizens of said nation, and requesting that the matter be referred to the Assistant Attorney General for an opinion, and that Mr. Lieber's remittances heretofore made by him to cover said tax be held pending final decision in the matter.

The question submitted by Mr. Lieber was disposed of adversely to his contention on July 19, 1905. After a careful examination of brief submitted by Mr. Lieber, the Department on October 4, 1905, adhered to its former decision in the matter.

As Mr. Lieber's request is wholly unsupported by legal argument or by reference to any legal authority, the Department declines to review its decision of October 4, 1905. You are requested to advise the parties in interest hereof.



The money paid by them under protest should be paid to the Creek Nation.

A copy of Indian Office letter of November 1, 1905, transmitting your letter, is inclosed.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inclosure.

(Endorsed) Union Agency No. 12794 Received Nov. 13, 1905 Office of U.S. Indian Inspector for Indian Territory. Washington, Nov. 7, 1905. Secretary.-----Advises that the tax paid by John J. Lieber and J. Burdette under protest, should be paid to the Creek Nation. Dep't declines to review its former decision.-----



DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 8052-1906.

May 16, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

There is inclosed a copy of Indian Office letter of May 10, 1906, reporting relative to a communication to the Department by the attorney for the Creek Nation concerning excessive charges made by attorneys in connection with the preparation of applications for the removal of restrictions.

It is claimed that while it does not require more than ten minutes to do all that an attorney can do in preparing such applications, the charge for the work is never less than \$50, and in many instances it amounts to as high as \$500, and in others the attorney takes half the proceeds of the sale.

The national attorney recommends that legislation be sought in the Indian Appropriation bill by which a reasonable fee may be fixed in such cases. As said bill is understood to be in conference, the Indian Office hesitates to recommend that the Department adopt the suggestion of said attorney, but it recommends that the regulations governing the removal of restrictions be amended so as to provide that applications must be made on blanks to be furnished by the Indian Agent at the Union Agency, to citizens only, on application, not more than one blank to be furnished in any one case, applications to be honored either in person or by mail, and makes certain other suggestions, in the way of amendments to the regulations.

14185.



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It is requested that you give these recommendations immediate consideration, and if they meet your approval in any particular, submit to the Department such amendments of the regulations as you deem advisable. You will request the attorney for the nation to give you specific information in any case in which outrageous charges have been made by any attorney, and if such information warrants an investigation you will have one made and report, with recommendation.

The letter of the attorney for the nation is also inclosed, to be returned in due time to the Department.

Respectfully,

Jesse E. Wilson.

Through the Commissioner of  
Indian Affairs.

Assistant Secretary.

2 inclosures.

(Endorsed) Union Agency No. 14185. Received May 23, 1906. Office of U.S. Indian Inspector for Indian Territory. Washington, D.C. May 16, 1906. Secretary. \*\*\*\*\*encloses letter of National Atty. of Creek Nation addressed to Dept. relative abuse practiced on Creek citizens by attys. in matter of application for removal of restrictions; requests specific information be obtained and report with recommendation. Also calls for amendments to regulations governing removal of restrictions.



CREEK - MINERALS



# ARTICLES OF INCORPORATION OF THE OKMULGEE OIL COMPANY.

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Under and by virtue of an act of the National Council of the Muskogee Nation approved December 3, 1887, and which appears in Chapter 28 of the Constitution and Laws of the Muskogee Nation, as compiled and codified under Act of October 1892, and an Act amendatory to said Act, approved November 5, 1894, providing for mining and the development of the mineral interests of the Muskogee Nation and the incorporation of mining companies thereunder: We, the undersigned, citizens of the Muskogee Nation, to-wit:-A.P. McKellop, of Muskogee, Indian Territory, J. M. Perryman, of Eufaula, Indian Territory, and Roley McIntosh, of Eufaula, Indian Territory, do hereby associate ourselves together for the purpose of developing the Oil and Natural Gas interests of the Muskogee Nation, and, for the purpose of obtaining skilled labor and capital for the development of the Oil and Natural Gas interests of the Muskogee Nation, do hereby associate with us L. J. Baker, F. C. Hubbard, C. H. Worth and J. M. Givens, all citizens of the United States and residents of Muskogee, Indian Territory, and do hereby associate ourselves together as a body corporate for such purpose known and to be known and named the OKMULGEE OIL COMPANY, do hereby ordain, enact and adopt the following articles of incorporation.

