

THE HISTORY OF THE UNION AGENCY AND FEDERAL ADMINISTRATION

THE HISTORY OF THE UNION AGENCY AND FEDERAL ADMINISTRATION

STRATHMORE PARCHMENT

By

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PARCHMENT

STRATHMORE

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PREFACE

The agencies of the Five Civilized Tribes were combined into one Union Agency in 1874 by an Act of Congress. The Union Agency served the Five Civilized Tribes until it was abolished in 1914 by an Act of Congress. The agency was located at Muskogee, Oklahoma. The Union Agency building was completed and occupied by the government about January 1, 1876. The building and forty acres were reserved from allotment and the Creek Nation conveyed this property to the city of Muskogee for Park purposes on November 6, 1909. This historic structure is still standing and it is one of the oldest landmarks in Oklahoma. The city of Muskogee set aside this forty acres and established a park which is named Honor Heights. The hill that the Union Agency building is located on became known as Agency Hill and the United States Veterans Hospital was built on it in 1923.

The Union Agency was always under Federal Administration and regulations. This agency took care of the legal affairs of the Five Civilized Tribes and their relations with the Federal Government. It served the Indians well. The Indians became more like the white man. They learned to farm and support themselves during the years of operation of the Union Agency. Some of the restrictions imposed on the Indians were removed.

The functions of the Union Agency were somewhat different from any other agency. It had charge of almost one-third of

all the Indians in the United States. The duties of the agents were different because of the character of the Indian tribes under their supervision.

According to Dr. Grant Foreman, no other thesis or book has ever been prepared on the Union Agency. There are very few secondary sources that even refer to it. Our foremost Oklahoma historian has written only six pages about the Union Agency.

I wish to take this opportunity to express my appreciation to Betty Leslie of Muskogee, Oklahoma, for her typing services. I am especially grateful to Dr. Grant Foreman for his suggestions.

M. E. W.

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CHAPTER I

EARLY HISTORY OF THE UNION AGENCY

For many years before the beginning of Muskogee, the agents for the Five Civilized Tribes were located in their respective nations. The Cherokee agent was located at Tahlequah; the Chickasaw and Choctaw agent was at Boggy Depot; the Seminole at Wewoka; and the Creek agency was located at Fern Mountain which is on the south side of the Arkansas River and only three miles north-west of the present Muskogee. The government had planned to consolidate the work of the different agencies, and the government accomplished this on July 1, 1874, by an Act of Congress. From that time there has been only one agency, and it had supervision over the administration of the affairs of all the Five Civilized Tribes. At first this new agency was called the "Consolidated Agency" for the Five Civilized Tribes. Soon afterwards, it became known as the Union Agency.

This agency has a very interesting history. The agency buildings of the Creek tribe were destroyed during the Civil War and the government promised to build other buildings suitable for the agency. This agreement came out of the Treaty of 1866 but the expense was not to exceed ten thousand dollars. The Creeks donated a section of land for the purpose and the agent decided where the location would be.¹

¹ Grant Foreman, Muskogee, (Norman, 1943) p. 24.

The Creek National Council established Okmulgee as the tribe's national capital on October 12, 1867. J. W. Dunn, the Creek Indian agent, chose Okmulgee as the site for the new agency building. Nothing more was done about the building until August, 1872, when F. S. Lyon reported that he did not want the building at Okmulgee. He was the new Creek agent. He felt that Okmulgee had been selected because of the interest in Indian trading at that particular place. Lyon wanted the location at Muskogee because of the Missouri, Kansas, and Texas Railway, which ran through Muskogee. A meeting was held in Okmulgee and several protested the idea of a location in Muskogee.

The Indian office finally appropriated the funds. In 1873, E. R. Roberts, recently appointed Creek agent, wanted to build the agency himself but the commissioner of Indian Affairs told him to advertise for bids. The lowest bid of \$5,800 was accepted because money was such a problem at the agency.

The Choctaw-Chickasaw Agency at Boggy Depot burned in ²1874. This hastened action of Congress on the matter of the Union Agency. They needed the "Consolidated Agency" more than ever, now.

The first Union Indian agent was G. W. Ingalls, who had been appointed in 1874. He wanted the agency built three miles west of Muskogee. He thought up the idea of calling the new location "Prospect Hill".

Eufaula and Checotah Switch were two other places that some

² Ibid., P. 26.

people were trying to get for a location for the Union Agency. Checotah Switch might have been the place selected but some very interested persons in Muskogee emptied a barrel of salt into a well of perfectly good water near the proposed building location. The well was inspected and the project ended when they found that the water was salt.

The low bidders for the construction of a stone building for an agency were Samuel Proctar and A. J. Maxwell of Parsons, Kansas. They agreed to erect the stone building for \$5,435. The site for the building became known as Agency Hill. The cornerstone was laid with impressive ceremonies on August 18, 1875.³ These ceremonies were conducted by the Masonic fraternity of the territory. Agent Ingalls provided carriages and wagons for transportation to and from the ceremony. The procession led off with carriages followed by wagons, horsemen, the band, Masonic Grand Lodge, followed by members of the order. There were 68 wagons and 100 horse men. The procession started at the railroad and went over a dusty road to Agency Hill. The meeting opened with prayer. Major Ingalls spoke to the crowd for a brief time, and then introduced Hon. W. P. Ross, retiring chief of the Cherokees. Col. E. C. Boudinot, a Cherokee by birth, made a short talk. Samuel Checote, chief of the Creeks, spoke in his native tongue and an interpreter explained the speech to the

³ Creek Nation, Indian Archives, 1875. File No. 24838-A-59.

people. Dinner was announced by Major Ingalls. Five large, fat cattle and several hundred prairie chickens were barbecued and served. After dinner there was music by some Fort Gibson ladies. Then the people walked around and viewed the hill. The train had brought in large delegations from Chetopa and Parsons and the Silver Cornet band from Sedalia. Indians, negro, and white citizens from every direction, viewed the hill together⁴. Then they all marched back to Muskogee.

The Union Agency building was completed and occupied by the government about January 1, 1876.⁵ There was a farm of eighty acres connected with the Agency. Agency Hill was and still is, covered with trees, shrubbery, and beautiful flowers. There is a lovely, paved drive from the top of the hill to the bottom of the hill, and this drive is directly in front of the old Agency building. This same building still stands but it is in need of repair. The United States Veterans Hospital was built close to the Agency in 1925. The importance of these two federal buildings has made real estate extremely expensive on Agency Hill. Major Foreman owned an old wind grist mill a short distance from the Agency Hill building. People took corn to the mill to have it ground into meal. The mill worked off the wind so on windy days, there was usually a big crowd.⁶

4 Ibid.

5 Annual Report of the Commissioner of Indian Affairs, 1876. (Washington, 1876).

6. Indian Pioneer History, Vol. XXXVII Interview 12474.

When the Indians came to Union Agency on Agency Hill to transact business with the agent, they found it necessary to come to the railroad to make their purchases. The Indians started camping in the village of Muskogee because it was close to the railroad. In a few years the agent removed the Agency to the village and took up his quarters in a room of the Turner Hardware Company building. Even though a stone building had been provided by the government on a beautiful site, which was known as Agency Hill for fifty years because of its associations, the Union Agency actually was conducted in the growing town of Muskogee during most of its history.

Rev. S. W. Marston from St. Louis, Missouri, was named successor of George W. Ingalls in the Union Agency office for the Five Civilized Tribes.⁷ He took charge of the Union Agency on May 1, 1876. Major J. J. Upham, Commandant of the post at Fort Gibson, acting under telegraphic orders from the Secretary of Interior, through General Pope, took possession of the office, books, and vouchers belonging to the Union Agency at Muskogee. George W. Ingalls, the agent, was absent at the time. The government took this step because of suspicion of misapplication on the part of the agent, of public funds intrusted to his charge.⁸ These suspicions were denied by the agent but he was removed anyway.

