

THE CREEK NATION DURING THE
RECONSTRUCTION PERIOD

THE CREEK NATION DURING THE RECONSTRUCTION PERIOD

By

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PREFACE

We, who are living in Oklahoma today, on lands rightfully belonging to the Indian, do not realize perhaps how thoroughly disintegrated the Indian nations have become.

In the eyes of one who has watched this destruction of the Creek Nation, in particular, during the past sixty years, we find:

When I take a survey of the past fifty-nine years I am forced to conclude that my friend the Creek Indian as a nation has gone down like the deer, the wild turkey, and the prairie chicken, without a pitying eye to weep for him or a friendly hand to record his struggles. As a once proud nation; they are scattered like leaves before an angry wind, never again to return to peaceful and contented homes.

W.W. Bray
Weleetka, Okla.

In this thesis, the author has made an honest effort to present those factors in the relation of the Creek Nation to the Federal Government which contributed to the undermining of the Creek Tribe. The facts presented cover that period which preceded the most hazardous era in the life of the Creeks as a distinct people.

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Bernice Carter Benson

Haskell, Oklahoma
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To my Mother
whose number on the rolls
of the Creek Nation
is 570

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CHAPTER I

RELATIONS DURING THE CIVIL WAR

Since the time of the signing of the Treaty of Washington, the Creek Tribe had been in two distinct groups as to interpretation of problems. However, not until the Civil war was this division so pronounced to those concerned the United States and the Creek Nation. The Creeks seemed to have been rather evenly divided. Opoeth-le-yo-ho-la, as leader of the loyal Creeks, withdrew this faction from active intercourse with the rival faction and resisted all attempts of inveiglement by Colonel D.H. Cooper who had been sent to enlist the Creeks. With Opoeth-le-yo-la¹ were such leaders of the Upper Creeks as John Smith, Timiny Barnett and William Robinson. Cooper found that among the lower Creeks there were 1,650 warriors, 375 of them unfriendly. Among the Upper Creeks there were 1,600 warriors-only 400 of them friendly. This gave Cooper the opportunity to send information to the Confederate States that 1,675 Creek warriors were friendly and 1,375 were already in the service of the Confederate Army. Prominent among these friendly Indians were Unee McIntosh, Sam Checote, George Stidham and Chilly McIntosh, all leaders of the Lower Creeks.

Many factors had led up to this separation in the Creek

1. Annie Heloise Abel, The Indian as Slaveholder and Sectionalist, p. 168

Tribe. Circumstances other than the fact that part of the tribe led by McIntosh had wanted to be moved to Oklahoma and a great portion of them desired to stay in the East.

The failure of the United States Government to afford the Creeks, as well as other southern Indians, the protection solemnly guaranteed by treaty stipulations was a great cause of a part of them entering into the alliance with the Confederacy.² Opoeth-le-yo-ho-la, Chief of the loyal Creeks, recalled to the Union Government its duty as to protection in the following letter:³

You said that in our new homes we should be defended from all interference from any people and that no white people in the whole world should ever molest us, unless they came from the sky, but that it should be ours as long as grass grew or waters run and should we be injured you would come with your soldiers and punish them, but now the wolf has come, men who are strangers tread our soil, our children are frightened and the mothers cannot sleep with fear.

The other division however, not content with the present conditions and desirous of ameliorating their conditions made new treaties with Albert Pike and his followers by which this faction hoped to have more power and protection. More power was to be given them in the form of delegates to the House of Representatives of the Confederate States of America.⁴ Protection was to be gained

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2. Annie Heloise Abel, *The Indian Under Reconstruction*, p.20
 3. Indian Office, Letter Box, No 67, p. 78-79
 4. Statutes At Large of the Confederate States, Article X, Lower Creek Treaty.

through the recognition of land rights of the Creeks and their existing territorial limits. A restriction was placed on invasion as is shown by the following quotation from the treaty:⁵

The Confederate States shall protect the Creeks from domestic strife, from hostile invasion, and from aggression by other Indians and white people not subject to the jurisdiction and laws of the Creek Nation, and for all injuries resulting from such invasions or aggressions, full indemnity is hereby guaranteed to the party or parties injured, out of the Treasury of the Confederate States, upon the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them committed by Indians.

Naturally, it must be admitted that the rebel faction also joined with the Confederate States because the majority of them were interested in and sanctioned slavery. Wealthy Creek farmers with many slave laborers were no more an uncommon sight than were slave owners of the East.

The conditions of both the loyal Creeks and the rebel Creeks were appalling and yet no worse than those of other peoples in war torn lands. In 1865 Elijah Sells, Superintendent of Indian Affairs, found that there were about 6,500 Creeks that had become allies of the south and were living in the southern portion of Indian Territory, all of them anxious to return and live in peace with their brothers of the same tribe, other Indian tribes, and with

5. Ibid

the United States Government.

Sells said too, that this rebel faction was now appealing to the United States Government for aid. This was a change from the early attitude of the rebel faction, perhaps because the Confederate States had been no more able to protect the rebel Creeks' lands and pay for injuries than had the Union; perhaps their being destitute of clothing, means of subsistence, agricultural implements; having no cattle and but few ponies, about one to every ten men, and having no means with which to purchase more, had more to do with this appeal to the Great White Father.

Substantiating the destitution of the rebel faction is the report of A.B. Campbell, Surgeon in the United States Army. The camp was located on the Verdigris River and included 3,071 Creeks, 53 slaves of Creeks and 38 free negroes who were members of the tribe. Campbell says:

It is impossible for me to depict the wretchedness of their condition. Their only protection from the snow upon which they lie is prairie grass, and from the wind and weather, scraps and rags stretched upon switches; some of them have some personal clothing; most have but shreds and rags which did not conceal their nakedness, and I saw seven ranging in age from three to fifteen years without one thread upon their bodies.

On the other hand, those Indians under Opoth-yo-ho-la's leadership, who were the first of a long pro-

cession of refugees to flee to Kansas to be with the Union army, were by the year 1863 pleasantly situated. With their arrival in Kansas and the army not being prepared for their coming, food shortage, lack of sleeping quarters, and lack of clothing resulted. It was then that the government had intervened and sent tents which were of incalculable value and had helped not a little to mitigate their sufferings. Never-the-less their wants in 1863 were many and would continue to be so until they had been restored to their own country and so situated that they could take care of themselves.

One not acquainted with the prosperous days before the Civil War has no occasion to be surprised at the condition of the country after the war, but to those students of Oklahoma History it will seem to be destruction of great progress. Giving a brief backward glance to the year before 1861, the Creek Nation appears to be a most prosperous and wealthy nation. Traveling across the rich beautiful prairie about Muskogee, Creek Nation, seeing the beautiful groves which have been enhanced by numerous herds of cattle and prize horses, remind a traveler of the old and wealthy estates of the seacoast East. William H. Garret, Creek Agent in 1860, makes this poetic thought more concrete in his report when he states that though the Creek population remained stationary they were slowly but surely advancing in agriculture, education, the acquisition of wealth and

the appreciation of the blessings and benefits of civilization.⁷ Recent important changes had been made in their form of government. A new system had been inaugurated by the adoption of a new constitution by the General Council. It increased the power of the police force, "the light horse", and required the enforcement of the law demanding the destruction of all spirituous liquors brought into the nation. The Creeks in numerous ways gave evidence of their ability for self-government and manifested contentment with the efficiency of their government and peace of their nation.

