

**United States Department of the Interior**  
National Park Service

# National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

## 1. Name of Property

Historic name: Old Union Agency Cemetery

Other names/site number: Agency Cemetery / Old Agency Cemetery

Name of related multiple property listing:

\_\_\_\_\_  
(Enter "N/A" if property is not part of a multiple property listing)

## 2. Location

Street & number: North 32<sup>nd</sup> Street (U.S. Highway 69)

City or town: Muskogee State: OK County: Muskogee

Not For Publication:  Vicinity:

## 3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this \_\_\_ nomination \_\_\_ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property \_\_\_ meets \_\_\_ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

\_\_\_ national \_\_\_ statewide \_\_\_ local

Applicable National Register Criteria:

\_\_\_A \_\_\_B \_\_\_C \_\_\_D

<p>_____ <b>Signature of certifying official/Title:</b></p>	<p>_____ <b>Date</b></p>
<p>_____ <b>State or Federal agency/bureau or Tribal Government</b></p>	
<p>In my opinion, the property ___ meets ___ does not meet the National Register criteria.</p>	
<p>_____ <b>Signature of commenting official:</b></p>	<p>_____ <b>Date</b></p>
<p>_____ State Historic Preservation Officer</p>	
<p><b>Title :</b></p>	<p><b>State or Federal agency/bureau or Tribal Government</b></p>

Old Union Agency Cemetery  
Name of Property

Muskogee, OK  
County and State

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#### 4. National Park Service Certification

I hereby certify that this property is:

- entered in the National Register  
 determined eligible for the National Register  
 determined not eligible for the National Register  
 removed from the National Register  
 other (explain:) \_\_\_\_\_

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Signature of the Keeper

Date of Action

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#### 5. Classification

##### Ownership of Property

(Check as many boxes as apply.)

- Private:
- Public – Local
- Public – State
- Public – Federal

##### Category of Property

(Check only **one** box.)

- Building(s)
- District
- Site
- Structure
- Object

Old Union Agency Cemetery  
Name of Property

Muskogee, OK  
County and State

**Number of Resources within Property**

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
<u>1</u>	<u>          </u>	buildings
<u>          </u>	<u>          </u>	sites
<u>          </u>	<u>          </u>	structures
<u>2</u>	<u>          </u>	objects
<u>3</u>	<u>          </u>	Total

Number of contributing resources previously listed in the National Register           

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**6. Function or Use**

**Historic Functions**

(Enter categories from instructions.)

FUNERARY: cemetery

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Current Functions**

(Enter categories from instructions.)

FUNERARY: cemetery

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Old Union Agency Cemetery  
Name of Property

Muskogee, OK  
County and State

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## 7. Description

### Architectural Classification

(Enter categories from instructions.)

NA  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Materials:** (enter categories from instructions.)

Principal exterior materials of the property: NA  
\_\_\_\_\_

### Narrative Description

(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

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### Summary Paragraph

The Old Union Agency Cemetery is located on the east side of U.S. Highway 69, approximately one mile south of the Arkansas River in Muskogee County, Oklahoma. Traveling by road, the cemetery is approximately 4.5 miles northwest of downtown Muskogee and approximately 11.5 miles west of Fort Gibson. It is located on the east side of the confluence of U.S. Highway 69's divided highway. The boundary of the cemetery is landlocked and accessed by a gravel driveway from North 32<sup>nd</sup> Street/U.S. Highway 69 then crossing over the neighboring property by an ephemeral path. Commercial development surrounds the property to the north, west, and south, and there is farmland to the east.

The period of significance for the Old Union Agency Cemetery is from circa 1858 to 1964. This period reflects the use of the cemetery of the Muskogee (Creek), Creek Freedmen, and their descendants. The Old Union Agency Cemetery retains its ancestral and community ties for the descendants of the Muskogee and Creek Freedmen who use this cemetery as a place of rest even after many Agency community members moved southeast to the newly established city of Muskogee in 1872. Based on the grave markers found within the cemetery, the Old Union Agency Cemetery was continuously used through the late 19<sup>th</sup> century until the last found

Old Union Agency Cemetery

Muskogee, OK

Name of Property

County and State

inscribed marker from 1964. Although the cemetery was poorly maintained, the descendants of the Muskogee and Creek Freedmen continued to be buried at this cemetery into the 1960s. The Old Union Agency Cemetery maintains its integrity of location, design, workmanship, materials, feelings, and association.

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## Narrative Description

The Old Union Agency Cemetery is so heavily wooded and overgrown that one traveling on U.S. Highway 69 might miss the sign on the cemetery's edge on a ridge. The non-historic metal sign is attached to a historic metal frame (*contributing*) that reads, "OLD AGENCY CEMETERY EST. 1858" to visitors.

The visual boundary from U.S. Highway 69 is the tree line along a ridge. The north, south, and east boundaries of the cemetery are discernable by a historic barbed wire fence (*contributing*). Running north-south on the west side of the property, the first 100 feet are easily walkable, and markers are identifiable and reachable. The remaining land is heavily covered with mature trees and underbrush; however, much of the property is accessible on foot with only small portions inaccessible due to vegetation and thick brush. Many of the markers are accessible and visible. There is a natural washout that runs from north to south in a curved pattern, roughly 100 feet from the east property line.

In the 1930s, the Works Progress Administration's *Indian Pioneer Project* estimated that 1,000 interments were within the cemetery since it was established in 1858. With the recent 2022 discovery of the *Muskogee County Death Records 1910-1916*, there are approximately 280 recorded burials that occurred within six years. While the *Indian Pioneer Project* estimated 1,000 interments, the Old Union Agency Cemetery has the potential to yield over 1,000 burials from its creation to 1964, the latest inscribed marker found. The oldest inscription recorded was for Aaron Gra[y]son who passed away on October 7, 1883, at the age of 85.<sup>1</sup>

The Old Union Agency Cemetery has a variety of marker sizes, types, and designs. Some burials can be identified by ground depressions, field stones, and metal grave markers, typically provided by funeral homes. There are concrete markers and headstones with hand-carved inscriptions such as Nancy Jones (1887-1915) and Henry Dickson (1889-1926) who has a hand-carved cross marker.

Four military markers were found for veterans of the Civil War and World War I. John Evans, Sr. served in Company H of the 5th U.S. Calvary in the Civil War. Golden Tucker served in Company D of the 317 Engineers, and Joe Lewis served in Company A 328 Service Battalion during World War I. Eugene Hollins served as a private in the 317 Engineers, 92<sup>nd</sup> Division.

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<sup>1</sup> James S. Buchanan and J.M. Keeves, *Cemeteries—Creek*. Indian Pioneer Collection, The University of Oklahoma Western History Collection. <https://digital.libraries.ou.edu/cdm/ref/collection/indianpp/id/6777> (accessed November 10, 2023.)

Old Union Agency Cemetery  
 Name of Property

Muskogee, OK  
 County and State

Several markers have been vandalized, broken, or toppled. The most notable destruction is the brick grave houses of J.P. Davison and his wife, Sarah. Both grave houses were broken into during the mid-1950s, large portions of brick walls were scattered, and the remains of J.P. Davidson were stolen.<sup>2</sup> The headstone of James Kennell (c. 1842-1907) is broken, and a brick grave house was broken into. Sallie Grayson (c.1846-1920) and Sugar George and Patsey McIntosh have elaborate die, cast, and cap markers that have one or more pieces toppled.

The list below includes a list of the annotated burials within the Old Union Agency Cemetery. The list is based on the death certificates listed in the *Muskogee County Death Records 1910-1916: Volumes 1-3*, obituaries, Indian-Pioneer History Project for Oklahoma, and fieldwork conducted on November 10, 2023. The list is arranged alphabetically by last name. This list is not exhaustive since there are many unmarked graves, non-inscribed markers as well as broken or unreadable markers. Markers found in the field are indicated in **bold**.