7 The Atoka Vindicator, Jan 12, 1876, p. 5, col. 1.

8. Ibid., p. 2, col. 3.

Agent Marston helped to reconvey Agency Hill back to the Creek Indians. In 1878 the Creek authorities made a contract with the Baptist Home Mission Society of New York. A boarding school was to be conducted in the Union Agency building for twenty negro girls and twenty negro boys. This came to be known as Evangel Mission. The Creeks wanted to put this famous building to good use and it had not been used for anything since the Union Agency was moved to the business district of Muskogee. The Creek Government let the Creek Orphans home and school be established there for several years. Letters and checks for the Creek Agency school were signed by F. B. Sims, Pleasant Porter, and Sam Checoti. These checks were written on the National Treasury and the first one was written to Mary E. Masin for \$160. She was the school teacher at the Agency school. Such checks as these was just one of the many things that was handled by the Union Agency.

Another Creek Mission school that the Union Agency handled funds for was the Tullahassee Mission. Miss Alice M. Robertson, pioneer missionary, was school supervisor for the Creek Nation for a number of years. Later, she was representative in Congress from Oklahoma.

Today, there is an Agency school one mile north of Agency Hill that is used for negroes. This school was built not too

9 Foreman, op. cit., p. 30.

10 Letters to the Department of Interior Office of Indian Affairs, Jan. 1, 1879 to Dec. 8, 1879.

long after the mission school was abolished on Agency Hill.

The Union Agency had become an important thing and it had control over a large number of Indians. The Cherokees consisted of 32,161. The Chickasaws numbered 8,730. The Choctaws consisted of 18,456. The Creek numbered 14,771. The Seminoles numbered 2,900. The total number in the Five Civilized Tribes was 77,018. The area in acres was 19,785,286 and the railroad station was unallotted. The Post Office and telegraph address was Muskogee, Indian Territory, and the nearest military post was Fort Reno, Oklahoma.

The Five Civilized Tribes embraced practically all of the Indian Territory, except, a small portion of country in the extreme north-eastern corner set apart for the Quapaw, Madoc, and other small bands of Indians who were in charge of a superintendent of schools. The area contained by the Five Civilized Tribes was greater than that contained in any of the States of Connecticut, Delaware, Main, Maryland, or Massachusetts. This area was about equal to that of the state of Indiana.

Correspondence was increasing at the Union Agency. Many Indians wrote and asked about new laws concerning their lands and property. A copy of all correspondence had to be kept at the Agency. Payments to lots were brought to this office. Receipts of the Union Agency for November, 1904, were the largest in its

11 C. J. Kappler, Laws and Treaties, (Washington, 1903), vol. I, pp. 1044-1045.

12 Annual Report of the United States Indian Inspector For the Indian Territory, 1902. p. 193.

history. These receipts amounted to \$144,359.92. Business was increasing and so was the importance of the Agency. In 1879, the agent did not have as many salaries to employees to take care of and he did not handle as many oil royalties. Mines had been developed and there was a vast amount of paper work to this, too. The royalties paid by lessees to Indian Territory equaled a large fortune. It amounted to several thousand dollars in one day,¹³ sometimes.

The Agency did not have very much office equipment. In 1878, the Union Agency material amounted to 3 horses, an ambulance, one iron safe, 6 chairs, two desks, some stationary, and various other small articles.¹⁴ John Q. Tufts of Iowa was appointed agent at Union Agency in 1879.¹⁵ This agent kept writing to the Department of Interior and finally provision was made to increase his staff and his office supplies. This was necessary to take care of his many duties and obligations in the office.

The Union Agency building and forty acres were reserved from allotment. The Creek Nation conveyed them to the city of Muskogee for Park purposes on November 6, 1909.¹⁶

The Agency building and a few old buildings at Fort Gibson are the oldest landmarks in the vicinity of Muskogee. The Agency was never beautiful but this historic structure still reminds us

13 The Vinita Weekly Chieftain, May 25, 1905, p. 6, col. 5.

14 J. G. Wright, Letter Press Copy Book, Feb. 17, 1898.

15 Cherokee Advocate, Aug. 6, 1879, p. 3, col. 1

16 Foreman, op. cit., p. 28

of the pioneers and the primitive days of early Oklahoma history.

One of the largest problems connected with the Indians was the problem of money to carry out these treaties with the Indians.

U. S. Grant was one of the first of our presidents to become interested in these matters. He urged Congress to appropriate funds to carry out Indian treaties made by what is known as the Peace Commission of 1867.¹⁷ Recent reports by W. O. Roberts, Superintendent of the Five Civilized Tribes, still show that the Agency is lacking in needed funds to carry out the business of the Indians, properly.¹⁸

The first General Council held at the Union Agency consisted of one member from each of the Five Civilized Tribes and an additional member from each 1,000 Indians of each tribe.¹⁹ This same rule was still true for many years to come. The General Council had power to legislate upon all subjects and matters pertaining to the intercourse and relations between the Nations of Indian Territory. Advice was given to Indians concerning important matters. The General Council had assembled at Okmulgee in 1875 under terms of the treaty of 1866. Agent Ingalls wanted to borrow a bell at the Sac and Fox Mission School which had been bought by subscription 18 months before the meeting.

¹⁷ J. D. Richardson, Messages and Papers of the Presidents, (New York, 1905), vol. IX, p. 4005.

¹⁸ Muskogee Times Democrat, March 4, 1949, p. 12, col 1.

¹⁹ C. J. Kappler, op. cit., vol. II, Article IX

The General Council was kept very busy taking care of
 Indian Affairs during this period.²⁰

On November 2, 1881, authority was given by the Creek Council for the establishment at Muskogee of the Harrell International Institute, a Methodist school.

According to the Union Agency agents, the Indians of the Five Civilized Tribes made a great deal of progress between 1874 and 1914. This was brought out in their annual reports to the Department of Interior. The annual report in 1874 was made by F. H. Smith. He stated that the Indians were an agricultural people and depended on their herds and lands for a living. In 1883, agent Marston reported that all of the Five Civilized Tribes, except the Seminoles, had their constitutions, laws, and Acts of Council printed. In 1881, agent John Q. Tufts reported that the Union Agency was acting as a court for Civil cases between Indians and white men. There were 3000 whites lawfully working as licensed traders, railroad, and government employees. The number of whites was increasing because work was done by whites and not by Indians. Mixed-bloods worked some but the fullbloods hardly ever worked.

The number of intruders was increasing rapidly and there was no law for punishing the intruders. Citizens of adjoining states paid nothing for coal and timber that they removed from Indian

20 Journal of the Adjourned Session of the Sixth Annual General Council of the Indian Territory, (Lawrence, 1875).

Territory. This created ill feeling toward the whites, so the Indian police force was increased to 40 in case of trouble.²¹

The Indian police force at Union Agency was employed and paid for by the United States and it was organized and controlled by the United States. It was the duty of the Indian agent to see that laws governing the intercourse of the Indians were enforced because Indians were to receive protection from domestic feuds, strife, insurrections, and intrusions. The United States wanted to help the agent to suppress unlawful traffic in whiskey selling and drinking.²²

Agent John Q. Tufts resigned from Union Agency in August, 1885, to accept the position of United States Commissioner at Muskogee. This position was made available when members of the United States Senate Committee on Indian Affairs arrived in Muskogee in May, 1885. This committee found it necessary to establish a territorial form of government to help the Union Agency carry out its many duties. The senators were Henry L. Dawes of Massachusetts, Chairman, John J. Ingalls, of Kansas, Samuel B. Maxey of Texas, and James K. Jones of Arkansas. They were accompanied by a retinue of people, consisting of a deputy sergeant at arms, clerk, stenographer, messenger, and a steward. These people attracted much attention as they traveled about through the principal centers of population in

²¹ Annual Reports of the Commissioner of Indian Affairs, 1874-1884.

