

SUPERIN-
TENDENT
FOR
FIVE
CIVILIZED
TRIBES

CREEK

VOL. 9

FOREMAN
TRAN-
SCRIPTS

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 - Pardons
Creek - Pastures & Stock
Creek - Pensions (Indigents)
Creek - Per Capita Payment
Creek - Principal Chief
Creek - Railroads
Creek - Relations (Federal)
Creek - Relations (Foreign)
Creek - Saw & Grist Mills

Compiled from original records
selected by

GRANT FOREMAN

CREEK - PARDONS

Union Agency,
Muscogee, I. T.

March 14, 1899.

Mr. W. R. Gist,
Sapulpa, I. T.

Dear Sir:-

Yours received in which you ask me to write a letter requesting the President of the United States to issue a pardon to James Egan. Under the circumstances, and occupying the position that I did at the time the fraudulent Creek warrants were discovered, I do not think it would be proper for me to write a letter in behalf of Mr. Egan. I sympathize with him in his misfortunes, but I feel it my duty to forbear any official action in his behalf.

Very respectfully,

D. M. Wisdom.

U. S. Indian Agent.

Approved;

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

Muskogee, Indian T.,

May 22, 1902.

Hon. P. L. Soper,
United States Attorney,
Vinita, Indian T.

Dear Sir:

Robert Soldier, a Creek boy from the western part of the Creek Nation was sentenced at the January, 1901, term of the United States Court for a term of five years for larceny.

In view of the fact that the Creek Nation is being dissolved, and there is great danger of the estate in land and money coming to said Robert^t Soldier being lost to him, and further, that he has now served nearly two years, a very heavy penalty, I would earnestly request that you recommend a commutation of the sentence in order that the boy may come home to his people and take another start in life.

Yours respectfully,

P. Porter,

Principal Chief.

In re Application for Executive Clemency
of Robt. Soldier

DEPARTMENT OF JUSTICE,

Washington, Jun. 11, 1903

Hon. P. Porter,
Prin. Chief,
Muskogee, I.T.

Sir:

You are informed that the papers in the above-entitled case have been submitted to the Attorney General and by him to the President, and that the President, on Jun. 9, 1903 denied the application.

The case is therefore disposed of and the papers have been placed on the files of the Department.

By direction of the Attorney General.

Respectfully yours,

J.S.Easby-Smith

Pardon Attorney.

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

In re Application for Executive Clemency
of Robt. Soldier

DEPARTMENT OF JUSTICE,

Washington, Jun. 11, 1903

Hon. P. Porter,
Prin. Chief,
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The case is therefore disposed of and the papers have been placed on the files of the Department.

By direction of the Attorney General.

Respectfully yours,

J. S. Easby Smith

Pardon Attorney.

(Endorsed) Union Agency No. 351 P. Porter general letters--In re.
Application for Executive clemency of Robt. Soldier.--(Muskogee, Okla)

In re Application for Executive Clemency
of SANDY GRAY

DEPARTMENT OF JUSTICE,

Washington, June 16, 1903.

Hon. P. Porter,
Prin. Chief,
Muscogee, I.T.

Sir:

I have the honor to acknowledge the receipt of your communication of 11th inst, inclosing application for executive clemency in the above-entitled case, and to advise you that it has been referred to the United States attorney and trial judge for their opinions and views as to the expediency of extending executive clemency.

The case will be acted upon in due course and you will be notified of the result of such action.

By direction of the Attorney General.

Respectfully yours,

J.S.Easby-Smith,

Pardon Attorney.

(Endorsed) Union Agency, Muskogee, Oklahoma.--a-92--Pleasant Porter's general letters.

CREEK - PASTURES & STOCK

At Home

6

~~297~~

Okmulgee, I. T., Mar. 27, 1899

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

Dear Sir:

Many of my people are calling on me with complaints that persons working in the interest of cattle men who propose to flood our stock ranges at an early date with cattle from Texas are making a mad rush among our people whom they persuade in many cases to permit them to select for them their prospective allotments of land upon the understanding that for a barely nominal sum of money per acre, the solicitor shall have the use of the grass on the lands so located, and on which the Creek citizen declares he will hereafter locate. The citizen in many cases never sees the lands, have no improvements on them, and they are only known to them who are proposing to locate them for them. In some cases these declarations cover lands that had previously been selected in good faith by our citizens, and it is clear to me that if the government permits this procedure to continue, it is going to be productive of endless trouble and complications, and in some neighborhoods may confidently be expected. This is all uncalled for so far as the Creeks are concerned, and if permitted, it can only be done for the pecuniary benefit of cattle owners of Texas and a few grasping citizens of our Nation, and to the unquestioned detriment of our people as the result of neighborhood and sectional bitterness. Another class of troublesome characters are abroad among the people who claim to know and understand the government

survey lines, and are inducing our citizens to pay for them showing just where the citizens allotment lies and promising to fix their claim with the Dawes Commission, it being unnecessary for the claimant to go to the expense and trouble of appearing before the Dawes commission for that purpose. This class have also in some cases received pay from citizens after designating on paper their allotment which they have located so as to trespass on lands already occupied by others.

Now the Indians are not anxious to go on to allotments as every government officer knows, but since we have signed with the Dawes Commission an agreement in which allotment is one of its features, they will, I fully believe, occupy allotments in good faith: but here is not need of undue haste therein, nor is there any reason why a business of such great importance to us should not be done in accordance with the methods usually characterizing other purely business transactions. We want first to know whether we are to take our allotments under the Curtis Act, or under a treaty mutually agreed upon between ourselves and the government.

We next will want to know how many people there are who are entitled to a share in Creek lands.

It will next be in order to know definitely the total number of acres of land subject to allotment. These would be in accordance with simple every day business methods, and hence I respectfully but most earnestly appeal to you not to force the Creeks into this proposed hasty allotment which is called for by nobody but cattlemen and a few individual citizens who are being

by them paid for the influence and work. You have my people thus far on the line of the policy of the government, and now I ask you to save my people from the classes I have herein mentioned.

I sincerely trust you will lay this at once before the Secretary of the Interior and urge his special attention to it.

I am

Very respectfully

ISPARHECHER

Principal Chief, M. N.

H.M.H. Private Secretary

No. 473

Endorsement: Copy Okmulgee, I. T. 3/27/99 Isparhecher.
Relative to cattle proposed to be introduced into Creek Nation.
Original to Dept. 3/29

Copied GBD
3/31/34

CREEK - PENSIONS (INDIGENT)

Refugee Creek Camps, C. N.

92

June 12th 1865

To the Clerk or Relief)
 Committee of Fannin Co. Texas)

Sir, the bearer of this Mary Tiger belong to the indigent Creek families and are destitute of bread stuffs. According to information giving by Genl. D. H. Cooper they can be supplied at this place. You will supply with whatever you can and much oblige,

Samuel Checote

Principal Chief Creeks

Jno. R. Moore

National Clerk

Refugee Creek Camps C. N.

June 12th 1865

To the Clerk of Fannin Co)
 Texas or Relief Committee)

The bearer of this Mary Tiger Eight in family are indigent Creek families, and are destitute of bread Stuffs

According to information giving by Genl. D. H. Cooper they will be supplied at this place. You will please supply them with what ever amount you can and take such account of it as you think necessary and much oblige Yours &c

Samuel Checote

Principal Chief of Creeks

Pr. Jno. R. Moore

Actg. National Clerk

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

Dr. J. C. Chomey,
Bristow, I. T.

Dear Sir:-

Yours received in which you report one Washburn Holder, a Creek citizen, as in destitute condition and seriously afflicted, and he very much needs assistance. You ask me if possible to do something in his behalf.

You are respectfully informed that I very much regret I have no fund in my hands out of which I can relieve his wants or provide for him in any way; if I could, I certainly would do so. About all now that can be done is to leave him to the kindly charities of the citizens of Bristow and vicinity. We have numerous applications of this kind made to this agency but there is no fund whatever given to me which I can appropriate for the purpose of relief.

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. 2--
letter 113.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington,

April 15, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Enclosed herewith is a report of April 10, 1899, from Inspector Wright, transmitting an Act of the Creek Council, approved by the Principal Chief March 18, 1899, appropriating \$15.00 each for the relief of two hundred and seventy so-called indigent members of the Creek Nation, for the year 1899. The aggregate of this appropriation is \$4,050.00.

The Inspector states that no information has been furnished him showing that the persons named in the Act are indigent and in need of assistance, and he invites attention to the fact that the number of the indigents is apportioned among the various towns or legislative districts. He concludes his letter with recommendation against the approval of the Act, with the statement that the per capita distribution of this small sum of money would not materially aid any indigent person, or prevent actual suffering of persons in need of financial aid, and that it does not appear to him that any benefit can be derived by the division or distribution of this amount.

The office cannot agree with Inspector Wright in the statement that \$15.00 would be no material aid to a person actually in indigent circumstances, but on account of the

lack of information on the subject it concurs in the recommendation of the Inspector for unfavorable action on this Act of the Council, and the same is transmitted with the recommendation that it be forwarded to the President with request that he disapprove the same.

Very respectfully,

Your obedient servant,

W.A. Jones,

Commissioner.

K.S.M.(G)

DEPARTMENT OF THE INTERIOR,
Washington.

April 17th, 1899.

The President,

Sir:

I have the honor to submit herewith, for executive action, under the provision of the Act of Congress approved June 7, 1897 (30 Stat., 62-84), an act of the National Council of the Muskogee or Creek Nation, entitled "An Act to appropriate fifteen (\$15.00) dollars for the aid of each of 270 indigents of the Creek Nation for the year 1899". Said act was approved by the Principal Chief on March 18, 1899. It makes an appropriation of the sum of fifteen dollars for each of the 270 persons whose names are set out in said act.

The U.S. Indian Inspector for the Indian Territory states that he finds no mention of the "so-called indigents of the Nation" in the laws of the Creek Nation, but that he has been informed that it has been customary for the last six years to make an appropriation of this character by the Nation. He calls attention to the fact that "the total number is proportioned among the various towns or legislative districts", and he states "the amount of fifteen dollars per annum for each would not be sufficient to provide material assistance or prevent actual suffering to persons in need of financial aid", and it does not seem to him that "any benefit can be derived by the division or distribution of such small amounts, and it has been impossible to the present

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time to ascertain the present indebtedness of the Creek Nation", and he, therefore, recommends that said act be not approved.

The Commissioner of Indian Affairs in forwarding said act and said letter of the Inspector states that his "office can not agree with Inspector Wright in the statement that \$15.00 would be no material aid to a person actually in indigent circumstances, but on account of the lack of information on the subject it concurs in the recommendation of the Inspector for unfavorable action on this Act of the Council, and the same is transmitted with the recommendation that it be forwarded to the President with request that he disapprove the same".

I have, therefore, to request that said act be disapproved.

A copy of the report of the Commissioner, together with the letter of said Inspector, is herewith inclosed.

Very respectfully,

E.A.Hitchcock

Secretary.

Ind.Ter.Div.
1119-1899.
3 Inclosures.

DEPARTMENT OF THE INTERIOR,
Washington.

April 20, 1899.

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

Sir:

Herewith enclosed you will find the letter of the Department dated the 17th instant, submitting to the President for executive action under the provisions of the Act of Congress approved June 7, 1897, (30 Stat., 62-84), an act of the National Council of the Muskogee (or Creek) Nation entitled: "An Act to appropriate fifteen (\$15.00) dollars for the aid of each of 270 indigents of the Creek Nation for the year 1899," together with a copy of the report of the Commissioner of Indian Affairs.

Said act was disapproved by the President on the 18th instant, and has been transmitted to the Commissioner of Indian Affairs for proper disposition.

You will duly advise the Executive Secretary of said Nation of the disapproval of said act.

Respectfully,

Tho. R. Ryan

Acting Secretary.

Ind. Ter. Div.
1119-99.
2 enclosures.

Through the
Commissioner of Indian Affairs.

(Endorsed) Union Agency No. 135 Received Apr. 27, 1899 Office of
U.S. Indian Inspector for Indian Territory. Washington, April
20, 1899. Secretary.----Creek act relative to Indigents,
disapproved.----

EXECUTIVE OFFICE,

Muskogee Nation.

P.PORTER, PRINCIPAL CHIEF.

May 18, 1901.

The Members of the House of

Kings & Warriors.

Gentlemen:

I herewith transmit to you a letter signed by Noble Scott, King of Eufaula Town, and Amos McIntosh and M.J.Harjo, Warriors, calling attention to the fact that Tulmarsey and Jackson Lewis, who should have been included in the list of Indigents of said town were omitted.

Many of the citizens of the several towns who were enrolled under the law appropriation \$6,000.00 for the benefit of such indigents, since said enrollment have died, and doubtless many others will die before the end of the year, and there will remain of the appropriation referred to quite a sum of money unexpended which could be used for the benefit of such persons as are spoken of in this letter of Scott, McIntosh and Harjo.

I would respectfully suggest that the council appoint a committee to inquire into the matter, as to whether other towns might not have persons that would be entitled to a pension for the same reasons as those now receiving pensions. Also inquire as to those who have since the enactment of the pension law died in order that those may be reported, stating the dates of their death.

I would respectfully suggest that you give this matter your attention during this session of the council.

Respectfully, P.Porter.Prin.Chief

--P.Porters general letters.--g--

BE IT RESOLVED: by the National Council of the Muskogee Nation. That a special joint Committee to be composed of Two Kings and Three Warriors be appointed whose duty shall be to take into consideration the Indigent roll made at the last session of Council and investigate the same noting such names as should not have been put on the said roll, the names of those who have died since the making of said roll, stating date of death; it shall also prepare a list of such indigents as may have been omitted from said list or who have become entitled to enrollment since the making of said roll and report to the National Council at as early a day as practicable.

Adopted, May 18, 1901

Amos McIntosh,

Speaker House of Warriors.

A.P. McKellop
Clerk.

Concurred in May 18, 1901

T.W. Perryman

Pres. H. of K.

L. McN.
Clerk.

Committee in the H. of K.

Mitchel Yangee
Wiley Sukey

Committee from H. of Warriors

Nocas Fixico

James Broadenax

Snow Sells

A N A C T

To provide for the pay of G.W.Tiger, clerk
Indigent Committee.

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 forty-eight dollars
(\$48.00) in favor of G.W.Tiger, for services rendered as clerk
of Committee on Indigents from October 21st to November 5, 1900,
inclusive, \$48.00

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

Lee McNevins
Clerk

T.W.Perryman

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

A.P.McKellop
Clerk.

Amos McIntosh
Speaker, House of Warriors.

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

P.Porter
Principal Chief.

ATTEST:

W.S.Fears
Acting Private Secretary.

D-1407-'00

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

Muscogee, Ind.T., December 6, 1900.

Hon. P.Porter,

Prin.Chief Muskogee Nation.

Sir:

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

"An Act to Provide for the Pay of G.W.Tiger,
Clerk Indigent Committee,"

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

Very respectfully,

J.Geo.Wright,

U.S.Indian Inspector,

for Indian Territory.

May 25, 1901

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

THAT - the following names of Indigents shall be placed on the Indigent pension roll, and they shall be entitled to such funds as may be appropriated for their relief out of Creek funds, at the rate of Three Dollars per month per head, to commence on and after the passage and approval of this act.

And to continue during their Natural life or until the final division of lands and other public property of the Creek Nation shall have been made.

Be it further enacted that the sum of One Thousand Eight Hundred Dollars \$1800, be and the same are hereby appropriated out of the general fund not otherwise appropriated for their relief of the Indigents as per accompanying list.

Adopted 5/25/1901

Amos McIntosh

Sp. H. of W.

A.P. McKellop

Clk.

Concurred in 5/25/1901

T.W. Perryman

Pres. H. of K.

L. McN.

Clk.

--Pleasant Porters general letters.--g--

LIST OF INDIGENTS WHO WERE OMITTED AND ARE AS FOLLOWS:

Coweta Town.

- | | | | |
|----|-------------------|----------------|---------------------|
| 1. | Ferdinand Raiford | Skull fracture | No means of support |
|----|-------------------|----------------|---------------------|

Tuck-a-batch-chee.

- | | | | | |
|----|------------------|----------------|-----|-----|
| 1. | Mary Barnette | Old and feeble | " " | " " |
| 2. | Annie Sullavan | Paralized | " " | " " |
| 3. | Nicey Carr | Old and feeble | " " | " " |
| 4. | Samuel Simon | Epileptic | " " | " " |
| 5. | Rachel Reed | Old and feeble | " " | " " |
| 6. | Hannah Williams | Rheumatism | " " | " " |
| 7. | Heneha Ko-cho-ny | Rheumatism | " " | " " |

Euchee

- | | | | | |
|----|---------------|---------|-----|-----|
| 1. | Eliza Eufaula | Old age | " " | " " |
|----|---------------|---------|-----|-----|

Broken Arrow

- | | | | | |
|----|-----------------|--------------|-----|-----|
| 1. | James Tiger Sr. | Nearly blind | " " | " " |
|----|-----------------|--------------|-----|-----|

We-o-gufky

- | | | | | |
|----|--------------|------------|-----|-----|
| 1. | Me-sie Hutky | Rheumatism | " " | " " |
|----|--------------|------------|-----|-----|

Little R. Tulsa

- | | | | | |
|----|-----------------|---------------|-----|-----|
| 1. | Jeanetta Bruner | Chronic Sores | " " | " " |
|----|-----------------|---------------|-----|-----|

Thorpthlocco Town

- | | | | | |
|----|-----------|--------------|-----|-----|
| 1. | Is-hul-Ky | Old age | " " | " " |
| 2. | Scissy | Nearly blind | " " | " " |

---Pleasant Porters general letters.--g--

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3. Frazer Robinson Paralyzed No means of support

Ke-cho. Par-Te.

1. Betty. Totally blind " " " "

Eufaula Canadian

1. Jackson Lewis Rheumatism " " " "

2. Tulmar-sy or Archie Tiger Blind " " " "

Hickory Ground

1. Hardy Old and feeble " " " "

2. Martha Jones Rheumatism " " " "

3. Simon-Ho-gee. Old and feeble " " " "

Ok-chi-ye

1. Barney Paralyzed " " " "

Hiliber Canadian

1. Short John Nearly blind " " " "

He-che-Te

1. Tulleche Fits " " " "

2. A.P.Stidham Unsound mind " " " "

Quar-sar-te No.1

1. Hepsie McIntosh Old and feeble " " " "

2. Disay Hicks Old and feeble " " " "

---Pleasant Porters general letters.--g--

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Tulwa Thlocco Town

- | | | | | | | | |
|----|------------|--------------|---------------------|--|--|--|--|
| 1. | James Town | Nearly blind | No means of support | | | | |
|----|------------|--------------|---------------------|--|--|--|--|

Al-a-bama

- | | | | | | | |
|----|----------------|----------------|---|---|---|---|
| 1. | U. par-Har-key | Old and feeble | " | " | " | " |
|----|----------------|----------------|---|---|---|---|

Hut. che. Chuppa

- | | | | | | | |
|----|------------|------------------|---|---|---|---|
| 1. | Hully Homa | Orphan, helpless | " | " | " | " |
|----|------------|------------------|---|---|---|---|

Ok fus ky Canadian

- | | | | | | | |
|----|----------------------|----------------|---|---|---|---|
| 1. | James Henry | Unsound mind | " | " | " | " |
| 2. | To-cher-Way. | Old and feeble | " | " | " | " |
| 3. | Yor. ma Hikey | Old and feeble | " | " | " | " |
| 4. | Car-bits-che Marthea | Old and feeble | " | " | " | " |

Tulmo chussie

- | | | | | | | |
|----|-----------------------|------------|---|---|---|---|
| 1. | Liza Washington | Paralized | " | " | " | " |
| 2. | Co-ky King | Old age | " | " | " | " |
| 3. | Car-bits cher Yoshold | Crippled | " | " | " | " |
| 4. | Ma-lar | Rheumatism | " | " | " | " |

Big Spring

- | | | | | | | |
|----|------------------|---------------|---|---|---|---|
| 1. | Ma-lissa-Burgess | Totally blind | " | " | " | " |
|----|------------------|---------------|---|---|---|---|

Thle-war-ley

- | | | | | | | |
|----|----------------|----------------|---|---|---|---|
| 1. | Sealin McQueen | Old age | " | " | " | " |
| 2. | Silby Hope | Old and blind | " | " | " | " |
| 3. | Bucker Hope | Old and feeble | " | " | " | " |

---Pleasant Porters general letters.--g--

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- | | | | |
|----|----------------|-----------|---------------------|
| 4. | Big Ben | Blind | No means of support |
| 5. | Daniel ous key | Scrofolia | " " " " |

Arkansas (Cold)

- | | | | |
|----|-----------------|----------------|---------|
| 1. | Rachel Anderson | Old and feeble | " " " " |
| 2. | Harriot Brown | Rheumatism | " " " " |
| 3. | Mollie Bruner | Old and feeble | " " " " |

Canadian (Cold)

- | | | | |
|----|----------------|----------------|---------|
| 1. | Nellie Holmes | Old and feeble | " " " " |
| 2. | Polly Barnette | Old and feeble | " " " " |

North Fork (Cold)

- | | | | |
|----|--------------|--------------|---------|
| 1. | Jennie Skiff | Unsound mind | " " " " |
|----|--------------|--------------|---------|

Coweta

To be added

- | | | |
|----|-------------------|--------------|
| 1. | Ferdinand Raiford | Unsound mind |
|----|-------------------|--------------|

--Pleasant Porters general letters--g--

LIST OF INDIGENTS---Died after enrollment of Pension Roll.