1. The name of this corporation shall be OKMULGEE OIL COMPANY.

11. The object of this corporation shall be to develop, mine, refine, trasport and sell oil and natural gas and to do



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such other things as may be necessary and proper in connection therewith.

III. The locality where the mining operations of this corporation are to be carried on shall be within the boundaries of the land hereinafter described.

IV. The principal place of business of this corporation shall be in the town of Muskogee, Indian Territory.

V. The amount of the capital stock of this corporation shall be ONE MILLION DOLLARS, and the number of its shares shall be ten thousand, of one hundred dollars each.

VI. The following incorporators, to-wit: A.P. McKellop, of Muskogee, Indian Territory, J. M. Perryman, of Eufaula, Indian Territory, and Roley McIntosh, of Eufaula, Indian Territory, shall act as a board of directors until their successors are elected and qualified as provided by law and the laws of this corporation.

VII. Each share of stock of this corporation shall represent and be entitled to one vote at all business meetings of this corporation and the majority of capital stock present, or represented, at a meeting shall constitute a quorum.

VIII. The time of commencing the business of this corporation shall be within one year from the date of approval of these articles.

IX. This corporation shall exist for a period of thirty years.

X. The land upon which this corporation intends to locate and which it intends to develop is described as follows, to-



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wit:

Commencing at a point on the boundary line of the Muskogee Nation and the Seminole Nation where the Canadian River meets said boundary line, thence in a north-easterly direction following the meanderings of the said Canadian River to a point where the North Fork of Canadian River enters the said Canadian River; thence to a north-westerly direction following the meanderings of the North Fork of Canadian River to a point where the Deep Fork of Canadian River enters the North Fork of Canadian River; thence in a north-westerly direction following the meanderings of the said Deep Fork of Canadian River to a point where the said Deep Fork of Canadian River meets the western boundary line of the Muskogee Nation; thence south along the western boundary line of the said Muskogee Nation to a point where the said line meets the North Fork of Canadian River; thence in a north-easterly direction following the meanderings of the said North Fork of Canadian River to a point where the said River meets the eastern boundary line of the Seminole Nation; thence south along the eastern boundary line of the said Seminole Nation to the point of beginning.

**XI.** The rights of way of this corporation shall extend from and to any and all places where oil or natural gas may hereafter be found within the before mentioned boundaries to any place or places within the Muskogee Nation which this corporation may deem necessary or convenient for selling, refining or trans-



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porting its products.

Incorporators,

A.P. McKellop,  
J. M. Perryman,  
Roley McIntosh,

Associates.

L. J. Baker,  
C. H. Warth,  
F. C. Hubbard,  
J. M. Givens.



Executive Office, Muskogee Nation,  
Okmulgee, Indian Territory.

Jan. 21st. A. D. 1896.

The within articles of incorporation of the OKMULGEE  
OIL COMPANY are hereby approved, a good and sufficient bond  
as required by law having been filed with and accepted by me  
this day.

Isparhecher,  
Principal Chief, Muskogee Nation.

J. H. Lynch,  
Acc'g Priv. Secy.  
(Seal)



Indian Territory, :  
                               :ss.  
 Northern District :

On this the 18th day of January, A. D. 1896, personally appeared before me, N. S. Young, a notary public within and for the northern district of the Indian Territory, A. P. McKellop, L. J. Baker, F. C. Hubbard, C. H. Warth, and J. M. Givens, all to me personally well known as the persons whose names are subscribed to the above and foregoing instrument and each for himself acknowledged to me that he was acquainted with the contents of the same and that he had executed the same for the considerations and purposes therein mentioned and set forth as his free and voluntary act and deed.

Witness my hand and official seal on this the 18th day of January, A. D. 1896.

N. S. Young,

Notary Public, Northern District.

(Seal)

Indian Territory, :  
 Northern District:

On this the 18" day of January, A. D. 1896, personally appaered before me, David W. Yancy, a notary public within and for the northern district of the Indian Territory, J. M. Perryman, to me personally well known as one of the persons whose names are subscribed to the above and foregoing instrument and acknowledged to me that he was acquainted with the contents of the same and that he had executed the same for the purposes and considerations therein mentioned and set forth, as his free and voluntary act and deed.