²² The Cherokee Advocate, Feb. 11, 1880, p. 2, col. 3.

Muskogee and Indian Territory. Many people were attracted to Muskogee by the distinguished visitors and the significance of their presence. The whites favored territorial government but the Indians opposed it.

To succeed Tufts, Robert L. Owen was appointed agent for the Union Agency in 1825. Dew M. Wisdom was made Owen's clerk. They had such difficulty finding suitable quarters in Muskogee that they threatened to move the Agency to Fort Gibson. Owen's service was marked by the most interesting and instructive reports ever made by any incumbent of that post. He not only served the Indian well, but his intelligent reports of local conditions contributed much to the welfare of the young city of Muskogee. Few people outside the Indian Territory understood the difficult position of the white people among the Indians and Owens tried to enlighten those who were in a position to help. The Indian agent was the only symbol of law in the county aside from Creek authority.

The Union Agency saw that the Five Civilized Tribes had a public school system similar to those of the states. Schools were far apart and the average daily attendance was 10. However, the Indians did progress in education and they became more civilized. Crimes diminished and there was rapid growth in material wealth. The agent helped to get the United States Court moved from Ft. Smith to Muskogee so the Indians would not

25 Foreman, Ibid., pp. 68-69.

have so far to go to transact their legal cases.

Almost autocratic power was placed in the hands of the agent except in so far as was regulated by treaty and statutory provisions so his duties were many. The Indians were becoming so inter-mixed that it was difficult to describe their extractions. The agent had to help settle the dispute over the Creek and Seminole boundary line. He, also, encouraged Indians to take part in the annual fair at Muskogee, in hopes that they would understand modern farming methods better.

The agent increased the police force to 60 to keep out intruders. He recommended an asylum for insane white people. There was hope that the Indians would be represented in the National legislature because the Union Agency had charge of almost one-third of all of the Indians in the United States. This amounted to about 75,000 Indians. Hon. Dennis stated that the Union Agency was more important than any other 10 agencies in the service. He thought the agent's pay should be increased because the agents were placed under heavy bonds and accountability. One idea was to put the agent under Civil Service and keep him there until death.

On February 25, 1899, the offices of the Union Agency were destroyed by fire. Most of the records which had accumulated were entirely destroyed. The principal business portion

24 Annual Reports of the Commissioner of Indian Affairs, 1885-1899.

of Muskogee was destroyed, too. The fire was between five and six o'clock in the morning. Intense darkness was due to a lack of lights and high winds. The offices of the inspector and agent were ruined so the inspector asked permission to go to Washington and copy certain records necessary to transact business. Special Inspector Zevely was requested to investigate the fire and take the blame off the agent and inspector concerning the loss of the records. The inspector asked the governor to appoint three competent citizens of the nation to sit as a Board of Investigation of all national indebtedness evidenced by outstanding warrants written. Records of all funds received by Indian agents were preserved in a small safe and were found to be in good condition. ²⁵

The superintendent of schools was recently appointed for the territory and he needed office room space as well as the agent and the inspector. The agent was allowed \$25.00 per month for house rent and this was sufficient at Ft. Smith. After the fire there was some talk of locating at Ft. Smith.

William E. Jenkins and Cyrus W. Beede, regular Indian inspectors, conducted an inspection of Union Agency in 1905. This was the first time that it had been inspected in five years when agent Shoenefelt inspected the Agency. The inspection lasted about six weeks and they gave special attention to oil leasing papers.

25 Letters Written by the United States Indian Inspector for Indian Territory, Feb. 23, to June 13, 1899.

The oil and other mineral business had increased in Indian Territory.²⁶

The Union Agency had an official in the oil and gas fields of the Cherokee Nation, who had made a report concerning his special investigation. No leases were sent to Washington for approval until each separate tract of land was investigated. A personal interview was given to prevent mistakes and injury to the citizen allottee. Leases were sent to Washington as fast as the Union Agency could handle them. After the Agency approved and corrected the applications they were sent to the Commission of Indian Affairs for his approval.²⁷

The Union Agency received \$50,000 in 1900.²⁸ About \$7,941.25 came from taxes. As much as \$10,000.00 was used each quarter to pay the Choctaw teachers. Each penny had to be accounted for that was spent.

The first Federal Census of the Creek county was taken in 1890. There were 9,999 Indians and 9,291 of them were Creeks. The main towns were Muskogee with a population of 1200. Eufaula had 500 people and the population of Okmulgee was 136. There were six Post Offices in the county of the Creeks.²⁹

26 The Cherokee Advocate, Feb. 25, 1905, p. 1, col. 2.

27 Ibid., July 2, 1904, p. 2, col. 2 and 3.

28 The Fort Smith Elevator, May 18, 1900, p. 7, col. 6.

29 Angie Debo, The Road to Disappearance, (Norman, 1941), p. 322.

CHAPTER II

LATE HISTORY OF THE UNION AGENCY

Even though Congress created the long-dreaded Indian Territory Court at Muskogee in 1889, the self-government of the Five Civilized Tribes was still recognized.¹ The Union Agency still had a big job to do but the United States was trying to find some way to combine the duties and functions of the Union Agency with those of the United States Indian Inspector at Muskogee. This very thing was finally accomplished but it took several years to finish the task. The Federal administration of the Five Civilized Tribes expanded so much that the small office space and the few officials that the United States Department of Interior allowed the Union Agency, were not enough to do justice to this great agency.

The Five Civilized Tribes were different from most other tribes because their lands were not held on the same basis as reservations. The lands conveyed to the Cherokee Nation, December 31, 1838, were to be converted back to the United States if the Cherokee Nation ever became extinct or if these same lands were ever abandoned. The lands conveyed to the Choctaw Nation on March 23, 1842, were to remain theirs as long as they lived on the land and did not transfer it to anyone except the United States.

¹ Lawrence Mills, The Lands of the Five Civilized Tribes, (St. Louis, 1919), p. 4.

The United States granted the Creek tribe their lands on August 11, 1852. This land was to remain their's as long as the Creeks lived on the land and continued to exist as a nation. The Chickasaw Nation got the title to their land in the Indian Territory from the Choctaws in accordance with treaties with the United States. The Seminoles obtained the title to their land from the Creeks. These two tribes were granted their titles and privileges on the same basis as the Choctaws and Creeks.

By Act of Congress, February 8, 1887, every Indian born in the United States who received land in allotment but took his residence separate from any tribe of Indians therein and who had adopted the habits of civilized life, was declared a citizen of the United States; but the Five Civilized Tribes were excepted from the provisions of this act.² In March, 1901, another act amended this section so that the act would also apply to the Five Civilized Tribes and every Indian in Indian Territory.³

The Five Civilized Tribes were growing and tried to better themselves in most ways. It was difficult for them to do anything without the advice of the Union Agency because these Indians had learned to depend on the government so much. Faster progress might have been made if the Indians had been taught to be more independent. The Union Agency realized this and it tried

2 Ibid., p. 5

3 Ibid., p. 10

to introduce modern machinery and new farming methods as often as possible. This was the main reason that the Union Agency encouraged the Indians to attend all of the fairs presented at Muskogee. The first Indian fair was organized by the Creeks and the Cherokees. Five thousand people attended. The fairs of 1874 and 1875 were a blessing to the Indians. A devastating drought in 1874 burned up nearly all the crops and the grasshoppers finished the complete destruction of the crops. A large number of negroes died of privation, pneumonia, and exposure. By early spring in 1875 the Indians of the Five Civilized Tribes were appealing frantically to Washington for food, or money held for them to buy it, to feed starving members of their tribes. This was another reason that the Union Agency had been created in 1874..