Coweta Town

1. Lewis Byrd Died Apr.14th 1901

Tuck-a-batch-chee

1. Lowa-ny Died Nov. 25th,1901

Cursetta

1. Silpa Died Feb.28th,1901

Tus kegee

1. Holloet Hoyer Died Apr.13th,1901

Tharpthlocco

1. Hettie Daniel Died Jan.6th,1901

Hickory Ground

1. Alpar-see Died in Apr.1901
 2. Hok-ta Died in Jan.1901
 3. Tokoth-ka Died on Jan.6th,1901

Tulle da gee

1. Washington Red Died in Feb.1st,1901

Hilibee Canadian

1. Charley Harjo Died in Jan.11th,1901

---Pleasant Porters general letters.--g--

Ok-chi-ye

1. Liza Kanard Died in Dec.1900
2. Te-yo Died in Apr.24th,1901
3. Me-chiller Died in Apr.1901

Tulsa Canadian

1. Hailey McGibra Died Mch. 9,1901

Green Leaf

1. Linda Died in Apr.26th,1901

Cher yar Ha

1. William Harrison Died Mch.23rd,1901

Ar-be ka D.T.

1. Eliza Perryman Died Jan.31,1901

Ok. fus ky D.T.

1. Sin-hu. thea Died Feb.1901
2. Annie Died Apr.1901

Eufaula D. T.

1. Helen Sullaven Died Dec.30,1900
2. Minta Died Apr.25,1901

Arkansas (Cold)

1. Becky Kanard Died Mch.30,1901
2. Maria Ponds Died Apr.30,1901

---Pleasant Porters general letters.--g--

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3. Harriot Bishop Died Mch.30th,1901

Canadian (Cold)

1. Tu-nah Died Apr.15th,1901

Committee Room

May 25th, 1901

Hon. Natl. Council

Gentlemen:

We your Special Joint Committee on Indigent, to whom the matter referred, have examined the Indigent Pension Roll, and have found 25 died since the enrollment and 50 Indigents were omitted on the Pension roll, who were entitled to receive pension. We have placed them on the Indigent list and ask your Hon. Body to adopt the following act.

Wiley Sug-Key

Chairman Committee on Indigent.

G.W.Tiger,
Clk.

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

CREEK - PER CAPITA PAYMENT

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

Washington.

ITD. 4862-1903.

June 10, 1903.

United States Indian Inspector

for Indian Territory, Muskogee, I. T.

Sir:

Referring to the Acting Inspector's communication of June 1, 1903, you are informed that on June 6, 1903, The President approved the resolution of the Creek National Council, accepting the \$600,000 appropriated by the act of March 3, 1903 (Public No. 144), in full payment of the "Loyal Creek Claims," and the resolution is returned herewith, together with departmental letter to the president and a copy of the Acting Commissioner of Indian Affairs' report of June 4, 1903.

As recommended by the Acting Inspector, the U. S. Indian Agent at Union Agency has been directed to make the payment, and the Commissioner of Indian Affairs has been requested to furnish the Agent with a list of awards made in behalf of the loyal Creeks and Creek freedmen by W. B. Hazen and F. A. Fields.

Respectfully,

E. A. Hitchcock,

3 inclosures.

Secretary.

(Encorsed) Union Agency No. 6584. Received Jun. 17, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, June 12, 1903. Commissioner. --- States that President has approved resolution of Creek Council relative to payment of Loyal Creek Claim, and the Indian Agent has been directed to make such payment.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

ITD 5942-1903.

August 8, 1903.

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

Sir:

July 17, 1903, you transmitted a communication of that date from the Principal Chief of the Creek Nation, with reference to the appropriation made by the act of March 3, 1903 (32 Stat., 982-994), for the payment of Loyal Creek claims.

There is inclosed herewith a copy of a communication from the Indian Office, of July 28, 1903, and you are advised that Inspector McLaughlin has been designated to make the roll required as suggested by the Acting Commissioner.

The Principal Chief states that the claimants, who expected to have received their money before this time, are exhibiting great anxiety about it, and the country is rife with rumors of the possibility of its ever being paid; that if possible he would like to see it paid before September 1, 1903.

You state that the Principal Chief has asked informally

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if it would not be possible for the special agent designated to prepare the roll to be authorized to furnish the Indian Agent with the names for payment as fast as the beneficiaries are identified, provided such investigation was made at Muskogee; that you presume however that such roll must be approved by the Department before the Agent can be authorized to proceed with the payment. You suggest that you be advised in reference thereto in order that the Principal Chief may be notified in reply to his communication (herewith inclosed), to enable him to intelligently inform citizens applying to him for information in the premises.

You are advised that the roll to be prepared by Inspector McLaughlin will have to be submitted to the Department before payments can be made.

You will advise the Principal Chief in accordance herewith, and that it is the intention of the Department to have the payments made with as little delay as possible; that, however, it will not be possible for Inspector McLaughlin to dispose of certain matters now in his hands within the next twenty days, and that, of course, the roll cannot be prepared and the payments

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made as he desires before the 1st of September.

Respectfully,

Thos. Ryan.
Acting Secretary.

2 inclosures.

(Endorsed) Union Agency # 7065 Received Aug. 14, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, August 8, 1903. Secretary. Inspector McLaughlin designated to make roll of Loyal Creek claimants should advise Principal Chief such payments cannot be made before September 1st.

December 2, 1903

Whereas, the claimants to the fund, provided for the payment of what is known as the Loyal Creek Claim are scattered over the whole of the Creek Nation, and,

Whereas, many of these claimants have but a small interest in said fund, and are indigent circumstances and unable to pay traveling expenses, and,

Whereas, it would devolve upon such claimants living at a considerable distance from Muskogee or any other single point, an expense which they can ill afford, to be compelled to take a long trip from their respective homes to receive their share of such fund,

Now, therefore, be it resolved by the National Council of the Creek Nation, that the Interior Department be, and is hereby respectfully requested to make such payment at the several following points, to wit: at the towns of Wetumka, Sapulpa, Okmulgee, Muskogee and Eufaula, such officer first giving public notice of the time and place when and where such payments will be made at each of said towns.

Adopted Dec.1,1903.

Lee McNevins
Clerk.

Roley McIntosh
Pres. House of Kings.

Concurred in after amended also at
Holdenville, Dec.1,1903.

Amendment concurred in, Dec.2,1903.

A.P. McKellop
Clerk.

Amos McIntosh
Sp. H. of Warriors.

Approved Dec.2,1903.

P.Porter,--Prin.Chief.

(Endorsed) Union agency, Muskogee, Oklahoma--a-132--Pleasant Porter's general letters.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,
February 13, 1904.

My dear Wright:

Under date of the 14th ultimo, I submitted a report with certain accompanying papers in the Loyal Creek claims of Ben Sancho, deceased, award No. 210, and Nancy Bruner, deceased, award No. 1281, and have learned that the papers have been returned to you for further investigation in the Ben Sancho claim, and that all the papers submitted by me were forwarded to you excepting my report, it being doubtless presumed that a copy of same was on file at the Agency office. But I, having made said report simply as United States Indian Inspector, in connection with my Loyal Creek work, and not as Acting Inspector for the Indian Territory, left no copy at the Agency but had a carbon copy made for future reference which I enclose herewith as it may be of assistance to you in determining the matter.

Mr. George Bixby is familiar with these two claims, and has all the papers in contest cases in a box in a room on the fifth floor of the office where the Loyal Creek rolls are being paid.

The A.G.W. Sango who first made proof to the claim of Ben Sancho, is the colored banker of Muskogee and is a sleek proposition and doubtless knew well when he made said proof that there were direct heirs to the claim then living, whilst he is only a nephew of the said deceased claimant and the other heirs given in list of proof are all collateral, whilst Della Robert and

-2-

Hannah Hughes are grandchildren and the only legal heirs. This was fully proven by the testifying witnesses and could have been further verified by numerous other persons, one of whom is old Paro Bruner, of Paro, I.T., Town King of Little Canadian Colony, who stated to me with great positiveness that Dock Sancho, the father of Della Robert and Hannah Hughes, was the son of said Ben Sancho, the original claimant, and that these two women are his only legal heirs. When I interrogated A.G.W. Sango as to the proof he made to said claim he justified his act by saying that it was a question of some doubt as to whether or not Dock Sancho, the father of Della Robert and Hannah Hughes was the son of said Ben Sancho, deceased.

I arrived here Friday Evening and found matters all right. Have not yet seen the Secretary as he was absent from the office on Saturday and is before the Indian Committee today, he and Commissioner Leupp. Do not know how long I will remain here but will write you before leaving.

With kind regards,

Very truly yours,

James McLaughlin.

(Endorsed) Union Agency No. 11195 Received-Washington, Feb. 8, 1905. Secretary.-----Rel. to recommendation of Inspector McLaughlin that certain names be stricken from Loyal Creek roll and others placed thereon in lieu thereof; directed to make proper changes after giving notice.-----

DEPARTMENT OF THE INTERIOR,

Washington.

April 22, 1904.

ITD 3312-1904.

The U.S. Indian Inspector

for Indian Territory, Muskogee.

Sir:

There is transmitted herewith copy of a communication of the Acting Commissioner of Indian Affairs, dated the 19th instant, forwarding to the Department a letter of the U.S. Indian Agent, Union Agency, of the 14th instant, in which he suggests that the duty of continuing the enrollment of "so-called Loyal Creek claimants" be devolved upon you in connection with your work of enrolling the so-called Self-emigrant Creek Indians.

The Acting Commissioner recommends that the suggestion of the Agent be adopted.

The Department also concurs, and you are hereby designated to take up the work of completing the enrollment of the Loyal Creek claimants, and you will call upon the Indian Agent to turn over to you such instructions as he may have received in the premises.

Respectfully,

E.A. Hitchcock.
Secretary.

1 inclosure.

(Endorsed) Union Agency No. 9405 Received Apr. 26, 1904 Office of U.S. Indian Inspector, for Indian Territory. Washington, April 22, 1904. Secretary.-----Instructs Inspector to complete enrollment of Loyal Creek claimants.-----

June 15, 1904

Hon. E. A. Hitchcock,
Sec'y of the Interior,
Washington, D.C.

Sir:-

The Loyal Creek payment was in process of distribution at Eufaula, when it was suspended on the question as to whether the payment should be made under the laws of Arkansas governing the matter of descent and distribution or under the Creek laws. The question was submitted to the Comptroller of the Treasury for his decision.

It is rumored here that a telegram has been received that the decision has been rendered and that the payment will be made, when the rolls are corrected, under the laws of the state of Arkansas.

There are quite a number of original claimants to whom payment could be made without reference to either law. Is there any reason why such payment can not be made immediately? Information on this matter will be very much appreciated by the claimants of this character. Please make an early reply that I may be able to inform them.

Respectfully,

P.Porter,

Prin.Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 493. Muskogee, Okla.

January 5, 1905

Hon. L.C.Perryman,

Tulsa, I.T.

Dear Sir:-

I write you on behalf of Mrs. Louisa Simmons in regard to a claim made by Jim Grayson as a Loyal Creek. Jim Grayson was a son of John Cotcher of Hillubee Town and the name Jim Grayson appears on the Loyal Creek Roll as yet unclaimed. Mrs. Louisa Simmons is a niece of Jim Grayson and claims to be the nearest heir at law to the aforesaid claim.

Now, if you know anything about these claims, they request me to write you so that you can give them such information as you may have in the matter and if you are coming to Muskogee at any time, notify Willie Carr at Cerdolupi so that they can be here and see you. She thinks that Tom Adams would be one of her witnesses in the case.

Also Larte Bear of Hillubee Town, claims to be the nearest relative and heir of Loyal Creek claim made out by Rose Lahtah Harjo, and she wishes you to write Willie Carr what you may know about this claim also. Rose Lahtah Harjo was Larte Bear's grandmother.

Respectfully,

P.Porter

Principal Chief.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 537. Muskogee, Oklahoma.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS,
Washington, November 1, 1905.

Accounts
27911/1905
Auth. 96848

Mr. J. George Wright,
U.S. Indian Inspector for Indian Territory,
Muskogee, Indian Territory.

Sir:-

There is inclosed, herewith, a communication addressed to you by the Honorable Secretary of the Interior under date of the 27th ultimo, returning the partial roll of Loyal Claimants, Creek, submitted by you to this Office April 5, 1905, for examination and approval by the Department, authorizing the payment of certain claims, and instructing you to inform the roll as to certain other claims.

It will be observed that the roll is approved to the extent that where no exception has been taken therein to final results, payment is authorized to enrolled distributees. Endorsement of such approval upon the roll was not considered advisable, however, until its reformation, in accordance with the suggestions contained in the inclosed letter.

As directed in Department letter to this Office of the 27th ultimo, the U. S. Indian Agent, Indian Territory, has been informed that you will furnish him with a list of approved distributees, and that he is authorized to make the payment to all

-2-

duly enrolled persons.

The roll referred to, with affidavits and certain other papers, has this day been sent to you in a separate package by registered mail.

Very respectfully,

C. T. Larabee,
ACTING COMMISSIONER.

(Endorsed) Union Agency # 12762 Received Nov. 6, 1905. Office of U.S. Indian Inspector for Indian Territory. Washington, Nov. 1, 1905. Commissioner. Enclosing letter from the Secretary of the Interior, returning partial roll of Loyal Creek Claimants, submitted on April 5, 1905.

CREEK - PRINCIPAL CHIEF

AN ACT MAKING APPROPRIATION FOR CONTINGENT EXPENSES
OF EXECUTIVE OFFICE.

Be it enacted by the National Council of the Muskogee Nation;
That there be and is hereby appropriated, out of the General Fund of the Muskogee Nation, the sum of Two Thousand (\$2,000.00) Dollars, or so much thereof as may be necessary, to be expended by the Principal Chief in employing Stenographer and other clerical help necessary for the proper conduct of the business of the Executive Office for the fiscal year ending December fourth, 1901, and other expenses necessarily incurred. In the expenditure of this appropriation the Principal Chief shall be required to take the necessary vouchers, and make report of the same to the next annual Council.

A D O P T E D October 27th, 1900.

Lee McNevins
Clerk.

T.W.Perryman
President, House of Kings.

C O N C U R R E D I N October 29, 1900.

A.P.McKellop
Clerk.

Siah Gray
Speaker, House of Warriors, Pro Tem.

A P P R O V E D October 29, 1900.

P.Porter,
Principal Chief.

ATTEST:

W.S.Fears,
Acting Private Secretary.

DEPARTMENT OF THE INTERIOR,
United States Indian Inspector
For

D-1359. Indian Territory,
Act No. 15. 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 29, 1900, and entitled-

"An act making appropriation for contingent expenses of Executive Office,"

- 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.

Very respectfully,

J.Geo.Wright,

U.S.Indian Inspector,
for Indian Territory.

(Endorsed) Union Agency, Muskogee, Oklahoma. No. 33. Pleasant Porters general letters.

May 21st.,1903

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 payment of salary
of an additional Clerk in the Executive Office of the Muskogee
Nation in payment of salary of an interpreter for said office and
for other incidental expenses of said Executive Office, 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 May 21st.,1903.

Roley McIntosh

Pres.H. of Kings.

Lee McNevins
Clerk.

Concurred in May 22,1903

Amos McIntosh

Speaker House of Warriors

A.P.McKellop
Clerk.

Approved May 23,1903.

P.Porter

Prin.Chief.

--Pleasant Porters general letters.--a-17----

Muskogee, Indian Territory, June 22, 1903

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

Sir:

In accordance with our conversation some days ago, I would thank you if you would place an Indian policeman at my disposal to be stationed at my office regularly and to be subject to the orders of the Principal Chief and National Attorney.

Very truly,

P. Porter,

Principal Chief.

A N A C T

Appropriating Two Thousand (\$2,000) Dollars for Incidental Expenses and employment of stenographer in Executive Office.

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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 (\$2,000) Dollars, or so much thereof as may be necessary, to be expended by the Principal Chief in the employment of a stenographer and for other clerical aid, and in paying other expenses necessarily incurred in the proper conduct of the business of the Executive Office, for the fiscal year ending December 4th, 1904. An account of the expenditures from this appropriation to be kept by the Principal Chief for the benefit and information of the National Council.

Adopted Nov.19,1903.

Lee McNeVins
Clerk

Roley McIntosh
Pres.House of Kings.

Concurred in Nov.20,
J.H.Land

A.P.McKellop
Clerk.

~~President~~ House of Kings.
Speaker Warriors
Pro tem

Approved Nov.25,1903.

P.Porter,
Principal Chief Muskogee Nation.

(Endorsed) Union Agency, Muskogee, Oklahoma--a-118--Pleasant Porter's general letters.

EXECUTIVE OFFICE

Muskogee Nation

P. Porter, Principal Chief.

Okmulgee, Indian Territory,

November 27, 1903.

TO THE HONORABLE NATIONAL COUNCIL OF THE MUSKOGEE NATION:

Gentlemen:

I herewith transmit to you draft of the act providing for the salary of the Principal Chief to be twenty five hundred dollars (\$2500) after December 5th, next, and in which act is also contained an additional appropriation of fifteen hundred dollars for the purpose of carrying the same into effect. As you now understand, the salary of the Principal Chief is one thousand dollars per year: in the past he has been able to fill this office and also devote his attention to other business, but it has now come to a point in your government that his entire attention is directed to the affairs of the office, thereby making impossible and I daresay improper, at this time, for him to engage in other business. During the next two years, while winding up the affairs of the Nation, it will be absolutely necessary for him to spend a large portion of his time with the National Attorney in Washington. As you have, by a resolution, directed your National Attorney to look into the financial matters of the Nation, it will be necessary for your Principal Chief to assist in this matter, which will require some time and I am confident will result in saving the Nation several thousand dollars.

The salary of your executive officer should be commensurate

---Pleasant Porters general letters.--y--

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with the services rendered and this I consider only half of the actual value of the services he will be called upon to render during his ensuing term. If the salary of your Principal Chief is increased at all it must be now, because when he enters upon the duties of his office, his salary can neither be increased or diminished during his term of office and this term begins on the fifth day of December. To fail to pass this act and make it a law, will be in my judgment, a detriment to your own interests and thereby other matters will be left undone, which ought to be done for the lack of funds.

I trust that you will give this your careful attention and I urge that it be adopted by your Honorable bodies without delay.

Respectfully submitted,

Moty Tiger,

Acting Principal Chief.

Read & Referred to H. of Warriors

Nov.30,1903

Lee McNeVins

Sam Logan

Pres. H. of Kings Pro-tem

Read and referred back to Moty Tiger, Acting Principal Chief. Dec.1,1903.

A.P.McKellop

Clerk.