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Witness my hand and official seal on this the 18th day of  
January, A. D. 1896.

David W. Yancy,

Notary Public, Northern Dist.

Seal)



Muskogee, Ind.Ter. April 28, 1899.

The Honorable,

The Secretary of the Interior.

Sir:

We file herewith for your consideration a copy of the articles of incorporation of the Okmulgee Oil Company which were issued by the Principal Chief of the Muskogee Nation on January 21, 1896, in accordance with the laws of the said Nation, as contained in sections 376 to 392, pages 127 to 132, of the Constitution and laws of the Muskogee Nation, edition of 1893, and in the act amendatory to the said laws as found on pages 14 and 15 in the printed Acts and Resolutions of the Creek National Council of the Session of October, 1894.

The articles of incorporation were granted for the purpose of securing the development of the oil and natural gas interests of that portion of the Creek Nation which is accurately described in the said articles, and the authority for the exclusive right to develop such interests therein continues for a period of thirty years from the date of such grant, or until January 21, 1926.

The original incorporators, who are named in the said articles, associated with themselves, under the authority contained in the said section 376, above referred to, by appropriate contracts, various non-citizens of the Creek Nation and a legal association of non-citizens, and for an assent of Congress thereto we refer to the Act of Congress approved May 2, 1890, found in section 29, page 732, Vol. 1, Sup. R.S. U. S.

We have in every respect conformed to the requirements



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contained in the laws of the Creek Nation and of the United States and have proceeded in good faith to comply with the conditions contained in the said articles of incorporation and have expended and caused to be expended about eight thousand dollars in making developments for oil and gas and in the purchase of expensive machinery.

We beg to advise you that it is our intention and desire to continue our work of development in accordance with the terms of our said contract under which we have acquired vested rights and to ask that we be fully protected in the enjoyment of our said rights.

Respectfully,

Okmulgee Oil Company

J. M. Givens  
Secretary.

G. J. Baker  
President.



April 28, 1899

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## ARTICLES OF INCORPORATION OF THE CREEK OIL &amp; GAS CO.

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Under the act of the National Council, and by virtue of the same, of the Muskogee Nation approved December 3rd, 1887, and which appears in Chapter 28 of the Constitution and laws of the Muskogee Nation, as compiled and codified under Act of October, 1892, and an act amendatory to said Act, approved November 5, 1894, providing for mining and the development of the mineral interests of the Muskogee Nation and the incorporation of mining companies thereunder: We, the undersigned, citizens of the Muskogee Nation, to-wit: A. P. McKellop, Thomas J. Adams, and Taylor Chissoe, do hereby associate ourselves together for the purpose of developing the Oil and Natural Gas interests of the Muskogee Nation, and for the purpose of obtaining skilled labor and capital for the development of the Oil and Natural Gas interests of the Muskogee Nation, do hereby associate with us L. J. Baker, F. C. Hubbard and J. M. Givens, of Muskogee, Indian Territory, all citizens of the United States of America, and do hereby associate ourselves together as a body corporate for such purpose known and to be known and named THE CREEK OIL AND GAS COMPANY, and do hereby ordain, enact and adopt the following articles of Incorporation.

I. The name of this corporation shall be the THE CREEK OIL AND GAS COMPANY.

II. The object of this corporation shall be to develop, mine, refine, transport and sell oil and natural gas and do such other things as may be necessary and proper in connection therewith.



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III. The locality where the mining operations of this corporation are to be carried on shall be within the boundaries of the land hereinafter described.

IV. The principal place of business of this corporation shall be in the town of Muskogee, Indian Territory.

V. The amount of the capital stock of this corporation shall be One Million Dollars and the number of its shares shall be ten thousand, of one hundred dollars each.

VI. The following incorporators, to-wit; A. P. McKellop, of Muskogee, Indian Territory, Thomas J. Adams, of Okmulgee, Indian Territory, and Taylor Chissoe, of Muskogee, Indian Territory, shall act as a board of directors until their successors are elected and qualified as provided by law and the laws of this corporation.

VII. Each share of stock of this corporation shall represent and be entitled to one vote at all business meetings of this corporation, and a majority of capital stock present or represented at a meeting shall constitute a quorum.