The Union Agency tried to establish sufficient schools for the Indians under its supervision. Miss Alice M. Robertson was school supervisor for the Creek Nation in 1902.⁴ Some of the older Indians were so interested in learning the ways of the white man that they would attend "neighborhood" schools. In 1904, a sum of \$13,148.40 had been appropriated for this type of school. As time went on, however, less and less money was appropriated for this purpose so the number of "neighborhood" schools decreased. The amount appropriated for boarding schools was \$63,300. School

⁴ Grant Foreman, The Five Civilized Tribes, (Muskogee, 1948). p. 52.

attendance had increased in most of the other schools of the Five Civilized Tribes. There was a large number of illiterate whites among the Indians. The teacher received very little pay and the Indians objected to her at times. Alice Robertson was well qualified for this school work among the Indians. She had been a clerk in the United States Indian Office and she drafted the report and recommendations that were adopted as the decisions of the Indian Department in 1878. She knew just how difficult it was to get money for the Indians. It was estimated in 1906 that 90% of the fullbloods could read their own language. The rural schools were under a Superintendent. He was assisted by a board of education after 1875. The Superintendent decided on the school locations, appointed 3 local trustees in each community, and he helped the board to conduct the teacher's examinations. David M. Hodge helped publish a dictionary and grammar of the Creek language in 1890. This was the same year that Tallahassee burned. The old Tallahassee Mission building still stands but some negroes live in it, now.

The average Creek farmer owned a wagon, a saddle, a plow or two, some harness, one or two augers, a hoe, and one or two axes. He used oxen or horses to plow with. The family owned from 6 to 20 horses, 6 to 50 cattle, 10 to 20 hogs, a few chickens, and 10 to 15 turkeys.⁵

These are some of the most important names connected with

⁵ Debo, op. cit., p. 308

the Union Agency and Indian Territory. General Pleasant Porter was the principal chief of the Creek Nation. Hon. Tams Bixby was chairman of the Commission to the Five Civilized Tribes. Hon. John D. Benedict was Superintendent of public schools. Hon. Clifton R. Breckinridge was a member of the Commission to the Five Civilized Tribes. Hon. C. M. Campbell was the first chairman of the Republican Executive Committee of Indian Territory. Hon. W. H. Clayton was the Chief Justice of the United States Court of Appeals of Indian Territory. Alice Robertson was a representative from Oklahoma in Congress. Francis Barton Fite, M. D. was the Executive President and Organizer of the Indian Territory Medical Association. Judge Overton Love was the greatest living Chickasaw Indian. Hon. A. S. McKennon was one of the original members of the Dawes Commission and General Attorney for the Seminole Tribe. Hulbutta Micco was the only Executive Chief of the Seminoles who did not speak English. Hon. T. B. Needles was the first United States Marshal of Indian Territory. Robert L. Owen was the United States Indian Agent for the Five Civilized Tribes. Hon. James M. Shackelford was the first United States Judge of Indian Territory. Hon. H. B. Spaulding was the Democratic National Committeeman for the Indian Territory. Col. Dew M. Wisdom was United States Agent for the Five Civilized Tribes during the Grover Cleveland administration.

6 Prominent Men of the Indian Territory, published by the Phoenix and Times Democrat, 1910.

Hon. J. W. Zevely was the Executive United States Indian Inspector of Indian Territory. Hon. John R. Thomas was Executive United States Judge of Indian Territory.

On March 3, 1893, a Commission to the Five Civilized Tribes was established for the extinguishment of their tribal title to lands by allotment.⁷ The President, with the advice and consent of the Senate, appointed three commissioners to take care of the negotiations.⁸

The commission organized and established itself at Muskogee. Muskogee was its permanent headquarters, however, it was established temporarily in McAlester, Vinita, Ft. Smith, and Okmulgee, from time to time. The purpose was to facilitate closer contact with the Indians. Some of the Indians co-operated with the commission but there were some of the Five Civilized Tribes who resented the commission. The Indians thought the United States Government was trying to cheat them. It was not an easy task for the commission to rid the Indians of this idea.

The commission to the Five Civilized Tribes became known as the Dawes Commission. Senator Henry L. Dawes was largely responsible for the legislation that brought it into being. He served as Chairman of the commission from 1893 to 1903. This commission took over some of the work of the Union Agency. Twenty million acres of land had to be equally divided among

7 The United States Statutes at Large, vol. XXVIII, sec. 16.

8 Ibid.

100,000 Indians. The administration of this huge estate was complicated by different customs and interests of the Indians. There were conflicting claims and questionable status of claimants to citizenship. The first problem was to prove that the government was not trying to cheat them. It was difficult for the Indians to see that they would be helped by agreeing to treaties concerning the allotment of their lands. The next task was to make accurate rolls of membership of the tribes. It took several years to consider their claims and pass upon them. Surveys and allotments were made. The first rolls completed were those of the Seminoles and they were approved by the Secretary of the Interior. The Seminoles were very co-operative and they responded promptly to the work of the Dawes Commission.⁹

The commission consisted of three members. They were Henry L. Dawes, Meredith L. Kidd, and A. S. McKennon. This number was increased to five by the Act of March 2, 1895. In 1899, it was reduced to four. Mr. Tams Bixby was vice-chairman.¹⁰ Henry L. Dawes died on February 16, 1903, and Mr. Bixby became chairman. The Dawes Commission ended on June 30, 1905. This was provided for in the Act of March 3, 1905. The Secretary of the Interior took over the completion of the unfinished work of the commission. On July 1, 1905, Tams Bixby was appointed "Commissioner to the Five Civilized Tribes", and he had practically the same powers and functions that the commission formerly had in their work.

⁹ Foreman, op. cit., p. 46.

¹⁰ Mills, op. cit., p. 5.

He resigned June 30, 1907.¹¹ His name is associated with a phase¹² of Oklahoma history that is exceedingly important.

Congress was determined to go ahead with allotment. Finally, the Indians consented because they realized that allotment was inevitable. The Cherokees, however, still refused to agree to terms of the commission. Congress passed the dreaded Curtis Act on June 28, 1898. This gave the commission power to proceed without the consent of the Indians. The Cherokees did not agree to terms until August 7, 1902. This was known as the Cherokee Agreement. It was an Act of Congress on July 1, 1902. The agreement with the Seminoles was the first treaty with any of the tribes for the allotment of land in severalty that was approved by both the tribe and the United States.

The Act of April 26, 1906, removed restrictions upon inherited lands but not upon allotted lands. The homestead and surplus allotments of fullblood members were restricted until¹⁴ April 21, 1931.

On July 1, 1907, the office of Commissioner was consolidated with that of Indian Inspector. The title was Commissioner of the Five Civilized Tribes. At this particular time, every officer,

11 Ibid., p. 6.

12 Foreman, op. cit., p. 88.

13 Mills, op. cit., p. 10.

14 Ibid., p. 169.

member, or representative of the Five Civilized Tribes was required to make a full and true account of any records or funds in his care. All books, documents, and papers were to be turned over to the Department of the Interior.

