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### Letter from the Secretary of the Interior, transmitting estimates of appropriations for the removal of the Creek Indian refugees to their old homes in the Creek country

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CREEK INDIAN REFUGEES.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

*Estimates of appropriations for the removal of the Creek Indian refugees to their old homes in the Creek country.*

FEBRUARY 18, 1868.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,

*Washington, D. C., February 18, 1868.*

SIR: I have the honor to transmit herewith a copy of a communication from the Commissioner of Indian Affairs, dated the 10th instant, and accompanying papers, relative to certain disaffected and refugee Creek Indians, now living in the Cherokee nation and on Red river.

An estimate is also herewith transmitted of appropriation to defray the expenses of removing said Indians to their old homes in the Creek country, and to supply them with the necessaries of life until such time as they shall be able to raise crops for their support.

The attention of Congress is respectfully and very earnestly invited to an early consideration of, and action upon, this case.

Very respectfully, your obedient servant,

O. H. BROWNING,

*Secretary of the Interior.*

Hon. SCHUYLER COLFAX,

*Speaker of the House of Representatives.*

DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,

*Washington, D. C., February 10, 1868.*

SIR: I have the honor to enclose herewith a copy of a letter from Superintendent Wortham, dated the 3d instant, and of one transmitted by the superintendent from Agent Dunn, relative to certain disaffected and refugee Creek Indians now living in the Cherokee nation and on the Red river.

Agent Dunn says that the disaffected Creeks now in the Cherokee country, owing to the want of funds, cannot be removed, and that they should be removed this winter without fail, in order that they may settle in their old homes before spring, and plant crops for their support during the coming year. He also states

that a number of southern Creek refugees are reported on the Red river, destitute and unable to return to their homes, and thinks the sum of \$8,000, with proper economy, will be sufficient to remove all to their old homes.

The superintendent says these unfortunate and misguided people should at once be restored to their homes, and urgently requests that an appropriation of \$10,000 be asked, for the purpose of furnishing the Indians in question with transportation to their old homes in the Creek country, and providing them with subsistence until such time as they may be able to raise crops.

The disaffected portion of the Creeks referred to by the superintendent and agent is a small band under the leadership of Spo-ko-ke-gee-ya-hola, who has the idea that the direction of the affairs of the Creek nation properly belongs to him, and that he is the proper person to be chief of the nation. His followers at one time numbered about five hundred; but by repeated efforts of Agent Dunn the number has been reduced to, probably, about two hundred. I enclose herewith a letter from late Superintendent Byers, dated the 9th of April last, transmitting one from the agent, which gives a full and explicit history of this disaffected portion of the tribe.

As regards the number and condition of those on the Red river, I have to say that this office has no other information than that contained in the agent's letter transmitted to this office by Superintendent Wortham, on the 3d instant. If there are any destitute Indians at the place named, they should be cared for and removed to their old homes without delay, for the reasons stated by the agent; and for similar reasons, as well as to break up the disaffected clan, the followers of Spo-ko-ke-gee-ya-hola should also be removed, if possible, at the earliest day practicable. It will be necessary, if the removal is made, to supply them with subsistence until they can harvest their crops; and with this inducement I am of the opinion that the agent will be able to prevail upon the disaffected ones to return to their old homes and live in amity with the main portion of their tribe.

Should you concur in the views herein expressed, I respectfully recommend that the matter be laid before Congress for its action; and in order that this may be done, I have caused to be prepared, and enclose herewith, an estimate of appropriation necessary to accomplish the object desired.

Very respectfully, your obedient servant,

N. G. TAYLOR,  
*Commissioner of Indian Affairs.*

Hon. O. H. BROWNING,  
*Secretary of the Interior.*

WASHINGTON, D. C., February 3, 1868.