<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>BIRTH YEAR OR AGE AT DEATH</i>	<i>DEATH</i>
<b>(UNREADABLE)</b>	<b>ELIZABETH</b>		<b>9/16/1938</b>
ABNEY	INFANT	1 MONTH	4/21/1913
ADAMS	F.C.	1 MONTH	3/18/1913
ADAMS	INFANT	1 DAY	4/11/1915
ALEXANDER	LILLIE	18 YEARS	4/9/1912
ALLEN	LEMTEEURE	4 YEARS	8/31/1913
ANDERSON	EMMA	52 YEARS	7/3/1914
ANDREW	JEROME	4 MONTHS	6/15/1913
<b>ANDY</b>	<b>WILL</b>	<b>12/5/1876</b>	<b>6/30/1909</b>
ASHWOOD	LILLIE	39 YEARS	9/13/1912
BAILEY	INFANT	3 MONTHS	6/11/1913
BAILEY	ELIZA		12/27/1919
BAILY	INFANT	3 MONTHS	6/11/1913
BANKS	BEN		4/18/1914
BARR	ADDIE MOSS	35 YEARS	12/29/1913
BARTEE	M.M.	38 YEARS	9/5/1913
<b>BELL</b>	<b>FANNIE</b>	<b>1844</b>	<b>3/31/1905</b>
BELL	ROADY	65 YEARS	1/30/1912
BELLE	FANNIE	80 YEARS	4/28/1913
BENNETT	DELGY	21 YEARS	2/11/1912
<b>BERRYMAN</b>	<b>DOUGLAS</b>		
BIRCHAM	INFANT	2 DAYS	2/21/1915
BIRCHANN	MAYELLA	17 YEARS	3/7/1914

<sup>2</sup> “Coffins Gone: Cemetery Here Hit By Ghouls,” *Muskogee Times-Democrat*, June 3, 1955.

Old Union Agency Cemetery

Muskogee, OK

Name of Property

County and State

BIRCHANN	LEON	15 YEARS	3/19/1914
<b>BLACK</b>	<b>LEE DOUGLAS</b>	<b>1888</b>	<b>1917</b>
BLACK	MOTER MAN	1 YEARS	5/13/1916
BLAIN	EARL	30 YEARS	5/17/1915
BLANTON	JAMES	59 YEARS	12/18/1963
BOWMAN	GEORGE	32 YEARS	7/24/1911
BRACKEN	REBECCA	40 YEARS	7/14/1913
BRANNON	JENNIE	57 YEARS	3/7/1912
BREASTER	ELLA	31 YEARS	12/15/1913
BREWER	LUISE SHIPLEY	75 YEARS	3/4/1913
BREWER	MYRTLE	2 MINUTES	10/6/1914
BREWSTEL	INFANT	2 MINUTES	8/20/1915
BRIDGES	GORGEN	29 YEARS	3/30/1912
BRIDGES	BERRY	59 YEARS	2/19/1915
BRIGGIS	EARNEST	1 YEARS	7/24/1913
BROOKS	ADA	42 YEARS	1/19/1915
BROWN	SARAH	40 YEARS	2/28/1910
BROWN	INFANT	0 DAYS	3/4/1913
BROWN	LUSIE	70 YEARS	3/4/1913
BROWN	SHELLIE	36 YEARS	3/31/1913
BROWN	CLEO	2 YEARS	5/29/1913
BROWN	WILLIAM EDWARD	38 YEARS	6/23/1913
BROWN	INFANT		2/9/1915
BROWN	EZZEBALA	105 YEARS	3/14/1915
BRUNER	JUDIE	64 YEARS	10/29/1915
BRUNNER	HERMAN	1 YEAR	5/23/1914
BRYANT	BERNICE	1 YEAR	8/27/1912
BURTON	WILLIAM	33 YEARS	6/11/1916
BYNUM	RHODRIC	11 YEARS 1 MONTH	11/15/1912
CAESAR	ABRAHAM T.	85 YEARS	6/7/1916
CAEZAR	DEWITT	12 YEARS	3/18/1916
<b>CAPERTON</b>	<b>FRANCES</b>	<b>1853</b>	<b>1923</b>
CAPERTON	JOHN	25 YEARS	1/27/1911
CARNARD	JIM	75 YEARS	3/3/1913
CARSON	TOM	38 YEARS	4/1/1911
CARSON	MOZZIE	11 YEARS	11/17/1913
CARTER	MARY		8/30/1908
CARTER	CHARLIE	35 YEARS	4/10/1914
CEASAR	DEWITT	10 YEARS	3/18/1916

Old Union Agency Cemetery

Muskogee, OK

Name of Property

County and State

<b>CEASAR</b>	<b>HENRY</b>	<b>1882</b>	<b>4/10/1943</b>
CEASOR	NED	52 YEARS	6/12/1912
<b>CHERRY</b>	<b>SIDNEY</b>	<b>3/7/1849</b>	<b>8/4/1914</b>
<b>CHERRY</b>	<b>HARRIETT C</b>	<b>12/13/1852</b>	<b>11/15/1939</b>
CHESTER	INFANT	0 DAYS	2/1/1914
CLAY	EMANDY	16 YEARS	12/9/1914
COATS	ALEXANDER	40 YEARS	10/12/1913
COLLINS	INFANT	0 DAYS	11/4/1913
<b>COLLINS</b>	<b>WILLIAM</b>	<b>5/13/1905</b>	<b>12/16/1925</b>
COLWELL	GEORGE	35 YEARS	11/1/1910
COOK	BUD		JAN. 1906
CORLIS	INFANT	2 HOURS OR 30 MINUTES	3/21/1915
COTTON	DEWIT	21 YEARS	11/6/1914
CRABTREE	JAMES	40 YEARS	3/27/1913
CREASOR OR OWENS	PEGGIE*	35 YEARS	2/26/1910
CUMMINS	HATTIE	27 YEARS	10/6/1913
CURRY	EMALINE	70 YEARS	1/18/1912
<b>DADE</b>	<b>ELLA</b>		<b>9/29/1918</b>
<b>DARVIN</b>	<b>INDIANA</b>	<b>12/24/1872</b>	<b>11/29/1913</b>
<b>DAVIDSON</b>	<b>J.P.</b>	<b>1/14/1844</b>	<b>11/14/1916</b>
DAVIDSON	SARAH		
DAVIS	INFANT	4 MONTHS	12/1/1911
DAVIS	ROY	7 YEAR/16 YEARS	6/20/1912
DAVIS	INFANT	7.5 MONTHS	6/28/1912
DAVIS	PEARL	24 YEARS	10/12/1913
DAVIS	KITTO	60 YEARS	11/22/1913
DAVIS	JACK	39 YEARS	3/30/1915
DAVIS	JESSIE	60 YEARS	7/26/1916
DAVIS	SARAH	1799	11/15/1886
DAWSON	TOLLE	5 YEARS	6/2/1913
DEAN	BEVERLY ANN		
<b>DEAN</b>	<b>IDA</b>		
DEAN	BUD	70 YEARS	11/2/1914
DEAN	MANCY	28 YEARS	11/11/1915
<b>DEAN</b>	<b>NANCY</b>	<b>50 YEARS</b>	<b>2/4/1890</b>
<b>DEAN</b>	<b>DAVID</b>		
DEAR	LUM	5 YEARS	4/2/1914
DEGRATE	WILLIE LUE	5 YEARS	8/9/1914