The commissioners received a salary for the full time that they were actually employed. Each commissioner had the authority to employ a secretary, a stenographer, and such interpreters as they thought absolutely vital to the execution of their duties. A surveyor was employed to settle land disputes. Forty thousand dollars were appropriated to take care of the expense of the commission.

The Indian agent at the Union Agency received \$4,500 for a salary in 1908. This was an increase in comparison with the original amount in 1874. He could spend \$6,000 for clerical work each year. He could use \$40,000 for labor connected with the leasing of lands. Only \$15,000 could be used for labor cost in the sale of land. He could use \$20,000 for the removal of intruders. At least \$25,000 could be used for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes. The Department of the Interior was more generous toward the Union Agency. About \$300,000 was appropriated

15 Laws Relating to the Five Civilized Tribes in Oklahoma, 1890-1914, p. 546.

16 Ibid., p. 114.

17 Ibid., p. 479.

for the maintenance of tribal schools. Approximately \$43,000 was appropriated to complete the work of the commission. Other large sums were appropriated for the Union Agency but it was not enough, because of the growth of the functions at the agency. On March 4, 1911, \$30,000 was supposed to cover the administration of the affairs of the Union Agency. In 1912, this amount was raised to \$200,000. In 1913, this was raised to \$250,000. In 1914, this amount was lowered to \$175,000.¹⁸

On August 1, 1914, Congress abolished the office of Commissioner of The Five Civilized Tribes and the office of Superintendent of Union Agency station at Muskogee.¹⁹ This was the end of the greatest and most historic Indian Agency in the whole United States. It had fulfilled a most important duty toward the Indians of Indian Territory and Muskogee, Oklahoma.

In lieu thereof, Congress created a Superintendent for The Five Civilized Tribes, an office that is still functioning in Muskogee, Oklahoma, in the Federal Post Office Building.²⁰ It is located on the third floor. Recently, the agency enlarged its office space. Extra employees were hired and more money was appropriated for the agency.

The Superintendent's salary is \$5,000.00 per annum. He

18 Ib id., pp. 551-582

19 United States Statutes at Large, vol. XXXVIII, sec. 17.

20 Mills, op. cit., p. 564.

exercises the same authority and performs the same duties that were formerly exercised by the Commissioner to the Five Civilized Tribes. However, he does have the authority to reorganize the department and to eliminate any unnecessary clerks. His actions are still subject to the approval of the Secretary of the Interior.²¹

The Union Agency changed its name but the work at the Indian Agency is still about the same. It is still under government authority and regulations. Of course, the Indian Agency does not have as much work to do because the number of Indians in the Five Civilized Tribes is diminishing. The United States District Attorney at Muskogee takes care of some of the problems of the Indians, also.

On August 12, 1915, the Superintendent reviewed the work of his department, beginning with that of the Dawes Commission. He had \$85,000.00 to employ such help as he thought necessary to carry out his work.

On April 17, 1917, a new policy toward Indians was declared in the administration of their affairs. Indians, who could make a living, were freed from government expense. More money was given to those who could not make a living. The United States government felt that the Indians should have a part in working out their own destiny. The Indians needed more responsibility.

²¹ Mills, loc. cit.

They had relied upon the government for so long that they had never learned to be independent or self-sufficient. New health and educational programs were started for the welfare of the
22
Indians.

The Superintendent reported in 1920 that Federal supervision would withdraw as soon as possible. Tribal affairs, education, and competency of restricted Indians were still unsettled matters. Boarding schools were the only ones maintained in the Five Civilized Tribes area for educational reasons. The Bacone Indian College at Muskogee is operated strictly for Indian students.

On May 27, 1908, all tribal records of the Five Civilized Tribes were put in the custody of the Secretary of the Interior. The Superintendent for the tribes was designated as custodian of these records by the Secretary of the Interior. These records were sent to Washington, D. C. in 1914, when the Union Agency was abolished. Only a few papers are still at the Agency that contain information concerning the Union Agency. These records are valuable from a historical stand-point so the government had them removed to Washington for safe-keeping. The Oklahoma State Historical Society is seeking to become custodian of these records. At the time that the records were removed from Muskogee the office needed money for necessary clerical help to assemble the records under appropriate heads, prepare indexes, pay for the

22 Annual Report of the Department of the Interior, 1915,
(Washington, 1916), p. 415.

binding, file cases, index books, and the stationary. ²³

The Bureau of Indian Affairs, Department of the Interior, celebrated on March 11, 1924, its centennial anniversary. It was created March 11, 1824. This was the first step taken by the government in assuming a guardianship or protectorate over the Indians. There was not then, nor, has there ever been any constitutional requirement compelling the United States to assume this course. In 1832, "A Commissioner of Indian Affairs" was creating the Department of Indian Affairs. When the Department of the Interior was created by the Act of March, 1849, the Bureau of Indian Affairs was transferred to it from the War Department. ²⁴

The Superintendent in charge of the Indian Agency now is W. O. Roberts. He is a Civil Service worker and he is subject to Civil Service rules and laws.

The Appropriation Bill for 1949 gave \$2500.00 extra to the operation of the agency. In 1948, the office had an allotment of \$8500.00. ²⁵

Representatives of all the Five Civilized Tribes endorsed a program designed to improve the educational, health, rehabilitation, conservation, and road construction services of the Indian agency at Muskogee. Floyd Maytubby, Oklahoma City, is governor of the Chickasaw Nation. J. B. Milam, Claremore, is principal chief of the Creek Nation. George Harjo, Sasakwa, is principal chief of the Choctaw Nation. The establishment of an employment

²³ Ibid., 1920.

²⁴ The American Indian, Oct., 1927, vol. II.

²⁵ Department of the Interior Report, 80th. Congress, 2nd. Session.

service within the agency to co-operate with the state and
Federal employment agencies was proposed.²⁶

Democracy in many parts of the world is on the march;
a march that is increasing in tempo. The elimination of
general poverty among the Indians would be one way to improve
the standard of living in the United States. The Indian
Office, together with tribal councils, by improving the stand-
ard of living of depressed Indian groups and achieving a high
measure of self-determination, will be in the vanguard of the
movement for greater economic and political democracy.²⁷

In this manner, the Indian Office will keep alive, the
true purpose and hopes of the old Union Agency that started
in 1874 and lasted until 1914.

26 The Muskogee Times-Democrat, March 4, 1949, p. 12, col. 1.

27 Ten Years of Tribal Government Under I. R. A., 1947, p. 12.

CHAPTER III

UNION AGENCY UNDER FEDERAL ADMINISTRATION

It was the duty of every Indian agent at the close of each month to make a prompt report to the Commissioner of Indian Affairs on the condition of affairs at his agency. His report included the incidents which had occurred under his jurisdiction, the work performed, and the progress that had been made during the month. The purpose of these monthly reports was to present a current history of the agency to the Indian Office. These reports kept the Indian Office up to date on what the agency needed.

The duties of the agents at Union Agency were different from those of the agents at other United States Agencies. Rules that applied to other agents did not always apply to those at Union Agency, unless especially designated by the Department of the Interior.

The information furnished in the agent's monthly reports was very specific and not in general form. Facts were given and theories were omitted. Possibilities and explanations were not mentioned. Figures and amounts had to be accurate and accounted for. Names had to be exact. Copies of each letter were kept at the agency for future reference. A copy

¹ Regulations of the Indian Office, 1894, (Washington, 1894), p. 49.

of each letter written to anyone had to be kept at the agency.

All matters that required action were brought to the attention of the Indian Office in special communications. All necessary facts of the case were given, as if they had not been or were not intended to be mentioned in the monthly reports. These special communications could be properly referred to in the monthly reports.

