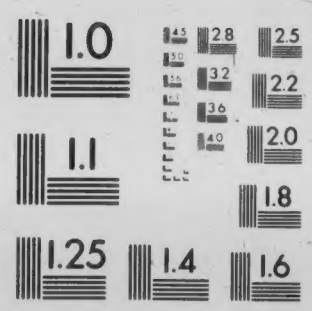
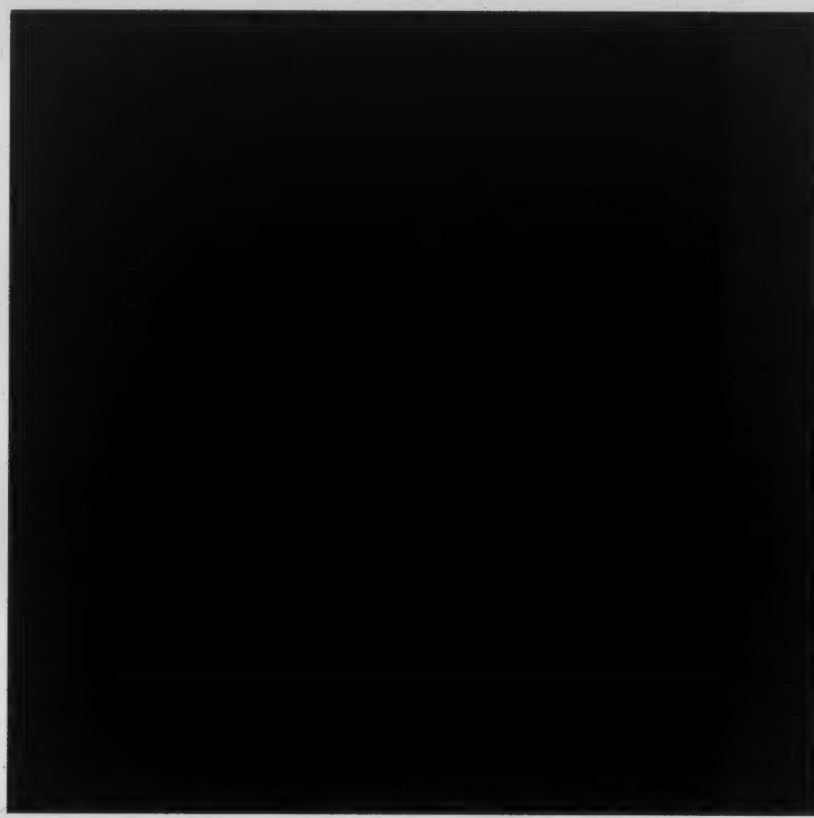
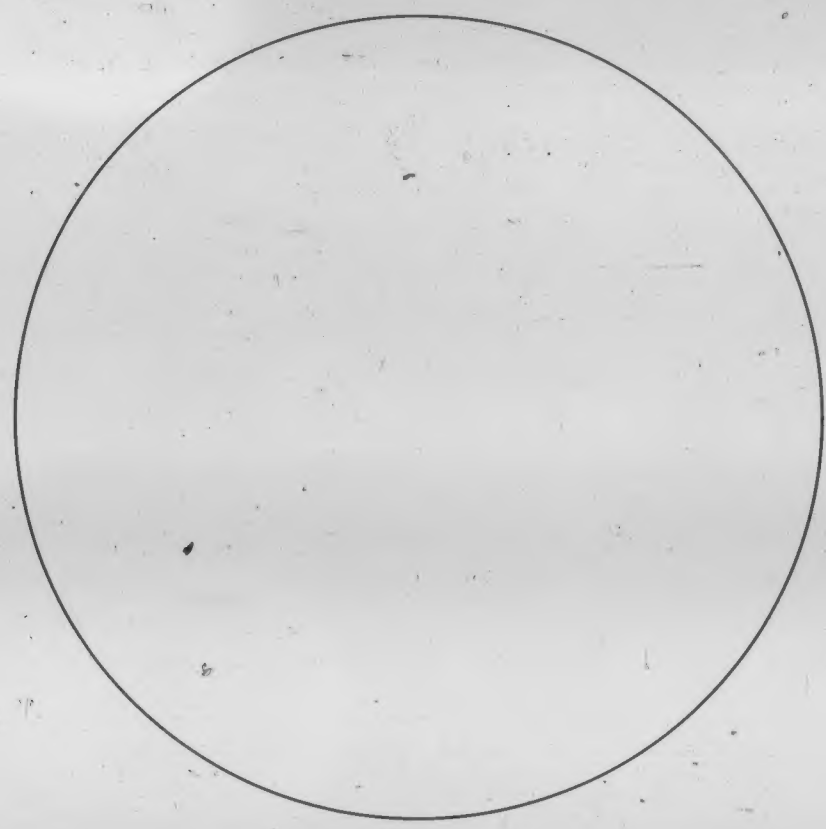
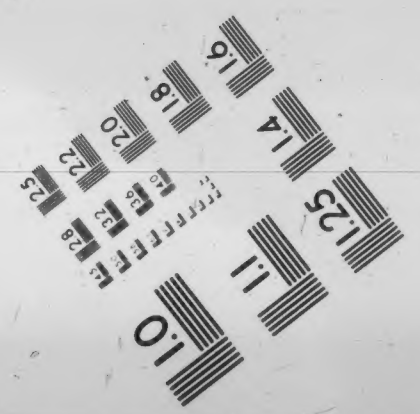
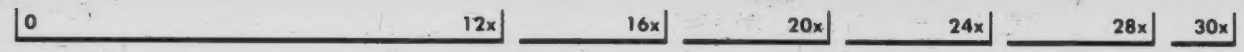