SIR: I have the honor to enclose herewith copy of a letter from J. W. Dunn, United States Indian agent for the Creeks, and beg leave to call your attention particularly to that portion relating to the disaffected and refugee Creeks now living in the Cherokee nation and on Red river. Humanity demands for these unfortunate and misguided people that steps be taken at once to restore them to their old homes, and I would respectfully and urgently request that an appropriation of ten thousand dollars (\$10,000) be asked for and placed in my hands, the whole, or so much thereof as may be strictly necessary, with judicious management, for the purpose, to be expended in furnishing these refugees with transportation to their old homes in the Creek country, and in providing them with subsistence until such time as they may be able to raise corn and vegetables for their own support.

Very respectfully, your obedient servant,

JAMES WORTHAM,  
*Superintendent Indian Affairs, Southern Superintendency.*

Hon. N. G. TAYLOR,  
*Commissioner of Indian Affairs.*

CREEK AGENCY, INDIAN TERRITORY,  
*January 1, 1868.*

SIR: In making report of the condition of affairs within this agency, for the month of December just past, I have to submit the following :

The new constitution and laws adopted by the Creeks in October last are now in full and successful operation. The election of one principal and one second chief provided for, resulted in the election of Samuel Checote and Micco Hutke to these several positions by a majority, as reported, of over thirteen hundred! They are now duly installed and recognized as executives.

A meeting of the council is called for this day to determine for what purposes the amount turned over by yourself in the past month shall be used. It is understood that this will be made a fund for the payment of all public debts incurred since the treaty of peace of Fort Smith in 1865.

This sum, amounting to fifty-three thousand seven hundred and eighty-six dollars and five cents, will be inadequate to settle all claims, but the intention is to pay all now that can be paid, and reserve those unsettled for the future.

The weather during the past month has been mild and pleasant until towards its close, when the northers prevailed, and snow fell in large quantities throughout the country. The rivers are exceedingly low, and all transportation of goods, usually by water, has been made across the country from the railroads in Missouri or in Kansas.

The disaffected Creeks now located in the Cherokee country remain unswerving. Owing to the withdrawal of authority, and to the want of funds, I am unable now to act favorably to their removal. They should be removed this winter without fail, in order that they may be settled in their old homes before spring, to enable them to plant crops for their own support during the coming year. A tyrannical system, which should be suppressed, seems to prevail there that prevents any one leaving the clan without being exposed to assassination.

By all means funds should be placed at my disposal to enable me to act promptly and effectively. A number of southern Creek refugees are reported still on Red river, destitute and unable to return to their homes. As soon as I am more fully informed of their numbers, &c., I will make report thereof for your information. And in event of an appropriation being asked from Congress for return of northern disaffected Creeks, I would suggest that the expenses of these southern refugees be also authorized. I conceive that the sum of eight thousand (8,000) dollars, with proper economy, will be sufficient to

the removal of all.

I am, sir, very respectfully,

J. W. DUNN,  
*United States Indian Agent for Creeks.*

JAMES WORTHAM, Esq.,  
*Superintendent Indian Affairs, Washington City.*

OFFICE SUPERINTENDENT INDIAN AFFAIRS,  
*Fort Smith, Arkansas, April 9, 1867.*

SIR: I have the honor to transmit to your office a communication from Major J. W. Dunn, United States Indian agent for the Creek Indians, bearing date the 1st April, 1867, received at this office, relative to a small band of the Creeks, who refuse to acknowledge the late treaty made between the United States and the Creek nation.

This small band has given considerable trouble to the agent. I have sent from this office a number of written communications to the chief of this small

band, pointing out to him the folly of opposing the late treaty, and that it was the supreme law of the land and would be enforced by the United States, and requesting that he and his band would return to their country and become recipients of the provisions of the treaty and the bounty of the United States.

So far as I can learn, my communications had but little influence upon the chief, and he and such of his band as he can control still refuse to return to their homes, and refuse to acknowledge the binding force of the treaty.