Old Union Agency Cemetery

Muskogee, OK

Name of Property

County and State

DEISON	JOE	35 YEARS	12/8/1913
DELVRO	INFANT	3 MINUTES	5/12/1916
DICKINSON	CAROLINE	66 YEARS	12/27/1912
<b>DICKSON</b>	<b>HENRY</b>	<b>10/20/1889</b>	<b>2/20/1926</b>
<b>DICKSON</b>	<b>HOWARD</b>	<b>2/14/1864</b>	
DODSON	J.A. JR.	6 MINUTES	10/21/1914
DODSON	J.A.	37 YEARS	1/26/1915
DREW	ROBERT	80 YEARS	12/26/1910
DUNAWAY	SARAH	3 YEARS	1/11/1914
DUNCAN	INFANT	8 MINUTES	11/15/1914
DUNEVANT	ANNIE NELSON	74 YEARS	12/1/1913
DUNSBRAE	HENRY	40 YEARS	2/12/1910
ELLIOTT	JOHN	85 YEARS	6/15/1911
ELLIOTT	MAGGIE		6/21/1911
<b>EVANS</b>	<b>JOHN</b>	<b>1/28/1901</b>	<b>6/3/1948</b>
<b>EVANS</b>	<b>PHILLIS</b>	<b>10/12/1854</b>	<b>10/2/1950</b>
<b>EVANS</b>	<b>JOHN SR</b>		
FEE	JAMES	20 YEARS	11/2/1915
<b>FIELDS</b>	<b>TOM</b>	<b>1884</b>	<b>5/15/1905</b>
FISHER	CHESTER	5 YEARS	5/3/1914
FRANKLIN	HENRY	11 YEAR	9/19/1911
FULK	LETHIA ROBERTIA	2 MONTHS	10/25/1913
FURCH	JOHNNIE	0 DAYS	4/18/1915
<b>GEORGE</b>	<b>SUGAR</b>		
<b>GEORGE</b>	<b>SUGAR (CHILD)</b>	<b>15 YEARS</b>	<b>9/15/1867</b>
GIBSON	RENA		2/1/1911
GLASS	MARY	76 YEARS	10/15/1912
GLASS	AMANDY	67 YEARS	2/15/1916
<b>GLASSCO</b>	<b>ELLEN</b>	<b>3/28/1869</b>	<b>6/3/1918</b>
GLOVER	NAPOLEAN	27 YEARS	3/1/1916
<b>GLOVER</b>	<b>NETTIE B</b>	<b>5/12/1861</b>	<b>11/1/1939</b>
GOTT	ANNIE	57 YEARS	2/18/1911
GRASON	AARON	85 YEARS	10/7/1883
GRAYS	SARAH	46 YEARS	6/26/1912
<b>GRAYSON</b>	<b>SALLIE</b>	<b>74 YEARS</b>	<b>2/21/1920</b>
GUNTER	JOHN		12/26/1962
HADDEN	ANNETTA	63 YEARS	12/25/1915
<b>HAILEY</b>	<b>E.W.</b>	<b>1900</b>	<b>1924</b>
HAIREL	INFANT	8 MONTHS	8/23/1909
HALL	CHARLES V.	5 MONTHS	1/31/1914

Old Union Agency Cemetery

Muskogee, OK

Name of Property

County and State

HAMILTON	KNOW	60 YEARS	5/17/1913
HARDIN	TENNY	25 YEARS	12/9/1913
HARPER	EUZELL	18 YEARS	5/12/1913
HARRIS	HATTIE	25 YEARS	8/24/1914
HAWKINS	INFANT	14 DAYS	7/27/1912
HAWKINS	WILLIAMS	44 YEARS	9/17/1913
HAYES	INFANT	5 DAYS	3/6/1916
HERROD	WALLACE	62-63 YEARS	10/16/1913
HICKEE	INFANT	0 DAYS	6/2/1915
HICKELS	INFANT	0 DAYS	6/5/1915
HICKS	INFANT	15 DAYS	9/30/1914
HOGAN	T. (MRS.)	56 YEARS	10/18/1912
HOGAN	ETTA	25 YEARS	8/24/1915
HOLLIDAY	INFANT	5 DAYS	8/9/1914
HOLLINS	LUCY		6/5/1916
HOLLINS	ROBERT	70 YEARS	6/11/1916
<b>HOLLINS</b>	<b>EUGENE</b>		
HOLT	PETER	24 YEARS	5/23/1910
HOWARD	INFANT	7 MINUTES	5/21/1915
HUNTER	FREDOMIA	35 YEARS	2/22/1914
HUNTER	MERNIVIA		9/10/1915
ISLAND	BILLIE		3/18/1910
ISLAND	TORRANS	7 YEARS	11/24/1910
<b>ISLAND</b>	<b>NESSIE</b>	<b>90 YEARS</b>	<b>3/2/1903?</b>
ISLAND	HARRY	60 YEARS	8/15/1872
IVORY	INFANT	2 MONTHS	9/17/1910
<b>JACKSON</b>	<b>JOHN</b>	<b>69 YEARS</b>	<b>2/23/1901</b>
JACKSON	HATTIE	46 YEARS	3/5/1911
JACKSON	HARRETT	59 YEARS	3/6/1912
JACKSON	SAM	17 YEARS	4/12/1912
JACKSON	HESMAN	19 YEARS	5/14/1912
JACKSON	BUSTER BROWN	4 YEARS	10/21/1913
JACKSON	HARRIETT	60 YEARS	11/22/1913
<b>JACKSON</b>	<b>EDNA</b>	<b>19/23 YEARS</b>	<b>5/14/1914</b>
JEFFERSON	IRENE	20 YEARS	11/17/1912
JINKENS	WILLIAMS	70 YEAR]	3/3/1914
<b>JINKS</b>	<b>GEORGE</b>	<b>9/7/1884</b>	<b>3/14/1930</b>
JOHNS	LULA	30 YEARS	8/7/1918
JOHNSON	JAMES	25 YEARS	8/30/1912
JOHNSON	INFANT	0 DAYS	10/10/1912

Old Union Agency Cemetery

Muskogee, OK

Name of Property

County and State

JOHNSON	POLLY	56 YEARS	10/19/1914
JOHNSON	INFANT		11/17/1914
JOHNSON	ALEX	31 YEARS	9/23/1915
JOHNSON	SIDNEY P.	14 YEARS	2/13/1916
JOHNSON	SADIE	23 YEARS	5/20/1916
JONES	GEORGE		8/18/1910
JONES	ISOM	72 YEARS	2/29/1912
JONES	ALICE M.	32 YEARS	3/27/1912
JONES	ALFRED	73 YEARS	8/19/1912
JONES	BETTIE	21 YEARS	8/17/1913
JONES	MARY	22 YEARS	2/5/1914
JONES	WILLIAM	55 YEARS	4/23/1914
JONES	INFANT	7 DAYS	6/15/1914
<b>JONES</b>	<b>NANCY</b>	<b>11/1887</b>	<b>11/11/1915</b>
JORDAN	JOANA SCOTT	105 YEARS	7/15/1912
KAMRON	CAVENNA		7/29/1910
KENNEL	JAMES	65 YEARS	10/7/1907
KENNON	DAVID	16 YEARS	4/16/1913
<b>KERNELL</b>	<b>JAMES</b>	<b>65 YEARS</b>	<b>10/7/1907</b>
<b>KERNELL</b>	<b>REV JNO.</b>	<b>1825</b>	<b>7/16/1897</b>
KING	LANFKFORD	4 YEARS	2/16/1916
KING	INFANT	1 DAY	3/13/1916
LONDON	ELEN	40 YEARS	10/30 OR 31/1910
LONDON	EDWARD	69 YEARS	7/6/1915
LAWS	JOSPEHINE	7 YEARS	1/6/1916
<b>LEAN</b>	<b>JAMES R</b>		
LEFLORE	HATTIE	35 YEARS	5/17/1914
LEVERTT	MARGRETTE	68 YEARS	12/8/1914
LEWIS	H.C.	1866	1903
LEWIS	JOSEPHINE	32 YEARS	7/22/1913
LEWIS	FRED		9/5/1914
<b>LEWIS</b>	<b>JOE</b>	<b>5/8/1886</b>	<b>7/15/1954</b>
LONDON	BERTHA	18 YEARS	9/17/1913
LOVETH	HATTIE	38 YEARS	5/11/1913
LOWERY	POLLY	103 YEARS	4/28/1914
MACKEY	MILDSCOD	43 YEARS	3/4/1910
MAHARDY	GENSEY	3/1820	1/13/1891
MALONE	ARCHIE	12 YEARS	8/8/1914
MALONE	ROBERT JR.	9 YEARS	8/8/1914