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**NATIONAL ARCHIVES MICROFILM PUBLICATIONS**

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APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

Roll 30

Chocataw by Blood 4904-5036

**THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION**

WASHINGTON: 1983

Choc 4904 Sam Tekobbee

4904

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
CHOCTAW BAND OFFICER.

Atoka, Indian Territory, September 21, 1904.

Choctaw field  
Card No. 4904.

In the matter of the enrollment of Sam Tekobbe, Choctaw enrollment card field No. 4904.

BOB TEKOBBE, Choctaw by blood, card No. 1383, approved roll No. 3813, being duly sworn testifies as follows: through JACOB HOMER, Official Interpreter:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Bob Tekobbe.  
Q About how old are you? A About forty-one years old.  
Q What is your post office address? A Glover, I. T.  
Q What was your post office in May, 1899, at the time you were enrolled as a citizen by blood of the Choctaw Nation? A Lukfata.  
Q Are you married, A Yes, I was married.  
Q Is your wife living? A No, dead.  
Q Were you married more than once? A Yes, twice.  
Q Are both of your wives dead? A Yes, both dead.  
Q What were their names? A One named Learna and one named Winnissie.  
Q How many children did you have by Learna? A Two.  
Q What were their names? A Levi and Sam.  
Q Are these two children living? A Yes.  
Q Has Levi been enrolled as a citizen by blood of the Choctaw Nation? A Yes, done filed for Levi.  
Q Under what surname was Levi enrolled? A Tekobbe.  
Q Did you and Learna separate and did she marry another man? A Yes.  
Q What was the name of her second husband? A Bond Lewis.

The name of Levi Tekubbi appears as No. 5 on Choctaw card No. 717, approved roll No. 1757 as the son of Bob Tikubbi and Learna Bond.

- Q The name of Sam Tekobbe appears as No. 1 on Choctaw card No. 4904, with tribal enrollment as a resident of Boktuklo County, 1896 Choctaw roll No. 12207. Card No. 4904 bears notation to the effect, 'that no other information relative to Sam Tekobbe could be obtained'.

- Q Is Sam Tekobbe living at this time? A Yes.  
Q Who is he living with? A He is at school.  
Q Who is he living with when he is at home? A He lives with his grand-mother but I clothe him, he is deaf and dumb.  
Q Is his grand-mother your mother? A It is the child's mother's mother.