It was now the duty of the federal government through the Department of Interior to unite the rival factions of the Creek tribe and again place them in their homes where they could prosper and advance. It was no wonder that the Creeks were disheartened at the sight of their former homes. Outlaw bands with little respect for property had dared to try to finish the remaining standing property left by the two armies. Miss Vicey Marshall,⁸ who lived in Creek Nation during the Civil War, told the following story of these outlaw bands:

The house was so situated that anyone could be seen coming at a great distance away. When men were sighted in the distance, one day, all the family took the

7. Report of the Commissioner of Indian Affairs 1860-61

8. The author's grandmother.

valuables including silver, money, jewelry and dishes and hid them by digging holes under and near trees and bushes and then fled as quickly as possible. The flight was made in a wagon. Little food was taken because of the hurried departure. The only drinking water to be found was in the imprints made in the dirt by the hoofs of horses and cattle.

When the family returned a few days later the valuables had been dug up; money and jewelry taken, other articles broken or smashed. The bushwackers, as this group of men were called had even killed the few remaining poor cows, taken what they could and left the rest. This was only one of the many raids that my family suffered during the war years.

To a picture of which the components are: farms completely abandoned, buildings destroyed, stock run-off or confiscated, churches and schools closed, add the activity of these outlaws and even the greatest builder would be disheartened.

In 1866 to this waste the Creeks were preparing to return. Their slaves had been set free and were even intermarrying some of the tribesmen of their former masters. Nearly all the Creeks, however, were anxious to return to their former homes, forget the war and to begin anew.

CHAPTER II

RECONSTRUCTION TREATIES

Before the Creeks, as well as other tribes, could be allowed to settle their homes and farms again, treaties had to be made. It had been agreed that each tribe would send delegates to Ft. Smith to a general conference. Here they would be met by President Johnson's appointees, members of the commission including: Dennis N. Cooley, Commissioner of Indian Affairs; James M. Edmunds, Commissioner of the General Land Office; Elijah Sells, Southern Superintendent; Major-General Francis J. Herron; Thomas Wistar; Society of Friends; Brigadier-general William S. Harney and Colonel Ely S. Parker.

The first meeting of the General Council, composed of the United States representatives, the representatives from all of the tribes of Indian Territory except the Leased District, and agents for the several tribes, including J.W. Dunn, Creek Agent, convened on the morning of September 8, 1865. In the opening address by the Chairman, Dennis N. Cooley, the Indians for the first time found just what the purpose of the council was. Cooley had been notified preceeding the calling of the convention that they were delegates only in a general way and could not make treaties, Yet in this opening address, with its usual amount of hypocrisy and appeal to a beneficent Great Spirit, they were told that having made treaties with the so-called Confederate

States they had forfeited all rights and were on the mercy of the government. As a result they must be prepared to present their credentials, Five from each tribe and nation were to be authorized to speak and to sign treaties. It is difficult to believe that these Indians were taken wholly by surprise by this command since such a meeting was necessary to give just or unjust rewards and yet the Wyandottes were the only ones that admitted having had beforehand an inkling of the ulterior purpose of the government.

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The second day of the meeting was spent to a great extent in listening to the basic principles of the treaties to be made with the following propositions:

1. Each tribe must enter into a treaty for permanent peace and amity with themselves, each nation and tribe and the United States.
2. Those settled in Indian Territory must bind themselves when called upon by the government to aid in compelling the Indian of the Plains to maintain peaceful relations with each other, with the Indians in the Territory and with the United States.
3. The institution of slavery which has existed among the several tribes must be forthwith abolished and measures taken for the unconditional emancipation of all persons held in bondage and for their incorporation into the tribes on an equal footing.
4. Slavery, or involuntary servitude, shall never exist in the tribe or nation, except in punishment of crime.

9. Annie Heloise Abel, The Indian Under Reconstruction, p. 184

5. Portions of the land are to be set aside by tribes for friendly tribes in Kansas and elsewhere on such terms as may be agreed upon by the parties and approved by the government or such as may be fixed by the government.
6. All matters be taken before the consolidated government after the plan proposed by the Senate of the United States in a bill organizing the Indian Territory.
7. No white person, except officers, agents, and employees of the government will be permitted to reside in the territory unless formally incorporated with some tribe according to the usage of the tribe.

The next day of the council was spent in a short discussion of the above propositions and also in each tribes' explanation of why it entered on the side of the Confederacy. The loyal Creeks presented their explanation saying:

We declare that the treaty of July 10, 1861 was alone made by the rebel portion of the Creek Indians and never was executed or assented to by the Union portion of the Nation, and is, not now, and never has been, obligatory upon them and the signing names to said treaty of the loyal party was a forgery.

After three or four days of conference it was readily seen that no treaty would be signed by delegates until the breach between loyal and disloyal tribe members could be healed. It was decided to prepare a preliminary treaty, but in this merely pledging anew, on behalf of the Indians, allegiance to the United States and the repudiation of all treaties with other powers and accepting from the United States an agreement to re-establish peace

and friendship with them. This was considered preliminary to the main business of the commission: to make peace between the several tribes, to negotiate the purchase of lands and to organize territorial government.

However, the commission did not adjourn before it had made valuable treaties with some of the tribes that had settled their tribal feuds. The Creeks, both loyal and disloyal, sold to the United States, for the use of the friendly Indians from Kansas and elsewhere, all their land north of the Arkansas River and one half of the remaining land south of the river.

Even with the signing of this preliminary peace treaty, the Creek factions continued to express their views separately. The loyal Creeks were magnanimous enough to accept, outwardly at least, even the incorporation of the negro. To them as fullbloods it was much easier to accept this item of the treaty than it was to accept that of territorial organization. The delegates were afraid that it would mean the end of their tribal council, their government and their existence.¹¹ The disloyal Creeks being of a different mind, handed to the commission two statements. The first was the incrimination of Opoth-le-ye-ho-la, whom they declared to have been working for his own good. The second dealt with Cooley's propositions. To the third

11. Op. Cit., 1865

item, of these propositions, which was in later years to have a direct influence on the nation's life, they said,

...we agree to the emancipation of the negroes in our nation but cannot agree to incorporate them upon principles of equality as citizens thereof and we cannot believe that the government desires us to do more than it has seen fit thus far to do, and trust that at some future day our immense losses in liberating our slaves at the instance of the United States may be in some manner and degree repaid...

They were expressing a natural desire when they asked for payment of slaves set free because slaves were a consideration of wealth and prestige and it is only natural to wish to be repaid for what is rightfully one's own.

From a survey of the happenings at Ft. Smith it might be noted that little more happened there than the making of a formal declaration of peace between the several tribes and the United States Government. Perhaps a deeper study of the minutes of the council would reveal that the United States Government coveted the lands of the Indian and at this moment, when the Indian was weak, determined to forget treaties made earlier in the spirit of "your lands as long as the grass grows and the water runs".

This session of treaty writing was closed with the promise of a future meeting in Washington.

As the Indian tribes kept putting off this long "death-blow" trip the government became impatient. The Creeks were instructed to name representatives to Washington and did so by appointing the following: Ok-tars-

sars Harjo, Coweta Meho, and Cot-cha Chee, as official delegates and D.M. McIntosh and James Smith special delegates of the southern Creeks.

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Several of the articles of this Treaty of 1866 had a great and direct influence on the lives of the Creeks and it is necessary to quote verbatim these articles. The remaining articles which were a part of the treaty and yet laid no special influence other than the fact that they must be a necessary outcome of the war have been briefly stated.