Amos McIntosh

Sp. House of Warriors.

CREEK - RAILROADS

Muskogee, Indian T., May 8, 1902.

Hon. W. A. Jones,
Commissioner of Indian Affairs,
Washington, D. C.

Sir:

Referring to your letter of December 28, 1901, "Land, 72324-1901, C. F. L.", and my reply thereto under date of January 9, 1902, in reference to the approval of maps of definite location of the Ft. Smith & Western Railway Company through the Creek Nation, and the payment to the Secretary of the Interior for the benefit of the Creek Nation of the sum of \$50.00 per mile in addition to the compensation provided for by the act of March 3, 1899, which also provided that in case the fifty dollars per mile was not satisfactory compensation to the Nation, that the Nation, through its National Council, could reject said amount. In my letter of January 9th, I advised you that there would be no council within four months from December 12, 1901, the date of the approval of said maps, and that nothing remained to be done but await the expiration of four months and then require the payment of the Railroad Company.

The four months having elapsed on April 12, 1902, I would now request that you advise me if the payment has been made to the Secretary of the Interior for the benefit of the Creek Nation,

--press book general letters--39.--

-2-

as provided by law, and if not, to see that demand is made upon it before further work has been done by said road.

Yours truly,

P. Porter,

Principal Chief.

Exhibit A.

Muskogee, Indian T.,

May 10, 1902.

I, P. Porter, Principal Chief of the Creek Nation, in Indian Territory, do hereby acknowledge service upon me of the definite location of the line of the railroad of the Missouri, Kansas & Oklahoma Railroad Company, from a point of connection with the M. K. & T. Railway at Wybark, Creek Nation, Indian Territory, northwesterly a distance of twenty miles to a point in the southeast quarter of Section 19, township 17, Range 16 East, Creek Nation, by service upon me of a blue print copy thereof, this 10th day of May, 1902.

P. Porter,

Principal Chief of the
Creek Nation.

Muskogee, Indian T.,

May 23, 1902.

Mr. D. M. Hodge,

Tulsa, Indian T.

Dear Sir:

I forward you letter of introduction to Mr. A. A. Allen.

I am informed that the line of definite location of the Missouri, Kansas & Oklahoma, Wybark extension, has been made, and will make Tulsa one of the points on the road. Whether the town of Elam is on the line of road I do not know, but it is probable that no change will be made.

I am in receipt of a copy of the supplemental agreement as reported from the sub-committees of the Senate and House, and I find that but little change has been made with the exception of making the term of lease three years instead of one. There may possibly be some other changes, but none of importance. I am informed by Mr. McGowan and Judge Springer that it will pass in substantially the shape as reported by the Committees. I do not think it necessary to have any representative of the Creek Nation return to Washington in the interest of the supplemental agreement.

Yours truly,

P. Porter,

Principal Chief.

(Endorsed) Union Agency Press Book, General Letters, by Principal Chief. Letter 78. Muskogee, Okla.

Refer in reply to the following:

Land.

30184-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, May 26, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made May 19, 1902, by Inspector Wright, advising that the Fort Smith and Western and the Ozark and Cherokee Central Railroads have approved rights of way through certain portions of the Indian Territory, and are at present grading and constructing their roads, portions of which pass through the Creek Nation.

The Inspector states that no plats of station grounds in the Creek Nation have been filed by either railroad company; that several, if not all, proposed locations for station grounds, have been filed upon by citizens of the Creek Nation, and that such selections were made prior to the ratification of the Creek Agreement. He refers to section 6 of said agreement which confirms preliminary allotments, and states that the Commission to the Five Civilized Tribes considers that where stations are located upon such tracts, the certificates of allotment made prior to the ratification of the agreement, cannot be canceled,

- 2-

and therefore the land cannot be segregated for a townsite under the provisions of the Act of Congress approved May 31, 1900.

The Inspector states that townsite companies are arranging with the allottees for land for townsite purposes, and he understands in some instances are procuring deeds from citizens "subject to the approval of the Secretary of the Interior," and are surveying and platting such tracts and giving wuit-claim (Sic) deeds to parties purchasing lots. He says satisfactory negotiations were made between Indians and the persons comprising these townsite companies; that no complaint has been made to his office and that he is informed by the Principal Chief of the Creek Nation that none has been made to him.

He further states that one complaint has been made by a certain citizen that parties have taken possession of his land for townsite purposes, and that the Indian Agent had been directed to send the Indian police to remove these parties as provided by section 8 of the Creek Agreement. It is his opinion that these parties proceed at their own risk and that it is not incumbent on the Department to take action at this time. He says that it is believing by the Principal Chief of the Nation that it will be his duty to

- 3 -

issue deeds to allottees ignoring any claims other parties may have to the land resulting from negotiations with the citizen.

The Inspector has deemed it proper to report the situation to the Department for any instruction in the premises which may be deemed proper.

This office is not aware of necessity for any action at this time by the Inspector, and respectfully recommends that he be advised that his report is approved.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

WCV

D

2 inclosures.

(Endorsed) Union Agency No. 4173. Received. Jun. 5, 1902. Office of U.S. Indian Inspector for Indian Territory. Washington, May, 28, 1902. Secretary-----Approves report relative to establishing new townsites along Ft. Smith & Western and Ozark and Cherokee Central Ry. in Creek Nation.

Terms of Court

TERMS of Court.

AT MUSKOGEE
First Monday in
Sept, 1902. United States Court in the Indian Territory,

Department of Justice.

AT EUFAULA
First Monday in
October, 1902.

Western District.

R.P.HARRISON, Clerk.

AT SAPULPA
Third Monday in October, 1902.

AT WEWOKA
First Monday in
November, 1902.

AT WAGONER:
Second Monday in
November, 1902.

AT OKMULGEE:
Second Monday in
December, 1902.

Muskogee, Ind. Ter., August 12, 1902.

Hon. J. Geo. Wright,

U.S. Indian Inspector, Ind. Ter.,

Sir:-

Replying to your letter of inquiry of August 12th, I will say that the records in my office show that on June 3rd, 1902, Judge Joseph A. Gill of the Northern District of the Indian Territory, upon petition of the St. Louis & San Francisco Railroad Company, made an order appointing referees for condemnation proceedings of that part of the town of Sapulpa known as block 3, Block 4, Block 120, Block 212, and also Block 28, together with a strip of land 100 feet wide on and along the west side thereof.

Thereafter on the 30th day of June, 1902, the report of said referees was filed in this office, showing that their award of damages to the Creek Nation for taking said property by said Railroad co., to be the sum of \$752.70, which amount has been paid into this office, and is here subject to the order of the Court as to its proper disposition, upon the

-2-

application of the proper representative of the Creek Nation.

Very respectfully,

R.P.Harrison, clerk.

By A.Z.English, deputy.

(Endorsed) Union Agency No.24383 Received Aug.13,1902 Office of U.S.Indian Inspector for Indian Territory.Muskogee,I.T.Aug.12, 1902.R.P.Harrison,Clerk,U.S.Court.----States referees were appointed to appraise land **decided** by St.L. & S.F.R.R.Co., at Sapulpa, and amount found to be due Creek Nation is now on deposit awaiting proper disposition.----

Muskogee, I.T. Sept. 23, 1902

Mess. Lewis & Snider, Attys,
Oklahoma City, I.T.

Gentlemen:

I am in receipt of yours of the 20th inst. in which you ask several questions relative to the manner of procuring the right of way for Arkansas Valley and Western Railroad. For accurate information regarding the matters and things referred to in your letter, I would advise you to examine the law of Feb. 28, 1902 which is now in print. It is Public Document No. 26, "An Act granting the right of way through Oklahoma Territory and Indian Territory to the Enid & Anadarko Railroad Company, and other purposes."

This will give you full information as to the mode of procedure that your company will have to follow in securing and paying for a right of way.

Respectfully,

P. Porter,

Prin. Chief.

(Endorsed) Union Agency press book, general letters, by Principal Chief. Letter 291. Muskogee, Oklahoma.

Muskogee, I.T., Sep. 29, 1902.

Miss Elizabeth Yargee,

Red Fork, I.T.

Dear Miss Yargee:

Yours of September 16th has been received in which you state that the Arkansas & Southwestern Railway Company has surveyed its right of way through your allotment of 160 acres, the West Half of the South East Quarter of Section Nine (9), in Township Nineteen (19) North and Range Twelve (12) East, and the South East Quarter of the South West ages resulting from the building of said railroad Ten Dollars per acre, and that said railroad will take from your above described allotment six acres. You state that the compensation is inadequate and that you wish that I advise you as to what steps to take to secure the payment to you of the full damage for injury to your allotment.

As it appears that you are under age, you would not be authorized nor could they make any settlement with you whatever for the damage, and I would advise you, if you have not a guardian, to petition the Court to appoint a guardian to represent you in arranging with the railroad company an equitable agreement for the damage resulting to you allotment by reason of the railroad traversing it in its construction.

Under the law authorizing the construction of railroads, in the event your guardian would be unable to agree as to what the proper damage would be he will have the right to have referees

--P.Porter press book.1tr.299.--

appointed to agree on the damage, and should either party disagree with the finding of the referee, said party should have the right to appeal to the Courts and have the damage assessed by the Court, which decision would be final.

Perhaps I had better advise you that you being under age, are not legally competent to receive any compensation whatever from the railroad as damage to your allotment.

Respectfully,

P.Porter,

Prin.Chief.

December 30, 1902.

CHOCTAW, OKLAHOMA & WESTERN RAILROAD COMPANY.

RECEIPT OF THE GOVERNOR OF THE CREEK NATION FOR SECTIONAL MAP No. 2.

I hereby acknowledge receipt this 30th day of December, 1902, of Section Map. 2 of the Choctaw, Oklahoma & Western Railroad Company, covering its line of definite location in the Indian Territory, Miles 25 to Mile 50, beginning at a point in the S.W. 1/4 of Sec. 32, T. 9 N., R. 17 E., 431.4 feet distant N. 19°01' W. of the quarter corner on the south line of said Sec. 32; and ends at a point in the S.W. 1/4 of Sec. 36, T. 12 N., R. 15 E., 712 feet distant S. 46°15' E. of the quarter corner on the west line of said section 36, a distance of 25 miles; which map is filed in my office under the provisions of the Act of Congress approved February 28th, 1902, entitled "An Act to Grant the Right of Way through the Oklahoma & Indian Territory to the Enid & Anadarko Railroad Company and for Other Purposes."

P. Porter.
Governor of the Creek Nation.

Muskogee, I.T. Jan. 9, 1903

Messrs. Lewis & Snyder,
Oklahoma City, Okla.

Gentlemen:-

Yours of the 7th inst. is received and in reply to your inquiry will state that I am not aware of any rule or law governing the matter as to the payment for lands condemned for railroad purposes through the Creek Nation. When the fee was to the Nation, it was proper that the appraised value by condemnation for right of way of railroads should be paid to the Nation, but since the lands have been allotted and the allotments confirmed by Treaty, as you will observe by reference to the treaty of May 25, 1901, the Nation would have no right to money belonging to the individual allottee, and I have taken the view that the equitable manner of meeting the situation would be to follow the rules laid down in the act of Congress entitled, "An Act granting the right of way through Oklahoma and Indian Territory to the Enid & Anadarko Railroad Co. and for other purposes." I mention Sec. 15, which provides that compensation should be made to the individual owner, occupant or allottee of said land and the tribe or nation in which the same is located. Wherever the right of way traverses lands already allotted, payment for the right of way should be made to the allottee. In case no agreement can be made, it should be done by arbitration, and in case either side is dissatisfied, then to be settled by the court.

Respectfully,

P. Porter,

Prin. Chief.

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(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 385. Muskogee, Oklahoma.

Muskogee, I.T., Jan. 23, 1904

Hon. J. George Wright,

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

Sir:

I have the honor to acknowledge receipt of your communication of November 17, 1903, enclosing a letter from the United States Indian Agent addressed to the Commissioner of Indian Affairs dated November 14, 1903, forwarding a notice addressed to him by the Attorneys of the Missouri, Kansas & Texas Railroad, in the matter of the claim of said railroad company to every alternate section of land along its line of railway through the Indian Territory for a distance of ten miles on each side of the said line, and protesting against the sale or leasing of any such land, and asking for an expression of my views in regard to the matter.

It is hardly necessary for me to enter into a discussion of the matter as to whether said railroad company has any claim or not to lands along its line of railway through the Indian Territory other than its right of way. I can only say that so far as the Creek Nation is concerned there can be no foundation for a legal claim by any railroad corporation to lands owned by it and patented to it by the Government of the United States, which is the condition of all the lands in the Indian Territory belonging to the Creek people. The Creek Nation has never granted nor conveyed any portion of its land to the Government of the United States, the state of Kansas, or to any railroad corporation for the purpose of

--P. Porter press book. ltr. 456.--

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aiding in the construction of railroads; and in the distribution of its land to its citizens, it is doing so by agreement with the Government of the United States.

I trust the Government will maintain its pledged faith in holding sacred the patents by which we own our lands.

Respectfully,

P.Porter,

Prin.Chief.

CREEK - RELATIONS (FEDERAL)

51st Congress,))
2d Session.)

HOUSE OF REPRESENTATIVES

)Ex.Doc.

)No.238.

FULFILLING TREATIES WITH THE CREEKS.

L E T T E R

from

THE ACTING SECRETARY OF THE TREASURY.

transmitting

Copy of a communication from the Secretary of the Interior submitting an estimate of an appropriation for "fulfilling treaties with the Creeks."

February 7, 1891.--Referred to the Committee on appropriations.

TREASURY DEPARTMENT,

February 6, 1891.

SIR: I have the honor to transmit herewith, for the consideration of Congress, a communication from the Secretary of the Interior, of the 4th instant, submitting an estimate of appropriation in the sum of \$7,095 for "fulfilling treaties with the Creeks," under article 12 of treaty with the Creek Nation of April 4, 1832. (7 Stat.,p.367).

A.B.NETTLETON,
Acting Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 31, 1891.

SIR: I have the honor to inclose herewith, in duplicate, copies of communications from Leo. E. Bennett, Indian agent of the Union

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Agency, Ind.T., dated the 8th and 23d ultimo, in which he submits lists of Creek families aggregating 129 souls, whom he states are duly recognized citizens of the Creek Nation, and have lately and within the past 2 years (or thereabouts) removed from their former homes in Alabama to the Creek Nation. He states that they assert that each and every one of those whose names are appended are justly entitled to the sum of \$55 as compensation for expense of transportation and subsistence, such compensation being due from the United States Government under the provision of the twelfth article of the treaty with the Creek Nation proclaimed April 4, 1832 (7 Stats.367), which reads as follows:

ART.12 The United States are desirous that the Creeks should remove to the country west of the Mississippi, and join their countrymen there, and for this purpose it is agreed that as fast as the Creeks are prepared to emigrate, they shall be removed at the expense of the United States and shall receive subsistence while upon the journey, and for one year after their arrival at their new home; Provided, however, That this article shall not be construed so as to compel any Creek Indians to emigrate, but they shall be free to go or stay, as they please.

In 1848, the then Commissioner of Indian Affairs fixed the aggregate price or grade of the compensation provided by said article 12 of the treaty at \$55 per capita for those who removed at their own expense and provided their own subsistence.

This provision of the treaty has never been repealed and is in force today, and should be observed by an appropriation of the sum required to meet said claims, aggregating the sum of \$7,095.

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I inclose herewith an estimate of appropriation under the title of "Fulfilling treaties with Creeks," for the sum of \$7,095, with the request that the same be forwarded to the honorable Secretary of the Treasury for transmittal to Congress.

Very respectfully,

T.J.MORGAN,

Commissioner.

THE SECRETARY OF THE INTERIOR.

(Indorsement).

DEPARTMENT OF THE INTERIOR
February 4, 1891.

Respectfully forward to the honorable Secretary of the Treasury, with the recommendation that the within item be incorporated in the bill making appropriations for the Indian service for the fiscal year 1892.

GEO.CHANDLER,
First Assistant Secretary.

Proposed item to be incorporated in the bill making appropriations for the Indian service for the year ending June 30, 1892.

This amount to be paid per capita to 129 citizens of the Creek Nation of Indians, under the direction of the Secretary of the Interior, who have removed themselves from the State of Alabama to the Creek Nation in the Indian Territory, and subsisted themselves for 1 year, in accordance with the twelfth article of the treaty with the Creek Nation, proclaimed April 4, 1832---\$7,095.

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UNITED STATES INDIAN SERVICE,
Union Agency,
Muscogee, Ind.T.,
December 8, 1890.

SIR: The heads of families of the appended list of names have appeared in person, or by letter, before me and make the following claim;

That they are duly recognized citizens of the Creek Nation, and have lately and within the past 2 years (or thereabouts removed from their former homes in Alabama to the Creek Nation. They assert that each and every one of those whose names are appended are justly entitled to the sum of \$55 as compensation for expense of transportation and subsistence, such compensation being due from the United States Government. They cite me to "the public Statutes at Large of the United States of America from the organization of the Government in 1789 to March 3, 1845," page 367, being the 12th article of the treaty of March 24, 1832, which provides:

"ARTICLE XII. The United States are desirous that the Creeks should remove to the country west of the Mississippi, and join their countrymen there; and for this purpose it is agreed that as fast as the Creeks are prepared to emigrate they shall be removed at the expense of the United States, and shall receive subsistence while upon the journey, and for one year after their arrival in their new homes; Provided, however, That this article shall not be construed so as to compel any Creek Indian to emigrate, but they shall be free to go or stay, as they please."

They assert that in 1848 Commissioner Medill placed the

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aggregate price or grade of the compensation provided by said twelfth article of the treaty of 1832 at \$55 per capita upon those who removed at their own expense and provided their own subsistence.

These persons all aver that they have so removed at their own expense and have provided their own subsistence; that therefore they are each entitled to and should receive the sum of \$55 per capita, and which amount they severally and jointly demand to be paid them.

They respectfully request that the Department will take such action as will place before Congress a proper estimate for the payment of their claim.

The following are the names:

Mrs. Milly Dubois.	Thomas Escoe.	Lynn Sydney Freeman.
Barney Dubois.	Mary Escoe.	Estelle Elizabeth Freeman.
E. G. Dubois.	Maud Escoe.	J. H. Johnson.
Patience De Priest.	Ethel Escoe.	Geo. Johnson.
Harriet Hosey.	Charley J. Escoe.	Caty Johnson.
John H. Hosey.	Cornelia Escoe.	Savanah Evans.
W. T. Hosey.	Zelmore Escoe.	Clarence Evans.
Lee Hosey.	James Escoe.	James Johnson.
John H. De Priest.	Thomas Escoe.	Mary Lucy Johnson.
Thompson A. De Priest.	Eugene Escoe.	Eugene Johnson.
James W. De Priest.	Bessie Escoe.	Lucy Johnson.
John F. De Priest.	Isaiah Escoe.	Jennie Marston.
Thomas J. De Priest.	Lettie Evans.	Ward Marston.
Pearl De Priest.	Wiley Evans.	Thommie Marston.
Jethro De Priest.	Thomas Evans.	Emma Simmons.

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Patience De Priest.	James Evans.	Ella Simmons.
Eunice De Priest.	Richard Evans.	Viola Simmons.
Melvina Williams.	Charley Evans.	Mary Sampson.
Alexander Williams.	Dora Evans.	Ophelia Sampson.
Emma Williams.	Alex. Evans.	G. W. Turvin.
Naomi Williams.	Laura Evans.	Mary B. Turvin.
Thomas J. Escoe.	Florence Evans.	Annie C. Turvin.
Mary M. Escoe.	Mary Evans.	George W. Thomas.
Lily Escoe.	Minnie Evans.	John W. Thomas.
John Escoe.	Robert Evans.	Mary E. Thomas.
Viana Escoe.	Alex. Evans.	Roxanna Vanderslice.
Alice V. Smith.	Mrs. Josephine E. Freeman.	Isaac Vanderslice.
Gracie E. Smith.	Joseph Leroy Freeman.	Patience Vanderslice.
R. R. Dubois.	Lloyd C. Freeman.	Goosie Johnson.
Wiley L. Escoe.	Emma Josephine Freeman.	Nelly Johnson
Josephine Escoe.	Levitia Mamie Freeman.	Jusdon Johnson.
Edward Escoe.	Ella Blanche Freeman.	Roscoe F. Vanderslice.
Walter Escoe.	Burdette Howell Freeman.	Cary Johnson.
Charley Escoe.	Theodore O. Freeman.	
John Escoe.	Carlyle Dewitt Freeman.	