Choctaw Card--4904

- Q He is living with Learna's mother? A Yes.  
Q What school is he attending? A At Fort Gibson, I. T., he is at the school for deaf and dumb  
Q In what County of the Choctaw Nation was Sam Takobbe living at the time the Choctaws made their roll, in 1896? A In Saktuklo County.

Witness excused.

-----

Lewis T. Martin, stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a full, true, and correct transcript of his stenographic notes as taken in said cause on September 21, 1904.

Sworn to before me this September 24, 1904.

*Lewis T. Martin*  
*W. H. Quincy*  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Muskegee, Oklahoma, December 4, 1907.

In the matter of the alleged duplicate enrollment of  
Sam Tekobbe, Choctaw by-blood Card No. 4904, Roll No. 15693.

Testimony taken at Garvin, I. T., October 26, 1907.

ELAM WARD, being first duly sworn by Lacey P. Bobo,  
Notary Public in and for the Central District of the Indian  
Territory, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Elam Ward.  
Q How old are you? A Thirty-three.  
Q Are you a full blood Choctaw? A Yes, sir.  
Q What is your postoffice address? A Grover, I. T.  
Q Do you know Sam Tekobbe? A Yes, sir.  
Q Who is the father of this boy? A Bob Tekobbe.  
Q Is Bob Tekobbe now living? A He is dead.  
Q Who is the mother of this boy? A Lerna Tekobbe, now  
Bond Lewis' wife.  
Q Is she living or dead? A She is dead.  
Q Has this boy any brothers? A One full brother, Levi  
Tekobbe. He has Ellen, Solomon and Silas Lewis that are  
brothers and sisters on his mother's side.  
Q Where is Sam Tekobbe now? A He is at school some where, and  
I think Fort Gibson.  
Q Is this boy a mute? A Yes, sir, he can't talk or can't  
hear nothing - he always made motions.  
Q Have you known him all his life? A Yes, sir, I have known  
him since he was a boy.  
Q Does his brother Levi make his home with you? A Yes, sir.  
Q Did you ever know this boy by any other name other than  
Sam? A No, sir, I never knowed him by nothing except Sam.  
Q Has selection of land been made for this boy? A I guess  
not, his father never kept the boy and his grand-mother  
never knowed nothing about selecting land, and such as that.  
Q This boy that is deaf and dumb has only one name and that is  
Sam Tekobbe? A Yes, sir, only one name.

(Witness excused)

I, F. . Blachert, stenographer to the Commissioner to the  
Five Civilized Tribes, upon oath state that the above is a  
full, true and correct transcript of the proceedings had in  
the above case.

*F. Blachert*

Subscribed and sworn to before me this 2 day of December, 1907.

2/13/1911 *Harry Montague*

Notary Public in and for  
Muskegee County, Oklahoma.



MEMORANDA.

(Date) ..... 1899.

Name .....

Choctaw? ..... County ..... Year ..... No. ....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, .....

Wife's name, .....

Choctaw? ..... County ..... Year ..... No. ....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, .....

Names of children:

11	<i>See</i>	<i>Rebekah</i>	County <i>Wade</i>	Year <i>76</i>	Page <i>317</i>	No. <i>12 207</i>
			County .....	Year .....	Page .....	No. ....
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			County .....	Year .....	Page .....	No. ....

*Wade*



7-4904.

Muskogee, Indian Territory, September 29, 1904.

Commissioner in Charge,  
Choctaw Land Office,  
Atoka, Indian Territory

Dear Sir:-

Enclosed herewith you will find a copy of the additional information and notations which have this day been placed upon original Choctaw enrollment card number 4904, which you are requested to place upon the duplicate of corresponding number in your possession.

Respectfully,

Chairman.

Enc. E. B.-2-29

7-4904

Muskogee, Indian Territory, August 25, 1906.

Lacey P. Boho,  
Siloam Springs, Arkansas.

Dear Sir:-

There is enclosed you herewith copy of Choctaw roll card No. 4904, Sam Tekobbe, together with copy of letter from the Choctaw Land Office enclosing a letter under date of April 24, 1906, from Lura A. Lowrey, Principal of the International School for the Blind and Deaf at Fort Gibson, Indian Territory, and copy of testimony of Bob Tekobbe taken at the Choctaw Land Office September 21, 1904.