VIII. The time of commencing the business of this corporation shall be within one year from this date.

IX. This corporation shall exist for a period of thirty years.

X. The land upon which this corporation intends to locate and which it intends to develop is described as follows, to-wit: commencing at a point on the boundary line of the Cherokee Nation and the Muskogee Nation where the North Fork of the Canadian River joins and meets the Eastern boundary



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line of the Muskogee Nation, thence running in a northerly direction along the Eastern boundary line of the Muskogee Nation, to the northeast corner of said nation, thence along the northern boundary line of said Nation due West to the northwest corner of the Muskogee Nation, thence along the Western boundary line of the Muskogee Nation due south to a point where the Deep Fork of the Canadian River enters the Muskogee Nation, thence in a southeasterly direction following the meanderings of said River to its confluence with the North Fork of Canadian River, thence following a southeasterly direction the meanderings of said North Fork of Canadian River to point of beginning.

Xl. The rights of way of this corporation shall extend from and to any and all places where oil or natural gas may hereafter be found within the before mentioned boundaries to any place or places within the Muskogee Nation which this corporation may deem necessary or convenient for selling, refining or transporting its products.

A. P. McKellop,  
Taylor Chissoe,  
Thos. J. Adams,

L. J. Baker,  
J. N. Givens,  
F. C. Hubbard.

Indian Territory:

Northern District:

On this day the 19<sup>th</sup> day of September A.D. 1895,  
personally appeared before me, N. S. Young a notary public



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within and for the Northern District of the Indian Territory, A. P. McKellop, Taylor Chissoe, L. J. Baker, F. C. Hubbard, and J. M. Givens, to me personally well known as the persons whose names are subscribed to the above and foregoing instrument and each for himself acknowledged to me that he was acquainted with the contents of the same and that he had executed the same for the purposes and considerations therein mentioned and set forth as his free and voluntary act and deed.

Witness my hand and official seal, this the 19<sup>th</sup> day of September, A. D. 1895.

N. S. Young

(Seal)

Notary Public, Northern District.

Indian Territory:

Northern District:

On this the 21<sup>st</sup> day of September A. D. 1895, personally appeared before me, Thos. J. Tarpley, a Notary Public within and for the Northern District of the Indian Territory, Thomas J. Adams, to me personally well known as one of the persons whose names are subscribed to the above and foregoing instrument and acknowledged to me that he was acquainted with the contents of the same and that he had executed the same for the purposes and considerations therein mentioned and set forth as his free and voluntary act and deed.

Witness my hand and official seal this the 21<sup>st</sup> day



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of September, A. D. 1895.

Thomas J. Tarpley,

Notary Public, Northern District.

(Seal)

Executive office, Muskogee Nation, Tulsa Indian Territory.

September 24th, 1895.

The within articles of incorporation of THE CREEK OIL AND GAS COMPANY are hereby approved, a good and sufficient bond as required by law having been filed with me and accepted this day.

L. C. Perryman,

Principal Chief, Muskogee, Nation.

Sam'l C. Davis,

Priv. Sec.

(Seal)

Approved, subject to the approval of the Hon. Com'r of Indian Affairs.

Dew M. Wisdom,  
U.S. Ind. Agent.

Muskogee, I.T.)  
Union Agency, )  
Sept. 26th, 1895)

On account of the dispute between L. C. Perryman and Edward Bullette as to the Chieftiancy of the Creek Nation when the above articles of incorporation were approved by L. C. Perryman, I do hereby approve the same this the 21st day of Jan. 1896.

Isparhecher,  
Prin. Chief, M. N.

J. H. Lynch,  
Acct'g Priv. Sec'y.

(Seal) 931



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(Endorsed) Union Agency # 931 Received May 4, 1899. Office of U.S. Indian Inspector for Indian Territory. Okmulgee Oil Co. And Creek Oil And Gas Company, Muscogee, I.T. Asks protection in operation of their Creek leases.



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

November 19, 1900.

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

Sir:

There is inclosed herewith, for consideration, report and recommendation, the application of John W. Scanlan, of Newberg, Mo. by L. F. Parker, Agent, for a license to mine coal in the Creek Nation from the NE/4 of Sec. 5, and the NW/4 of Sec. 4, T. 11N., R. 13 E., 320 acres.