The new interests of the Indians were mentioned in each report because the interests of the Indians changed with progress and advanced civilization. New projects and special work done by the Indians were mentioned in each letter or report. The agent wrote about the kind and amount of work performed by each agency employee. He reported on the number of acres of land that had been broken that month. He kept a record of the quantity of grain, vegetables, and other crops raised; the quantity of hay cut and stacked; the amount of lumber cut and sawed; bushels of grain ground; houses built for or by Indians, and the number of Agency buildings that had been erected during each month. Even the smallest detail was kept concerning the work of the agency and each Indian under its jurisdiction.

The agent went from farm to farm and supervised the work of the Indians. He knew exactly how many fence-rails were split, and the rods of fence made on each acre.²

² Regulations of the Indian Office, 1894, p. 49.

He kept a list of all legal subdivisions of Indian lands.. An accurate report was made of any stone or timber sold from Indian lands, The value of the timber and stone taken from unappraised selected land was added to the appraisement when it was made. A record was made of any possible future removals of stone or timber from these lands. All removals had to have the consent of the Indian who had selected that particular piece of land as his prospective allotment.

In addition to regulating trade and intercourse between the Indians and whites, the agent collected the royalty on all coal and asphalt mined in the Choctaw and Chickasaw nations. He, also, collected the royalty on all timber and stone removed from any of the lands of the Five Civilized Tribes in Indian Territory . This was according to the Act of June 28, 1898.³ In the Cherokee and Creek nations the agent collected the royalty on all coal mined and he collected the tax from non-citizen traders who lived and did business among the Five Civilized Tribes. He collected the royalty on hay, ferry, and other permits.

The chief duty of the agent was to try and induce the Indians to labor in civilized pursuits. He tried to get every ablebodied Indian to do some useful job that would help support himself and his family. It was not an easy task to get full-bloods to work. They did not know how to work as the white men did and they seemed to think the government owed

³ Annual Report of the United States Indian Inspector, 1902,
p. 192.

them a living.

Many of the Indians of the Five Civilized Tribes could not read or write until 1900, so the agent kept up with any correspondence the Indians had through his office. Quite often, he had to read to the Indians and explain what certain letters and papers said.

The amount of money sent to the Indians by the United States government was sent through the agent's office. He planned how this money would be spent and used during the succeeding month.

Between July and September of each year, the agent sent an annual report to the Indian Office. This annual report was a complete history of the work, progress, and events of the fiscal year, together, with full statistics in regards to points named in section 204.

Each agent was required in his annual report to submit a census of the Indians at his agency or upon the reservation under his charge. He listed the number of males about 18 years of age, the number of females about 14 years of age, the number of school houses at his agency, the number of schools in operation and the attendance of each, and the names⁴ of teachers employed and the salaries paid to each teacher.

Special instructions and necessary blanks were furnished by the Indian Office. These blanks were sent to the agents, annually. In order for the agent to be completely accurate, he carefully collected this data for the statistics, through-

4. Regulations of the Indian Office, 1894, p. 50.

out the year.

The correspondence at Union Agency increased from 1874 to 1900, and then, there was a decrease from 1900 to 1914. The decrease after 1900, was due to more schools and less illiteracy. The Indians could, then, do some of their own letter writing and reading. All payments on town lots had to be acknowledged. Many inquiries were made with reference to the valuations of lots and these lots had to be appraised by the agent. Miscellaneous correspondence required time and attention. Every communication received was answered or referred to the proper officer for attention. ⁵ Then it was referred back to the agent and he sent it to its rightful owner.

In the Creek Nation, after a lot had been fully paid for the agent wrote and advised the principal Chief of the Creek Nation and the Secretary of the Department of the Interior. If the Indian Office approved the sale, then, it was sent to the Commissioner to the Five Civilized Tribes. He recorded the deed and sent it back to the principal Chief. The Chief delivered the deed to the person who bought the land. Every transaction took numerous amounts of correspondence between the agent and the Indian.

The Indian agent paid all warrants drawn by the principal Chiefs of the Creek and the Cherokee Nations, and all school-fund warrants drawn by the Chickasaw authorities. In substance,

⁵ Annual Report of the United States Indian Inspector, 1902, p. 193.

the Union Agency acted as treasurer for the Choctaw, Cherokee, Creek, and Chickasaw tribes of Indians. The letters received averaged two hundred a day. Those sent out averaged about five hundred a day. All the letters sent out were not answered because the Indians were very careless about such things due to reasons previously mentioned.

If the Indians wanted to change a road they had to see the agent. He required them to file a petition setting forth the necessity for such a change. The petition was accompanied by a diagram showing the route of the old road and the route of proposed new road. The agent or one of his officials went out and looked the situation over and if the new road did not interfere with the public traffic, then, the petition was approved. Signals had to be placed in conspicuous places along the road advising the public of the change.⁶

The Indian police force at Union Agency was stationed so as to render the best service according to the small number of police on hand. The Indian police carried out the orders given by the Indian Agent. If the agent knew of a mistake or broken law, he reported it to the police and they reported back to him after the matter had been adjusted.

The Indian police force consisted of Chiefs of police, captains, lieutenants, sergeants, and privates. The agent was the commander of the force in all cases. He exercised control

⁶ Ibid., p. 194.

over the police force and supervised its organization. He made recommendations to the Commissioner of Indian Affairs for all appointments and discharges from the force and he had the power to suspend any member from duty if he deemed it necessary. The agent was responsible for the conduct of the police force at his agency. The agent visited various Indian settlements to see if his police force was efficient. He expected cleanliness in the tribes. He kept a record of all crimes, loss of property, punishment, and unlawfulness in his jurisdiction. The agent kept a register of each member of the police force as to age, height, chest measurement, weight, name of tribe and band, number of lodge, number in his family, birthplace, whether married or single, and the number of his children.

The police force increased from 10 to 40, and other increases were made as the Union Agency enlarged. The pay of the police force was small but efficiency was obtained, nevertheless. The Union Agent had charge of one-third of all the Indians in the United States and he needed the help of the police force. It seemed that the duties of the agency would have diminished when the United States Court was established at Muskogee, but the population and business increased so fast that the agent's duties remained about the same. Legal complications often embarrassed the agent. The United States

⁷ Regulations of the Indian Office, 1894, pp. 55-56.

Court dealt with the Indians by brute force, sometimes, ⁸ The agent tried to keep peace among the Indians and quite often he had to listen to complaints from the Indians against the United States Government. The agent's office afforded the only forum for redress of their grievances for many years. The agents were often called upon to probate wills, distribute estates, and decide the rights to possession of farms and improvements. In short, the Union Agency was a court that settled all controversies between the Indian and whites. This was subject to the approval ⁹ of the Department of the Interior.

Cash and property accounts were made quarterly. Each time the Indians bought property or sold any property, it was subject to the approval of the agent and the Indian Office.

The agent appointed traders to the Indian tribes and tried to see that the Indians were not cheated during a trade. It was not difficult for a white man to cheat an Indian because he did not know the true value of some of his lands and property. Traders, who slipped in the Indian Territory without permission from the agent, were subject to the authority of the police force.

The account books, letter books, invoices, correspondence, orders, circulars, documents, retained copies of cash, property accounts, and papers of any kind pertaining to the affairs of the Indians, were the property of the government and could

⁸ Annual Report of the Department of the Interior, 1897, pp. 141-142.