Treaty of 1866

Whereas existing treaties between the United States and the Creek Nation have become insufficient to meet their mutual necessities and whereas the Creeks made a treaty with the so-called Confederate States, on the 10th of July, 1861 whereby they ignored their allegiance to the United States and unsettled the treaty relations existing between the Creeks and the United States and so rendered themselves liable to forfeit to the United States of all benefits and advantages enjoyed by them in lands, annuities, protection and innuities, including their lands and other property held by grant or gift from the United States; and whereas in view of said liabilities the United States require the Creeks a portion of their lands whereon to settle other Indians; and whereas a treaty of peace and amity was entered into between the United States and the Creeks and other tribes at Ft. Smith, September 13th, 1865, whereby the Creeks revoked, cancelled and repudiated the aforesaid treaty made by the so-called Confederate States, and whereas the United States, through its commissioners, in said treaty of peace and amity, promised to enter into the treaty with the Creeks and arrange and settle all questions relative to and growing out of said treaty with the so-called Confederate States: Now therefore, the United States

12. Indian Affairs, Laws and Treaties, Senate Document No. 319, XXXIX, 2nd Session, p.931

by its commissioners and the above named delegates of the Creek Nation, the day and year of the above mentioned, mutually stipulate and agree, on behalf of the respective parties as follows; to wit:

Article 1 (not quoted) Peace and friendship of the United States and also with other Indian tribes. To be military occupation of lands of Creeks if the United States deems necessary. All general amnesty of all past offenses against the United States by the Creeks declared closed.

Article 2 (quoted) The Creeks hereby covenant and agree henceforth neither slavery nor involuntary servitude, otherwise than in the punishment of crime, whereof the parties shall have been duly convicted in accordance with laws applicable to all members of said tribe, shall ever exist in said nation; and inasmuch as there are among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that thereafter these persons lawfully residing in said Creek country under their laws and usages, or who have been thus residing in said country, and who have or may return within the year from the ratification of this treaty, and their descendants and such others of the same race as may be permitted by the laws of the said nation to settle within the jurisdiction of the Creek Nation as citizens shall have and enjoy all the rights and privileges of native citizens including an equal interest in the soil and national funds, and the law of said nation shall be equally binding upon and given equal protection to all such persons, and all others, of whatsoever race or color, who may be adopted as citizens or members of said tribe.

Article 3 (quoted) In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to United States to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon the west half of their entire domain, to be divided by a line running north and south; the eastern half of said Creek lands, being retained by them, shall, except

as herein otherwise stipulated, be forever set apart as a home for said Creek Nation; and in consideration of said cession of the west half of their lands, estimated to contain 3,250,560 acres, the United States agrees to pay the sum of thirty cents per, amounting to \$975,168 in the manner herein after provided to wit: Two hundred thousand shall be paid per capita in money, unless otherwise directed by the President of the United States upon the ratification of this treaty, to enable the Creeks to occupy, restore, and improve their farms, and to make their nation independent and self-sustaining, and to pay the damages sustained by the mission schools on the North Fork and the Arkansas River not to exceed two thousand dollars and to pay the delegates such per diem as the agent and Creek Council may agree upon, as a just and fair compensation, all of which shall be distributed for that purpose by the agent, with the advice of the Creek Council, under the direction of the Secretary of Interior. One hundred thousand dollars shall be paid in money and divided to the soldiers that enlisted in the Federal Army and the loyal refugee Indians and freedmen who were driven from their homes by rebel forces, to reimburse them in proportion to their respective losses; four hundred thousand dollars to be paid in money and divided per capita to said Creek Nation, unless otherwise directed by the President of the United States under the direction of the Secretary of Interior, as the sum may accrue from the sale of lands to other Indians, in such a manner and for such purposes as the Secretary of Interior may direct, interest at the rate of five percent annum from the date of the ratification of this treaty, on the amount hereinbefore agreed upon for said ceded lands, after deduction of the said two hundred thousand dollars; the residue, two seventy-five thousand one hundred sixty-eight, shall remain in the Treasury of the United States and the interest thereon, at the rate of five per centum per annum be annually paid the Creeks as above stipulated.

Article 4 (quoted) Immediately after the ratification of this treaty the United States agrees to ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians and freedmen in proportion to several losses, and pay the amount awarded

each in the following manner, to wit: a census of the Creeks shall be taken by the agent of the United States for said nation, under the direction of the Secretary of Interior and a roll of the names of all soldiers that have enlisted in the Federal Army, loyal refugee Indians and freedmen be made to him. The Superintendent of Indian Affairs for the Southern Superintendency and the agents of the United States for the Creek Nation shall proceed to investigate and determine from said rolls the amount due the respective refugee Indians and shall transmit to the Commissioner of Indian Affairs for his approval, and that of the Secretary of Interior, their awards, together with the reasons therefor. In case the awards so made shall be duly approved said awards shall be paid from the proceeds of the sale of said lands within one year from the ratification of this treaty, or so soon as said amount of one hundred thousand dollars can be raised from the sale of said lands to other Indians.

Article 5 (quoted) The Creek Nation hereby grants a right way through their lands, to the Choctaw and Chickasaw country to any company which shall be duly authorized by Congress and shall, with the express consent and approbation of the Secretary of Interior, undertake to construct a railroad from any point north of to any point south of the Creek country and likewise from any point on their eastern to their western or southern boundary, but said railroad company, together with all its agents and employees, shall be subject to the laws of the United States relating to intercourse with Indian Tribes and also to such rules and regulations as may be described by the Secretary of Interior for that purpose and the Creeks agree to sell to the United States or any company duly authorized or aforesaid such lands not legally owned or occupied by a member or members of the Creek Nation, lying along the line of said contemplated railroad, not exceeding on each side thereof a strip of land three miles in width, at such price per acre as may be eventually agreed upon between said Creek Nation and the party or parties building said road, subject to the approval of the President of the United States: Provided, however, That said land thus sold shall not be reconveyed, leased or rented to, or occupied to anyone not a citizen of the Creek Nation, according to its laws

and recognized usage: Provided, also That officers, servants, and employees, of said railroad necessary to its construction and management shall not be excluded from such necessary occupancy, their being subject to the provisions of the Indian intercourse law and such rules and regulations as may be established by the Secretary of Interior, nor shall any conveyance of any of said lands be made to the party building and managing said roads until its completion as a first class railroad, and its acceptance as such by the Secretary of Interior.

Article 6 (stricken out)

Article 7 Giving the Seminoles right to sell their lands.

Article 8 Survey of the Creek lands to be sold.

Article 9 (quoted) Inasmuch as the agency buildings of the Creek Nation have been destroyed during the late war, it is further agreed that the United States shall at their own expense, not to exceed ten thousand dollars cause to be erected suitable agency buildings, the sites whereof shall be selected by the agent of said tribe, in the reduced Creek reservation, under the direction of the Superintendent of Indian Affairs.

In consideration, wherefor, the Creeks hereby relinquish to the United States one section of their lands, to be designated and selected by their agent, under the direction of the Superintendent of Indian Affairs upon which said agency buildings shall be erected, which sections of land shall revert to the Creek Nation when said agency buildings are no longer used by the United States, upon said nation paying a fair and reasonable value for said buildings at the time vacated.