He states that the coal is near the surface, and it is proposed to mine the same by "stripping"; that the coal that can be mined by this process he estimates to be 200,000 tons.

Respectfully,

Thos. Ryan.  
Acting Secretary.

Ind.Ter.Div.  
376961900.  
1 inclosure.

(Endorsed) Union Agency # 1354 received Nov. 26, 1900 Office of U. S. Indian Inspector for I.T. Washington, Nov. 19, 1900, Secretary. Refers application of John W. S. Scanlon for permit to mine coal in Creek Nation, for report, etc.



Land  
34896-1901

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,  
Washington.

July 19, 1901.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of June 29 and to office report of June 12, 1901, respectively, both of which related to the right of allottees in the Creek Nation to take coal, oil, or other mineral substance from the lands allotted to them or in their possession prior to the expiration of five years from the date of the agreement, without the consent of the Department, I have the honor to recommend that Inspector Wright be instructed to cancel all temporary permits heretofore issued by him to citizens or noncitizens for coal mining privileges in the Creek Nation and that he be further instructed to give public notice that the Department will not at this time permit any citizen of the Creek Nation or other person to extract or take from the lands of the Creek Nation in any manner whatsoever coal, oil, or other mineral substance.

Very respectfully,  
Your obedient servant,

W.A.Jones.

Commissioner.

G.A.W.(L'e)

(Endorsed) Union Agency No. 2461 Received Jul.20,1901 Office of  
U.S.Indian Inspector for Indian Territory.Washington,July 23,1901.  
Secretary----



Cancel all coal permits Creek Nation, and give public notice to that effect.----



DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

July 1, 1903.

The U.S. Indian Inspector  
For Indian Territory,  
Muskogee, Ind. Ter.

Sir:-

I am in receipt of your communication of May 7, 1903 transmitting the appeal to this office from a decision rendered by you on April 9, 1903 in the matter of the disposition of the royalties arising from coal taken from land allotted to Anna Harrison in the Creek Nation, Indian Territory, and the payment of damages by reason of such mining operations.

You state in your said communication that the record in this case shows that under general authority of the Department a permit was granted an agent of the Kansas and Texas Coal Company to mine coal upon this land in September 1899 in accordance with the provisions of the Act of June 28, 1898 (30 Stat., 495), that the land was afterwards allotted to one Chief Harrison for Anna Harrison a minor; that other permits were granted in that immediate vicinity; and the mining operations continued after allotment, and that your office was not requested to cause them to cease; that afterwards upon the ratification of the original agreement with the Creek Nation repealing that provision of the

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Curtis Bill providing for the making of mineral leases these permits were cancelled, but afterwards renewed by authority of the Department upon the request of these Indians who in fact are Creek freedmen, and the operations continued upon their written consent.

You state that the first claim of Mr. Brigham, the attorney for appellants, is for the royalty paid while the permit was in existence under the terms of the Curtis Act from the time the allotment was selected, and you hold in your decision that the money so collected while the permit was in existence under the terms of the Curtis Act, was placed to the credit of the tribe as a whole as provided by the law under which the operations were carried on, and that you had advised Mr. Brigham the Department had held in similar cases that money placed in the Treasury of the United States cannot be withdrawn without an Act of Congress.

Mr. Brigham in appealing to this office takes exception to this part of your decision setting out that the Creek agreement ratified May 25, 1901 confirms all allotments made prior thereto with certain specified exceptions. He claims that Section 6 of that agreement vests in the allottee the equitable title to the land from the date of the selection of the allotment, and is an inheritable estate, and that the allottee is to all intents and



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purposes the actual owner of the land and entitled to the royalty arising from the sale of the latter which accumulated after the ratification, and is also entitled to the royalty from the date of his certificate of allotment.

It is not necessary for the office to enter into a discussion of this question since it has already been settled by the Department in a decision rendered by the Department September 11, 1901 (L.T.D., 4075--1901), relative to an agreement entered into between E. H. Brown, agent of the Kansas and Texas Coal Company, and Chief Harrison, guardian of Anna Harrison, the same being the identical case now in controversy, and which decision was addressed to your office.