Old Union Agency Cemetery

Muskogee, OK

Name of Property

County and State

MANNING	LORA	33 YEARS	5/8/1913
<b>MANUEL</b>	<b>FLOYD E</b>	<b>7/17/1895</b>	<b>8/21/1913</b>
MARSHALL	INA	24 YEARS	8/14/1915
MARTIN	ELIZA	38 YEARS	2/22/1914
MATLOCK	INFANT	0 DAYS	2/9/1916
MATTHEWS	MATTIE	11 YEARS	5/9/1916
MATTHEWS	THEODORE		5/12/1916
MAYO	WILLIS S.	72 YEARS	1/13/1916
MCCAULEY	EZRA	30 YEARS	7/14/1915
<b>MCCLELLAN</b>	<b>HATTIE</b>	<b>12/5/1896</b>	<b>2/9/1938</b>
MCCLENDON	LYNN	1 YEAR	4/4/1913
MCCORMICK	BETTY		
MCCORNIC	ANNA LEE	12 YEARS	7/5/1914
<b>MCCRACKEN</b>	<b>VETA</b>	<b>1906</b>	<b>1922</b>
MCINTOSH	TAMA	1833	3/7/1905
MCINTOSH	KATIE	1871	1903
<b>MCINTOSH</b>	<b>WILL</b>	<b>1885</b>	<b>1914</b>
<b>MCINTOSH</b>	<b>PATSEY</b>	<b>1/10/1843</b>	<b>6/11/1908</b>
MCINTOSH	ADAM	62 YEARS	8/12/1910
MCINTOSH	TOBE	84 YEARS	10/18/1911
MCINTOSH	INFANT	1 YEAR	3/30/1912
MCINTOSH	NANCY	17 YEARS	1/5/1914
MCINTOSH	GEORGIA	19 YEARS	7/6/1914
MCINTOSH	CHARLIE	50 YEARS	7/28/1914
MCINTOSH	ANNA BELL	18 YEARS	4/19/1915
MCINTOSH	GEORGE	92 YEARS	3/25/1963
MCQUEEN	ROSE	38 YEARS	2/23/1914
MERRILL	ANDY		
MILLER	WILLIAM	37 YEARS	12/11/1913
MOORE	IMOGENE	1 YEAR	5/11/1914
MORRIS	JOE JR.	9-10 MONTHS	3/30/1913
MUNINCE	MARY	48 YEAR	6/25/1914
<b>NA (BROKEN)</b>	<b>NA (BROKEN)</b>	<b>2/18/1885</b>	<b>11/8/1917</b>
NAILS	ALEX	73 YEARS	6/12/1916
NAILS	EARL	1 YEAR	9/1/1916
NATHINE	CAROLINE	59 YEARS	1/17/1916
NEWMAN	CURTIS	1 YEAR	11/5/1912
NEWMAN	ALBERT	2 YEARS	1/12/1913
<b>NEWMAN</b>	<b>MATILDA</b>	<b>1/8/1862</b>	<b>3/7/1914</b>
<b>NEWMAN</b>	<b>CLARA BELL</b>	<b>4/24/1889</b>	<b>9/16/1927</b>

Old Union Agency Cemetery

Muskogee, OK

Name of Property

County and State

NEWMAN	PINKEY	72 YEARS	3/21/1884
ODEM	FRED	40 YEARS	1/2/1915
OWENS	CYNTHIA	1 YEAR	5/14/1915
PARKER	THOMAS	35 YEARS	6/14/1914
PASCHAL	LEON	10 MINUTES	3/12/1914
<b>PATTON</b>	<b>AMERICA</b>	<b>1875</b>	<b>4/1/1905</b>
PEARSON	CELIE	17 YEARS	7/26/1913
PERRYMAN	RODA/ROLLA	65 YEARS	10/29/1911
PERRYMAN	HECTOR	26 YEARS	11/26/1911
PETTAWAY	HENRY	19 YEARS	6/12/1913
PHILLIPS	ANNIE BELLA	58 YEARS	12/19/1913
<b>POLK</b>	<b>B.</b>		<b>1924</b>
POWELL	LELA	23 YEARS	8/31/1911
PULLMAN	ANNY	50 YEARS	2/17/1913
RAGSDALE JR.	WILLIAM B.		JAN. 1923
RANSOM	BALEY	9 DAYS	1/5/1912
RANSOM	WILL OR WALTER	31 YEARS	2/5/1912
RAYBURN	THEARLOSE	10 MONTHS	7/21/1910
REDMON	FANNIE	65 YEARS	6/13/1913
REDUS	W.R.	54 YEARS	5/24/1913
<b>REED</b>	<b>JANE</b>	<b>1853</b>	<b>4/16/1905</b>
REED	MARRY SAVANNAH WALTHAU	35 YEARS	2/20/1914
<b>REED</b>	<b>P.E. (MRS)</b>		
RENTIE	CAROLINE	100 YEARS	1/8/1913
<b>RENTIE</b>	<b>MARY</b>	<b>59 YEARS</b>	<b>11/29/1890</b>
<b>RENTY</b>	<b>MARY</b>	<b>58 YEARS</b>	<b>5/29/1889</b>
RICHARDSON	LAFAYETTE	18 YEARS	10/20/1913
RIVERS	S.G.	40 YEARS	9/5/1913
ROAN	WALTER	3 DAYS	2/20/1916
<b>ROBERTS</b>	<b>JENNIE</b>	<b>1867</b>	<b>4/4/1905</b>
<b>ROBERTS</b>	<b>CLAYTON</b>	<b>2/28/1891</b>	<b>8/25/1915</b>
<b>ROBERTS</b>	<b>DAVE</b>	<b>9/3/1855</b>	<b>9/21/1915</b>
ROBERTS	DAVE	65 YEARS	9/22/1915
ROBERTSON	AMANDA	58 YEARS	11/10/1914
ROBERTSON	LENA	1 YEAR	8/11/1915
<b>ROBINSON</b>	<b>AMANDA</b>	<b>8/8/1856</b>	<b>11/10/1914</b>
ROBINSON	ELLA	57 YEARS	12/16/1937
ROOKS	SADDIE	29 YEARS	7/26/1916
SANGO	CLARENCE	17 YEARS	6/25/1913