Article 10 Concerns the organization of a general council to be attended by each tribe of Indians in the Territory with the following stipulations:

1. After ratification of treaty and prior to the first session of the council a census of each tribe will be taken.
2. Council will consist of members of each tribe and an additional member for each one thousand Indians. (hence the census)

3. The General Council will have the power to legislate on matters pertaining to intercourse and relations between tribes the arrest and extradition of criminals, the administration of justice between members of the several tribes, the construction of works of internal improvement and the common defense and safety of the nations in Indian Territory.
4. The council shall be presided over by the Superintendent of Indian Affairs
5. A secretary of the council shall be appointed by the Secretary of Interior to keep all records.
6. Members of the council shall be paid by the United States four dollars per diem during the time of attendance to the council and a rate of four dollars for every twenty miles necessary to travel to the session.
7. The Creeks shall agree to courts as may be established in said territory.

Articles 11, 12, 13, and 14 deal with the fact that the preceding articles cover all losses to the Creeks in the Civil War and that this treaty is to be the basis of relationship between the Creeks and the United States government.

With this treaty in force the Creeks were coerced into a sale of 3, 520, 560 acres of their lands at the price of thirty cents per acre. With grazing land ordinarily bringing from seventy-five cents to one dollar and twenty five cents an acre the Creeks were actually forced to sell their unused lands at any price the United States wanted. Greed for land had made the

13. Indian Affairs, Laws and Treaties, IV, p. 656

14. Benjamin Horace Hibbard, A History of the Public Lands Policies, p. 503

United States Government forget the duty of the Great White Father toward his children. Today what is known as "Oklahoma proper", thrown open for settlement by presidential proclamation on April 22, 1889 contains 1, 392, 611 acres ceded by the Creeks.

Article three and four of the treaty stated that one hundred thousand dollars was set aside for remuneration of the loyal Indians in proportion to their losses. In 1869 J.W. Dunn, agent for the Creeks, made the statement that three years had elapsed since the ratification of the treaty and though he had urged attention of the Department of Interior on this subject, no steps had been taken. It is certain that if these questions could be settled perhaps the cruelty and differences arising from the war would sooner be forgotten. The treaty with this sole exception placed the northern and southern Creeks on an equal footing.

Little did Mr. Dunn realize that in 1901 this same article three of the Treaty of 1866 would be discussed in the Congress of the United States. Studying the reasons for the non-payment of this part of the treaty one finds several interesting facts. According to the treaty a census was taken by Brigidiar-general N.B. Hazen, Superintendent of Indian Affairs of the Southern Superintendency and Captain F.A. Fields, Ind-

ian agent of the Creek Nation, to make up the rolls of the loyal Creek Indians, ascertain their losses, and make awards due on their respective claims. Hazen and Fields reported that claims submitted them amounted to \$ 5, 090,808. 50. The awards made by the Commissioner totaled \$1,836,830.41. The Court of Claims held in June 4, 1884 stated that the United States Government was under no obligation for more than one hundred thousand dollars guaranteed by the Treaty of 1866. Notwithstanding this, by an agreement with the Creek Nation, ratified in March, 1901, the Senate awarded one million two hundred thousand one hundred dollars to the loyal Creeks. However, on March 3, 1903 by an act of Congress, six hundred thousand dollars was to be paid the Creeks if the Indians would accept it as final payment.

On May 23, 1903 the Creek Nation agreed to accept the six hundred thousand dollars in full payment as satisfactory to the loyal Indians and freedmen. Each person, who was entitled to a share, was required to sign a receipt for the amount paid him, setting forth that it was accepted as a full and complete settlement of his claim against the United States for property taken or destroyed during the Civil War. These payments were made in 1904 by J. Blair Shoenfelt, then United States Agent.

As the Senate after careful investigation of the matter had awarded the loyal Creeks one million two

hundred thousand dollars and as only six hundred thousand dollars of the award had been paid it would appear that the government drove a hard bargain with the Indians. It is believed that the Indians had a strong moral claim to the payment of the balance of the amount awarded by the Senate. On June 28, 1935, this bill was again brought to the attention of the House of Representatives. Having made a comparison of it with the Choctaw Case upheld by the Supreme Court, the Congress agreed to uphold the award of the Senate in this loyal Creek case. 16

Article five of the treaty concerns the granting of railroads through the Creek Nation. The coming of the railroad did more than all else to settle Indian Territory according to the white man's customs and ideals. 17 Along with the railroad came the white man to operate them. The great wheat crops and other crops were well known to the railroad officials when they planned the route through the Creek Nation and had no small influence on their choice of route and stations. Before the Creeks were aware of it, towns occupied by hundreds of white families were located within their border.

Naturally, the construction of railroads caused great excitement and no little apprehension among the

16. House Reports on Public Bills, Report no. 1405, p. 7

17. Ohland Morton, "Reconstruction in Creek Nation," Chronicles of Oklahoma, IX, p. 179

Creeks. The great number of white men necessary to the building of the railroad system caused agitation throughout the nation. It was natural that the Creeks reasoned thus: the government on numerous other occasions have annulled treaties in which they had promised protection and inalienable possession to a perpetual home and as soon as was possible would throw open the Creeks own land to the occupancy of those who could cultivate it better and more scientifically. Not far wrong were these Creeks who reasoned in this manner as is shown by the coming of the Dawes Commission in the late '80 and early '90, the allotment of lands and the opening of Oklahoma in general.

Under this article five of the treaty, the Atlantic and Pacific Railroad asked permission to build on the northern boundary and go southwestard through the nation. Sofar under this same act the Missouri, Kansas and Texas had been constructed through the nation from north to south. Then the Saint Louis and San Francisco Railroad had been built from the eastern boundary of the Cherokee Nation to Vinita, Creek Nation, and then across the country and struck the Arkansas River at the Gauch's Crossing; thence running up the Pole Cat Creek toward the Sac and Fox Agency. With the asking of the right-of-way by the Atlantic and Pacific, the Creek Nation was in a furor. The Indians had begun to realize what influence the railroads were having in the Creek Nation and what

outcome would be. Ward Coachman, delegate to Washington stated that if a few more railroads, with their foreign hoards, were introduced into Indian Territory, the Indian's home would be undone.¹⁸

The Creek Council sent to the Commissioner of Indian Affairs and to the Secretary of Interior its arguments as to why the railroad should not be given permission to build. These arguments were as follows:

1. The MK&T had been granted the right to enter the northern boundary and procede south to the Choctaw Nation.

2. No other treaty had been made providing for entry of any other railroad on the northern boundary.

3. The Atlantic and Pacific proposed to enter the northern boundary and run southward through the nation. The Indians had their rights in this matter if the Treaty of 1866 was to be used as the basis of action but much to the disappointment of the Creeks, the Secretary of Interior saw fit to grant the railroad the desired permission.

The Creek Council then tried to obtain rights over the amount of land the railroad took on either side of the track. The railroad had taken two hundred feet on each side of the track and had not, as the treaty stated,

18. Letter from Ward Coachman to Sam Checote, Chief of Creeks, February 1, 1882, No. 35735

paid the Creeks. The land had been granted by the Secretary of Interior without reference or notice to the owners in Creek Nation whose property it was. If there had to be forty or fifty acres more land taken, then justice demanded that further negotiations be made with the owners. The Indians in their complaints went on to state that the railroad charged two cents more a mile (five cents) for Creeks to ride than the same railroad charged on entering Kansas and Texas.¹⁹ Needless to say the Indians were given little, if any, consideration in the matter and white employees of the railroads began flocking into the nation.

Also considered in the Treaty of 1866 was the removal of the Seminoles to a new tract of land. The Seminoles were forced to sell their land for fifteen cents an acre and buy land from the government at fifty cents an acre. The Creeks sold to the government land at thirty cents an acre on which to locate the Seminoles. By a single transaction a profit of twenty cents an acre was made by the government. The government actually realized even more of a profit than the twenty cents because the Seminole lands were conceded to be quite as valuable as the Creek only more remote than the Creeks' lands.