I instructed the agent to use whatever of influence he could to have those people return to their homes and live in peace with their brethren, and I am satisfied the agent has fully discharged his duty in this respect.

I respectfully submit the communication for such consideration as you may deem it requires.

Very respectfully, your obedient servant,

W. BYERS,

*Superintendent Indian Affairs.*

HON. N. G. TAYLOR,

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

CREEK AGENCY, CHEROKEE NATION,

*April 1, 1867.*

SIR: In compliance with your approval and suggestion, I undertook during the last quarter to effect the removal of the destitute and disaffected Creeks located within the Cherokee country, for reasons that seemed imperative, admitting of no delay. That this subject may be brought clearly to your mind and properly understood through you to the department, a brief review of the condition of affairs leading to my action in this matter may be necessary.

The Creeks in question are principally Tuckabatches, who were led from the Indian country to a refuge in Kansas by the lamented orator, Opothle-yahola. On the death of the orator, the direction of affairs was left to Spo-ko-ke-gee-yahola, who has ever since been led by an idea that the mantle of Opothle-yahola had fallen on his shoulders, and that to him properly the direction of the affairs of the Creek nation belonged. With the exception of his adherents, composed at that time of probably five hundred persons, there were none others of the Creeks who could discern his right or ability to lead the nation in its councils.

An election gave expression to this opinion. But Spo-ko-ke-gee, if he could not be chief of the Creeks, would be chief of his own people, and he accordingly separated himself with his adherents from the majority of the Creeks; and since that time referred to, the Spo-ko-ke-gees have endeavored to retain an independence which has amounted to sulkiness, leading them to abstain from all share in the national councils, and to refrain from all that savored of Creek rule or authority. So far did they carry this sulky disposition that when the Creeks, together with these people, (whom for want of a more suitable name we may style Spo-ko-ke-gees,) were removed from Kansas to the Indian country, the Spo-ko-ke-gees would not condescend to camp upon the same side of the stream with the others. Indeed, it was this feeling that led them to stop short of the Creek country and take up their abode within the Cherokee nation, where, they probably argued, they would at least be free from Creek authority, although entitled to no rights with the Cherokees either in lands or money.

On my return from Washington last summer, I noted this condition of affairs, and at once made efforts to bring about a reconciliation; but my way was clogged by fresh difficulties. The Creek delegation with whom I had been engaged in Washington in negotiations with United States government, had made a treaty which was made public on their arrival in the nation, and ratified at a general council, to which the Spo-ko-ke-gees were called in common with all the

other Creeks. True to their disposition, they remained aloof, but took care to learn of the proceedings of the council.

All Indians are opposed to the sale of their lands for whatever purposes; so that Spo-ko-ke-gee heard that the Creeks had sold one-half of their whole domain to the United States, although neither he nor his people would set foot on Creek soil, he felt that he had a newer and stronger hold on them through this action of the Creeks. And he again rallied his people, who were almost faltering in their determination, and resolved that neither he nor they should ever share in the benefits of the treaty or acknowledge it in any way.

The general council of the Creeks repeatedly sent delegates to the Spo-ko-ke-gees to confer with them, and endeavor to lead them back to their own country, and I have also made many unsuccessful efforts to the same end. I had considered that I would at least be able to procure their enrolment, in order that they might share in the per capita payment of \$200,000 then due the Creeks; but Spo-ko-ke-gee maintained a stubborn silence; and absolutely refused to permit the taking of the census. Such was the condition of affairs at the close of the last year, 1866.

Early in January, 1867, I was informed by Major Humphreys, United States agent for Cherokees, that his people were greatly dissatisfied with the Creeks remaining among them, and that they insisted on their removal, as they refused to come under Cherokee laws, which they were constantly violating. A general council of the Cherokees has given vent to a protest to this effect, and he, Major Humphreys, was expecting them to call upon the military to effect the removal of these people.