Old Union Agency Cemetery

Muskogee, OK

Name of Property

County and State

SCARBOROUGH	DOROTHY MAY	21 DAYS	8/11/1915
SCOTT	FANNIE	60 YEARS	11/11/1913
SCOTT	EDWARD	20 YEARS	2/24/1914
SCOTT	FRED	40 YEARS	6/27/1914
SCOTT	LUANNIA	34 YEARS	1/5/1916
SHARPER	MILLEN	75 YEARS	12/3/1910
SHIPPARD	HANNAH	78 YEARS	12/5/1914
SLAUGHTER	WINNA	72 YEARS	5/9/1912
SLOAN	GRACE ALICE	17 YEARS	6/5/1915
SMITH	THOMAS EDWARD		8/13/1910
SMITH	ELLA	6 YEARS	10/23/1911
SMITH	PEARL	19 YEARS	3/12/1913
SMITH	ROSA	13 YEARS	8/10/1913
<b>SMITH</b>	<b>HAZEL J</b>	<b>11/6/1897</b>	<b>3/10/19??</b>
SNEED	ALBERTA	16 YEARS	6/5/1916
STIDHAM	SAMSON	69 YEARS	1881?
<b>STIDOM</b>	<b>HATTIE</b>	<b>60 YEARS</b>	<b>8/15/1880</b>
STOKES	WHEELER	21 YEARS	8/9/1915
STROS.	RODY		7/11/1891
SURRELL	ELLA	45 YEARS	6/4/1913
<b>SURRELL</b>	<b>ELLA</b>	<b>6/15/1863</b>	<b>9/1/1913</b>
SWELL	LEWIS		8/28/1912
TALLET	MYRTLE	30 YEARS	8/28/1913
<b>TALVERN</b>	<b>ALBERT</b>	<b>1/31/1885</b>	<b>10/18/1896</b>
TANNPLIE	RHNIE	25/27 YEARS	5/21/1913
TAYLOR	BEATRICE	22 YEARS	9/13/1910
TAYLOR	RENA	41 YEARS	5/1/1911
<b>TERRANSU</b>	<b>LUVA</b>	<b>9/11/1895</b>	<b>2/15/1936</b>
THOMAS	INFANT	0 DAYS	2/4/1916
<b>THOMAS</b>	<b>REBECCA</b>	<b>11/11/1845</b>	<b>11/20/1923</b>
<b>THOMAS</b>	<b>JIMMIE</b>	<b>1/25/1859</b>	<b>9/12/1948</b>
<b>THOMAS</b>	<b>ARTHUR</b>	<b>9/21/1903</b>	<b>3/14/1953</b>
TOAUT	INFANT	0 DAYS	8/23/1913
TOLLIVER	ARTHUR	20 YEARS	7/8/1913
TOME	ARTHUR		1948
TOWNSLEY	M.A.	65 YEARS	1/16/1913
<b>TUCKER</b>	<b>CORA A.</b>	<b>6/17/1868</b>	<b>1/4/1929</b>
<b>TUCKER</b>	<b>GRANT R.</b>	<b>11/25/1856</b>	<b>10/29/1913</b>
<b>TUCKER</b>	<b>GRANT R.</b>	<b>11/25/1856</b>	<b>10/29/1913</b>
<b>TUCKER</b>	<b>GOLDEN</b>	<b>12/7/1894</b>	<b>8/7/1964</b>

Old Union Agency Cemetery

Muskogee, OK

Name of Property

County and State

VANN	JENNIE	10 MINUTES	3/22/1914
VINSON	MANILLA	14 YEARS	10/15/1914
WALKER	CORA	12 YEARS	9/8/1913
<b>WALKER</b>	<b>JONAS</b>	<b>5 YEARS</b>	<b>2/19/1891</b>
WALTON	INFANT MALE	0 DAYS	7/27/1915
WALTON	INFANT	0 DAYS	8/22/1916
WARD	ALFRED H.	45 YEARS	10/26/1914
WARDLOW	FRED	21 YEARS	7/13/1915
WARREN	MOLLIE	49 YEARS	7/26/1913
WARREN	CORNELIA	30 YEARS	9/10/1913
WASHINGTON	INFANT	1 MINUTE	7/17/1913
WASHINGTON	JEFFERSON	29 YEARS	8/6/1913
WATSON	LUELLA	20 YEARS	1/29/1912
WEEKLY	FRANK	24 YEARS	11/3/1914
WELLS	CORRIE	36 YEARS	8/18/1916
WESLEY	MARY	49 YEARS	6/13/1913
WESLEY	NEOMA	19 YEARS	10/9/1913
WESLEY	RAIDMON	20 YEARS	10/26/1913
WHITE	CLIDE	11 MINUTES	3/27/1914
WILEY	JONES		
WILLIAMS	CHRISTINE	3 YEARS	3/1/1910
WILLIAMS	JOHN	35 YEARS	3/14/1910
WILLIAMS	LIZZIE	34 YEARS	11/19/1910
WILLIAMS	WILLIE	17 YEARS	1/14/1911
WILLIAMS	ELLEN	19 YEARS	9/27/1912
WILLIAMS	BIRDIE	29 YEARS	5/24/1913
WILLIAMS	MARY	43 YEARS	7/18/1913
WILLIAMS	INFANT	0 DAYS	11/28/1913
WILLIAMS	MAGGIE	16 YEARS	6/10/1914
WILLIAMS	CHARLES	1 YEAR	7/16/1915
<b>WILLIAMS</b>	<b>MARY</b>	<b>12/16/1852</b>	<b>6/12/1895</b>
WILSON	J. BUEL		4/7/1911
WOFFORD	EARNEST	2 YEARS	7/14/1913
WOOD	LONNA	45 YEARS	1/18/1915
YATES	THOMAS	3 YEARS	3/17/1914

Old Union Agency Cemetery  
Name of Property

Muskogee, OK  
County and State

## 8. Statement of Significance

### Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property is associated with the lives of persons significant in our past.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D. Property has yielded, or is likely to yield, information important in prehistory or history.

### Criteria Considerations

(Mark "x" in all the boxes that apply.)

- A. Owned by a religious institution or used for religious purposes
- B. Removed from its original location
- C. A birthplace or grave
- D. A cemetery
- E. A reconstructed building, object, or structure
- F. A commemorative property
- G. Less than 50 years old or achieving significance within the past 50 years



Old Union Agency Cemetery  
Name of Property

Muskogee, OK  
County and State

**Areas of Significance**

(Enter categories from instructions.)

ETHNIC HERITAGE: BLACK  
ETHNIC HERITAGE: NATIVE AMERICAN  
EXPLORATION/SETTLEMENT

\_\_\_\_\_  
\_\_\_\_\_

**Period of Significance**

1858-1964

\_\_\_\_\_  
\_\_\_\_\_

**Significant Dates**

1858 (cemetery created)  
1883 (oldest marker inscription found)  
1964 (latest marker inscription found)

**Significant Person**

(Complete only if Criterion B is marked above.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Cultural Affiliation**

Creek Freedmen  
Muskogee (Creek)

\_\_\_\_\_

**Architect/Builder**

NA

\_\_\_\_\_  
\_\_\_\_\_

Old Union Agency Cemetery  
Name of Property

Muskogee, OK  
County and State

**Statement of Significance Summary Paragraph** (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

The Old Union Agency Cemetery is significant at the state level for its association as a Muscogee (Creek) settlement in Indian Territory and for its association as a cemetery and final resting place for the Muscogee (Creek), Creek Freedmen, and their descendants. The cemetery is rooted in that community's history and is still integral to their cultural identity. Established in 1858, the Old Union Agency Cemetery's origins are traced to the Agency community, referred to simply as Agency, that thrived around the Creek Agency when it was established in 1857. Agency was located on an east-west road that serviced travelers, tradesmen, and government officials from Fort Smith and Fort Gibson to the west. The cemetery served a fundamental need for the Agency community long after the town of Muskogee boomed when the Missouri, Kansas, and Texas (KATY) Railroad was opened in 1872, and trade and business naturally migrated to Muskogee's central transportation hub. It is the last tangible resource associated with Agency.

The Old Union Agency Cemetery is significant under National Register Criterion A for Ethnic Heritage: Native American, Ethnic Heritage: Black, and Exploration/Settlement as the cemetery is an essential element of the story of the Muscogee and Creek Freedmen's entrance into Indian Territory and its initial settlement. It is a surviving remnant of the rising Creek community when they relocated from their ancestral home into Indian Territory. The Old Union Agency Cemetery derives its primary significance from its association with historic events, specifically the Muscogee Nation and the Creek Freedmen's post-removal settlement in Indian Territory.