19. Chairman of Judiciary Committee Room to Henry Thompson, President of the House of Kings, Oct. 7, 1887, No. 35760

Article ten of the treaty concerns the organization of a general council to be composed of delegates elected to represent all tribes in Indian Territory. In December, 1870 this general council met at Okmulgee and drew up plans for the government of Indian Territory. This document, known as the Okmulgee Constitution, provided for a federal union of the tribes, but gave the United States no share in the plan. The plan was not accepted by Congress and was not ratified by many of the tribes.

There were many movements to organize Indian Territory and the Creeks realized the day was not far off when it would have to be done, but until then they wished to run their local affairs without the assistance of the foreign governments as is shown by the following quotation:

20

We should be allowed to continue in this mode of government until our education and enlightenment have reached the point where the large majority, if not all the citizens of our nation, will be capable of understanding the laws of the state and be competent to live side by side with American citizens and not become losers in contact with them. What we ask as a nation is to be given time, without any curtailment of our national rights, until we shall feel and know that we are prepared to become a part and parcel of the American people, which cannot be far in the near future.

In this treaty the Federal Government drove its usual hard bargain with the Creeks. It was obvious that the Indian had few rights. They had been moved out to

20. AP McKellop-Testimony before subcommittee, Indian Document, XLII.

Oklahoma from Georgia and Alabama. Their farms there compared very favorably with those of the whites. The Creeks came with the understanding that the new land would always be theirs and yet some thirty years later they were forced to sign a treaty that was in later years to settle each of them on one hundred and sixty acres of beautiful land, a small portion when compared with the land rightfully theirs by the Treaty of Washington. It hardly seems possible that greed could force a civilized and humane nation to drive another nation to destruction and yet that is just what the United States did to the Creeks. Note the different treaties made and broken between the United States and the Creek Nation and ample proof of this statement will be found.

CHAPTER III

CONDITION OF THE COUNTRY

During the period of the war, it may truthfully be said that there was no government in the Creek Nation. Even two years after the war there was no government because the Creeks were more anxious to make their farms produce and to rebuild their destroyed buildings. After this was managed, the Creeks turned to tribal affairs.

It was believed that the old constitution of 1860 was not adequate to meet the needs of the tribe in 1866-7. Of course, the fundamental principle of the constitution, the union of the two districts—Upper and Lower Creeks, was to be carried through to the new constitution. Under the old constitution, the Creek Nation was divided into four districts and the council appointed one judge for each district. Five supreme judges were also appointed to form the high court of the Nation. Under this constitution of 1860 one principle chief and one second chief were elected to govern the nation.

Elijah Sells, Commissioner of Indian Affairs, said of the government under the old constitution:

The laws as now administered require four times the number of officers that would be necessary to execute promptly and efficiently under a well-established code. These officers, whose numbers are scarcely known even to authorities, are poorly paid, and are dissatisfied with their positions and salaries. Indeed, so imperfect is the govern-

ment, that the duty of no officer is fully defined; so that it is difficult for them to determine when they attain or overstep their authority. They have many intelligent and energetic men among them, who appreciate this position of affairs and who are strongly urging reform. A better feeling is manifested between the late antagonistic parties than ever before, and I am convinced that they are determined to unite as one people in all interests. They are anxious to bend every energy to the improvement of the country and to devote their money to the establishment of schools, manufactories, public buildings and good government.²¹

In this report Sells was only speaking the mind of the Creek as is shown in the fact that a meeting of the National Council of the Muskogee Nation, as it was called after 1860, met at Deep Fork, their official meeting place. The Council discussed the location of a new meeting place because of the isolation of Deep Fork. L.N. Robinson, Superintendent of Indian Affairs in 1868, in speaking of the location of Deep Fork said²²

I found the office of the superintendent located at the Creek Council-house, near Deep Fork, a point forty-five miles west of Ft. Gibson, five miles removed from any settlement where supplies could be obtained, and thirty-five miles from a post office, unpleasantly situated on an open prairie and with an absence of water for drinking.

It was little wonder that Okmulgee, nearer the geographical center of the Creek Nation, was chosen as the new council-grounds.

21. Report of Commissioner of Indian Affairs, 1865

22. Ibid, 1868

The National Council appropriated the sum of ten thousand dollars, or so much as was necessary for the purpose of erecting the capitol building of stone or brick. The building was to consist of suitable chambers for the office of chief executive, the House of Kings, the House of Warriors, the supreme court, the office of treasurer, auditor and superintendent of schools, and for the various committees of the National Council.

This capitol was the center of the political life of the Creek Nation. Here the tribal laws were made and here the tribal supreme court gave its final decisions. Near here punishment by public whippings was administered to offenders against the tribal laws and at times there was inflicted the extreme penalty of death by shooting. After an Indian citizen had been found guilty of some crime under the tribal law and the extreme sentence of death had been pronounced upon him and the date of his execution fixed, he was allowed to go anywhere he might wish without guard and without any hinderance upon him. There was an implied understanding that he would return for his execution-and no Indian citizen ever failed to return.

23. The actual amount spent after bids were taken amounted to \$13,190.

24. Statement from James McHenry, President of House of Kings, approved by Chief Coachman, Oct. 16, 1887
No. 24840-41

This capitol was also used as the meeting place of the Inter-tribal Conference. Here also assembled a conference of delegates from thirty-four tribes of the southwest and here a conference of citizens of Indian Territory prepared a constitution for a proposed Indian state which was known as the "Okmulgee Constitution".

A study of the new Creek constitution, which was a basis of law in the nation from 1867 to 1907, will show that a great deal of thought and time was spent in trying to give the Creeks a constitution to best suit their needs and conditions of a partial civilization.

Under the constitution, the courts of the Creek Nation had almost absolute control of trials. Consider a few of the cases tried by the Creek Courts and their
 25
 punishments:

1. Joe Pigeon charged with stealing cattle from B. Jones. Found guilty by the court. Punishment-fifty stripes on the bare back.
2. Caezar arrested for stealing Dick Bruner's horse. Found guilty and received fifty lashes for the crime.
3. Joshua Long plead guilty to crime of larceny of one hog, property of Jimmie Bruner. Punishment-one year's imprisonment in the United States Penitentiary at Ft. Leavenworth, Kans.
4. In the case of Jeannie Tiger vs. ²⁵Solomn Sawyer, Jeannie telling her story stated:

25. Court Records commencing March 4, 1872 and ending July 4, 1872 inclusive, No. 26205

26. Cases of Wewoka District Court, September, 1895, No. 28455.

Johnson bought a white looking handkerchief from a man . He was going to Tulsa gathering. Called for his handkerchief and I looked for it and couldn't find it. The handkerchief was a cream colored sorter and Johnson was out hunting the horses and I was going to wash it and went to get it and it was not there and when Johnson came back I asked him if got his handkerchief and he said he did not. Solmon and wife and Barney and wife was to our home and Johnson laid it on to those two outfits in stealing and when we was here last court Nokas Denison asked me had I lost a handkerchief. I tell no. Bert Johnson had lost one. She Bought one from Solmon Sawyer and I told her let Johnson look at it as she told me she had it with her in the buggy. So then I wait and got it and she moved the edges out and hemmed with a machine. That's all I know. It was the handkerchief of Johnson and she said she bought it from Solmon. Paid seventy-five cents for it. I was positive it was the same handkerchief.

I don't know when It was lost for Solmon would go back and forwards. I don't jest know when it was lost till Nokas told me she bought it from Solmon, then I know he stole it.