Very respectfully, your obedient servant,

Leo E. Bennett,
United States Indian Agent.

THE COMMISSIONER OF INDIAN AFFAIRS,
Washington D.C.

UNITED STATES INDIAN SERVICE,
 UNION AGENCY,
 Muskogee, Ind.T.,
 December 23,1890.

SIR; Referring to agency letter of December 8,1890, transmitting list of names of Creek citizens claiming compensation in the sum of \$55 each for expenses of transportation and subsistence incurred in their removal from their former homes in Alabama to the Creek Nation, I have the honor to submit the following list of other Creek citizens who claim they are entitled to compensation for the amount expended in their transportation and subsistence in removing from Alabama to the Creek Nation, as set forth in said letter December 8,1890.

Johnson Hodge.	T. W. Morton.	Green Hodge.
Effie Hodge.	P. K. Morton.	Mary Hodge.
Betsy Hodge.	O. A. Morton.	Green Hodge.
Laura Hodge.	Mossie Morton.	Walter Morton.
Nettie Hodge.	Horace Hodge.	Lelora Morton.
Maggie Hodge.	Lula Hodge.	William Morton.
Lila Hodge.	Johnson Hodge.	Ellis Morton.
Marshall Hodge.	Lela Hodge.	Clarence Morton.
Delia Morton.	Vergenia Hodge.	

I have the honor to be , very respectfully, your obedient servant,

LEO. E. BENNETT,
 United States Indian Agent.

The Commissioner of Indian Affairs,
 Washington,D.C.

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(Endorsed) Union Agency No.5 Relative----Letter of Secretary of Interior submitting to congress an estimate of appropriation for fulfilling treaties with the Creeks. Jan.31,1891----

Tulsa, Ind. Ter., June 10, 1895.

The Hon. U. S. Commission:

Your letter has just been read. In answer to same I will state that I submitted all your other letters to the Extra Session of Council for their action.

At present I am unable to ascertain what action was taken by the Council touching your proposition. You will be informed at a later date the action taken by the Council.

Yours truly.

(Signed) L. C. Perryman,

Chief M. N.

Letter-book copy typewritten copy L. S.

(Copied by BEW, March 31, 1934.)

Muscogee, Ind. Ter., March 27, 1897.

Honorable Pleasant Porter,
Chairman, Creek Commission,
Muscogee, Ind. Tery.

Sir:

That Choctaw and Chickasaw Commissioners have notified the Commission to the Five Civilized Tribes that they would be ready to meet it in joint conference April 1st, next, at Atoka, Indian Territory. This Commission cannot, of course, say how long it will be kept there. As soon as matters are closed with those Commissions it is our intention to meet the Cherokee Commission, as agreed upon in Muscogee December 17, 1896, after which time it will be our pleasure to meet your Commission at some convenient point to be arranged hereafter.

Very respectfully,

(Signed) Frank C. Armstrong
Acting Chairman.

Letter-book copy L. S.

(Copied by BEW, March 28, 1934.)

Ft. Gibson, Indian Territory, June 15, 1897.

Hon. P. Porter,

Chairman Creek Commission,

Muskogee, Ind. Ter.

Sir:-

This Commission will be ready to meet the Creek Commissioners at Muskogee on the 22nd instant, for the purpose of negotiating for the allotment of your lands, disposition of town-sites and abolishing tribal government.

Please advise us if your Commission can meet us at place and time above mentioned.

Very Respectfully,

(Signed) F. C. Armstrong

Acting Chairman.

Letter-book copy L. S.

(Copied by BEW, March 28, 1934.)

(On the 22nd and 25th June, 1897, the two Commissions met at Muskogee, Indian Territory, and, at the suggestion of the Creek Commission, it was determined to postpone further conference until September 15, 1897).

Fort Gibson, Indian Territory, June 26, 1897

Honorable Isparhecher,

Principal Chief Creek Nation,

Okmulgee, Indian Territory.

Sir:-

We have the honor to request that you furnish to the Commission to the Five Civilized Tribes, on or before August 2nd, 1897, a list of the names of all persons found upon any of the rolls of citizenship of your nation, made since the date of your last authenticated roll of date prior to June 10, 1896, to whose enrollment as citizens of the Creek Nation you may desire to make objection, giving date of roll on which such names are found, their post office address, and your grounds of objection, with evidence in support of same, and that you serve upon such persons copies of your objection and evidence, and furnish the Commission with evidence of such service.

By order of the Commission,

(Signed) Frank C. Armstrong
Acting Chairman.

Letter-book copy L. S.

(Copied by BEW, March 28, 1934.)

Fort Gibson, Indian Territory, June 28,
1897.

Honorable Isparhecher,

Principal Chief Creek Nation,

Okmulgee, Indian Territory.

Sir:-

We have the honor to request that you furnish to the Commission to the Five Civilized Tribes the last authenticated roll of citizenship of your nation, made prior to June 10, 1896, and all other rolls made subsequent thereto; and copies of all acts of your national council passed, and of all judgments of duly authorized courts rendered since the date of such authenticated roll admitting persons to Creek Citizenship, and such other records and documents as you may deem important, or in any manner helpful to the Commission in making rolls under acts of Congress dated June 10, 1896, and June 7, 1897.

By order of the Commission,

(Signed) Frank C. Armstrong
Acting Chairman.

Letter-book copy L. S.

(Copied by BEW, March 28, 1934.)

(No replies have ever been received to the foregoing communications of June 28, 1897.)

(Pursuant to adjournment June 22, 1897, the Creek and United States Commissions met at Muskogee, Indian Territory, September 15, 1897, and, after two weeks' conference, the following agreement was made:)

Muskogee, Indian Territory, Sept. 27th, 1897.

To the Honorable United States Commission
to the Five Civilized Tribes,

Gentlemen:

It is the desire of the members of the Creek Commission that your Commission or some of its members should visit the Creek National Council at its next regular annual session which convenes on the 5th day of October, 1897.

The consideration and ratification of the agreement of todays date would be greatly facilitated by your presence at the Council, therefore it is earnestly requested that you honor our people and Council by a compliance with this our request.

Very Respectfully,

(Signed) P. Porter

Chairman, Creek Commission.

W. A. Sapulpa

G. A. Alexander

Joe. Mingo

D. M. Hodge

Concharty Micco

Roland Brown.

L. S.

L. S.

(Copied by BEW, March 28, 1934.)

(Foregoing endorsed on back as follows: Muscogee, I. T.
Sep. 27- 97 Creek Commission requests Dawes Commission's
presence at Creek Council Meeting on Oct. 5," 97 to facili-
tate consideration and ratification of Creek Treaty.)

Fort Gibson, I. T., Sept. 30, 1897.

Hon. Isparhecher,

Principal Chief, Muscogee Nation,

Okmulgee, Indian Territory.

Dear Sir:-

We have the honor to inform you that members of this Commission will begin October 11, 1897, to take a census, preparatory to making final rolls of the citizens of the Muskogee Nation, and will endeavor to complete said work by October 27th.

We would respectfully request that you cause to be furnished to us, complete rolls of citizenship, made by authority of your government and that competent persons having knowledge of your people, be appointed to aid us in said work. We shall have two parties, one to take Coweta and Muskogee Districts, and one to take Eufaula, Wewoka, Deep Fork and Okmulgee Districts, and we shall be glad to have you appoint someone to aid each of our parties.

With sentiments of regard, I am,

Respectfully,

Tams Bixby

Acting Chairman.

Letter-book copy.

(Copied by BEW, March 28, 1934.)

(Agreeably to the invitation of September 27th, 1897, members of the United States Commission, on various occasions during the session of the National Council of the Creek Nation, visited Okmulgee. On several of these visits the Principal Chief of the nation was requested to either furnish the United States Commission with copies of the rolls of the nation or permit copies thereof to be made under its direction, both of which requests were denied).

Muscogee, I. T., Sept. 24, 1897.

The Honorable,

The Commission of the Muskogee Nation.

Gentlemen:-

We have the honor to herewith transmit for your consideration, a letter (1) addressed to this Commission by the Hon John F. Brown, Principal Chief of the Seminole Nation, requesting that we place before you the proposition of the Seminoles, that the United States Government purchase of the Creek Nation, two hundred thousand acres of land immediately adjoining the boundary of the Seminole reservation, and lying between the South Canadian and the North Fork of the Canadian, exclusive of any and all allotments and claims already made thereto by recognized citizens of the Creek Nation; the said tract to be described by a line running North and South from and to the points named, and a sufficient to embrace the two hundred thousand acres, and those of the Creeks aforesaid. The said two hundred thousand acres thus set aside to be purchased by the United States at one dollar and twenty-five cents (\$1.25) an acre, in trust for the Seminoles, to be patented to them by the United States upon the amount of one dollar and twenty-five cents (\$1.25) an acre being reimbursed to it by the Seminole Nation; the territory embracing said lands to remain within the jurisdiction of the Creek Nation, as if the inhabitants thereof were citizens of said nation.

It is well known to you and to your people that the Seminole reservation is insufficient for allotments for the use of the Seminole people, upon which they, as citizens, holding in severalty, may reasonably and adequately maintain their families.

We think that from the large amount of land owned by your people, such sale may be made to the Seminoles, ⁱⁿ without/any manner reducing the allotments of lands or the value thereof, contemplated by your people and consequently without any injury whatever to the citizens of the Creek Nation. We trust that your intimate relations and associations with the Seminoles will induce you to give favorable consideration to their wishes. We desire to say that compliance with the request of the Seminole People will be most gratifying and pleasing to the United States Government, which we have the honor to represent.

Respectfully,

Tams Bixby, Acting Chairman,

Frank C. Armstrong,

A. B. Montgomery,

A. S. McKennon.

(1) See correspondence with Seminoles.

Letter-book copy L. S.

(Copied by BEW, March 28, 1934.)

(During the latter part of September, the following Census Notice was sent broadcast throughout the Creek Nation:)

C E N S U S N O T I C E .

Members of the Dawes Commission will meet the citizens of the Creek Nation, for the purpose of taking a census, preparatory to making final rolls of Creek citizenship, at the following times and places, viz:

October 11 to 16, inclusive, at Coweta Mission,
FOR COWETA DISTRICT.

All citizens of Coweta, Broken Arrow, Cheyahah, Locherpaka, Arkansas (colored), and Big Springs, should appear before the Dawes commission on said dates at Coweta Mission.

October 18 to 27, inclusive at Wellington,

FOR MUSCOGEE DISTRICT.

All citizens of Cuseta, Concharty, Hicheta, Tulsa-canada, Osochee, North Fork (colored), and Canadian should appear before the Dawes commission on said dates at Wellington.

October 11 to 13 inclusive at Okmulgee,

FOR OKMULGEE DISTRICT.

All citizens of Euchee, Tuskogee and Atussee should appear before the Dawes commission on said dates at Okmulgee.

October 14 to 16, inclusive, at Okmulgee,

FOR DEEP FORK DISTRICT.

All citizens of New Yaka, Arbekoche, Okfuska-Deep Fork, Hickory Ground, Greenleaf, Arbeka, Eufaula-Deep Fork, Fish Pond, Tulwatchlocko and Thlobthlocko should appear before the Dawes commission on said dates at Okmulgee.

October 18 to 20, inclusive, at Holdenville,

FOR WEWOKA DISTRICT.

All citizens of Tuckabatchee, Tulsa, Little River, Wewoka, Alabama and Boloxa-Quasada No. 2, should appear before the Dawes commission on said dates at Holdenville.

All citizens of Pecon-Tallahassee, Okfuska, Quasada, Eufaula, Hilluppee-Kitcho, Arbeka-North Fork, Oocokufkee, Talledaga, Hilluppee-Hutchethete, ~~Tallahassee~~, Okchayee, Wakohayee, Talmacheesee, Kiligee, Cliwalee and Hutchetheepa should appear before the Dawes commission on said dates at Eufaula.

All persons entitled to enrollment must be present, and heads of families must be prepared to give in names of all their minor children.

Contests as to right of enrollment will be heard at Okmulgee from November 15th to 25th, inclusive.

Tams Bixby, Acting chairman

Frank C. Armstrong,

Archibald S. McKennon,

Alexander B. Montgomery,

Commissioners.

Copy Printed Document.

(Copied by BEW, March 29, 1934.)

Ft. Gibson, I. T., October 2, 1897.

Hon. Pleasant Porter,
Chairman Creek Commission,
Muscogee, I. T.

Dear Sir:-

We find that in order to do full justice to your people, it is necessary that we take a census of Creek citizenship and in order to do so, we shall have to visit the different localities throughout the Creek Country, and we think it important that this work should be commenced as early as possible, and have therefore arranged to begin on October 11th (Monday).

This will require the time and attention of at least two members of the Commission, and we therefore suggest that if you can possibly arrange for this commission to appear and render such aid to you at your Council as you may desire, during the latter part of next week, it will enable the members of the Commission to be then present.

We think that one of the assistants which may be selected by the Chief to accompany and aid us in the work of taking a census should be an efficient interpreter,

and we will be obliged if you will bear this in mind and endeavor to have such persons selected.

Very truly yours,

(Signed) Tams Bixby

Acting Chairman.

(Under same date copy of above letter was addressed to W. A. Sapulpa, at Sapulpa, I. T.)

Letter-book copy L. S.

(Copied by BEW, March 29, 1934.)

Hon. G. A. Alexander,

President House of Kings,

Hon Wm. A. Sapulpa,

Speaker, House of Warriors,

Muscogee, Nation.

Sirs:

The Act of Congress of June 10, 1896, imposed upon the Commission to the Five Civilized Tribes the duty of making rolls of citizenship of the several tribes in Indian Territory, and on coming to the Territory to resume its labors, the Commission in July, 1896, made formal request of the Principal Chief of the Muskogee Nation for copies of rolls of said nation, and in July, 1897, the Commission, by letter addressed to the Principal Chief renewed the request for such rolls; but no response to either of said communications has ever been received by the Commission.

On the 7th instant the Acting Chairman of the Commission in person applied to the Principal Chief, Hon. Isparhecher, for copies of the Creek rolls, calling his attention to the fact that the Commission would on October 11th, begin the work of taking a census of Creek citizens, preparatory to making rolls as required by said Act of Congress, and of the necessity of its having such copies; and again, on the morning of October 11th, such application to the Principal Chief was renewed and we are informed that

the Honorable Isparhecher, in both instances addressed communications to the National Council, giving information of such requests by this Commission, and of the necessity of immediate action by the Council, authorizing the Chief to furnish copies of rolls as requested, but we are also informed, that no attention has been given to the matter by the Council.

We now have the honor to represent to your Honorable Bodies that members of the Commission, with competent clerical assistance have been, since the morning of October 11th, engaged in the work of taking a census of Creek citizens at Coweta Mission in Coweta District and at Okmulgee in Okmulgee District, and that it is of the greatest importance that they have the use of such rolls without delay, in said work, as also, assistance of citizens of your nation who have knowledge of your people, as heretofore requested by the Commission, of your Principal Chief, and that the same be authorized by the National Council.

With very high regards, we are,

Respectfully,

(Signed)

Tams Bixby,

A. S. McKennon,

Commissioners.

Copy Letter-book copy L. S.

(Copied by BEW, March 29, 1934.)

Muscogee, Indian Territory, October 27, 1897.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to report herewith, for your information, full text of the Messages of Honorable Isparhecher, Principal Chief, Muscogee (or Creek) Nation, dated October 6th, 8th and 22nd, to the National Council of said Nation, relating, principally to the dissolution of tribal affairs; together with copies of the report of the Commission on the part of the Muskogee (or Creek) Nation, dated October 5th, 1897, transmitting agreement between the United States Commission to the Five Civilized Tribes and the Creek Commission; and copy of the resolution of the National Council of the Muscogee or Creek Nation, rejecting said agreement, and providing for another Commission to prepare and submit to the United States Commission, propositions "which shall fully provide for and protect all the needs and interests of said Muscogee Nation."

(C o p y)

EXECUTIVE OFFICE,

MUSCOGEE NATION,

Okmulgee, Oct. 6th, 1897.

To the National Council of the Muskogee Nation:

Gentlemen:

It is with pleasure that I welcome you upon your reassembling in annual session of Council, because I believe the great Ruler of the universe has so ordered it. To Him, I desire to express my grateful thanks in behalf of the Muskogee Nation and people for that care and protection, He has extended over us all during the past year. We have had no special scourge or pestilence to affect us, and peace has prevailed within our borders. The returns of the labor of our farmers have been fairly good in portions of our Nation, which, if fairly husbanded, will, in those portions of the Nation, afford adequate subsistence until another harvest. In consequence, however, of excessive rain in the early spring and the extended drouth following later in the season it is feared that many of our citizens in the Western portions of our Nation will suffer for want of bread stuff. It is said that the yield of corn has been very scant. I regret to state that there have been vexatious delays in the enforcement of some important enactments of our body; among these I would mention the pasture laws, the cattle law, the

lease law and the timber law. The delay has been caused principally by restraining orders from our U. S. Indian Agent and the U. S. Court at Muscogee. Not only have injunctions been served upon our officers, but some of them have been arrested and forced to appear before said Court for trial, where the causes are now pending. These proceedings have resulted in perpetuating the existence of unlawful pastures, the protection of unlawful leases, and the unlawful grazing of foreign cattle in our nation.

Complaint was made last April by your delegates, G. W. Grayson and myself, to the Interior Department against the unlawful introduction of foreign cattle and the intruder element, with an earnest appeal for their removal from our Nation, and the matter was referred to the U. S. Indian Agent for investigation, who subsequently called on this office for certain information. In response the district officers were at once instructed to enumerate the foreign cattle and procure the name of all intruders, and report the same to me, which was done. These reports have long since been placed in the hands of the U. S. Indian Agent. Thus has rested the matter until ^{within} the last few days, I received a communication from the Hon. Secretary of the Interior, dated September 31st, 1897, calling for another list of the names of intruders, which is hereto attached for your information. It is evident from this letter that the list heretofore furnished did not afford the information he

desires. It therefore becomes necessary that a new list be made in conformity with his request before any action will be taken by the Department. In view of this fact, I deem it highly important that a competent person be delegated to perform this special service, in conformity with the requirements embraced in the Secretary's letter, as the surest and most prompt means for securing favorable action by the United States Government on this vital question. The intruder question is now the principal source of dissatisfaction in our nation. It is one requiring the strong arm of both governments to control, a question that is growing in magnitude and power, threatening by occupation, the eventual absorption of our entire country by a non-citizen element. We have an alarming instance of the reckless and unscrupulous persistence of the genuine intruder as exhibited by the notorious Watts organization in the Cherokee Nation, and laterally, in this nation. Let us do our part promptly and submit the rest to the action of the United States Government.

You are doubtless anxious to learn the results of the efforts of your commissioners whom you appointed to negotiate a treaty with the United States Government. I have heard that a treaty has been concluded, and I expect it to be officially reported at an early day, but it has not been so reported to this office, so I cannot express an opinion on its merits, but hope to have an opportunity of doing so before many days.

There are other matters of general importance to which your attention will be called from time to time during your present session in special communications.

In the matter of the \$333,000 appropriated by last Congress for the payment of the outstanding indebtedness of the Muscogee Nation, I would state for your information that I have issued consolidated warrants as provided by your Act of November, 1896, in lieu of old ones investigated and retired by your committee on warrants, amounting in the aggregate to \$352,243., and I have so reported to the U. S. Indian Agent, Wisdom. I am credibly informed that the Secretary of the Interior has detailed two special agents, charged with the duty of investigating and determining whether or not there was any fraud in the incurring of said indebtedness as provided in the Act of appropriation, who are now conducting such investigation at Muscogee. It is hoped that their investigations will be completed and the payment of the funds made within the next few weeks. In view of the fact that there will be an excess of our indebtedness over and above the \$333,000., I suggest that you instruct the National Treasurer to cancel that excess out of any funds he may have on hand to the credit of the Muscogee Nation.