In said decision the Department says that "September 10, 1901 the Acting Commissioner of Indian Affairs reporting in the matter refers to various provisions of the Act of March 1, 1901 (31 Stat., 861), bearing upon the question of the right of allottees over land selected by them and concludes for reasons given by him and particularly as the Department held June 29, 1900 that coal in place is realty, and that Creek citizens have no right to dispose of any part of the fee prior to the expiration of five years without the consent of the Secretary of the Interior, and also held that no reason existed why Departmental instructions of July 24, 1900 to the Commission to the Five



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Civilized Tribes relative to taking cognizance of the existence of known minerals in the appraisement of the lands of the choctaw and Chickasaw Nations should not apply to the Creek lands; that the contract submitted by Brown should not be approved, but it should be construed as the consent of the allottee to said coal being mined; that in that event the royalty derived from the coal mined should be, under section 6 of the Act of March 1, 1901, deposited with the U.S. Indian Agent to be held by him until such time as the final distribution of the Creek estate has been made. He recommends that Brown should be permitted to proceed with his coal mining operations.

The particular provisions of the law which have lead to misunderstanding by the Creek Indians as to their authority over lands selected by them are that in section 37 of said act, in which it is stated that citizens may rent their allotments when selected from a term not exceeding one year, and after receiving title without restriction, and section 6 which provides that allotments duly made by the Commission to the Five Civilized Tribes prior to the ratification of the agreement May 25, 1901, 'as to which there is no contest and which do not include public property and are not herein otherwise affected are confirmed.'

The qualifications expressed in this confirmation and the other provisions of the law especially wherein it is stated



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that the lands of said tribes except as therein provided shall be allotted among the citizens of the tribe, and that 160 acres be valued at \$6.50 per acre shall constitute the standard value of an allotment and shall be the measure for the equalization of values make it certain that it was not the intention to allow any indian to take from the land and sell for his own benefit to any extent coal or other valuable minerals and thereby prevent an equalization of values.

The instructions of July 23, 1901 were given upon the recommendation of the Commissioner of Indian Affairs when you were here before the Department in regard to matters in the Indian Territory. However as experience seems to have demonstrated that the course now proposed is the proper one, and under it the royalty can be paid to the United States Indian Agent, and held to the credit of the particular tract of land from which the coal was mined. The Department concurs in your recommendations, and the contract between Brown and Harrison is returned not approved."

It was under the aforesaid decision that mining was again resumed on this allotment, and the money derived therefrom as royalty placed to the credit of the land from which the coal was mined. The office must necessarily, therefore, affirm your decision in this regard.



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The second question raised by Mr. Brigham is his claim for damages for the surface of the land the coal which was mined on said allotment being by the stripping process. As to this question you state that you fail to see how these people can claim damages at this late day; that the record shows that Chief Harrison received money which without question was paid him for his consent to allow mining operations upon these lands, and that if he had at any time wished said operations to stop action looking to that end would have been taken by your office upon his complaint; that on the contrary he has personally appeared at your office a number of times, and verbally asked that the operations be allowed to continue.

Mr. Brigham takes the position that damages for the injury to the surface of this land should in this case be paid, and makes a somewhat extensive argument in support of his claim. He attacks the Inspector's decision claiming that the land was open for allotment, and that Chief Harrison had a perfect right to select it, and after it was selected no body had a right to take it from the allottee and give it to another, and in the act of so doing destroyed the property and then refused all compensation therefor.

It does not occur to the office that it is a fact in this case that no compensation was to be paid for mining the coal on



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this allotment. The permit originally granted was granted by authority of law and of the Department, and the proceeds derived therefrom were placed to the credit of the Creek Nation, and this allottee was entitled to a pro rata share thereof upon the distribution of the tribal funds, and since the permit to mine coal on this allotment has been renewed the proceeds or royalty derived therefrom is credited directly to this land. The office cannot see why the company in this case ~~should~~ be made to pay damages for tearing up the surface of this allotment in order to mine coal therefrom when the guardian of the allottee was a party to granting it the privilege to so do, and has subsequently been a party to its continuance.

In view of the holding of the Department as above set forth the office considers that this appeal ~~should be~~ dismissed, and you will give due notice of this action of the office to the parties in interest.

Very respectfully,

W.A. Jones  
Commissioner.

W.C.B.(E.)

(Endorsed) Union Agency #6771 Received July 6, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, July 1, 1903. Commissioner. Decision in claim of Anna Harrison for damages to her allotment by Kansas Texas Coal Company, affirmed.