The Creek Nation, under this constitution, had no counties but was divided into six judicial districts, each of which had a district judge. The districts were named: Wewoka, Coweta, Muskogee, Eufaula, Deep Fork and Okmulgee. ²⁷ Pre-eminent in the point of jurisdiction was the supreme court, which met twice a year at the capitol. It was composed of five supreme judges.

The United States courts, even in the Creek Nation, had exclusive jurisdiction of all controversies as to title, ownership, occupancy or use of real estate, and the right to try all persons charged with homicide, embezzlement, bribery, embracery, carrying arms, and

27. O'Breirne, The Indian Territory; Its Chiefs, Legislators, and Leading Men, 1892, II, p. 36

breaches of peace, committed in Creek country without respect to race or citizenship of the persons charged with such crimes. Any such persons were punished, if convicted, as if they were a citizen of the United States.

Under this constitution the system of government easily followed that of the United States. The government was representative in form with a three department system of legislative, judiciary, and executive branches. The legislature, which met once a year, was composed of two houses, elected every four years. The upper house, House of Kings, was composed of one member from each town or representative district which made forty-seven²⁸ members in this branch. The House of Warriors, the lower house, was composed of one representative at large from each representative district and one additional²⁹ member for every two hundred citizens of that district. There were about one hundred and eleven members in this house. The executive head, who was called the principal chief, was elected every four years at the same time as the legislature.

In combination with the constitution and the Treaty

28. The original Creek government was a confederacy of towns.

29. Testimony of Creek delegate to Washington, A.P. M'Kellop, Indian Document, XLIII, p. 54

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of 1866 were laid down the laws against intruders. Through the Compiled Laws of the Creek Nation (page 63) it is noted that:

Section 1. All persons having resided out of the limits of Muskogee Nation, and whose rights as citizens of the same may seem to be questionable in consequence of intermarriage with non-citizens shall be bona fide citizens of this nation, provided they can prove to the satisfaction of the proper authorities that they are of Creek descent and not further removed than one fourth degree.

Section 2. All persons who have been at one time adopted by the recognized authorities of the Muskogee Nation and all persons of African descent who were made citizens by the treaty of June, 1866, between the Creek Nation and the United States, shall hereafter be recognized as citizens of the Muskogee Nation.

Section 3. Any person claiming citizenship under these provisions shall, in order to establish his or her rights, prove the same by a responsible and distinguished and disinterested native witness before the district court.

The second act limiting citizenship stated:

Section 1. That there is hereby provided a committee of five to be composed of two members of the House of Kings and three from the House of Warriors, to be known as and styled the Citizenship Committee, and whenever it shall appear to as many as five citizens that any person residing in Muskogee Nation is not entitled to rights of citizenship they shall jointly submit their complaints in writing to the chairman thereof who shall lay the matter before the committee of five at the annual council and it shall be the duty of the committee to examine carefully and

determine all such questions.

Section 2. The committee is hereby empowered to compel the attendance of at least two of the persons signatory to the complaint, to show cause why such persons may not be entitled to the rights of a Muskogee citizen, and persons so attending shall be paid by the Nation such per diem in actual attendance before the courts of the Nation in criminal suits.

Section 3. That the committee is hereby required to report through its chairman, to the National Council all its actions and determinations, to be subject to its adoption or rejections: and all acts or parts of acts inconsistent herewith are repealed.

The last act on the subject is to be found on page 177 of the Compiled Laws, as follows:

Section 1. All persons who were born or who may be hereafter born beyond the limits of Indian Territory, and who have heretofore been entitled to make application for citizenship on account of Indian blood or tribal adoption, and who have continuously resided beyond or outside the jurisdictional limits of the Muskogee Nation for the period of twenty-one years, are hereby declared aliens and not entitled to citizenship in the Muskogee Nation or any privileges.

Section 2: The minor children and descendants of such persons debarred from citizenship and declared aliens, are hereby also excluded from citizenship in the Muskogee Nation nor to the privileges thereof.

Section 3. All persons who have heretofore applied for citizenship in the Cherokee, Choctaw, Chickasaw and Seminole Nations by blood or adoption, are hereby declared aliens, and shall not be entitled to citizenship in Muskogee Nation nor to the privileges, thereof.

Section 4: This act shall not apply to persons who have heretofore filed application for citizenship and where cases are now pending.

Norwithstanding these exact laws of citizenship the Creeks were bothered a great deal with intruders espically with the beginning of the railroad. Intruders took advantage of this excuse and tried to obtain the lands of the Indians. This became much more troublesome about the time of the Boomer expeditions.

By the year 1869, J.W. Dunn, agent for the Creeks, reported that the new constitution had been adopted³⁰ by almost unanimous vote. The government of Sam Checote was in power by the vote of the people and was devoted to the interests of the nation, favoring religion, education, progress and the works of internal improvement.

However, when Sands, an opponent, failed to be elected chief over Checote he became dissatisfied and formed an organization under the old system.³¹ All others who were dissatisfied because of loss of office went over to Sands organization. As the new council had not passed any laws of punishment, the organization could not be broken up or punished. This Sands organization

30. Op. Cit. 1869, p. 411

31. Ibid. 1871, p. 574

was composed of those having northern and southern ideas and the question of loyalty or disloyalty to the Union was of no active interests to Sands. The real issue was constitutional law, education, advancement and and progress of the nation on the one hand to the reinstating of the old laws, manners and customs on the other.

It was hoped that this Sands faction would soon conform to the new constitution and that peace in the nation would continue. This was far from their minds, however, as was clear three days previous to the meeting of the Creek Council. Parties favorable to Sands had been gathering in the neighborhood. On the morning of October 2, the day before the council was to assemble, three hundred of the faction marched into Okmulgee,³² drove out those in charge of the Council-house and announced Cotcheechee, ally of Sands, principal chief. During this procedure, Chief Checote had ordered all women and children out of the town and all stores closed. Checote had been ordered by the United States agent not to use arms except as a last resort. This agent, F.S. Lyon, acted as peace maker and authorized a peace conference to meet. Six or eight delegates were chosen from both sides to attend the conference

32. The Creek Council House was located at Okmulgee.

and meetings assembled for a half day session for several days. The outcome of the conference was a written agreement of the Sands faction to support a new constitution, abandonment of armed forces, agreement for a new council to be called in the middle of November to which the disloyal group was to send delegates. At this meeting Checote was again elected principal chief and Micco-Hut-Kee as second chief.

Perhaps an even greater and more destructive revolt was the one of Isparecha, known as the Green Peach War. He had for some time been gathering together full blood Creeks at a meeting place near Nuyaka. The revolt started over one of the northern Indians stealing some horses. The Indian was found at a camp meeting at Osalnabe, where he was arrested and delivered to Bruner, Captain of the Wewoka District. During the night, friends of the prisoner killed Bruner and released the prisoner. These were all northern Indians and Bruner was a southerner. This started much killing and destruction of property by the revolting faction led by Isparecha.

In December, 1882, both factions-revolters and the Creek Nation-agreed to select five men and send them to the office of the United States agent where they would submit all their grievances. The Checote party³³ selected their delegates and agreed to forget

33. Sam Checote was principal chief at this time.

all offences committed by Isparhecha's party up to January 1, 1883 and then stated that the party would not be prosecuted. Isparhecha kept putting off the selection of his delegates and finally, on February, 3, stated that his party had decided not to send any men to arrange for peace.

According to the Treaty of 1866, the Creek Nation might have called in the United States Government but the nation felt able to cope with the situation.