⁹ Report of the Commissioner of Indian Affairs, 1881, p. 103.

not to be removed from the agency. Any time the Indian Inspector came around, the agency had to be in order. When an agent left the agency, he had to make an inventory of all books and papers in triplicate. If any thing was missing, it had to be accounted for before the new agent took office.¹⁰

Agents were required to obtain authority for each journey undertaken by them, and if practicable, before they started on the journey. If it was not practicable, then, he had to make an itemized account of the trip when he returned. He listed every expense and explained the object of the trip. He requested approval by the Indian Office.

No annuities or goods were paid or distributed at the agency. Annuity pay rolls were made out according to regulations of the Indian Office. Families were entered separately, commencing with the head of the family. If the Indian could not write, the agent wrote the Indian's name on the paper and then the Indian wrote an X under the name. Two competent witnesses had to attest each payment. The President of the United States could make the money payment in goods at the request of the tribe to which the annuity was payable. In 1874, a devastating drought burned up nearly all the crops, and the grasshoppers finished the job. Money was not as valuable as food that year so the annuity was made in goods.¹¹

10 Regulations of the Indian Office, 1894, pp. 93-94.

11 Ibid., pp. 40-41

In 1874 the agent asked that a superintendent of education be attached to the agency.¹² This was for the educational welfare of the Five Civilized Tribes. The superintendent's duty was to co-operate and advise the other educational officers of the different tribes in the erection and furnishing of school buildings, selection of teachers, management of schools, and to furnish the bureau with full and reliable statistics. The services of this superintendent proved to be a valuable service to the agent. The superintendent yielded a large return in awakened interest, improved methods, and efficient administration of educational affairs.

These tribal schools were under the supervision of the superintendent, until an Act of Congress on April 26, 1906, was put into effect. The Secretary of the Interior was authorized and directed to assume control and direction of the schools in the Five Civilized Tribes. The tribal schools were conducted under rules and regulations prescribed by the Secretary of the Interior. He kept the officers that he needed and he dismissed those that he did not wish to keep in the Indian service. This system continued until the two Territories established their own systems. Each Territory had its own system of education until 1907. After Oklahoma became a state, the schools had a state system that was similar to the other states.¹³

¹² Annual Report of the Commissioner of Indian Affairs, 1874, p. 71.

¹³ Mills, op. cit., p. 526.

All leases were presented to the District agent. After he approved them, the leases were sent to the Indian agent at Union Agency for final approval. The land of a minor allottee required the approval of the Secretary of the Interior. Approval of the tribal authorities was not necessary for a lease in the Seminole lands after July 1, 1908. An affidavit was filed with the Union Agency and a copy of all these papers was sent to the Department of the Interior. Lessees were required to furnish a bond with satisfactory surety, in a sum equal to the entire rental for agricultural leases. All applications for removal of restrictions on lands were made to the Union Agency or the District Agent. Restrictions were removed when the Union Agent felt that the applicant was competent. It was the duty of the agent to inspect and appraise all land sold by the Indians. The Indian Agent at Union Agency made an endorsement upon the deed for the removal of restrictions on said land. The proceeds of land sales were kept by the Indian Agent and he distributed the money according to regulations set up by the Department of the Interior. All rents, royalties, or payments of any lease of a minor, or an incompetent person, were held by the Indian agent at Union Agency, or such other disbursing officer as was designated by the Secretary of the Interior. In 1911 new regulations were made concerning oil and gas leases. As the Indians became
14
more competent, new regulations were made.

14 Ibid., pp. 673-687.

Congress made restrictions on Indian lands for very good reasons but the Indians resented the restrictions. If the Indians had been placed on an equal basis with the whites while they were still in a tribal development, the Indians would have been cheated through mistakes that they were bound to make. The land hunger and commercial instincts of the whites, and the improvidence and inexperience of the Indians, would have resulted in the whites obtaining the land of the Indians. The Indians would have been without means of self-support and they would have become a charge upon the community. The Union Agency realized this and prompted Congress to maintain the restrictions. Restrictions were kept longer on lands of full-bloods.

Taxes were not collected from lands that were restricted. As soon as restrictions were removed the agent became responsible for taxes from the lands.

The Secretary of the Interior took charge of all buildings that had been used for governmental, school, and other tribal purposes, as soon as those buildings were no longer used for such purposes. The furniture in the buildings was turned over to the agent and he used it where it was needed. The lands surrounding these buildings were sold under government regulations.

¹⁵ Ibid., pp. 164-165.

¹⁶ Laws Relating to The Five Civilized Tribes in Oklahoma, 1890-1914, pp. 503-506.

CHAPTER IV.

FINANCIAL REGULATIONS OF THE UNION AGENCY.

Financial regulations were made by the Department of the Interior and these rules were carried out by the agent at Union Agency. In 1911, \$200,000.00 were set aside for administration expenses at the Union Agency. This was to pay the employees at the agency. Land sales, advertisements, and lease problems proved to be a big expense to the Union Agency. These expenses varied from year to year. Attorneys were a big expense to the government because the Indians were constantly in need of an attorney. Some of the expenses were: suits, sales, schools, roads, mining, collecting rents, improvements on building and lands, sewer systems, construction, payment of judgments against Indians, appropriations, cemetery lands, transfers, payment of tribal funds, and completion of any unfinished work. The Department of the Interior designated exactly how much was to be spent on each item mentioned above. If the agent needed more than the Department gave him he could write and ask for more funds. It was not always granted, however,

The agent could employ six oil and gas inspectors. If he needed more special arrangement had to be made. The government was generous about land and mineral expenses because it was so important to the Indians.

17

17 Ibid., pp. 571-583.

The agent listed salaries accurately in his monthly and annual reports. He was under heavy bond at all times. His responsibilities were great. His salary was \$1800.00 in 1911.

No account for payment of white laborers at the agency was allowed if competent Indians could be employed to do the same type of work. ¹⁸ The government did everything possible to get the Indians to work and take up the ways of the white man.

On or before May 1 of each year, the agent prepared a list showing the number and kinds of employees at his agency. Usually this included police, office help, attorneys, and his own salary. He listed each salary separately and told why the services of any person or persons were employed. The length of time that each person was employed was stated. School employees and police were submitted on separate lists. After the Indian Office revised the lists and received authority from the Secretary of the Interior, the agent at Union Agency was notified of the number and kind of employees that the Union Agency could employ and the length of time that each could be employed. On July 1 of each year, the agent nominated the persons selected to fill the several positions. Certain blank forms had to be used in each case and every little technicality was handled individually. The agent had to employ persons who were not related to himself if possible. If it was not possible in each case, then, he told the true relationship between himself and the employee. He stated whether the appointees were sureties on his bond.

The number and kind of employees at each agency was prescribed by the Secretary of the Interior and none others were employed. Specified employees could be detailed for other services when they were not required for the position for which they were employed. Appropriations for millers, blacksmiths, engineers, carpenters, physicians, and other persons could be diverted to other uses for the benefit of the Five Civilized Tribes.

All regular employees, both white and Indian, must take and subscribed to an oath of office before entering upon duty. Those employed for temporary services were not required to do this. Any employee who was changed from one position to another had to take the oath each time that he changed positions if he was a regular employee at the agency. A change in amount of salary did not require a new oath. An employee who kept the same position year after year, did not take the oath but once. ¹⁹

The oath was administered by a notary public or other officer competent to administer affidavits. All expenses incurred in executing oaths of office were paid by the appointees. Physicians were selected by the Indian Office under the rules governing the Civil Service. Agents were held strictly accountable for the services and conduct of all employees at his agency.

The best interests of the Indians were regarded in each appointment at the agency. Indians were used every time that it was possible to use them and still do the work efficiently. No position was recommended that was not actually needed. No person was nominated unless he was well qualified in character, ability, health, and technical skill to perform his duties. Each person was employed at the lowest salary possible.