In conclusion, gentlemen, permit me to remind you that, as a people, we are in the midst of what appears to be one of the most extraordinary crises that have ever confronted our people, and it will require the exercises of your

coolest and friendliest efforts in the work of evolving good and providing safety out of it for our waiting people. You may have to canvass grave questions involving the very life or death of our Nation. In the faithful discussion of such questions, honest differences of opinion must need appear; but I indulge the hope that your deliberations will always be characterized by kindly and respectful consideration of each others views, however divergent, and that any heat of debate that may arise in your discussions will not be that of personal feelings, but the impulse of true and patriotic devotion to duty. Hoping that your session will be harmonious and marked by wise and beneficent legislation, I have the honor to be,

Very respectfully,

Your obedient servant,

Isparhecher,

Principal Chief M. N.

(C o p y)

EXECUTIVE OFFICE,

MUSKOGEE NATION,

Okmulgee, I. T., Oct. 8th, 1897.

To the National Council

of the Muskogee Nation.

Gentlemen:

I herewith transmit the report and treaty recently concluded by your Commissioners with the Commissioners on the part of the United States, for your consideration. It will be observed by you that it provides for the allotment of our lands and the extinguishment of our tribal titles. I regard this feature of the treaty as being very dangerous and therefore very objectionable. Allotment of land to Indians has heretofore proven disastrous in every instance, and is sure to result likewise with us when we try it. It is a system of holding lands, entirely new to our people. Some of us, however, tried the sad experiment in Georgia and Alabama a little over a half century ago, resulting in our final removal therefrom. My advice is never to try it again. Our system of land tenure has proven successful and satisfactory to us through all the years of our tribal existence. Never have we had a homeless-wanderer during all of that time, nor are we likely to have one so long as we continue to hold our lands as we now do. We now hold our lands by the united power of two governments, general and local. By allotment

we substitute the power of one individual for the power of our local government. Each one of our citizens will then have to employ the protective power over his realty that has been afforded by the local government. In other words, every citizen will take upon himself the duty of protecting his home that is now being done by the combined wisdom and strength of the Muscogee Nation. Not only so, but he assumes the responsibility of coping, single-handed with the avaricious land sharks of the American continent. Many of the shrewdest and enlightened citizens of the United States are homeless, simply because they are not single-handed, to protect their homes from sharpers.

We now have no suits about land titles, for our land title is not disputable and never will be until we allot our lands. Then the courts of the country will be thronged with such suits, just as they are in Oklahoma. We now pay no tax on our land and never will until we allot. Then the tax gatherers will become as numerous as they are in Oklahoma. These things will inevitably follow allotment of our lands. I therefore advise you to weigh and calmly consider these facts before accepting this treaty.

I think it far better for us to stand firm by the treaties we have and plead the justice of our cause by all lawful and honorable means, than enter into this agreement. I fail to see any betterment of our condition by this

agreement, but to the contrary, I can see much that will be to our detriment. But you have had my views on this subject heretofore, and I do not deem it necessary to add anything more at this time to evidence to you my reasons for my opposition to the changes provided for by this agreement.

I am aware that the United States Government is urging us to change our relations with her and has expended considerable money in surveying our country and for maintaining a Commission for the past three years. But all this has been done at the option of the government, and not at our request. We have not asked for any of these things, but they have been asked for by the yelping, insatiavle boomers who are always on the trail of the Indian and will be until every foot of this land is opened up; and when we make this treaty, these will be the people that will first throng this country to scheme us out of our homes. It is simply a question as to the ownership of our lands. The boomers are hungry for them, and it seems the only means of making them accessable, is by allotment. It therefore only remains for you to decide whether or no you will make yourselves a party to this scheme of the boomers. No, we have not asked for a new treaty nor for the allotment of our lands, but we have frequently requested the government to remove from our country the intruder, which request has never been heeded, although solemnly guaranteed to be done by existing treaties.

If intruders cannot be removed from our country at this time, the question arises, will they be removed by the promises of a new treaty, agreeing to do so. It seems that the Cherokees have tried both, and have found the new treaties to be no better than the old ones, on this subject, and I believe we would have the same experience whenever we shall try it. For this reason I withheld my approval of the Act of your called session last August, authorizing your Commission to treat. At that session of Council I presented to you my views as to what seemed to me to be the most advisable course for us to pursue at this time. I am still of the opinion that we should test our constitutional right before the Supreme Court of the United States, and provision should be made at once for procuring the ablest counsel to represent us,

In conclusion, gentlemen, allow me to say that I have endeavored honestly to present my views on the subject before you and feel that in this I have discharged my duty and indulge the hope that you will consider the question in the same spirit of earnestness that has actuated me, and discharge the duty you owe your constituency, intelligently honestly and faithfully.

I have the honor to be,

Very respectfully,

Isparhecher,

Prin. Chief, M. N.

(C o p y)

EXECUTIVE OFFICES, M. N.

Okmulgee, I. T., Oct. 22.

To the National Council

of the Muscogee Nation.

Gentlemen:

In view of the fact that much important matters are before your body, not yet disposed of by you, and the shortness of time remaining of your session; I would suggest, that you repeal the Act of your last Session, reducing this term of your Council to 15 days, in order that you may continue your session thirty days, if that time should be needful to dispose of the needful legislation before you. Special committees, to whom has been referred matters relating to the situation of our national affairs has very recently been appointed and should be given ample time for mature thought and investigation, before intelligent action can be taken by you. No preparation has yet been made to meet the new order of our public affairs that will begin on January 1st, next, and is a matter that should enlist your best thought at this time. Our efforts to treat with the United States Government has proven unsuccessful and we can now have no hope of continuing our government much longer as we now do, by the terms of any new treaty.

The time has now come, in my opinion, when the citizens of the five nations should get together and agree upon the establishment of a general government by which we might perpetuate the right of self government. Should we be attached to Oklahoma as a territory or state, this right of self government will be taken from us by the superior number of its voting population. None of us want such a connection with Oklahoma, yet there are strong efforts being made by her politicians for single statehood, including the five nations.

But this can be averted by timely and united efforts of the five nations. They are yet the sovereigns of their soil, and politically freeborn, with the right to shape for themselves, a government that will best suit them for the protection of their lives and property. I would therefore suggest that you constitute a delegation consisting of a suitable number of your most competent citizens for the purpose of visiting the other nations with a view of agreeing upon a time and place for the assembling of a constitutional convention to be composed of duly authorized delegates representing the several nations; that is to say, a convention having for its purpose, the framing of a general constitutional government that will afford protection to the Indian owners of the country. This is the first step looking to the formation of a government of the Indians and for the Indians of the five nations, and the only course that gives any hope of perpetuating our rights of self government. I regard this

as a step that should be taken at this time for united we stand, divided we fall. I now submit this question for your calm and deliberate consideration and for such action as your better judgment shall direct.

I am,

Very respectfully,

Your ob't Serv't,

Isparhecher,

Prin. Chief, M. N.

(C o p y)

REPORT OF THE COMMISSION TO COUNCIL.

Okmulgee, I. T., October 5, 1897.

To the National Council
of the Muscogee Nation.

We have the honor to submit to your honorable body the herewith accompanying agreement, entered into by and between the United States Commission to the Five Civilized Tribes, in behalf of the United States of the First part, and the Creek Commission in behalf of the Muscogee or Creek Nation, of the second part. In view of all the circumstances and perplexing conditions, not necessary to enumerate, the agreement, we think, is as satisfactory as could be hoped for. It provides for the allotment of our lands and disposition

of townsites, a method of settlement of all claims, titles to allotment and townsites; it defines the jurisdiction of the United States courts, the limitation of the power of the National Council and miscellaneous provisions.

The intention and purpose of the agreement is to provide a method of distribution of all lands belonging to our nation in a manner that will give each citizen an equal share in the value of said lands.

The concessions of the powers of government and jurisdiction of the United States Government, provided for, seemed necessary to meet the new conditions brought about by this agreement.

We feel gratified to state that the Commissioners of the United States showed, throughout our conference, a spirit of fairness and conciliatory appreciation of the whole range of matter and conditions which we were called upon to arrange.

Herewith we submit for your information, all the correspondence in their order, also arguments of the Missouri, Kansas & Texas Railroad, Creek Oil & Gas Company, and Okmulgee Oil Company, which we did not feel authorized to consider, also a proposition transmitted to us through the United States Commission made by the Principal Chief of the Seminole Nation, not having authority to give this matter consideration, it is respectfully submitted to your Honorable body.

Feeling that we have discharged the duties entrusted to us conscientiously in a manner that will protect the interests of our people, and with a spirit of fairness and justice to all, and trusting that you will give it full and fair consideration and approval, we are,

Very respectfully,

Your obedient servants,

P. Porter, Chairman,

Joseph Mingo,

David M. Hodge,

George A. Alexander,
his

Roland X Brown,
mark

W. A. Sapulpa,
his

Concharty X Micco
mark

J. H. Lynch, Secretary,

Robert W. Stewart,

Interpreter.

RESOLUTION OF NATIONAL COUNCIL

(C o p y)

WHEREAS, The Commissioners hereto appointed by the Muscogee Nation to prepare a treaty with the United States through its Commissioners appointed for that purpose, and to present the same to the Muscogee Nation through its National Council for ratification or rejection, have presented an

agreement duly signed by the said Commissioners on the part of the Muscogee Nation and by the said Commissioners on the part of the United States, and dated September 27th, 1897, and,

WHEREAS, The said Agreement is unsatisfactory to the Muscogee Nation; THEREFORE BE IT

RESOLVED, By the National Council of the Muscogee Nation, that the said agreement or treaty is hereby rejected. Be it further

RESOLVED, That a special joint committee to be composed of two members from the House of Kings and three members from the house of Warriors, to be selected by a vote of their respective houses, be created whose duty shall be to prepare an answer to the Commission, setting forth the reasons why the National Council of the Muscogee Nation has rejected the said agreement, and also to prepare and submit to the present session of the National Council, to be submitted to the United States, a proposition in relation to a change of tribal conditions of the Muscogee Nation which shall fully provide for and protect all the needs and interests of the said Muscogee Nation.

ADOPTED UNANIMOUSLY.

Alec Davis,

Speaker, House of Warriors, pro tem.

A. P. McKellop, Clerk.

Concurred in, 23 pro, 8 con.

1892

G. A. Alexander,
President, House of Kings,
J. A. Alexander, Clerk, pro tem.

Approved, October 18, 1897.

Isparhecher,

Principal Chief, M. N.

S. B. Callahan,

Private Secretary.

(Endorsed on back: Report to the Honorable Secretary of the
Interior in connection with the Creek treaty.)

Respectfully submitted,

Tams Bixby,

Acting Chairman.

Copy D. S. and L. S.

(Copied by BEW, March 29, 1934.)

(Notation)

(Only about one fourth of the citizens of the Creek Nation having appeared before the United States Commission for enrollment at the places designated in the notice given the latter part of September, a Second Notice was issued as follows:)

C R E E K C E N S U S.

SECOND NOTICE.

Members of the Dawes Commission will be present at the following times and places for the purpose of enrolling Creek citizens, as required by Act of Congress of June 10, 1896.

At Muskogee,	Nov. 8 to 30,	1897,	inclusive.
At Wagoner,	Nov. 8 to 13,	"	inclusive.
At Eufaula,	Nov. 8 to 13,	"	inclusive.
At Sapulpa,	Nov. 15 to 20,	"	inclusive.
At Wetumpka,	Nov. 15 to 20,	"	inclusive.
At Okmulgee,	Nov. 22 to 30,	"	inclusive.

All persons who have not heretofore enrolled before the Dawes Commission should appear and enroll. Parents and guardians can enroll their families and wards.

TAMS BIXBY,

FRANK C. ARMSTRONG,

A. S. MCKENNON,

THOS. B. NEEDLES,

Commissioners.

Printed Notice.

(Copied by BEW, March 29, 1934.)

Telegram,

Muskogee, Indian Territory,

November 1, 1897.

Honorable

Secretary of the Interior,

The Commission respectfully request that the Indian Agent at Union Agency be ordered by wire, to exercise his authority in aid of the Commission in taking a census and making rolls of Creek citizens, by securing for its use copies of rolls now existing, and by ordering all members of the tribe to appear before the Commission for enrollment at Muskogee, and at such other places as the Commission may select, and to further aid the Commission from time to time as may be deemed necessary and expedient.

Tams Bixby Actg Chairman.

Copy signed telegram.

(Copied by BEW, March 29, 1934.)

Telegram.

Washington D. C. November 2, 1897.

Hon. Tams Bixby,

Actg Chairman, Muskogee, Ind. Tery.

Agent Wisdom is to-day instructed to cooperate
with and assist you as you request.

Thos. Ryan,

Actg. Secretary.

Notation:

(Accordingly, Indian Agent Wisdom issued the following order):

ORDER OF INDIAN AGENT WISDOM DIRECTING CREEKS TO ENROLL.

DEPARTMENT OF THE INTERIOR,
U. S. INDIAN SERVICE,
Union Agency, Muscogee, Indian Territory,
November 3, 1897.

To the Citizens of the Creek Nation, Indian Territory:

You are hereby notified that I have received the following order from the Commissioner of Indian Affairs, dated at Washington, D. C., November 2, 1897:

"To D. M. Wisdom, Agent, Muscogee, I. T.:

"You are directed to exercise your authority in aid of the Dawes Commission in taking a census and making rolls of Creek citizens by securing for its use copies of rolls now existing and by ordering all members of the tribe to appear before the Commission for enrollment at Muskogee or such other places as the Commission may select, and to further aid the Commission from time to time as may be necessary and expedient.

(Signed) W. A. Jones, Commissioner."

You are further notified that Section 2058, Revised Statutes, page 362, reads as follows:

"Each Indian Agent shall, within his agency, manage and superintend the intercourse with the Indians, agreeably

to law; and execute and perform such regulations and duties, not inconsistent with law, as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the Superintendent of Indian Affairs."

And you are also informed that the Dawes Commission has made the following appointments for taking the census of your people; and that said Commission will be present at the dates indicated for the purpose of enrollment:

At Muscogee, November 8th to 30th, inclusive;

At Wagoner, November 8th to 13th, inclusive;

Eufaula, November 8th to 13th, inclusive;

Sapulpa, November 15th to 20th, inclusive;

Wetumpka, November 15th to 20th, inclusive;

Okmulgee, November 22nd to 30th, inclusive.

Now, therefore, in compliance with the orders of the Commissioner of Indian Affairs; and, by virtue of the authority vested in me by the statute above quoted, you are hereby directed - each and every one of you - if you have not already enrolled your names, to meet the said Commission at the nearest place above designated, and there give in your names to said Commission, and the names of all minors under your charge, in order that a complete and accurate census of the Creek Nation may be taken.

The above order is imperative, and it is binding upon me and upon you as wards of the Government. It is the voice of the President of the United States, speaking through the head of the proper Department having jurisdiction over

this matter, and it is your duty to obey it, and it is my duty to enforce it, and it will be enforced in the exercise of my said authority, and you are hereby warned - citizens and non-citizens alike- that no interference with said enrollment will be permitted, either by any overt act, or by any one appearing on the ground where the enrollment is being made who may persuade or by false representations induce citizens not to give in their names for enrollment.

The Act of Congress which created the Dawes Commission is the law of the land, and it provides distinctly that this enrollment shall be made, and any act of Congress has as much force in the Indian Territory, and over its people, as in any of the States of the Union and over the people of said States; and I therefore notify you that the enrollment contemplated by the Act of Congress will be proceeded with and consummated in all of the Five Civilized Tribes under such necessary regulations as the Secretary of the Interior may prescribe and the Dawes Commission may adopt in pursuance thereof, and it is my duty to aid and assist said Commission in carrying out any lawful method which it may devise to secure an authentic roll or rolls of the Five Civilized Tribes.

Policemen attached to this agency will be detailed to attend tsaid places of enrollment, and to aid in the preservation of the peace, and to arrest all disturbers thereof, and they will be directed to use their influence in securing said enrollment, and they will be further directed to arrest

all persons- without regard to race or nationality- who may attempt to defeat in any way - either by word or deed- the taking of the census herein indicated.

I further deem it my duty to say that, in giving in your names for the purpose of this census, you do not commit yourself to any measure of allotment of your lands in severalty, and any statement to the contrary is an absolute falsehood and a lie out of whole cloth, and you must not be deceived thereby.

The taking of this census is a cheap and accurate mode of obtaining the number of your people. It is paid for by the Government, and the work is done by experts who have no interest whatever in making a false enrollment, and you ought to profit by the opportunity which is afforded you to obtain an accurate census of your people, and I respectfully conjure you to heed my advice and to obey my order herein, and thereby prevent the Government from taking more extreme measures to secure said enrollment.

Very respectfully,

D. M. Wisdom,

U. S. Indian Agent.

Printed document.

(Copied by BEW, March 29, 1934.)

(Message of Honorable Isparhecher, Principal Chief of the Creek Nation, delivered to the National Council assembled in extraordinary session November 22, 1897):

To the National Council:

You have been convened in extraordinary session in order that you may resume and continue to completion at least some of the more important business which by reason of adjournment you failed to conclude at your last session. The most important to us as a people, and which you have not as yet satisfactorily disposed of, is the question of the division in severalty of our lands, as proposed by the Dawes Commission. Your Commission for that purpose concluded an agreement with the U. S. commission which failed to meet both your and my views of the requirements of the best interests of our people.

When your preference in the matter was made known by your almost unanimous vote, rejecting the proposition, I at once suggested to your honorable body the question of the expediency of inviting the Five Civilized Tribes of the Indian Territory to co-operate in an attempt to erect one general Indian government for the common government and protection of all the tribes of the Territory.

Such a scheme being in line with the policy of the United States, should, if faithfully and honestly embraced

by the tribes, enlist their warmest sympathy and co-operation, if they are true to their professions. A somewhat similar government is already authorized and contemplated by the treaty of 1866, and was, some twenty-six years ago, attempted by all the tribes assembled at this place, by proposing a constitution to the various tribes for ratification. It failed of ratification then, although we had the heartiest co-operation of the United States government. But now we have passed through the experiences and civilizing influences of twenty-six years of political life, it has been my hope that the people should feel that they may now safely and wisely make the venture. As in the case of the agreement just defeated, however, you also thought it wisest and best not to adopt the suggestion. In the midst of circumstances of so much seriousness and gravity, it cannot be that your recent actions on these momentous questions arose from sheer love of controversy, debate, or the adherence to the petty interests of party politics, but from an earnest and honest difference of opinion respecting the course best to be pursued in the endeavor to preserve the best interests of our people.

I trust that this spirit of earnest, honest effort without the asperities of personalities, which too often enter the counsels of men in times of great trouble, will continue to actuate you in all you do until you shall evolve some course of action at your present session that will give promise of an intelligent solution of the difficulties confronting our nation.

It may not be inappropriate to remind you here that only 39 days remain when according to a late act of Congress, our judiciary, the great corner stone of our governmental structure, the same that was solemnly guaranteed to us by what should be the sacred word of the United States government, will be brushed away unless some action is taken in the mean time to avert or modify the impending calamity.

In this connection I may assure you that I have no occasion for changing my former views respecting the wisdom of testing our rights before the highest judicial tribunal of the United States. I cannot believe that the august tribunal when properly approached with the question will decide that the question of citizenship in our nation or the continued life of our judiciary may, against our earnest protests and the terms of solemn treaties, be adversely determined by a law of Congress.

Another matter that should not be overlooked by you is the subject of a correct census of our people which is being taken by the Dawes Commission. Your last session took no action that might be promulgated as advice to the various towns with respect to this matter; but many without your or my advice have enrolled their members with said Commission, and I suggest that you take such official action on the subject as may be sent out to all the towns as your advice in the matter. The object of the census as I understand, is for the purpose of ascertaining the correct number of our bona

fide citizens so that in the event of a division of our lands and other property interests only citizens may receive a share.