To protect the Isparhecha party, even though they had started the revolt, the United States Government issued an order for the military to disarm the Isparhecha party, return them to their homes, and protect them with one company of cavalry and one company of infantry. The Checote party thinking that this was hardly fair to their party went to Washington to ask that the military order be suspended. Little reception was given them by any of the departments that they visited.

Difficulties were finally settled, on August 10, 1883, by a joint meeting of both parties. It was understood that they would both use their best endeavor to secure legislation based on the following factors to which they agreed in their joint meeting:

34. Outbreaks in the Creek Nation, 1883, No. 34307

1. We recognize the binding force of the existing treaties between the United States and the Creek Nation, and declare our earnest desire to preserve the integrity of the Creek Nation and to re-establish and maintain harmony among the Creek people.
2. We recognize the constitution of the Creek Nation, but desire that the council, which shall meet after the pending election and composed of members then chosen, shall so amend it by reducing the present representation and other measures of reform as shall reduce to a reasonable sum the expenses of the government of the Creek Nation.
3. We agree that a full and unconditional amnesty and pardon shall be granted for all alleged criminal offences, political or otherwise, committed prior to the present date, as provided by the act of the National Council of October 16, 1882, it being understood and agreed upon that should there be any dispute as to whether any offence charged against any person is such a one as has grown out of the late trouble in the nation, then in such case the facts shall be submitted to the Indian Agent whose decision shall be final.
4. It is recommended that the Creek authorities provide either to abolish or for a careful re-organization of the Light Horse by dismissal of officers and privates who have used oppressive violence in execution the law, and that vacancies be filled by good men who will firmly but cautiously exercise their authority.
5. That the Creek National Council shall appoint a commission of able, faithful and impartial men, representing both sides, to whom shall be referred with power to audit and recommend payment thereof the claims of parties whose property has been unlawfully seized and destroyed during the late disturbances.
6. That the United States troops within the nation be stationed at a camp at Okmulgee to maintain peace and assist the civil officers in the enforcement of law and order during such periods as the colonel commanding and the Indian Agent may deem such military occupancy necessary.

It seems remarkable that a man, who had led such a revolt as this, should actually be elected chief of the nation. But, according to some, Isparecha's personality and intelligence warranted it. However, in a letter written by J.R. Gregory, a somewhat different view is gained of Isparhecha. This letter is as follows: ³⁵

Isparhecha laid the disrupting schemes that finally destroyed the Creek Nation. Isparhecha tried to reform the government, which was commendable, as far as his time permitted. At the end of his administration, the people were torn into factions. They really did not know what to do.

With the habits contracted in the war years almost forgotten and the Treaty of 1866 under full consideration, the recent chaotic conditions gave way to peace. The Creeks seemed determined to build up their former prosperity. The late return of many to their farmhouses, the scanty crops that the season produced (short crops the first two years were caused by insect pests and droughts), ³⁶ the poor advantages for agriculture and the desolate conditions of an impoverished country served only to inspire them.

As peace in its influence grew among the Creeks, a renewed interest in education was exhibited; the freedmen particularly seemed anxious that their child-

35. Letter from J.R. Gregory to Emmett Starr written from Indola, Ind. Terr., Feb. 1900, No. 1

36. Op. Cit. 1866, p. 55

ren should be educated. In the past years the customs of the country prevented their enjoying the benefits of the Creek schools, but now that their status had been raised they were determined to benefit by it.

The nation was in great need of mills. Those that were running before the war were either destroyed or useless. Many persons interested in the prosperous condition of the Creek Nation urged that a sufficient amount be appropriated from the Creek annuities for the purchase of at least one saw mill and one grist mill. These improvements were seen to be of general and lasting benefit to the whole nation.

There were few cattle in the nation. Before the war no Indian nation was richer than the Creeks in this respect. Great numbers were driven from the nation to the commissary depot of the south to built up the strength of the Confederate Armies. Many too were driven north, perhaps with more energy than honesty.³⁸

The year 1867 saw the Creeks worried by a new menace to their crops-the grasshopper. Two or three plantings of corn had been made by some of the most perservering. No sooner had the leaves of each crop

37. Freedmen were slaves of the Indians who had been freed and accepted for citizenship.

38. Ibid.

come in sight than they were consumed. By May 15, however, this scourge had disappeared and a good crop was promised. Statistics show that on the large acreage cultivated by the Creeks in 1867 the following crops were produced:

Crop	Bushels	Value
corn	130,000	\$30,000
oats	1,000	\$1,000
potatoes	2,000	\$2,000
turnips	5000	\$500

Consider the Creeks in 1877 and note their progress. Commendable advancement had been made in the ways and customs of civilized life. Their farms had in many cases been enlarged and were better cultivated and had produced an abundant harvest, more than enough for home consumption. Beside their cultivated crops they had made more than thirty thousand dollars from a pecan harvest. Other crops produced this year by the Creeks included:

Crop	Bushels
wheat	68,000
corn	1,600,000
oats, barley	15,000
vegetables	70,000
hay	60 tons

The Creeks ranked close to the Cherokees in the amount of stock owned. This stock owned was listed as: horses-6,000, mules-475, cattle-32,000 and swine-12,000.

Although the Creeks did not have as many sources of revenue as had others of the Five Civilized Tribes, a large income was gained annually by the permit tax. Instead of five dollars per annum for white labor, as was a custom among some of the tribes, the Creek government imposed a tax of one dollar per month, or twelve dollars per year, upon renters and hired hands; while in the case of licensed traders, the revenue was one half of one percent upon all goods brought and sold in the nation. Non-citizen physicians paid an annual license of twenty-five dollars and mechanics twenty-four dollars. Drivers, passing through the nation, were charged one dollar per head for their cattle; while a duty of three dollars per head was imposed on all stock purchased in Texas and introduced by citizens into the nation.

A treasurer's report during the '90 would have followed this order:

Total amount received by treasurer---	\$175,919.96
Paid by treasurer-----	\$157,394.70
Balance-----	\$18,525.26

The above credit balance shows the financial prosperity of the nation, while the excellent conditions of the public institutions and the country at large, and the reports of the missionaries during this period were a positive proof of the efficacy of the Creek Government and the interest and civiliz-

40

ation of the nation.

The Creeks were not only becoming first in industry in Indian Territory but were making rapid progress in education. In 1870, F.A. Fields, Agent for the Creeks, made the statement that all the assistance from the United States that the Creeks required was in the manner of schools.⁴¹ There was an unusual amount of interest taken in education by the nation, particularly by those who had formerly opposed the idea. At this time their sole aim seemed to be the education of their children.

According to an act of the National Council, the Creeks had in 1870, twenty-two schools, located in different parts of the nation, all under the supervision of the superintendent of public instruction. At the close of the scholastic year, June 30, 1870, there were about five hundred and forty pupils in these twenty-two schools. These schools were each taught by one teacher. Thirteen of these teachers were Creeks and the remaining nine were white. These teachers received from the Creek National Treasury, a salary of four hundred dollars for a school year of

40. O'Beirne, *The Indian Territory; Its Chiefs, Legislators, and Leading Men*. II, p. 37

41. *Op. Cit.* 1870, p. 297

ten months.

J.H. Perryman, Superintendent of Public Instruction of the Creek Nation assured the United States Government of the interest among the Creeks in education when he stated,

42

Never before have the Indians shown greater desire to progress in education and never did they give as much labor to the cultivation and improvement of public schools as at present, I am happy to state that the schools are in a prosperous condition and cannot but believe, if they continue as they now are, and supplied with the necessary books that they will prove a credit to the nation and a lasting benefit to the people.