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## DEPARTMENT OF THE INTERIOR.

Washington.

ITD.6514-1903.

September 1, 1903.

United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

With your report of August 19, 1903, there were transmitted (1) five letters of August 14, 1903, from the U.S. Indian Indian (Sic) Agent, Union Agency, with each of which there was submitted a lease in quadruplicate, in favor of J.M.Guffey and J.H.Galey, of Pittsburg, Penna., providing for the mining of oil and gas on certain lands in the Creek Nation, I.T.; and (2) five bonds accompanying said leases, and bearing the date of the leases, respectively, with said Guffey and Galey as principals, and the United States Fidelity & Guaranty Company, of Baltimore, Md., as surety; and (3) five applications of said Guffey and Galey, as lessees, for the approval of said leases under the regulations of July 10, 1903; together with other papers and affidavits required by said regulations.

Lease No. 6 is dated May 5, 1903; lessor, Tate Barnett; term, 15 years; covers the SW/4 of Section 10, T. 14 N., R. 18 E., 160 acres. Bond in the sum of \$2,000.

Lease No. 7 is dated May 27, 1903; lessor, Jacob Green; term, 15 years; covers the NW/4 of NW.4 of Section 21, and SE/4 of SE/4 of Section 20, T. 19 N., R. 12 E., 80 acres. Bond for \$1,500.



Lease No. 9 is dated May 23, 1903; lessor Wiley Smith; term 15 years; covers Lots 5 and 6, Section 6, T. 14 N., R. 19 E., and Lot 10 and South 19 acres of Lot 9, of Section 31, T. 15 N., R. 19 E., 80 acres. Bond for \$1,500.

Lease No. 10 is dated May 4, 1903; lessor, William R. Robison; term 15 years; covers the SW/4 of NW/4 of Section 36, T. 15 N., R. 18 E., 40 acres. Bond for \$1,000.

Lease No. 11 is dated June 25, 1903; lessor Josephine Berry; term 15 years; covers the NW/4 of NE/4 of Section 17, T. 19 N., R. 12 E., and SW/4 of NE/4 of Section 17, and W/2 of SE/4, of Section 20, T. 19 N., R. 12 E., 160 acres. Bond for \$2,000.

The Indian Agent recommends that said leases be approved, and by letter of August 28th the Commissioner of Indian Affairs concurs in that recommendation. A copy of his letter is inclosed.

While the leases and bonds were executed prior to the date of the regulations of July 10, 1903, they, as well as the other papers submitted, are on forms substantially the same as those in the regulations, and meet, in all essentials, the requirements thereof. I have accordingly this day approved said applications, leases and bonds, and return herewith three parts of each lease for proper disposition.

It is observed that the blank form on the back of each bond, just above the form of approval, was not filled in when the bonds were received in the Department. You are requested



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to instruct the Agent to cause this form to be filled in, in bonds submitted hereafter.

Respectfully,

E.A.Hitchcock.

Secretary.

16 inclosures.

(Endorsed) Union Agency No. 7294 Received Sep. 12, 1903 Office of U.S. Indian Inspector, for Indian Territory. Washington, Sept. 1, 1903. Secretary.----Approves oil and Gas leases Nos. 6, 7, 9, 10 and 11, between Guffey and Galey and certain Creek allottees.----



## DEPARTMENT OF THE INTERIOR.

Washington.

ITD.7554-1903.

November 2, 1903.

United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

October 10, 1903 (D 33446), you returned to the Department a letter from J.J.Jones, Sapulpa, I.T., in the matter of the leasing of oil lands in Indian Territory by Mr.Clarence L. Leeds, U.S.Commissioner for the Western District, I.T., who is alleged to be the president of a corporation known as the Sapulpa Oil & Coal Company.

You report that no leases of any character have been filed in the office of the U.S.Indian Agent by said Leeds or said company, nor have any leases been submitted by any of the persons named in the affidavit of J.H. Land, submitted by Mr.Jones. You inclose a letter from Mr.Leeds, in which he states that "No leases have been entered into with Indians by the 'Sapulpa Coal & Oil Company.' In fact there is no such Company as this. One was contemplated; but has never been perfected."

You recommend that Mr.Jones be advised in accordance with your report, and that if parties still contend they have made leases with said company or Mr.Leeds they should so advise you, when the matter will be further investigated.