When an appointment was made directly from the Indian Office, that employee could not be dismissed without the consent of the Indian Office. If the employee proved to be objectionable to the agent, the agent gave all the facts in a letter asking that the employee be removed.²⁰

The agent kept a list of all employees. The employee's full name was listed. A complete description was kept for future use in case of default while on duty. Each name was entered the same day that the service commenced and every resignation or discharge was noted on the day that it took place. This book was kept at the agency and was subject to inspection any time by United States officials.²¹

No agent could depart from the limits of his agency without permission from the Indian Office. Agents and agency employees got leaves of absence from the Secretary of the Interior. Leaves were not given for a period longer than sixty

²⁰ Ibid.

²¹ Ibid., pp. 52-55

days for any one time. They did not receive a salary during their absence without leave from the Department of the Interior. When an agent left his agency under the authority of the Department of the Interior, he authorized in writing, the person best suited to take his place while he was gone. The agent made three copies. One copy went to the Indian Office, one copy was given to the person hired, and one copy was kept at the agency. An agent or any employee of the Indian service was not entitled to receive any further compensation from the government. An agency employee could not receive any subsistence, fuel, materials, feed for animals, or other agency goods that might be distributed to him, if he was not employed at the agency. A reasonable amount was allowed for office operation.

Each agent's term of office was for four years. He could be appointed term after term as long as he proved to be a competent agent. The agent had to live in the Territory of his agency. The salary of a retiring agent ceased the day before his successor actually took over the agency. The agent prepared certified payrolls of his employees when he retired. He sent them to the Indian Office or gave them to his successor. For all other outstanding authorized indebtedness, the agent issued²² certified vouchers, to be paid by the Indian Office. The outgoing agent was held responsible under his bond for all statements or certificates made by him while he was an Indian agent.

²² Ibid., pp. 46-48.

All other claims were referred to the Indian Office for settlement. An agent could not accept presents from the Indians. He did not let himself become obligated to the Indians under his charge.

An agent's duty was never finished. He visited around in his designated territory and did many small things that meant so much to the Indians. He was their counsellor, adviser, and administrator in all cases. He probably did more things for the less competent. They came to him constantly for help on all sorts of things. He settled disputes for them. He helped them to understand that the government was working with them and not against them. He made them more self-reliant and more capable to handle their own affairs. He cautioned them against selling too much of their land to the white man. He taught them to build fences around their farms and try and improve them in every way possible. The agent encouraged the Indians to grow vegetables as well as corn. Cleanliness was demanded by the agent. The Indian was encouraged to build porches on their houses instead of sitting outside in the sun on hot summer days. The agent was just
23
invaluable in almost every way.

When the railroads were constructed in Oklahoma the agent took care of all the legal technicalities. He supervised the sale of lands to the railroad companys and saw that the Indians

23 ibid.

were fully compensated for these lands. Indians were consulted in every case. Railroads were not popular in Oklahoma at first and sometimes it was difficult for the agent to make the Indians see the value of railroads. Officers, servants, and employees of the railroad company necessary for the construction of the railroad were allowed to live in the Territory while the work was being done. The railroad company agreed to try and get along with the Indians by any means. If these agreements were not kept, then, the railroad company forfeited all their rights and privileges under this act. The railroads were not to charge the Indians a higher rate for freight than they did the whites so rates were established similar to those of Texas railroads.

Full compensation was made to the Indians before any high-way construction was done on Indian lands. Property was paid for if damaged in any way. These regulations held for bridges or any other type of construction done on Indian lands. When the lands were sold, the money was placed to the credit of the tribe that the land belonged to in every case. All lands were surveyed and sold according to regulations of the Department of the Interior.

The agent kept a report of all water wells and their locations. The depth of the well was listed and the number on each piece of land. If an Indian needed a new well, the agent

²⁴ Laws Relating to the Five Civilized Tribes, 1890-1914,
p. 249.

supervised the drilling and paid for the well out of Indian funds of that particular tribe.

A report was made of all oil and gas wells drilled. The value was reported to the Indian Office. The royalties were paid to the Indians through the Union Agency. No well could be drilled within 300 feet of the boundary line of leased lands. Wells were not allowed within 200 feet of any highway or any building used as a dwelling, granary, barn, or established watering place, except with the written consent of the agent. The oil and gas was not to be wasted. The agent had to be notified when someone wanted to redrill, deepen, plug, or abandon a well. Three days notice had to be given of these intentions. All water from tanks or wells was drained off into proper receptacles located at a safe distance from tanks, wells, or buildings. This oil was disposed of by burning or sometimes it was transported from the premises. Salt water could not be pumped in such quantities as would harm the land. Agriculture was important because the Indian seemed to know more about farming than anything else. Any damage done to lands had to be paid for. All accidents were reported that occurred in the agent's territory. ²⁵

For the information and convenience of any prospective bidders on Indian lands the agent prepared blue prints of each of the districts, showing the location, mines, railroads, and

25 Mills, op. cit., pp. 703-709.

towns on each piece of land. Coal and asphalt sales were often made through this kind of advertisement by the agent. The agent could approve or disapprove any and all sales or bids on Indian lands.²⁶

In the performance of his duties as a law officer, the agent was usually taking a big risk. If the Indian had acquired any whiskey, he was so drunk that he was liable to kill. The agent often locked up in his crude jail at Muskogee, any number of gamblers, tramps, prostitutes, and many other troublesome characters who infested the country along the railroads. He held them until they agreed to leave the Territory. In 1887, Indian police were given the same protection as the deputy marshalls received. This was a big help because sometimes the Indian police were shot at in fun or by drunks.

It was the duty of the agent to act as arbitrator in many civil disputes. Sometimes he put criminals of minor offenses across the line into Arkansas where they would be subject to Civil Law. Eventually, Civil Law came to Muskogee so this was no longer necessary. It was the duty of the agent to prevent crime and to assist in the arrest and delivery of criminals.²⁷ It seemed his duties never ceased at Union Agency.

District Agents were located in the various sections of the Five Civilized Tribes. These agents were under the control of the agent at Union Agency. The District Agent reported to and acted under the supervision of the Agent at Union Agency.

²⁶ Ibid., p. 726.

²⁷ Foreman, Muskogee, pp. 70-71.

The offices of the District Agent were open from early in the morning to late in the afternoon. Except when special circumstances require otherwise, each District Agent was required to be at his office during Friday and Saturday. He was in the field the remainder of the time. He acquired information and made necessary investigations as the law provided and as he was directed. He examined the records of each county within his district at least once in each month, and oftener if directed, for the purpose of ascertaining the nature of transactions involving all lands and estates of all minor allottees. Restricted lands of adults were investigated. At the end of each month he reported to the Union Agency and told in complete detail all of his activities during the past month. Copies of the reports of the District Agents were sent to the Indian Office. The District Agent was a big help to the Union Agency. However, all of his actions were subject to the approval of the Union Agency and the Department of the Interior.

28 Mills, op. cit., p. 669.

Conclusions

In 1874, the work at the Union Agency was done entirely by the agent. As his duties increased the Federal Government allowed more office space and additional office personnel at the agency. Federal appropriations were increased to pay the expenses of this growing agency.

Visible improvements were made by the Five Civilized Tribes in sanitation, agriculture, education, and in the upkeep of their houses and lands while they were under the influence and supervision of the Union Agency.

Through the work of the Union Agency, the Federal Government was persuaded that the Five Civilized Tribes, which made up the larger part of the population of Indian Territory at that time, would eventually become citizens of the United States and that the Indian's needs and desires deserved the full co-operation of the Federal Government.

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