The property has also been classified as a Traditional Cultural Property within the Muscogee (Creek) Nation. Additionally, the MCN THPO identified that the Thomas Smith and Union Agency Cemetery are recognized as constitutionally protected Tribal Resources under Article IX of the MCN constitution.<sup>3</sup>

Lastly, the Old Union Agency Cemetery meets the stipulations for Criteria Consideration d, as a cemetery that was used for over a hundred years. It is being preserved by the Muscogee Creek Indian Freedmen Band, descendants of the Freedmen who are interred there. The period of significance is 1858-1964 which dates to when the Old Union Agency Cemetery was established to its last known interment.

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<sup>3</sup> Confirmed via conversation between MCN THPO and the OK Deputy SHPO on February 9, 2024. Additionally, the MCN THPO identified that the Thomas Smith and Union Agency Cemetery are recognized as constitutionally protected Tribal Resources under Article IX of the MCN constitution.

Old Union Agency Cemetery  
Name of Property

Muskogee, OK  
County and State

**Narrative Statement of Significance** (Provide at least **one** paragraph for each area of significance.)

Several generations of the Muscogee, freed and enslaved Creeks, and later their descendants, the Creek Freedmen, have a long history in the United States.<sup>4</sup> Muscogee oral tradition speaks of a legend that ancestral Muscogee migrated and established a colony at Ocmulgee near present-day Macon, Georgia. The colony grew and the key cities of Cusseta and Coweta formed during the period of A.D. 900-1000. The ancestral Creeks were influential and widespread. They lived in fortified towns, and around A.D. 1400 these towns became single-mound ceremonial centers for separately related or allied towns.

In the first four decades of the nineteenth century, the United States cajoled, bribed, arrested, and ultimately forced approximately seventy thousand American Indians out of their ancestral lands in the American South. Major General Andrew Jackson led an expedition against the Creek Indians climaxing in the Battle of Horse Shoe Bend (in present-day Alabama near the Georgia border). He then forced upon the Indians a treaty whereby they surrendered to the United States over twenty million acres of their traditional land—about one-half of present-day Alabama and one-fifth of Georgia. Over the next decade, Jackson led the way in the Indian removal campaign, negotiating nine of the eleven major treaties to remove Indians.

The first removal of Creeks into Indian Territory represented about ten percent of the Creek Confederacy with the McIntosh Party from 1828-1833, headed by Roley McIntosh, brother of William McIntosh. The Lower Creeks settled in the Three Forks area of the Arkansas River, and this first wave of Creek migrants included wealthier Creeks who owned the most slaves. Approximately 498 slaves and 13 free African Creeks, represented one-third of the African Creeks in the Creek Confederacy. African Creeks are credited with scouting the land and assuring its suitability at the junction of the Grand, Verdigris, and Arkansas Rivers.<sup>5</sup> When the Creeks arrived, they brought tools, oxen, wagons, and supplies to recreate new homesteads and a community, and African Creeks were the building backbone by clearing land, building cabins, planting crops, and raising cattle. Adaptations to the new land were required, and new homestead cabins and slave cabins were constructed closer together for better security on the unknown land instead of spacing them the traditional ¼ to ½ mile away.<sup>6</sup>

In 1832, the Upper Creeks led by Opothleyahola, signed the Treaty with the Creeks in Washington D.C., in which the Creeks ceded all lands east of the Mississippi River for tracts west of Arkansas and given \$210,000 in educational and agricultural annuities.<sup>7</sup> The Upper

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<sup>4</sup> To clarify the differences between Creek Slaves, Creek Freedmen, and African Creeks: Creek Slaves are black slaves of the Creek Nation; Creek Freedmen are black, former slaves of the Creek Nation; and African Creeks are undifferentiated black slaves or non-slaves of the Creek Nation.

<sup>5</sup> Theodore Isham and Blue Clark, "Creek (Mvskoke)," *The Encyclopedia of Oklahoma History and Culture*, <https://www.okhistory.org/publications/enc/entry?entry=CR006>. (accessed November 1, 2023).

<sup>6</sup> L.W. Wilson & George McIntosh. Interview with George McIntosh, Indian Pioneer Collection, The University of Oklahoma Western History Collections. <http://digital.libraries.ou.edu/cdm/ref/collection/indianpp/id/204> (accessed November 1, 2023).

<sup>7</sup> Zellar, 25; The Treaty is also known as the "Treaty of Cusseta" or "Third Treaty of Washington."

Old Union Agency Cemetery  
Name of Property

Muskogee, OK  
County and State

Creeks traveled the arduous journey over the Trail of Tears through the late 1830s and settled in the North Fork, Deep Fork, and Canadian River valleys.

The rebuilding period continued, and the Lower and Upper Creeks agreed to a new national government in 1840 at a mutual site at Council Hill in present-day Tulsa. The Creek Confederacy numbered approximately 13,000, and in the 1832 Census, there were 902 slaves and 55 free Blacks in the Creek Nation. Based on the research completed by Gary Zellar, less than 2% of Creeks owned slaves, and 63% owned fewer than five slaves.<sup>8</sup>

#### *The Agency Community and Agency Cemetery*

In 1857, the Creek Agency was located at the base of Fern Mountain south of the Arkansas River, and a community grew around it. It was the largest center of commercial activity and trading, and it was a waypoint in the Creek Nation. It was strategically located near the Arkansas River and on the road west of Fort Gibson, and it had a system of river plantations and farms around it. A cemetery was established a year later about a mile and a half away, called the Agency Cemetery, and it was along the same east-west road between the Creek Agency and Fort Gibson.

The Creeks were self-reliant with subsistence farming and traded for supplies that arrived from Fort Smith and Fort Gibson. Creeks raised corn, wheat, and cattle, and they hunted turkeys, grouse, and deer. Wild fruit and berries were plentiful. Clothing was homespun from their spinning wheels, reels, and looms, and cotton was traded for bread items from Fort Smith.<sup>9</sup> Goods arrived by steamboats to the Creek Agency landing on the Verdigris River landing, and the steamboats carried items not grown or obtainable in Indian Territory like coffee, bitters, snuff, soap, tea, pickles, sugar, molasses, nails, ropes, etc.<sup>10</sup>

Slavery in the Creek Nation varied considerably from the southern states. Creek slaves were given liberties to raise livestock aside from required labor for his or her owner. Slaves living in or near the vicinity of the Creek Agency accumulated property even though owning property was against the slave code enforced in other states. Toby Drew, a Creek slave, owned two mules, nine steers, ten horses, and 100 hogs. Jacob Perryman was allowed to use range land to keep ten horses, two mules, four steers, and seventy-five hogs. Troy Steadham owned two oxen, ten horses, thirty hogs, and 150 head of cattle which was a “considerable estate for anyone living in the Creek country at the time, slave or free.”<sup>11</sup>

Fewer restrictions were imposed on free African Creeks compared to surrounding states and other Indian Nations. Free African Creeks had small farms or ranches, and they worked as laborers and operated stores, hotels, and wagon train stations. Sarah Davis was a leading African Creek merchant in the community. Born a Creek slave in 1799, she earned enough money to buy

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<sup>8</sup> Ibid. 25.

<sup>9</sup> L.W. Wilson & George McIntosh.

<sup>10</sup> “Muskogee Settlement To Be Restored Soon,” *Muskogee Daily Phenix and Times-Democrat*, May 27, 1934.

<sup>11</sup> Zellar, 35.