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Reporting October 21, the Commissioner of Indian Affairs concurs in your recommendation. A copy of his letter is inclosed.

The Department also concurring, you are directed to advise **Mr.** Jones in accordance with your recommendation.

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

(Endorsed) Union Agency No. 7855 Received Nov. 7, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, Nov. 2, 1903. Secretary.----Approves report rel. to oil leases alleged to have been made with company of which Clarence L. Leeds, U.S. Com'r, is a stockholder.----



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

I.T.D. 13728-1906.

August 21, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

On July 31, 1906, you transmitted a report in the matter of the location of the oil and gas fields in the Creek Nation, and in reference to applications for the removal of restrictions upon the alienation of the surplus lands of Creek allottees. In connection with said report you forwarded a map, upon which you have endeavored to locate the present development of the oil and gas resources of the Creek Nation.

You state that there has as yet been no general development of the nation, and that except in certain localities, which you designate, it is impossible to define the oil lands in the Creek Nation with certainty. You believe, however, that the principal oil fields will be found to be located within the area designated by you as oil lands upon the map submitted, and that outside of that designation there will be little or no development. You suggest that if it is the intention of the Department not to approve any applications for the removal of restrictions in the Creek Nation where lands are located within the known oil fields or where lands have been leased for oil and gas that it will save considerable time and expense if the Agent is authorized to refuse to consider such application where lands are located



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within the oil fields or have been leased for oil and gas purposes.

Reporting August 6, 1906 (Land 66313), the Indian Office recommends that the area outlined by you on the map submitted be designated as the area in the Creek Nation within which no restrictions will be removed in accordance with departmental directions heretofore issued to you. It also concurs in your recommendation that the Agent be instructed to refuse to consider any application for the removal of restrictions within the area so set aside. A copy of its letter is inclosed.

In view of this investigation, you are directed to advise the Agent that he will receive, as heretofore, all applications properly submitted by Creek citizens for the removal of restrictions upon the alienation of their surplus lands. Such of these applications which by reason of your report or a future investigation are determined to cover land within oil territory or which has been leased for oil and gas purposes or which appears to be susceptible of future oil development will be held by the Agent in his office until he is further instructed. In passing upon all other applications the Agent will set forth in his report the fact that the land involved is not within oil territory which appears to be capable of future oil development.

Respectfully,

Thos. Ryan. Acting Sec.

Through the Com. of Ind. Affairs  
(Endorsed) Union Agency # 15070 Received Aug. 27, 1906. Office  
of U.S. Indian Inspector for Indian Territory. Washington, Aug. 21,  
1906. Secretary. Approves report of July 31, 1906 in the matter  
of location of oil and gas fields in the Creek Nation, and request-  
ing that Agent be advised in reference thereto.



Hon. J. George Wright,  
United States Indian Inspector.  
Muskogee, I. T.

Sir:

Complaint has recently been made at this office, by citizens of the Creek Nation who own allotments along the Arkansas River, that the United States Government was making leases to various parties whereby said parties were authorized to take from the Arkansas River, sand at so much per yard. These people have all along been of the impression that the boundaries of their allotments extend to the center of the river according to the old Common Law rule, and that the sand belongs to them.

The money derived from these leases is turned into the general fund of the Creek Nation by the Government. Citizens of the Creek Nation are very averse to this river or any other stream becoming the property of the state, and insist that the allotments of the citizens extend into and cover these streams.

And furthermore the taking of sand, especially in considerable quantities from the Arkansas River, is calculated to do great damage to the land or allotment along the river by causing the banks to cave in and wash out etc.

This is a matter in which the Creek Nation is very much interested and worthy the serious consideration of the Department.



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That portion of the Arkansas River within, and above the Creek Nation, is not navigable, and probably never will be. Without special action on the part of the Government, the ordinary rule governing the boundaries along non-navigable streams will apply, and the boundaries of the allotments along the Arkansas River will extend to the center of the stream.

Yours very truly,

M. L. Mott  

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Attorney for Creek Nation.

(Endorsed) Union Agency # 64115 Received May 23, 1907. Office of U.S. Indian Inspector for Indian Territory. Muskogee, I.T. May 1907. M. L. Mott Encloses protest of Pleasant Porter, Jr. against persons taking sand from the Arkansas River.