To protect and manage your varied interests herein pointed out, and to represent you in the questions that may yet arise during the time intervening between this and the close of the Congress of 1897-8, I am free to advise you that you provide what you shall deem to be a good representation or delegation to visit, remain and act as such at the city of Washington during the ensuing session of Congress. We have maintained such representation in the past when there seemed not to be so imperative a necessity for it, but feel that in this instance the need for a determined and energetic defense of our rights is of pressing importance, and no false or mistaken economy should deter you from making the amplest pecuniary provision for the work. These, if appointed, should be provided with clearly determined powers and instructions explicitly expressed by your honorable body.

It will be remembered that as a measure of protection of the finances of the nation prompted by consideration, satisfactory to myself, I suspended E. B. Childers from the office of National Treasurer, and appointed in his stead N. B. Moore. You are aware that Mr. Childers in his proposed settlement, offered as balance of cash previously reported by him as remaining on hand, certain national warrants,

auditors certificates and court scrip, check and so forth, some of which your committee refused to accept as valid obligations of the nation, being satisfied of their fraudulent character. I, as well as the people whom you serve, will expect you to leave nothing undone to bring this matter to a fair and just settlement. No part of the people's money should be lost on account of partiality or negligence on your part in this or any other case. Some two years ago you had a somewhat similar case before y u but succeeded in effecting an immediate settlement without the loss to the nation of a single cent. And I must insist that in this case you take active, energetic efforts to reach, at an early date, an equally just and satisfactory adjustment of this deplorable affair.

Trusting that you will address your efforts and energies only to such matters and things as are herein suggested, and which may hereafter be brought to your attention by special communication, and that the shortness of time and the importance of the occasion will impel you to wise and harmonious action,

I am your obedient servant, ISPARHECHER.

(Endorsed on back: Copy of Isparhecher's message to National Council Nov. 22, 97.)

(Copy D. S.)

(Copied by BEW, March 29, 1934.)

Muscogee, Indian Territory, Dec. 6, 1897

Hon. Isparhecher,

Principal Chief Muskogee Nation,

Okmulgee, Indian Territory.

Sir:

I have the honor to acknowledge receipt of your communication of the 2nd inst., inclosing copies of action of the Creek Council with reference to the treaty or agreement made between this Commission and the Commission on the part of the Creek Nation, for which please accept my thanks.

Very respectfully,

(Signed) Tams Bixby

Acting Chairman.

Letter-book copy L. S.

(Copied by BEW, March 29, 1934.)

EXECUTIVE OFFICE,
MUSKOGEE NATION.

Okmulgee, I. T.

Dawes, Creek, Agreement Rejected

Whereas, The Commissions heretofore appointed by the Muskogee Nation to prepare a treaty with the United States, through its Commissioners appointed for that purpose and to present same to the Muskogee Nation through its National council, for ratification or rejection, have presented an agreement duly signed by the said Commissioners on the part of the Muskogee Nation and by the said Commissioners on the part of the United States and dated Sept 27, 1897 and

Whereas, The said agreement is unsatisfactory to the Muskogee Nation

Therefore, Be it Resolved by the National Council of the Muskogee Nation: - That the said agreement or treaty is hereby rejected.

Be it Further Resolved:- That a special joint committee to be composed of two members of the House of Kings and three from the House of Warriors to be elevated by a vote of their respective Houses, be created whose duty shall be to prepare an answer to the Commission on the part of the United States, setting forth the reason why the National council of the Muskogee Nation has rejected the said agreement and also

to prepare and submit to the present session of the National Council, to be submitted to the United States a proposition in relation to a change of tribal conditions of the Muskogee Nation.

Adopted- Oct. 18, 1897,

Alex Davis Sp H, of W,s pro

A, P, Mck

Clk

Concurred in

G, A, Alexander

Pres, H, of, Kings.

J. H. Alexander

Clk pro-tem

Approved Oct 18, 1897. Isparhecher

Prin, Chief M,

Copy D. S.

(Copied by BEW, March 29, 1934.)

Okmulgee, I. T.

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

That in view of the fact that the agreement or treaty entered into between the United States and the Creek Nation by Commissioners duly authorized thereunto on the 27 day of Sept 1897 was by joint resolution of the National Council rejected as unsatisfactory to the Creek people it is deem proper that the reasons for such rejection should be publicly stated. The most powerful consideration which induced the Creeks to remove from their country east of the Mississippi, to their present home, was the fact that the United States guaranteed them the unrestricted right of self government, and the peaceable occupancy of their country until they shall of their own accord make such changes in their relations to the United States as they may deem for the betterment of their condition. It is necessary to recite a few well known portions of the Treaties now existing between the Creek Nation and the United States, in order that the public may properly understand the guarantees upon which we have so far existed as a self governing nation.

Art 111. Treaty of 1834 "The United States will grant a patent in fee simple to the Creek Nation of Indians for the land assigned said Nation by this Treaty or convention, whenever the same shall have been ratified by the

President and the Senate of the United States; and the right thus guaranteed by the United States shall be continued to said tribe of Indians so long as they shall exist as a Nation, and continue to occupy the country hereby assigned to them.

Art 1V. Treaty 1856 The United States do hereby solemnly agree and bind themselves, that no State or Territory shall pass laws for the government of the Creek or Seminole tribes of Indians, and that no portion of either of the tracts of country defined in the first and second articles of this agreement shall ever be embraced or included within or annexed to any Territory or State: nor shall either or any part of either ever be erected into a Territory without the full and free consent of the legislative authority of the tribe owning the same

Art XV of the same treaty guarantees to the Creeks the unrestricted right of self government and full jurisdiction over persons and property within their respective limits excepting however all white persons and property within their property etc.

"The United States and the Creek Nation had a wise, definite and benevolent policy" in the grant of their lands west of the mississippi; That policy as to secure to the Indians a civilized, self governing prosperous and christian people through laws to be enacted by thier tribal

legislature and adjudged and enforced by their tribal courts vide senate report No, 281, 52 Congress First Session.

That the result of this policy would untimately break our tribal government and end in the absorption of our people by the great body of the citizens of the United States, is not denied .. The only and final question to be decided, now is, has the time actually arrived when that policy can be consumated at once, without detriment to the best interests of the Creek people. All these questions are subordinate and merely incidental to this one great question. It is proper to recite briefly a portion of the history of the Creeks prior to the late civil war between the states , the Creeks were farmers and herdsman, and a very respectable portion of them were slave holders. They lived an easy and rather careless life . Education was not deemed of such high importance then as now. This was also true of slaveholders of the southern states. When the civil war broke out, our country was located between the contending forces. Our people in self defense abandoned their homes, and their property and fled, some joining the union army, and others siding with the Confederacy. Thus was our country completely abandoned, and all our property became a prey to speculators who followed the two great armies, solely for gain. At the close of the war when we returned home, we found our country a vast wilderness. Our stock had all been driven away, our houses and fences had been burned by prairie fires, and our

former places of residences were almost unrecognizable. Thus began a struggle for existance. In a country without money, every body epuallyas poor as his neighbor and no rail-roads nor towns to bring trade or produce to markets, we were indeed pioneers. For nearly ten years there were no rail-roads nor towns in our country. We however established a few neighborhood and Boarding schools which offered only a few of our children the advantages of an education. We were in this condition, when in 1889 we sold Oklahoma to the United States government, and of the proceeds of said sale we deposited with the government \$2,000,000,00 as a permanent fund and from the interest thereon we set apart a permanent additional fund of \$50,000,00 per annum. We then immediately erected larg er brick and frame school buildings and increased our neighborhood schools to thrice their former number. Out of a total increase of \$160,000,00, we expend \$84,000, annually for educational purposes alone. Every child of school age has now a chance of acquiring an education absolutely free to himself and parents.

We do not beleive that this system of education can be replaced by one better suited to our people. We have in this Territory five separate local governments neither one nor two of which can constitute a state sufficiently large to be admitted by Congress. The movement toward a change of government in the Indian Territory, should be simultaneous in all these Nations. The Treaties made with these Nations

should be uniform in principle and equally protective of their interests.

We will be the principal beneficiaries, of any good that may result from a change of government and we alone will suffer from the confusion and hardships which will necessarily follow the immediate breaking up of these tribal governments against our protests.

The Congress of the United States has at no time been burdened with petitions from the great body of the white people in our country complaining of grievances or asking for a betterment of their conditions nor has any complaint gone up to congress from the Indians of the Territory. It is therefore incomprehensible to us why this great pressure should be brought to bear upon us for the breaking up of our country. The Commissioners on the part of the United States have threatened us with disruption in our government if we do not by treaty at once agree to allot our lands and surrender our right of self-government. The congress of the United States passed an act (Indian appropriation Bill approved June 7 1897) depriving us of the jurisdiction guaranteed to us by treaties, after January 1, 1898.

With this flaming sword as an everlasting threat hanging suspended over us by, as it were, a single thread,. Our commissioners were induced to sign the agreement of Sept 27 1897 . This a repition of the coercion under which our delegates signed the Treaty of Fort Smith in 1866 by which

we agreed to sell Oklahoma one half of our country, comprising over 3,000,000 acres of land at 30 cents per acre, there might have been some slight excuse at that time in using coercive measures but now thirty odd years since that great conflict ended, we have the right to demand justice and fair play. It has been announced to be the purpose and desire of the United States to protect the interest of the majority of the people of our country in devising a plan for the allotment of lands and in the admission of our people into citizenship of the United States, upon a thorough understanding of the intent and scope of the treaty as interpreted, and explained by our commissioners, the treaty was rejected by a large majority of the members of the council. No people can be accused of improper motives in an earnest desire to thoroughly consider their condition and endeavor to stand by their principals of government, which have brought them prosperity and contentment in the past. In the position which we take we rely upon the honesty and fair mindedness not only of the commissioners of the United but of the distinguished members who compose the two houses of congress

Approved Nov, 3 1897

Isparhesher

Principal Chief, M, N,

M,McI,

acting Private Secretary

Okmulgee, I.T., Dec. 22nd, 1898.

Hon. A. S. McKennon
of the Dawes Commission.
Muscogee, I. T.

Dear Sir:

I herewith enclose a resolution of the Creek council just adjourned inviting your commission to meet at this place for the convenience of our people in the matter of enrollment. It will be a great hardship to our people to go long distances for this purpose at this season, and it is believed that it would greatly expedite the work of enrollment if done at this place. Besides, our council has taken definite action toward the negotiation of an agreement with your commission, having created a Creek commission of seven men for that purpose, and it is thought that this work can be conducted at the same time that enrollment of citizens is proceeding. Our commission will meet here on the 4th day of January 1899 to complete its organization at which time we will expect to know whether or not we may expect your meetings at this place, and for that purpose I would ask that you kindly communicate with Mr. G. W. Grayson of Eufaula our temporary chairman giving him the desired information for the use of the commission at its meeting on Jan. 4th next.

Very Respectfully

D. C. Watson

Priv Secy

(signed) Isparhecher

Princl. Chief M. N.

MUSCOGEE (CREEK) NATION

A joint resolution to invite the Creek and Dawes commissions to hold their sessions in Okmulkee.

Be it resolved by the National Council of the Muscogee Nation, That the Creek and Dawes' commissions are hereby respectfully requested to hold their sessions at Okmulkee while engaged in the negotiation of an agreement and completing the enrollment of the citizens of the Muscogee Nation.

Approved 12/21/98

Isparhecher

Princl. Chief M. N.

D. C. Watson

Priv. Secy.

Copy of resolution attached to Dawes Commission file No. 1805 in files of Superintendent of Five Civilized Tribes, Muskogee, Oklahoma.

Muskogee, I.T. July 28, 1898.

To the Hon. Dawes Commission.

The mass of we Indian people, favor allotment of all of our lands, and a final adjustment of our affairs in an equal division to each of us, under the "Curtis Bill" provided we do not have to pay for Surveys as preferable to the "Creek Amended Treaty". A change of our government to the full protection of the of the U.S. Government, we cannot serve two masters. This is our only remedy for betterment and equal justice and put a stop to this illegal transactions in our lands. We believe you will treat us fairly in spite of leading individuals, and combines, that have ruled this country so long for their own benefit. How you are to manage against these fellows is not clear to us. The unwise and mismanagement of our indian government is well known. The masses of we poor powerless ones derive but little or no benefit as matters and conditions of our country now stand. **The** large land holders are a menace to allotment and have been obstacles to delay and defeat legislation for allotment. They are now at work to intimidate indian citizens from selection of their allotment inside of their inclosures unless we submit to their unjust demands, we do not want to buy our lands, from them. Some of these large inclosures are illegally held. The contract pastures have or about expired. Many of us are afraid to speak out.

Yours in confidence,

A Creek Citizen by blood.

(Endorsed) # 578, Commission to Five Tribes, Muskogee, Oklahoma. Received Jul. 30, 1898. Anon Muskogee, July 28/98. Relative to ratification of treaty in Creek Nation.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

Dec. 10th 1898.

Hon. Tams Bixby,

Member of Commission to the

Five Civilized Tribes.

Sir:

Herewith you will find a letter from one A. H. Mike, which has been duly acknowledged by the Department and the same is referred to the Commission to the Five Civilized Tribes for its information.

Respectfully,

Thos. Ryan.

Acting Secretary.

Ind. Ter. Div.
1044-1898.

(Endorsed) # 1737, Commission to Five Civilized Tribes, Muskogee, Oklahoma, Received Dec. 19, 1898. Department, Dec. 10, 1898.
Refers a communication from A. H. Mike.

Muscogee, Ind.Ty.

Dec. 2, 1898

Hon. Cornelius A. Bliss,

Sec. Int. Dep't.

Washington, D. C.

Dear Sir:--

We (The Creek Indians) have rejected treaty entered into by the Dawes and Creek Commissioners for the simple reason that, by said treaty our people would be able to sell their lands, and the poor and ignorant classes, who are in the majority, would soon be swindled out of their property: and also because we as Indians would not be given justice under the treaty.

There is another movement on foot here, by the half-breds(Sic) with the aid of the whites to make another treaty. We are against such a move, we would rather have the authorities at Washington administer (Sic) our affairs for we expect justice at your hands, which we believe you, only, will give.

And now I (A.H.Mike) in the name of my people, justice and right beg you to exert your influence keeping the authorities at Washington from sanctioning another treaty.

Trusting that you will treat my request kindly, I am,

Yours Respectfully

A.H.Mike.

Muscogee, Ind.Ter.

MUSCOGEE (CREEK NATION.

A Joint Resolution.

TO...invite the Creek and Dawes Commissions to hold their
sessions in Okmulgee.

BE IT RESOLVED BY THE NATIONAL COUNCIL OF THE MUSCOGEE NATION,

That:

The Creek and Dawes' Commissions are hereby respectfully requested to hold their sessions at Okmulgee while engaged in the negotiation of an agreement and completing the enrollment of the citizens of the Muscogee Nation.

Approved 12/21/98.

Isparhecher

Prin. Chief M.N.

D. C. Watson.

Priv. Secy.

EXECUTIVE OFFICE MUSKOGEE NATION.

Okmulgee, I.T. Dec. 22, 1898.

Hon. A. S. McKennon
of the Dawes Commission.

Muskogee, I.T.

Dear Sir:

I herewith enclose a resolution of the Creek council just adjourned inviting your commission to meet at this place for the convenience of our people in the matter of enrollment. It will be a great hardship to our people to go long distances for this purpose at this season, and it is believed that it would greatly expedite the work of enrollment if done at this place. Besides, our council has taken definite action toward the negotiation of an agreement with your commission, having created a Creek commission of seven men for that purpose, and it is thought that this work can be conducted at the same time that enrollment of citizens is proceeding. Our commission will meet here on the 14th day of January 1899, to complete its organization at which time we will expect to know whether or not we may expect your meetings at this place, and for that purpose I would ask that you kindly communicate with Mr. G. W. Grayson of Eufaula our temporary Chairman giving him the desired (Sic) information for the use of the commission at its meeting on January 4, next.

Very respectfully,

Isparhecher

Principal Chief M. N.

D. C. Watson.

Priv. Secy.

N. M. 1895

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Presuming that this matter would in any case, be left to the discretion of your commission, I have not transmitted certified copy to the president for his approval.

Very respectfully,

D. C. Watson.

Priv. Secy.

(Endorsed) # 1805, Received Dec. 27, 1898, Commission to Five Tribes. Isparhecher, Okmulgee, 12/22/98. Encloses a resolution of Creek Council to Dawes Commission visiting Okmulgee.

EXECUTIVE OFFICE.

MUSKOGEE NATION,

December 22nd, 1898.

I, ISPARHECHER, 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 DECEMBER , 1898, session, and approved by me in my official character on 21st of DECEMBER 1898, and I do hereby submit the same for the approval of the President of the United States under the provisions of the Act of Congress of June 7, 1897 (30 Stats., 62, 84), entitled, "An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes."

IN WITNESS WHEREOF, I have hereunto signed my name as Principal Chief of the Muskogee Nation on this the 22nd day of DECEMBER, 1898, and caused the great seal of the Nation to be affixed.

Isparhecher.

PRIN. CHIEF MUSKOGEE NATION

ATTEST:

D. C. Watson.
National Secretary.

EXECUTIVE MANSION,

Washington.....189.....

Approved:

COX & GIST,
Lawyers,

Sapulpa, Ind. Ter.,
Jan. 24, 1899.

Hon. Tams Bixby

Pres. Dawes Comm.

Muskogee, I.T.

Sir:

I have the honor to acknowledge the receipt of your favor of the 21st Inst. assuring me that our petition for the location of a U.S. Court by Treaty stipulation at Sapulpa will receive due consideration when the proper stage of the commission's deliberation is reached for which accept my thanks.

I am my dear sir by their simple assurance emboldened to make it the subject of a personal and confidential communication to you on our behalf of the people of this locality, and if further apology is necessary it may be readily found in what I am about to relate.

The utter isolation of the region of country surrounding this town can at once be seen by a glance at the map of the Ind. Tery. and since the extension of the Frisco Railroad placing us in direct communication with Oklahoma thereby affording increased facilities for illicit trading in whisky which at all times flows like a river over a district of country more than 100 miles square in extent, renders drunkenness ludeness and gaming far from being the exception, but the rule by day and by night.

The visits of Federal officers to "these parts" are few and far between, usually their mission is simply to serve a paper

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of small importance, and when it is a subpoena for some one to appear before the grand jury, then the devils take warning, and catch the first train going east ~~on~~ west and sometimes double on their track, always leaving an innocent on guard to apprise them of danger impending--real or imaginary.

Not over two weeks since this town in the darkness of the night time was completely at the mercy of a howling drunken mob. Notwithstanding it is incorporated under the Arkansas Stateute, its impotency in protecting life and property is only too apparent, while the effort of its officers to preserve order and enforce the law is almost if not quite futile. These people have been so long from under the influence and restraint of law, that it requires a heavier and stronger hand than can be put forth by defacto officers of a quasi corporation to bring them into subjection, and suppress the liquor traffic gaming, open and notorious ludeness-. It is utterly impossible for a farsical municipal government with nothing you may say behind it to afford even meager protection to its citizens, and the result is that the better class--I mean the law abiding residents--are completely at the mercy of the lawless, and dare not say a word. Besides when they are called ~~on~~ compelled to go to court either to transact their business or seek redress of grievances--they --many many of them at least must go over a 100 miles through a country without any well defined roads, and unbridged water courses, which rather than encounter in numerous instances they sit down and quitly (Sic) submit to any and all sorts of indignities oppressions and injuries thosometimes--indeed too often perhaps--appeal to their win-

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chester rifle for redress rather than make a pilgrimage to the nearest court of justice more than a hundred miles distant when alone they have any show of legal protection or to invoke the courts interference on their behalf--Then again the expense of so long a journey together with court costs prevents and deters good people from appealing to them for relief. Hence the necessity for establishing here a better order of things is at once apparent.

You will perceive that this appeal is made in the interest of law and order together for better business facilities, and not for the ulterior purpose of subserving pecuniary interests which may follow collaterally the location of a court here.--And by which alone other communities who are solicitous of getting a court are actuated, I do not however wish to impunge the motive of others, but the facts are that they are already supplied with, or are within a stones throw of all the tribunal necessary for their convenience and protection, without any impediment of access on such at least as that which confronts the people of this town, and surrounding country.