Old Union Agency Cemetery

Name of Property

Muskogee, OK

County and State

her freedom and the freedom of her two daughters. Sarah Davis owned and operated a hotel and boarding house in Agency that was used by travelers, traders, and Indian Agency employees.<sup>12</sup>

### *Impact of the Civil War and Reconstruction*

When the Civil War commenced the Creek Nation was divided on the issue of slavery. The leader of the Upper Creeks, Opothleyahola, led an exodus into Kansas for Creeks and slaves. Opothleyahola, promised the slaves who joined the loyalty party for the Union, that “they would be considered as free as their masters.” Many slaveowners took themselves and their remaining slaves and traveled to Texas for the duration of the war. Other slaves resided at Fort Gibson for protection during the war while others served in the Union army. Born as a slave circa 1827, Sugar T. George served in Company “H” of the 1<sup>st</sup> Indian Home Guards and was promoted to First Sergeant and took an active leadership role after two officers were dismissed for improper behavior.<sup>13</sup>

In addition, African Creeks served as translators/interpreters in the trade communications between Euro-Americans and the Muscogee (Creek) such as Harry Island, Monday Durant, Cow Tom, and Ketch Barnett. During the Civil War and afterward, African Creeks, like William McIntosh, used their skills in language, blacksmithing, and horse trading to provide a subsistence operation that ran between Fort Scott and Fort Gibson. Harry Island would later be the official interpreter for the Creek Nation during the 1866 treaty between the United States and the Creek Nation.<sup>14</sup>

After the Civil War ended, there was the question of what to do with new freedmen, not only in the states where slavery was practiced but within the Five Tribes. The Federal Commissioners proposed two items regarding slavery: slavery must be abolished, and former slaves given full rights of citizenship and adoption into their respective tribes.

After the Civil War ended, the Agency was a beacon for Creek Freedmen who returned home. The Agency was located approximately 12 miles away on the road from Fort Gibson, and it was the prime trading center for traders and travelers. The Creek Freedmen refugees at Fort Gibson were the first ones to return, and their former owners were still in exile in the South.<sup>15</sup> Under directives from the United States Government, Freedmen could “remain on the land they had cultivated or improved before the war or on the plantations where they were held as slaves if the master had abandoned those lands and gone south during the war.”<sup>16</sup>

After the treaty was signed in June 1866, the region south of the Arkansas River became a major settlement for African Creeks, and the population exploded. Article II of the treaty stated, “The people of African descent in the nation and their descendants, and such others of the same race

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<sup>12</sup> Ibid, 35-36.

<sup>13</sup> Zellar, 69-70.

<sup>14</sup> Charles Joseph Kappler, “Treaty with the Creeks, 1866,” in *Indian affairs: law and treaties Vol. 2*, Oklahoma State University Digital Collections, <https://cdm17279.contentdm.oclc.org/digital/collection/kapplers/id/29709/rec/1> (access February 25, 2024), 937.

<sup>15</sup> Ibid, 84.

<sup>16</sup> Zellar, 93.

Old Union Agency Cemetery

Muskogee, OK

Name of Property

County and State

who shall be permitted to settle among them, shall have the right to occupy and possess such portions of land as may be set apart for their use. The laws of the Nation shall be equally binding upon all person, of whatever race, coming therein.” Roughly one thousand African Creeks lived and farmed on the bottomlands along the Arkansas River that were once controlled by wealthy Creek farmers.<sup>17</sup>

The Agency, once again, became a promising community and trading center occupied by Creek Freedmen. Everything was destroyed by the war and had to be rebuilt. The Agency boasted two stores before the Civil War, and two more stores were added after the war. Creek Freedwomen, Sarah Davis, rebuilt her hotel and Sophia Canard opened a cake and sweet shop.<sup>18</sup> New cabins, churches, and schools were built.<sup>19</sup> The Creek Nation adopted a new constitution in 1867, which created three branches of government and held an election for a principal and second Chief every four years, like the United States. The legislative branch consisted of two houses: the House of Kings and the House of Warriors that served 47 tribal towns. Three of the tribal towns were African Creek towns.

Creek Freedmen continued to work as interpreters and messengers, and they received work contracts for the agency for business. African Freedmen, Jesse Franklin and Sugar George accepted contracts to provide the Indian Agent with firewood, and Tobe McIntosh received a contract for hauling subsistence and supplies to the agency for further distribution. The role of the Creek Freedmen grew as they filled roles as government contractors, were involved in daily agency operations, and were a source for political connections.<sup>20</sup>

#### *Development of the KATY Railroad and the town of Muskogee*

The town of Muskogee was established as a railroad station for the Missouri, Kansas, and Texas (KATY) Railroad in January 1872. The new community took the name “Muskogee” from the Muscogee (Creek) Nation and eventually grew to be a political and transportation hub. The Creek Nation controlled the area and did not permit the sale of land for townsites or private property, and only permitted the depot. Regardless, a small cluster of false-front store buildings was built along the railroad tracks.

In 1874, a consolidated Indian agency office for the Cherokee, Choctaw, Creek, Chickasaw, and Seminole tribes, called the Union Agency was created and eventually included a stone building (constructed in 1876 and located west of Muskogee on Agency Hill). This solidified Muskogee as the center of federal activity in Indian Territory. The General Allotment Act of 1887 created the Dawes Commission. The Dawes Commission was tasked with negotiating new agreements ending tribal land ownership, enrolling tribal members, and assigning land allotments, and later was able to override tribal governments with the passage of the Curtis Act of 1898.<sup>21</sup>

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<sup>17</sup> Ibid, 70.

<sup>18</sup> Ibid, 94.

<sup>19</sup> L.W. Wilson & George McIntosh.

<sup>20</sup> Ibid, 94.

<sup>21</sup> Jonita Mullins, “Muskogee County,” *The Encyclopedia of Oklahoma History and Culture*, <https://www.okhistory.org/publications/enc/entry?entry=MU020> (accessed November 1, 2023); Robert Burgess and

Old Union Agency Cemetery

Name of Property

Muskogee, OK

County and State

When the KATY Railroad was established in 1872, it was the beginning of the end for the Agency. Businesses and people moved to the new flourishing community, and the Agency faded away over time. The only remaining tangible link of the Creek Nation's first community and trading center during their rebuilding period in Indian Territory was the cemetery. Based on 1940 and 1950 maps, the area that formerly was the Agency community, was used for farmland, schools, oil rigs, and other cemeteries.

### *Old Union Agency Cemetery*

The Old Union Agency Cemetery is located roughly a mile and a half from the original Creek Agency building, from which it is given its name. The cemetery remains a significant resource on the landscape dating to when the Creek Agency was established in Indian Territory, the Civil War battles, Reconstruction across the south states, and the birth of KATY Railroad and Muskogee. Long after the Agency community moved south to Muskogee, the cemetery was a cultural link to Creeks, African Creeks, and their descendants who had loved ones buried and continued to be interred in this cemetery long after its most active years were gone.

By the 1930s, the Creek Agency community which had been full of traders, travelers, and newcomers into Indian Territory and later the State of Oklahoma, was gone. The original agency, school, stores, and residences were gone. The only extant resources include fragments of old road cuts from heavy caravans, old wells and the Old Union Agency Cemetery.<sup>22</sup>

Graves in the Old Union Agency Cemetery vary in design, materials and condition. While many markers are missing, graves can be noted by depressions. Additionally, it is noted that some graves were desecrated and robbed at least by the late 1930s. The *Muskogee Times-Democrat* reported two graves were vandalized on Christmas Eve. This occurred again in 1955 when the graves of J.P. Davison, Sarah Davison, his wife; and Wiley Jones were robbed, vandalized, and two coffins were taken. The culprits were never apprehended. By the 1950s, the cemetery was so overgrown with "gnarled trees and thick underbrush" that local citizens started to act for its upkeep and preservation. Part of the plan for its maintenance was constructing a good road from Highway 69 to the cemetery which never came to fruition.<sup>23</sup> Since 2021, the Creek Freedmen Band began preservation efforts to maintain the cemetery by clearing overgrowth and bringing recognition to the historic cemetery.