In view of these facts, it seemed to me eminently proper to endeavor to persuade them to remove to their former homes. I was confident that Spo-ko-ke-gee was the directing spirit of the disaffection, that his control was keeping the people from their country; that there were many among them who, from their destitution, would gladly avail themselves of the *per capita* money could they be enrolled; and that no enrolment would be possible whilst Spo-ko-ke-gee retained his sway over them; that the only way to sever this control was to bring the people among the less prejudiced of their own nation, and I considered that the time was opportune for this consummation; their destitution argued well for a release therefrom that might be secured by a share in the national money about to be divided; the approach of spring suggested the planting of crops and preparation therefor; the dissatisfaction of the Cherokees indicated that their remaining longer was doubtful, and at least due to the generosity of the people among whom they were thrown; and nearest argument, the coming down of the military might suggest their being driven across the river without transportation and at the cost of all their corn, on which they alone relied for subsistence. And above all I considered that these circumstances made it my duty as their agent to use all endeavors to break up the disaffection and to secure protection to their property. To do this, I considered their removal absolutely necessary. It was impolitic at that time for me to wait authority from Washington, or even from the superintendency. The affair demanded immediate action, on account of the approach of the planting season, the threatened action of the military, and the possibility of an early payment, which once made, would no longer serve as an inducement. I accordingly invited the Spo-ko-ke-gees to meet me in council the 8th day of January, 1867. On that day I met them according to appointment, and made known the true condition of affairs; and as it was impossible for them to arrange for their own removal, I offered to furnish transportation for all those who were unable to assist themselves. My offer was very sulkily received. The people were afraid to speak, and referred everything to the chiefs, from whom I could learn nothing; they preserved a silence more dignified than satisfactory.

During the following week the chief of a little clan called Weah-golp-kus

called on me at the agency, and made known his desire of removing his clan from the Spo-ko-ke-gees to the Creek country. I at once made preparations for their removal, together with all their corn and provisions and cooking utensils, considering these absolutely necessary for their comfort and subsistence. To meet the expenses of this removal, amounting to nearly \$200, I issued certificates payable on the receipt of money from the government for this object. These were the only removals made up to the time of your arrival at the agency on your way to the Seminole country, when you, in view of the prospective payment to the Creeks, thought proper to suggest another attempt, which seemed necessary and possible of success. The result of this endeavor was more successful, the people being divided in their intentions. For, the military not having been called down upon them, and the fortunes of the Spo-ko-ke-gees trembling from the influence of the payment, Spo-ko-ke-gee determined to remove further into the Cherokee country with his retainers and thus preserve his rule. But some could not go, and of these few, some were induced to return to their own country. The expense of this removal, as well as can now be ascertained, will not exceed \$400, if it reach that amount, and I have given certificates similar to those issued in the previous removal.

I am confident that if the government will place sufficient funds in my hands I will be able to break up this clique and restore the same friendly feeling among these people as is constant with all other Creeks, and prevent any disturbance occurring by reason of a misunderstanding between the Cherokees and the Creeks. I do not think that the number of the disaffected can now exceed two hundred, and I very respectfully suggest that authority be granted me to arrange for their removal to their old homes, and that money may be furnished for the same purpose. I would also request that I may be allowed six hundred dollars to make good the expenses already incurred, the same to be accounted for by proper vouchers.

Very respectfully, your obedient servant,

J. W. DUNN,  
United States Indian Agent.

Colonel W. BYERS,  
Superintendent Indian Affairs, Fort Smith, Arkansas.

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*Estimate of appropriation required to defray the expenses of removing certain disaffected and refugee Creek Indians to their old homes in the Creek country.*

For this amount, or so much thereof as may be necessary, to defray the expenses of removing certain disaffected Creek Indians now living in the Cherokee country, and also certain refugees of the same tribe now on the Red river, to their old homes in the Creek country, and to supply them with the necessaries of life until such time as they shall be able to raise crops for their own support..... \$10,000 00