This my dear sir is but an epitome of the reasons and necessities for a court at this place, but which it is hoped may be sufficient to induce favorable action on our behalf by both Commissions, I have the honor to be,

Very respectfully,
Your obt. Svt.

W. R. Gist.

(Endorsed) # 2175 Received Jan. 25, 1899. Commission to Five Tribes. Muskogee, I.T. W. R. Gist. Sapulpa, I.T. 1/24/99. Rel to the establishing of a court.

Feb. 4, 1899

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OFFICE OF
John H. King, Attorney at Law,

Will practice before the different
departments of the Government, and Supreme
Court of the United States.
Claims before congress a specialty.

House Address: No. 7 H St. N.W.
Office: Glover Building.

State Agent for South Dakota.
Home Office:
Chamberlain, S.D.

Hon. Tams Bixby,

My Dear Sir:

Your telegram recd much obliged. I wish you would do me the favor to telegraph me at my expense the minute you have agreed in the Creek agreement and then do me the further favor to write briefly its new modifications with any suggestion you can make as to the date of the Election of the Creeks. Time is becoming uncomfortably close and I fear they do not appreciate the Danger of delay.

Yours truly,

John H. King.

(Endorsed) Union Agency No. 2292 Recd. Feb. 4, 1899 J. H. King, Washington D.C. Jan. 28, 1899----Rel. to the Creek Treaty.----

EXECUTIVE OFFICE MUSKOGEE NATION

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Okmulgee, I. T.
March 23, 1899

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

Sir:

I herewith forward for submission to the Present for his approval the acts of National Council which convened on the 15th and adjourned on the 21st instant. That body was called for the purpose of canvassing the votes cast in the recent election on the question of the adoption of the agreement recently concluded between the Creek and Dawes Commissions, and announcing the result; and to consider such other urgent business as might come before it. While you are doubtless fully aware of the action of the Council, it is perhaps proper for me to state as I do, that in consequent of the very meagre information of the voting population of the terms of the agreement, and the failure of the blank returns to reach all of the several precincts in time, the delay in transmission being caused by the almost unprecedented cold weather which prevailed, some seven or eight precincts failed to hold an election. For this reason it was deemed wisest by the Council not to count the votes as cast; since whatever the result would be, there would remain grounds for dissatisfaction. While the belief seems quite general that the agreement has been ratified, it has nevertheless been decided to submit it another vote when all can participate in it understandingly. I have therefore called

an election thereon for the 1st of May, after which namely on the 9th, the Council will meet to canvass, count the votes and announce the result.

I have the honor to be

Very Respectfully

Isparhecher

Prin. Chief, M. N.

H. M. Hargis (Signed)
Private secretary

A. L. S.
No. 463

Endorsement: Isparhecher P. C. M. N. Okmulgee, 3/23
Transmits acts of Creek National council No. 1-21

AN ACT

TO DIRECT THE PRINCIPAL CHIEF TO REQUEST ON BEHALF OF THE CREEK NATION THAT THE ENFORCEMENT OF THE CURTIS LAW IN THE CREEK NATION BE DEFERRED UNTIL ACTION ON THE RECENT CREEK AGREEMENT BY CONGRESS CAN BE HAD, AND FOR OTHER PURPOSES.

Be it enacted by the National Council of the Muscogee Nation, That Whereas the failure of the agreement made and entered into by the Dawes Commission on the part of the United States, and the Creek Nation to receive attention by Congress has left the affairs of said nation in an unsettled and almost chaotic condition, and Whereas, it is the earnest desire of the members of the said Creek Nation to defer the enforcement of the terms of the Curtis Act until action by Congress can be had on the agreement made with the Dawes Commission, and

Whereas, a strong effort by interests other than the Creek Nation is being made to utilize the unoccupied portion of our public domain amounting to about one & a half millions acres of land which if successful, will in our opinion complicate and retard the just, speedy and satisfactory allotment of our lands, Therefore, the principal Chief is hereby authorized and directed to request on behalf of the Creek Nation, that the enforcement of the provisions of the Curtis Act in the Creek Nation be deferred until action by Congress can be had on the agreement made on the 1st of February, 1899, between the Creek Nation by its commission and the Dawes Commission representing the government of the United States.

Be it further enacted, the Principal Chief be further empowered and directed to enter on behalf of the Muscogee Nation, protest against the further introduction of foreign cattle into said nation, and against the leasing by individuals of said tribe of any portion of the unoccupied domain of the Creek Nation either for themselves or for non-citizens. In the event the Secretary of the Interior shall deem it wisest to utilize the unoccupied grazing lands of the Creek Nation by the occupancy thereof with cattle, then in that case, the Principal Chief is hereby authorized and directed to urge that such leases be made directly with the said Creek Nation to extend only until the 30th of November, 1899, all royalties arising therefrom being for the benefit of the whole Creek Nation.

Be it further enacted that the Principal Chief be, and is hereby authorized and directed to adopt such steps as will cause these resolutions to be properly presented to the Secretary of the Interior at the earliest possible date.

Adopted March 18, 1899.

A.P. McKELLOP,
Clerk.

Wm. A. SAPULPA
Spkr. House of Warriors.

J.A. Alexander,
Clerk.

Concurred in March 20th, 1899.
G.A. Alexander
Prest. House of Kings.

T.E. PROCTOR,
Acting Private Secy.

Approved March 20th, 1899,
ISPARHECHER
Prin. Chief. M.N.

EXECUTIVE MANSION, Washington, Apr. 11, 1899
Disapproved; WILLIAM McKINLEY.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington,

April 3, 1899.

The Honorable

The Secretary of the Interior.

Sir;

Enclosed herewith is a report of March 22, 1899, from Inspector Wright, transmitting an act of the Creek Council authorizing the Principal Chief to request, on behalf of the Creek Nation, that the enforcement of the Curtis law in that Nation be deferred until action on the recent Creek agreement by Congress can be had and for other purposes. The Department has heretofore advised the Creek authorities through the Inspector that it had no discretion in suspending the Curtis act until some other law is passed by Congress or an agreement is reached and ratified with the Creek Nation suspending the operations of the act.

The Creek agreement is pending in Congress and by that agreement it is provided to make allotments to the citizens of the Nation granting to them all the title in the land, mineral or otherwise, embraced within their allotments. The Curtis act authorizes the leasing of mineral lands in the Creek and Cherokee Nation under rules and regulations to be prescribed by the Secretary of the Interior. These leases, if they were made for the limit of time authorized by the law, might interfere with the granting of title to the allottees under the agreement should it be ratified. But on examination of the law, it will be seen that unlike the Choctaw and Chickasaw agreement, the time for which a lease is to run is not fixed, but it is provided that they shall

be for a period no longer than fifteen years. Of course, under this provision, a lease in the Creek or Cherokee Nation for mining purposes may be made for a less period than fifteen years. This office does not therefore see that any harm will be done by the execution of section 13 in the Creek and Cherokee Nations, with a provision in each contract of lease that it shall run for fifteen years unless by a duly ratified agreement with the Indians or by law of Congress, the allottees become entitled to the mineral in allotments, when the lease shall expire on the completion of individual allotments or the issuance of patents by the proper authorities to the allottees.

This, it is thought, is the only provision in the Curtis act which in its execution, pending the ratification of the agreement, would work any serious hardship or create confusion, and if executed as above suggested, even this danger would be obviated.

The office is therefore of the opinion that the Creek authorities should be advised that there will be no unnecessary delay in the execution of the Curtis act in the Creek Nation on account of the pendency of their agreement, but that in such execution the Department will endeavor to so carry out the law as not to embarrass or confuse future titles or rights in the Nation, in the event of the ratification of the pending agreement.

With respect to the matter of permitting the Creek Nation itself to make leases for grazing purposes and to prohibit individuals from leasing, it is suggested that the Department has no power to do such things, and that by so doing, it would itself

violate the law.

Very respectfully,
Your obedient servant,

A.C.TONNER,

Acting Commissioner.

The President,

Sir;

I have the honor to submit herewith for executive action, under the provision of the Act of Congress approved June 7, 1897, (30 Stat., 62-84), an act of the National Council of the Creek Nation entitled, "An Act to direct the principal Chief of the Creek Nation that the enforcement of the Curtis law in the Creek Nation be deferred until action on the recent Creek agreement by Congress can be had, and for other purposes."

Said Act in its preamble recites the failure of Congress to take action upon the agreement made with said Nation of February 1st last, and the attempt by non-citizens "to utilize the unoccupied portion" of the public domain of said Nation, and it then directs the Principal Chief to request "that the enforcement of the Curtis Act in the Creek Nation be deferred until action by Congress can be had" on said agreement.

The Act further directs the Principal Chief "to protest against the further introduction of foreign cattle into said Nation, and against the leasing by individuals of said tribe of any unoccupied domain of the Creek Nation either for themselves or for non-citizens," but if the Secretary of the Interior shall decide that the best interests of the Nation shall be subserved by leasing said unoccupied lands for grazing purposes, then such leases shall be made directly with the Creek Nation and terminate on November 30, 1899, the royalties arising from said leases to be for the benefit of the whole Creek Nation.

The U.S. Indian Inspector, in forwarding said Act, refers to sections 16 and 23 of the Act of Congress approved June 28, 1898, (30 Stat., 495) and the regulations issued thereunder by the Department on October 7, 1898. Reference is also made to executive action on "a similar Act, "which was disapproved on January 18th last, but, with reference to leasing mineral lands, the Indian Inspector recommends,

"that no mineral leases be entered into, as should same be granted and a subsequent agreement or law render them null and void, lessees would have gone to considerable expense in establishing plants, etc., without deriving any benefits therefrom; and, furthermore, might lead to complications and annoyance in allotting such tracts of land."

The Acting Commissioner of Indian Affairs, in forwarding said communication, calls attention to the fact that

"The Department has heretofore advised the Creek authorities through the Inspector that it had no discretion in suspending the Curtis Act until some other law is passed by Congress or an agreement is reached and ratified with the Creek Nation suspending the operations of the Act."

With reference to the leasing of mineral lands the Acting Commissioner suggests that under the provisions of section 13 of said Act of June 28, 1898, "the time for which a lease is to run is not fixed, but it is provided that they shall be for a period no longer than fifteen years," and he says that it (sic) does not appear,-

"that any harm will be done by the execution of section 13 in the Creek and Cherokee Nations, with a provision in each contract of lease that it (sic) shall run for fifteen years unless by a duly ratified agreement with the Indians or by law of Congress, the allottees become entitled to the mineral in allotments, when the lease shall expire on the completion of individual allotments or the issuance of patents by the proper authorities to the allottees."

In regard to the question of permitting the Creek Nation to make leases for grazing purposes and to prohibit individuals from leasing, the Acting Commissioner suggests, "That the Department has no power to do such things, and that by so doing, it would itself violate the law."

In view of the previous action of the Department and of the Executive in disapproving "a similar Act," on January 18th last, I have to recommend that said Act be disapproved.

A copy of the report of the Acting Commissioner, together with said letter of the Inspector, is enclosed herewith.

Respectfully,

(signed) E.A. Hitchcock,
Secretary.

Ind. Ter. Div.
960-1899.
3 enclosures.

DEPARTMENT OF THE INTERIOR,
Washington.

April 14, 1899.

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

Sir;

On the 8th instant the Department submitted to the President for executive action under the provision of the Act of Congress approved June 7, 1897, (30 Stat., 62-84), an act of the National Council of the Creek Nation entitled; "An Act to direct the principal chief to request on behalf of the Creek Nation that the enforcement of the Curtis law in the Creek Nation be deferred until action on the recent Creek agreement by Congress can be had, and for other purposes."

On account of the previous action of the Department and of the Executive in disapproving "a similar act" on January 18th last relative to the suspension of the Act of Congress approved June 28, 1898, (30 Stat., 495), the Department recommended that this act be disapproved. In the departmental letter recommending disapproval your recommendation was quoted;

"that no mineral leases be entered into, as should same be granted and a subsequent agreement or law render them null and void, lessees would have gone to considerable expense in establishing plants, etc., without deriving any benefits therefrom; and, furthermore, might lead to complications and annoyance in allotting such tracts of land."

The Acting Commissioner in reporting upon your said recommendation expresses the opinion that no -

"harm will be done by the execution of section 13 in the Creek and Cherokee Nations, with a provision in each contract of lease that it shall run for fifteen years unless by a duly ratified agreement with the Indians or by law of Congress, the

allottees become entitled to the mineral in allotments, when the lease shall expire on the completion of individual allotments or the issuance of patents by the proper authorities to the allottees."

You were directed by the Department on the 22nd ultimo to report -

"the number and character of the mineral leases made by the authorities of said Nations (Creek and Cherokee), the length of time they have to run under their tribal laws or customs; the amount of royalty agreed to be paid, and also whether the lessees are operating the mines under their leases or licenses, and also whether they have made valuable improvements upon the lands and the extent of the same."

You have advised the Department that the tribal authorities have been requested to make the report to you. As soon as said report shall have been received, the Department will then determine what action will be taken with reference to the mineral leases in said Nations. It is desirable that said report shall be made as soon as possible.

You will transmit the said departmental letter of April 8th recommending the disapproval of said act to the Executive Secretary of said Nation.

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

Said act will be transmitted to the office of Indian Affairs to be kept therein as heretofore.

Respectfully,

E.A.Hitchcock.

Secretary.

Ind.Ter.Div.

960-99.

2 enclosures.

Through the

Commissioner of Indian Affairs.

(Endorsed) Union Agency No.116 Received Apr.20,1899 Office of U.S.Indian Inspector for Indian Territory. Washington, April 14, 1899. Secretary.----Disapproves Act of Creek Nation relative to enforcement of Curtis Bill.----

December 12, 1899

Muscogee (Creek) Nation.

A N A C T.

To provide for pay of S. J. Haynes' services before the Dawes Commission.

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

That there be and is hereby appropriated out of the general funds, not otherwise appropriated, the sum of One Hundred Forty-four (\$144.00) Dollars in favor of S. J. Haynes to compensate him for services rendered the Nation under appointment from the Principal Chief in accordance with section 7, page 25 of law book edition 1893, to enter objections against non-citizens filing, for thirty-six days at Four (\$4.00) Dollars per day. The same to be paid out under such rules and regulations as shall be prescribed by the Secretary of the Interior.

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

(Endorsed) Union Agency, Muskogee, Oklahoma--a-53--Pleasant Porters
general letters.

DEPARTMENT OF THE INTERIOR,
Washington.

July 27, 1900.

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

Sir:

The Department is in receipt of your communication of the 18th instant, in which you transmit a letter from the United States Indian Agent at the Union Agency, dated the 17th instant, in reference to a certain temporary injunction granted by Hon. 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 the property of a Creek citizen.

You report that it appears from said Agent's letters and accompanying papers that a certain Creek citizen inclosed a tract of the public domain of the Creek Nation with wire fence prior to the selection of prospective allotments; that when said citizen made his selection he did not include the tract on which his fence was located, but which was selected by another citizen; that afterwards the citizen owning such fence was allowed a specified time to remove said fence and which he promised to do, but failed to keep his promise; that said 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 said Agent and other officers from removing or attempting to remove any portion of said fence.

You state that 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 besides that the tribal law allowed a citizen to go upon the public domain and make improvements thereon, which became a vested property right of such citizen which could not be taken from him, except by "due process of law," and that an act of Congress was not due process of law, and that said "Curtis Act" was inoperative because the Creek Nation had not entered into an agreement authorizing the allotment of their common property.

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

The Commissioner of Indian Affairs transmitted your said report and inclosures on the 25th instant, and states that the Indian Office has no information relative to the case other than that contained in your report, and no copy of the opinion rendered by Judge Thomas has been furnished, "nor is the office advised whether or not an appeal has been asked for on behalf of the Government."

-3-

He recommends that, "if the Department deems it proper," you be instructed to request the United States District Attorney for the Northern District of the Indian Territory to cause an appeal to be taken from said decision.

He further invites the attention of the Department to its letter of June 28th last, transmitting a copy of the opinion of the Assistant Attorney General for the Interior Department rendered on June 26th, same year, upon practically the same question, wherein said officer stated:

"Under the circumstances, I am of the opinion that

No action should be taken in the premises at this time, but that this Department should proceed with the administration of the act, leaving the question as to its constitutionality and the authority to proceed thereunder to be determined when it shall be raised in connection with some action taken in compliance with its requirements."

It does not appear in the papers before the Department that a final hearing has been had in the case. If final action has been taken by the court in which the court still adheres to the opinion that the act of Congress approved June 28, 1898 (30 Stat., 495), is "unconstitutional" and wholly inoperative in the Creek Nation, the Department is of the opinion that you should request the United States Attorney for said district to take an appeal to the proper appellate tribunal.

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

Respectfully,

Tho. R. Ryan

Acting Secretary.

Ind. Ter. Div.
2460-1900.
1 inclosure.

(Endorsed) Union Agency No.960 Received Aug.3,1900 Office of U.S.Indian Inspector for Indian Territory. Washington, D.C. July 27, 1900. Secretary.-----Attorney Inspector should request U.S.Attorney to take appeal from decision of Judge Thomas as to constitutionality of Curtis Act.-----

-2-

A N A C T

Appropriating Two Thousand Three Hundred twenty-four dollars to pay James R. Gregory, Mrs. Sue M. Rogers and Abraham Kernels for services rendered as representatives of the Creek Nation before the Dawes Commission.

Be it enacted by the National Council of the Muskogee Nation: That there be and is hereby appropriated, out of the general fund of the Muskogee Nation, the sum of Two Thousand Three Hundred & twenty-four (\$2324.00) dollars, being payment for services rendered by James R. Gregory, Mrs. Sue M. Rogers and Abraham Kernels, Committee to represent the Creek Nation before the Dawes Commission, at Muskogee, as follows:

James R. Gregory,	106 days at \$4.00 per day,	\$424.00
Mrs. Sue M. Rogers,	353 days at \$4.00 per day,	1412.00
Abraham Kernels,	122 days at \$4.00 per day,	488.00
		<u>\$2324.00.</u>

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

Adopted October 29, 1900.

A.P. McKellop
Clerk.

Amos McIntosh
Speaker House Warriors,

Concurred in November 3, 1900.

Lee McNevins
Clerk.

T.W. Perryman
President, House of Kings.

ATTEST:
W.S. Fears
Acting Private Secretary.
----Pleasant Porter--a-72----

Approved November 3, 1900.
P. Porter-Principal Chief.

DEPARTMENT OF THE INTERIOR,
United States Indian Inspector
For

D-1441-'00
Act No. 31.

Indian Territory,

Muskogee, Ind.T., Dec.10,1900.

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

Sir:

You are respectfully advised that an act of the National Council of the Creek Nation approved by yourself on December 3, 1900, and entitled -

"An act appropriating \$2324 to pay James R. Gregory, Mrs. Sue M. Rogers and Abraham Kernels, for services rendered as representatives of the Creek Nation before the Dawes Commission",

- was submitted by the Honorable Secretary of the Interior to the President of the United States for executive action on December 1, 1900, was duly approved upon the same date and has been placed on file in the Office of Indian Affairs at Washington.

Very respectfully,

J.Geo.Wright,

U.S.Indian Inspector,

for Indian Territory.

(Endorsed) Union Agency, Muskogee, Oklahoma.--a-72--Pleasant Porter's general letters.

CREEK - RELATIONS (FOREIGN)

EXECUTIVE OFFICE MUSKOGEE NATION

Okmulgee, I.T.

Dec. 15th, 1898

Mess. Tams Bixby

A.S. McKennon and

T.B. Needles

Commissioners,

Gentlemen;

Your letter of the 13th inst. requesting a conference for the purpose of negotiating for the purchase of 200000 acres of Creek lands for the benefit of the Seminole nation has been duly received, and I have this day laid the matter before the council now in session, and as soon as they shall take action thereon I will advise you of the same, I am,

Very respectfully,

Isparhecher

Prin. Chief. M.N.