### *Summary*

The Old Union Agency Cemetery, identified by the Muskogee Creek Nation as a Traditional Cultural Property, is significant in the areas of Ethnic Heritage: Native American, Ethnic Heritage: Black, and Exploration and Settlement in the Creek Nation. This cemetery is the only extant resource associated with post-removal settlement of the Muskogee (Creek) Nation and their slaves when it crossed the Trail of Tears in the unknown Indian Territory. They built a new

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Daryl (Sells) Burgess, *Jamison Cemetery*, Edits by Lynda Schwan Ozan. (Oklahoma City: National Register Nominations, 2011), 10-11.

<sup>22</sup> "Muskogee Settlement To Be Restored Soon," *Muskogee Daily Phenix and Times Democrat*, May 27, 1934.

<sup>23</sup> "Officers Probe Grave Robbery," *Muskogee Daily Phoenix and Times-Democrat*, September 4, 1955; "Old Agency Cemetery Group Plans Meeting," *Muskogee Times-Democrat*, April 5, 1950.

Old Union Agency Cemetery  
Name of Property

Muskogee, OK  
County and State

community (Agency) that was destroyed during the Civil War, rebuilt during reconstruction, and then ultimately abandoned when the commercial and residential center moved south to Muskogee.



Old Union Agency Cemetery  
Name of Property

Muskogee, OK  
County and State

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## 9. Major Bibliographical References

### Bibliography

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- Mullins, Jonita. "Muskogee County." *The Encyclopedia of Oklahoma History and Culture*, <https://www.okhistory.org/publications/enc/entry?entry=MU020> (accessed November 1, 2023).
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- Muskogee Times-Democrat*. "Bloodhounds Aid in Ghouls Search." December 25, 1937.
- Theodore Isham and Blue Clark, "Creek (Mvskoke)," *The Encyclopedia of Oklahoma History and Culture*, <https://www.okhistory.org/publications/enc/entry?entry=CR006> (accessed November 1, 2023).
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- Wilson, L. M. S. & Tomm, Jim. Reminiscences of Jim Tomm, article, Autumn 1966; Oklahoma City, Oklahoma. (<https://gateway.okhistory.org/ark:/67531/metadc2123956/m1/7/?q=%22agency%20cemetery%22%20muskogee>: accessed November 1, 2023), The Gateway to Oklahoma History, <https://gateway.okhistory.org>; crediting Oklahoma Historical Society.
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- Zellar, Gary. *African Creeks*. Oklahoma City: University of Oklahoma Press. 2007.

Old Union Agency Cemetery  
Name of Property

Muskogee, OK  
County and State

**Previous documentation on file (NPS):**

- preliminary determination of individual listing (36 CFR 67) has been requested
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey # \_\_\_\_\_
- recorded by Historic American Engineering Record # \_\_\_\_\_
- recorded by Historic American Landscape Survey # \_\_\_\_\_

**The primary location of additional data:**

- State Historic Preservation Office
  - Other State agency
  - Federal agency
  - Local government
  - University
  - Other
- Name of repository: \_\_\_\_\_

**Historic Resources Survey Number (if assigned):** \_\_\_\_\_

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**10. Geographical Data**

**Acreeage of Property** 3.57

Use either the UTM system or latitude/longitude coordinates

**Latitude/Longitude Coordinates**

Datum if other than WGS84: \_\_\_\_\_

(enter coordinates to 6 decimal places)

1. Latitude: 35.79058                      Longitude: -95.40083

2. Latitude:                                      Longitude:

3. Latitude:                                      Longitude:

4. Latitude:                                      Longitude:

Old Union Agency Cemetery  
Name of Property

Muskogee, OK  
County and State

**Verbal Boundary Description** (Describe the boundaries of the property.)

Located in the East ½, Northwest ¼, Northwest ¼, Southeast ¼ of Section 9, Township 15 North, Range 18 East, consisting approximately of 3.57 acres. The property is bounded by a fence on the north, east, and south sides. There is a ridge along the west property line.

**Boundary Justification** (Explain why the boundaries were selected.)

This the acreage of the Old Union Agency Cemetery located within the recorded legal description for a larger parcel. It is the property that has historically been associated with the Old Union Agency Cemetery.

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**11. Form Prepared By**

name/title: Kristin Dyer  
organization: Dyer Need for Preservation LLC  
street & number: 117 W. Oak St.  
city or town: Warrensburg state: MO zip code: 64093  
e-mail dyerneedforpreservation@gmail.com  
telephone: 660-441-9089  
date: January 4, 2023

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**Additional Documentation**

Submit the following items with the completed form:

- **Maps:** A **USGS map** or equivalent (7.5 or 15 minute series) indicating the property's location.
- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- **Additional items:** (Check with the SHPO, TPO, or FPO for any additional items.)

Old Union Agency Cemetery  
Name of Property

Muskogee, OK  
County and State

### Photographs

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels (minimum), 3000x2000 preferred, at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map. Each photograph must be numbered and that number must correspond to the photograph number on the photo log.

### Photo Log

Name of Property: Old Union Agency Cemetery

City or Vicinity: Muskogee vicinity

County: Muskogee State: Oklahoma

Photographer: Kristin Dyer

Date Photographed: November 11, 2023

Description of Photograph(s) and number, include description of view indicating direction of camera:

Photo 1: Looking East toward the ridgeline/western boundary of the Old Union Agency Cemetery

Photo 2: Looking east across U.S. Highway 69 towards the cemetery. The cemetery roughly starts at the tree line.

Photo 3: Old Agency Cemetery Sign.

Photo 4: Looking southeast near the sign toward the cleared portion of the cemetery.

Photo 5: Examples of funeral home-provided metal markers.

Photo 6: Example of a child's marker with a dove symbol.

Photo 7: Looking southeast along the southern boundary. The southern boundary is marked by a barbed wire fence and trees.

Photo 8: Example of a fence-protected burial.

Photo 9: Headstone of Albert Talvern. Example of an adult headstone with an upward pointing finger.

Photo 10: Looking northeast. Marked burials with Iris plants.

Photo 11: Box tomb graves of J.P. Davison and his wife, Sarah. First annotated, vandalized in the 1930s.

Photo 12: Headstone of Sugar George, toppled.

Photo 13: Headstone of Eugene Hollins. Example of a military headstone.

Photo 14: Headstone of Ella Surrell. Example of an adult headstone with martial grasping hands symbology.

Photo 15: Examples of markers used to indicate a burial, such as the metal marker, stone footstone, and Iris plant. Presumed child's burial.

Old Union Agency Cemetery  
Name of Property

Muskogee, OK  
County and State

**Paperwork Reduction Act Statement:** This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.).

**Estimated Burden Statement:** Public reporting burden for this form is estimated to average 100 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Office of Planning and Performance Management, U.S. Dept. of the Interior, 1849 C. Street, NW, Washington, DC.





**OLD AGENCY  
CEMETARY**  
EST. 1858



















J.P.  
DAVISON  
JAN. 14, 1844  
NOV. 14, 1916

*Have thought around night, since I have not  
come, have left the path*

DAVISON







EUGENE  
HOLLINS  
OKLAHOMA  
PVT. ICL 317 ENGRS.  
92 DIV.  
MARCH 14, 1917



ELLA  
SURRELL

BORN

JUNE 15, 1863

DIED

JUNE 1, 1913

*We do not sleep, we are not dead,  
we sleep in Jesus*