A report of the year 1883 shows considerable progress in the number of schools. There were twenty-eight public schools taught by twenty-eight teachers paid a sum of eleven thousand dollars yearly.

There were in the Creek Nation about fifteen private schools or mission schools. Of course many of them are not even known to the average citizen of Oklahoma today and yet these schools helped to educate the politicians of that day who influenced to a great extent the history of the present state of Oklahoma. These mission schools were known under the following names: Asbury Mission, Bacone Indian University, Muskogee Institute, Harrell Institute, Coweta Mission, Euchee High School, Eufaula High School, Muskogee

National High School, Levering Mission, Nuyaka Mission, Pedan Mission, Tallehassee Mission, Weeleka Mission and Wetumka Mission. In order that the National Council might keep in touch with the schools and know the progress made, a quarterly report was sent by the superintendent of the school on the order of
 43
 the following:

Notwithstanding the drought of fourteen weeks duration, the Mission (Asbury) will realize more than half a crop of corn and cotton. We have housed oats, and fodder, made nine barrels of sorghum, cribbed corn and picked 17,229 pounds of cotton, the first picking. The crop of Irish and sweet potatoes was only tolerable.

In a religious point of view we feel good has been accomplished. Twenty-one boys and young men have been received into the church, among them are no doubt several who feel called to preach the everlasting Gospel. With the means of Grace employed, the morning and evening worship, the weekly prayer meeting, voluntarily conducted by the boys, the Sunday School and preaching of the Word we feel the seed is being sown which shall spring up in the near future and bear fruit to the Glory of God.

It was absolutely necessary for the Creek Indians, in order to protect their interests and make known their rights, to have some medium through which to express themselves to the thinking and reading portion of the Citizens of the United States. It seems that all the erroneous tales and malignant slanders circulated by the enemies of the Creeks had been implicitly believed simply because there

43. Report of Thompson, Sup't. To Checote, Chief, Sept. 30, 1881, No, 36046.

was no proper means by which to prove their falsity.⁴⁴

The leaders of the Creek tribe became acquainted with the newspapers of other civilized tribes and saw the value of such publications. They gave consent to the establishment of a printing company. This company, composed of : Sam Checote, Lochor Harjo and Ward Coachman, Creek Tribe; Will P. Ross and Sam Taylor, Cherokee Tribe; Coleman Cole and Joseph Fokum of the Choctaws; B.F. Overton and ----Brown, Chick-
 saws; John Chupci and John Jumper of the Seminole Tribe, was declared a corporation within the limits
⁴⁵
 of the Creek Nation. Doubtless this was the act authorizing the founding of the Indian Journal in Musk-
⁴⁶
 ogee, Creek Nation. This paper, which began its work in May 1876, is still being published in Eufaula, the oldest paper to be continuously printed in Okla-
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 homa. The Journal was published weekly as an eight page, six column newspaper. The Journal was the off-

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44. Letter from Chief Checote to National Council, Nov. 2, 1877.
45. Contract between International Printing Co, and the Creek Nation, 1875, No. 34077.
46. Carolyn Thomas Foreman, Oklahoma Imprints, 1835-1907, p. 174.
47. Grace Ernestine Ray, Early Oklahoma Newspapers, History and Description of Publication From Earliest Beginnings to 1889, p. 54

icial Creek newspaper and printed long items of national interest in both the English and native language. At one time all the Creek laws were translated and published in the paper. Items of local interest were also published. The following is a personal article found in the Indian Journal published July 26, 1877:

With a little of your permission I will occupy a little of your space this week in the narration of a very pleasant family gathering, at the residence of Major E.C. Bosbyshee, on the afternoon of Wednesday.

A family reunion is always a pleasant event, but this one seemed somewhat peculiar, also on account of the presence of four generations.

The exercises were not elaborate but of a kind that necessarily find an inroad to the heart.

After the old people were seated the children marched into the room and around them singing "Shall We Gather at the River". After which two little girls placed upon the silver heads, myrtle wreaths.

... ..

During the reconstruction period the Creeks were not entirely concerned with their economic and political progress. They had much time to revive the religious ceremonies of the East.

The ceremony of greatest importance among the Creeks was the Green Corn Dance, an annual festival similar in purpose to Thanksgiving. Wherever Indian corn was grown, the ripening of that grain constituted an important era in the year. The whole tribe usually assembled to celebrate this festival. It was customary to produce, at this time, fire by

rubbing two sticks together, and the fire thus produced was sent from band to band as a token of friendship. At the place of assembly a large fire was kept up, and around it gathered the warriors and their women, dancing and singing songs expressive of their gratitude to the Great Spirit for sparing them and their friends through-out the year. But should famine or pestilence have overtaken them, or many of their people have fallen in battle, then these joyous songs were intermingled with wailing and mournful sounds. Such national calamities were attributed to the crimes of the people and pardon was thereupon invoked. During their festival, should a criminal escape from his bands and make his way into the charmed square during the dance, he was considered as under the protection of the Great Spirit, and his pardon was secured.

Here is a short summary of the Green Corn Dance
 48
 as seen by John Howard Payne.

All the members assembled at the chosen place of celebration. This spot was remote from any inhabitions and consisted of an ample square, with four large square houses, each forming a side of the square. The houses were logs and clay. Attached to every house towered a thick notched mast. Occupying one corner of the Square was a high cone roofed building, circular and dark, with an entrance down an inclined plane, through a low door. Two other sides of the square were formed by thick corn fields and the fourth by the extended back of one of the buildings be-

48. John R. Swanton, Letter From John Howard Payne, Chronicles of Oklahoma, X, p. 170

fore mentioned. The sacred square is strewn with soil yet untrodden. No stranger is allowed on the square until it is consecrated.

The square being prepared, every fire in the town is extinguished. The first ceremony is the lighting of the fire for the new year. This is done by five chiefs, each taking a turn. Sticks are lighted from the central fire and taken to each home. The original flame is taken to the center of the sacred square to be used in the other ceremonies.

The second ritual was the drinking of the sacred beverage. Each warrior takes a long deep draught. The second thing, they did, though somewhat curious, was performed with the same solemn worshipful reverence. Each warrior ejected what had been swallowed upon the ground. It seemed as if given forth in the spirit of a libation among the ancients.

A great portion of the remaining ceremony was spent in dances representing the conquests over bears, the panther and the buffalo. The last say consisted of a sort of trial of fortitude upon the young.

CONCLUSIONS

To summarize the trend of the federal government's relations with the Creek Indians during reconstruction, it is noted that the United States Government and its citizens apparently had every desire and wish to gain control of the Creeks' lands. This is seen to be true when the effects of the Treaty of Washington, the Treaty of 1866, jurisdiction of the United States Courts and the sponsorship of the railroads, are considered. No matter what high ideals guided the United States Government and its citizens in the formulation of these plans, the ultimate event was the increasing destruction of the Creek Nation.

It must be admitted that the Creeks were at fault in several cases and the action of the United States government was justified to a degree. This justification, however, did not call for the humiliation of the entire Creek Nation when only a fraction of it was at fault.

The Creeks realized that they must in the near future be absorbed into the United States Government but they wanted to be left alone long enough to become so educated that they, the Creeks, would not be the loser in every contract between the Indians and the federal government. The Creeks made decided progress in civilization through their school system, through their organ-

ization of courts and through legislative enactments.

So it is that the Creek Indians, one of the founders of the present State of Oklahoma, were forced by numerous promises and treaties into their own destruction.

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