D.C. Watson,

Priv. Secy.

(Endorsed) Union Agency No. 1681 Commission to five Tribes-recd. Dec. 16, 1898---Isparhecher, Muskogee, I.T. Dec. 15, 1898----Has laid before the Council communication from Commission rel. purchase of 200000 acres for Seminoles.-----

Muskogee, I.T., Sept 22, 1902

Hon. Roley McIntosh,

Fame, I.T.

Dear Sir:

In pursuance of an agreement between the Cherokee, Choctaw and Seminole Chiefs and myself, a Council for conference is to be held in South McAlester beginning on the 26th of September, and I hereby notify you that you are appointed as one of the conferees to represent the Creek Nation and are earnestly requested to be present at South McAlester on the 26th inst.

Yours truly,

P. Porter,

Prin. Chief.

Muskogee, I.T. Sept. 22, 1902

Hon. Lawyer Deer,

Foster, I.T.

Dear Sir:

In pursuance of an agreement between the Cherokee, Choctaw and Seminole Chiefs and myself, a Council for conference is to be held in South McAlester beginning on the 26th of September, and I hereby notify you that you are appointed as one of the conferees to represent the Creek Nation and are earnestly requested to be present at South McAlester on the 26th inst.

Yours truly--P. Porter
Prin. Chief.

(Endorsed) Union Agency press book, general letters P. Porter. Letter #282. Muskogee, Oklahoma.

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

Gov. Hulbutter Micco,

Wewoka, I.T.

Sir:

I am in receipt of replies from Gov. Duke of the Choctaw Nation and Gov. Buffington of the Cherokee Nation, approving the call of convention of the Chief and leading men of their nation at South McAlester on the 26th inst. As yet I have no response from the Governor of the Chickasaw Nation but presume he will be present.

Hoping to meet you and some of your leading men at that date, I am,

Respectfully,

P. Porter,

Principal Chief Creek Nation.

Muskogee, I.T. Sept. 23, 1902

Gov. G. W. Dukes,
Talihina I.T.

Sir:

I am in receipt of replies from Gov. Buffington of Cherokee Nation and Gov. Hulbutter Micco of the Seminole Nation, approving the call of convention of the Chiefs and leading men of their Nation at South McAlester on the 26th inst. As yet I have not heard from Governor of Chickasaw Nation but presume he will be present.

Hoping to meet you and some of your leading men at that date, I am,

Respectfully,
P. Porter, Prin. Chief.

293. P. Porter.--

(Endorsed) Union Agency Press book, general letters, by Principal Chief. Letter 293. Muskogee, Oklahoma.

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

Gov. T. M. Buffington

Prin. Chief Cherokee Nation

Tahlequah, I.T.

Dear Sir:-

At a meeting of the Chiefs and leading men of each Nation at South McAlester, a conclusion was reached, in as much as there was not a full meeting on the 26th inst., that it would be advisable to take no definite action in regard to the matter of adopting a definite policy for ourselves to guide us in reaching statehood, but to ask a convention of the chiefs of the Five Civilized Tribes to meet on the 15th of October, 1902 with such numbers of their leading men as each Nation may think proper, at South McAlester.

Therefore, we jointly, Chiefs of the Creek and Seminole Nations, do hereby call a meeting at the time and place above stated. We trust you will take such action as will secure a full meeting at the conference aforesaid.

Respectfully,

P. Porter,

Y
Prin. Chief-Creek Nation

Hulbutter Micco
Prin. Chief-Seminole Nation.

(Endorsed) Union Agency Press book, general letters, Principal Chief. Letter 302. Muskogee, Oklahoma.

October 9, 1902.

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

That the Principal Chief of the Muskogee Nation be, and is hereby, requested to accompany the delegates to be appointed to represent said Nation at the Convention, to be held at South McAlister, I.T., on the 15th day of October, 1902, of the Five Civilized Tribes of the Indian Territory; the said Principal Chief to have authority similiar to that of the other representatives of this Nation, and to be Ex-officio Chairman of said delegation: the actual expenses of said Principal Chief to be paid out of the appropriation heretofore made for the incidental expenses of the Executive Office for the year 1901-02.

Adopted Oct. 9, 1902.

A.P. McKellop
Clerk.

Amos McIntosh
Speaker H. of W.

Concurred in Oct. 9, 1902.

Lee McNevins
Clerk.

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

P. Porter

Prin. Chief Muskogee Nation.

--Pleasant Porters general letters--h--

A R E S O L U T I O N

October 23, 1902.

Appropriating Five Hundred (\$500) Dollars, or such part thereof as may be necessary, to defray the expenses of delegates to confer with representatives of other nations.

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

That the sum of Five Hundred (\$500) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to defray the expenses of the delegates, appointed under a resolution of the National Council of October 22, 1902, to visit the Choctaw, Chickasaw and Cherokee Nations.

BE IT FURTHER RESOLVED, That said appropriation shall also be applicable to defray the expenses of the representatives of the Creek Nation to such convention as may be agreed upon to be held by the Five Civilized Nations of the Indian Territory. Said expenditures shall be accounted for by voucher to the Principal Chief.

Adopted October 23, 1902.

A.P. McKellop
Clerk.

Amos McIntosh
Speaker House of
Warriors.

Concurred in October 23, 1902.

Lee McNevins,
Clerk.

T.W. Perryman,
President House of Kings.

Approved October 23, 1902.

P. Porter,

Principal Chief, Musk. Nation.

(Endorsed) Union Agency, Muskogee, Oklahoma. --a-108--Pleasant Porter's general letters.

Okmulgee, I.T., Oct. 23, 1902.

Honorable Houses of
Kings and Warriors.

Gentlemen:

In accordance with your resolution of Oct. 22nd, 1902, directing me to nominate for your confirmation two suitable persons as delegates, each, to the Choctaw, Chickasaw, and Cherokee Nations, I hereby nominate,

For delegates to the Choctaw Nation,
William McCombs,
Lawyer Deer.

For delegates to the Chickasaw Nation,
Amos McIntosh,
John Goat.

For delegates to the Cherokee Nation,
Cheese McIntosh,
Louis McGilva.

Respectfully submitted,
P. Porter,
Prin. Chief.

--Pleasant Porters general letters.--d--

Record of vote on nominations of the Principal Chief for delegations to Choctaw, Chickasaw, and Cherokee Nations, in the House of Warriors, October 23, 1902.

For Choctaw Delegation,	pro	con
William McCombs,	69	
Lawyer Deere,	52	7
For Chickasaw Delegation,		
Amos McIntosh,	69	
John Goat,	67	5
For Cherokee Delegation,		
Cheese McIntosh,	64	5
Louis McGilbra,	60	9

A.P. McKellop
Clerk.

Amos McIntosh

Speaker House of Warriors.

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

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

Gov. Green McCurtain,

Gov. Choctaw Nation,

Tushkahomma, I.T.

Dear Sir:-

The Creek representatives to your nation returned on yesterday and reported to me that you had agreed with them to call a convention at sometime during this month, perhaps the 20th, at Eufaula, Creek Nation, which was satisfactory to me. This morning the representatives of the Creek Nation to the Chickasaw Nation have returned with a resolution passed by the legislature of the Chickasaw Nation, appointing delegates to represent their Nation at the Convention of the Five Nations to be called by you. They further state to me that Gov. Mosely of the Chickasaw Nation expressed a preference that the convention be called to meet at Okmulgee, the capital of the Creek Nation, and informed them that he would notify you of it.

With this information I wish to express my gratification at the results accomplished thus far in securing a convention and to advise you that should you call the convention at Okmulgee instead of Eufaula, that it will be entirely satisfactory to me. I am of the opinion that it would be best that the call be issued immediately so that the delegates that I am to send to the Cherokee Council, which will meet Monday, may be informed as to the time and place the convention is to be held.

The Creek Council will be in session on Nov. 18th and will

--P. Porter press book. 1tr. 314.--

-2-

continue fifteen days, and it will be gratifying to the Council to have the convention while their Council is in session at Okmulgee.

Respectfully,

P.Porter,

Prin.Chief--Creek Nation.

(Endorsed) Union Agency press book, general letters by Principal Chief. Letter 314. Muskogee, Oklahoma.

Muskogee, I.T., March 18, 1903

Gov. Green McCurtain,
Prin. Chief Choctaw Nation,
Sans Bois, I.T.

Sir:-

I have the honor to acknowledge receipt of yours of the 14th inst. The suggestions made therein are entirely in accord with my own views in the matter. I would suggest that after hearing from the Chiefs of the other Nations, that you call a convention of the Chiefs for the purpose of a conference, at some early date, and should it be determined that the Indian Nations themselves propose a plan upon which to organize a government for the territory embraced by them, in my judgment it would be best for them to make considerable time in order to lay the foundations of government on such a broad basis as will embrace not only the present interests of the people of the Indian Territory, but the interests that the growing possibility of a state would make necessary.

At the conference of the Chiefs, when called by you, the question as to whether we would better attempt it distinctively as an Indian people, looking to the broader interests of the future citizens of the state, caring for all alike, should be considered. The thought suggests itself that after agreeing among ourselves on a proposed state constitution embracing our territory, had we not better confer with the residents of our

--P.Porter press book.ltr.408.--

-2-

territory not Indian, and with a view of embracing the interests of all the people of the territory in the organization of the proposed state.

Thanking you for your kindly suggestions and assuring you of my hearty co-operation in the subject matter of your letter, I am,

Very respectfully,

P.Porter,

Prin.Chief.Creek Nation.

Muskogee, I.T., July 16, 1903

Gov. T. M. Buffington,

Chief Cherokee Nation, Vinita, I.T.

Dear Sir:-

At the Eufaula convention, one of the resolutions passed provided that there should be an Executive Committee appointed to represent their respective Nations in carrying out the purposes agreed upon at the convention.

At a call meeting of said executive Committee, only four of the Nations were represented, viz: Choctaw, Chickasaw, Creek and Seminole, and an organization perfected. As Chief of the Cherokee Nation, it was expected that you would appoint a member of that Executive Committee from your Nation.

I would earnestly request that you appoint such person and notify Mr. W. H. Ainsley of South McAlester, chairman of the Committee, of your appointment. It is very necessary that the work of the Committee be begun at once in view of the fact that opposing elements in the country are now organizing for the purpose of thwarting our efforts in securing statehood especially for the Indian Territory, at the time of the dissolution of tribal government.

So far as I am able to learn, the agreement made by the representatives of the five nations, is endorsed by the people of our respective nations. I can say with certainty that the Creek people and the inhabitants of the Creek Nation, in a large majority favor separate statehood and opposes uniting with Oklahoma.

--P. Porter press book. 1tr. 428.--

-2-

homa under any terms whatever.

I hope you will act in this matter immediately.

Respectfully yours,

P.Porter,

Prin.Chief Creek Nation.

P.S. My attention has been called to this matter by Mr. Alex Posey, Treasurer of the Executive Committee.

EXECUTIVE OFFICE,
Muskogee Nation.

Okmulgee, Ind. Terr.
Nov. 24, 1903.

TO THE HOUSE OF KINGS AND WARRIORS:

Gentlemen:

At the Eufaula Convention of Chiefs and Representatives of the Five Civilized Tribes, May 24th, 1903, the accompanying preamble and resolution was adopted touching the question of Separate Statehood for the Indian Territory and plans and means by which to reach it.

The provisions of the resolution requires the Executive of each Nation to recommend it in his Annual Message and in accordance therewith, I herewith present the resolution with the request that you give it your favorable consideration. However, as the Creek People have adopted the policy of Independent Statehood for the Indian Territory, an election by the people does not seem necessary but instead thereof, I earnestly recommend that you provide for the appointment of twenty representatives for the Creek Nation to meet the representatives of the other nations as provided in the aforesaid resolution, in convention, for the purpose of framing a constitution, under provisions of which a government should be established for the Indian Territory, March 4, 1906.

I herewith enclose a draft of a Memorial to be adopted by the Annual Councils of the Five Civilized Tribes, to the various RELIGIOUS AND TEMPERANCE ORGANIZATIONS OF THE UNITED STATES, asking their aid in securing Separate Statehood for the Indian Territory, with provisions in the constitution of said state prohibiting the introduction and sale of spiritous liquors in

----a-86----Pleasant Porter--

said State when organized.

I recommend that you pass this memorial and provide a small appropriation enabling the Executive Committee to make effective the purpose of this Memorial.

Respectfully submitted,

Prin.Chief.

(Endorsed) Union Agency, Muskogee, Oklahoma.--a-86--Pleasant Porter's general letters.

-2-

BE IT RESOLVED BY THE NATIONAL COUNCIL OF THE MUSKOGEE NATION:
That the Delegates to be-elected from the Muskogee Nation to the
Constitutional Convention of the Five Civilized Tribes, shall
be nominated by the Principal Chief and confirmed by the National
Council-after --amended 20 delegates

Adopted Dec. 3, 1903

Charles Coachman

Pres. H. of Kings, Pro-tem

Lee McNevins
Clk.

Concurred in Dec. 4, 1903

Amos McIntosh.

Sp. H. of W.

A.P. McKellop

Approved Dec. 4th, 1903

P. Porter,

Principal Chief.

--Pleasant Porters general letters.--0--

Judiciary Committee

Okmulgee I.T.

Dec.2,1903

Hon. National Council

Gentlemen:-

We your Judiciary Committee, to whom was referred a special message of the Prin. Chief recommending the election of twenty delegates to the International Constitutional Convention would recommend the adoption of the accompanying Resolution.

Respy.

T.F. Adams,

Chairman.

Mrs. McKellop
Clerk.

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

December 10, 1903.

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

That the two Houses of the Council shall vote on the Chief's nominations for Delegates to the Constitutional Convention at 10:00 A.M. on tomorrow, Dec. 11, 1903, and the Prin. Chief is hereby respectfully requested to make his nominations of said Delegates before the time herein above fixed for confirmation by the Council.

Adopted Dec. 10, 1903.

Sam Grayson
Clerk

his
James x Smith
mark
Pres. House of Kings.

Witnesses: A.P. McKellop
Theo. G. Stidham

Concurred in Dec. 10, 1903.

Alexander Davis
Sp. House of Warriors.

Mildred Childers.
Clerk

Approved Dec. 10, 1903.

P. Porter,
Prin. Chief.

Okmulgee, Ind. Ter.,

December 11, 1903.

To the Honorable

House of Kings
and
House of Warriors.

Gentlemen:

In accordance with the resolution of the National Council of the Muskogee Nation, authorizing the Principal Chief to nominate twenty delegates to represent the Creek Nation at the Constitutional Convention of the Five Civilized Tribes, I herewith nominate for your confirmation the following named gentlemen:

James Smith,	R. F. Bruner,	James Deere,
John R. Goat,	Siah Gray,	Amos McIntosh,
George Cosah,	T. J. Adams,	E. B. Childers,
Lawyer Deere,	G. W. Grayson,	Joe Smith,
Lewis McGilbra,	Lewis Deere,	Alex Davis,
Cub McIntosh,	Bunney McIntosh,	Charles Coachman,
J. H. Lewis,	W. A. Rentie,	

Very respectfully yours,

P. Porter
Principal Chief.

Confirmed, December 11, 1903.

his

mark
President House of Kings.

Witness: A. P. McKellop
Theo. G. Stidham

Clerk.

Confirmed by vote of fifty-five to twenty-three.

Alexander Davis
Speaker house of Warriors.

Mildred Childers

Clerk.

(Endorsed) Union Agency, Muskogee, Oklahoma. --a-61--P. Porters gen. ltrs.

CREEK - SAW & GRIST MILLS

Wetumka I. T., Jan 25th 1901

Hon. P. Porter,

Prin Chief M. N.

Washington City, D. C.

Dear Friend

Your telegram just to hand & answered & I write this to let you know the condision of affairs as far as I know. So far as Wewoka District is concearn every thing is quiet. Only the non citizen leasers. It look like that they will cut all the timber off of the Public doman if they are not stop soon. They take leases & then go out on the Public doman & cut all there timber for building & fencing & hall it from 1 to 3 miles & I think that there ought to be some thing don to stop it. A little about Chitto Harjo Sinch his return from Washington they have had 2 councils the first council they never don any thing on the account of not having a quorum but the 2nd council was well repesented & the Deligation made there report & stated to the council that they had accomplished eavry thing that they went for & that we were now ready to execute our laws. I heard that they pass several laws but I dont know just what they are only one & that is that no citizen shall leave or rent land to a noncitizen & in violation of the law, the Penelty will be (25) lashes & \$50.00 fine. I here that they have this law Posted up in varous Places I have tryed to get a copy of it but haven yet. I see in the St. Louis Republic that they are having some trouble near Eufaula I have not heard eany thing of it till I seen it in the Papers & I think that some of it is true ~~from~~ for there is whare the majority lives is around

2.

Eufaula, for they Seames to be very bold in all there actions. I heard that they whip two during there lass council one for larceny & the other for resisting an officer. Will write you again soon.

Your Truly

(signed)

(G. A. Alexander

Copy of letter attached to U. S. Ind. Inspector's file No. 1708 in office of Superintendent of Five Civilized Tribes, Muskogee, Okla.

Wetumka, I. T.,

Jan 29th 1901

Hon. P. Porter,

Prin Chief M. N.

Muskogee, I. T.

Dear Sir

We the citizen of Wewoka District met at Grove Creek Church house to consider what step to take in trying to stop the hole sale of cuting timber by non-citizens off the Public Doman, & have desied to petission to you to try & get the officials to send an officer out here & have the cuting of timber stopt & to confriscate all timber that he may find in the possion of non-citizens when it was cut off of the publick doman Also stone that is taken off of land where Person has filed on, also Stone off the Public doman

Your respectfully

(signed) D. A. Barnett
Goliah Jones
Joseph Buck
Willie Fox
F____ Lucas
Toblar x Lowe
Caley x Bird
Columbus x Hickey
Carley x Yarholer
Tubus x Harjo
Robison x Deer
G. A. Alexander

DEPARTMENT OF THE INTERIOR,
U. S. Indian Inspection Service,

Muscogee, IND. Ter., February 11, 1901

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

Sir:

I have the honor to transmit herewith letter from various citizens of Wewoka district, addressed to Honorable P. Porter, complaining of timber cutting, and referred by Honorable P. Porter, Principal Chief, to your office; also letter addressed to Honorable P. Porter from G. A. Alexander, and referred to the Honorable Commissioner of Indian Affairs by the Creek delegates at Washington, concerning the same matter, and to report as follows:

The timber cutting in question is the same brought to your attention in December by Mr. Alexander, at which time you supplied Mr. Alexander, through me, with a letter setting forth the legal manner in which timber could be cut.

From Mr. Alexander's statement to me, and as contained in the two communications to Honorable P. Porter, it would appear that the timber cutting complained of consists of cases where non-citizen leasers are cutting fence rails, boards, (that is to say shingles), and logs, intended to be used in constructing improvements on lands contained within the limits of the Creek Nation; and while I am satisfied that such timber cutting is being done without authority in this vicinity, I have taken the position with Mr. Alexander that if he desired that prosecution be had in any particular case, he should supply this office with the names of the parties cutting timber, and the witnesses necessary to secure a conviction. This

2.

Mr. Alexander agreed to do, but he has as yet failed to pick out any particular case and supply the names of the parties as outlined above, stating to me under date of January 17, that he thought it would be more advisable for an officer to proceed to that vicinity and offering to assist him in looking up the matter and securing evidence, etc., and it has been my intention to take the matter up personally with him at such time as other matters call me to Wetumka, as I did not feel justified in devoting three or four days exclusively to this matter, and thereby neglecting matters which to me seemed to be of greater importance to the Creek people.

I have again advised Mr. Alexander that I will furnish him all assistance possible in securing prosecution and making an example in any case in which he will supply the names of the parties cutting timber, and witnesses to secure a conviction; and I would respectfully request that if you desire more prompt action taken in the premises, that I receive further instructions.

Very respectfully,

(signed) Guy P. Cobb

Revenue Inspector.

Copy of letter attached to U. S. Ind. Inspector's file No. 1708
in office of Supt. of Five Civilized Tribes, Muskogee, Okla.