You are advised that it appears from the records of this office that no allotment has been selected for Sam Tekobbe opposite No. 15693, and you are requested to investigate this matter and ascertain if Sam Tekobbe has been enrolled and selected an allotment under any other name.

Respectfully,

W.M.  
Encl. 25/2

Acting Commissioner.

Hochatown, I. T. Sept. 27, 1906

Mr. Racey P. Bobo

Dear Sir:

Well I am Going answer your letter which I received the other day  
Well this woman was wife of Bob Tekobe and had two boys by Bob  
Tekobe and one Boys name is Lewie Tekobi and one of this Boys is deaf  
and dumb is name is Sam Tekobe and these two Boys he stayed his  
Grandmother long time ago about five or six years ago and one of  
these boy Sam Tekobbie his Grandmother he send school about five  
years ago and one of these boy Lewie Tekobe I thin, he stayed close  
to Lukfata, I. T. some where and this two boys I dont no who is  
Guardian and these two Boys his mother not living she died long  
time abut five years ago that all I know.

Yours truly

R. G. Lewis.

7-4904

Muskogee, Indian Territory, October 19, 1906.

R. C. Lewis,

Hocktown, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 27, 1906, addressed to Lacey P. Bobo furnishing information relative to SAL Tekobbe.

You have the thanks of this office for your attention in this matter.

Respectfully,

Commissioner.

Choc 4905

Daniel Bell

4905



7-4905.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., JANUARY 3, 1905.

--c0--

In the matter of the application for enrollment of Daniel Bell, his wife, Eliza Bell, and their daughter, Frances Bell as citizens by blood of the Choctaw Nation.

S. S. LAWRENCE, being duly sworn testifies as follows:

- Q What is your name? A S. S. Lawrence.  
Q How old are you? A 57.  
Q What is your post office address? A Legal, I. T.  
Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.  
Q Have you been finally enrolled by this Commission as such?  
A Yes, sir.  
Q Are you acquainted with a Choctaw Indian by the name of Daniel Bell? A Yes, sir.  
Q About how old is he? A I would suppose he is sixty, some odd years old.  
Q What is his wife's name? A Eliza Bell.  
Q Was she ever known by the name of Lily? A The full bloods would probably call her that.  
Q Has Daniel Bell got any children? A Got a daughter.  
Q What is his daughter's name? A Frances.  
Q Are Daniel Bell and his wife Eliza Bell and their daughter Frances Bell living to-day? A I have not heard of their dying. They live about 25 miles from me.  
Q When was the last time you saw them? A It has been a couple years since I saw his wife and daughter but I saw Daniel this last fall in McAlester. I have not heard of their deaths.  
Q To the best of your knowledge Daniel Bell, his wife and daughter were living September 25, 1902? A Yes, sir; I know they were living then.  
Q They are all full blood Choctaws? A Yes, sir.  
Q What is their post office address? A I suppose McAlester, they live about eight miles west on Wild Horse Creek.  
Q They have always been recognized as citizens of the Choctaw Nation? A Yes, sir.  
Q What is the reason, do you think, that they have not appeared before the Commission? A They are "Snakes"--don't want to file.  
Q Belong to that faction who refuse to take their allotments? A Yes, sir.

I, Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath states that I reported all the proceedings had in the above entitled case on the 3rd day of January, 1905, and that the above is a full, true and correct transcript of my stenographic notes in said case.

*Robert E. Grunert*

Subscribed and sworn to before me this 3rd day of January, 1905.

*Charles McSweeney*

Notary Public.



7-4905.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
McALESTER, I. T., January 7, 1905.

--oOo--

In the matter of the application for the enrollment of Daniel Bell, his wife Eliza Bell, and their daughter Frances Bell, as citizens by blood of the Choctaw Nation.

R. B. Coleman being duly sworn testified as follows:  
EXAMINATION BY THE COMMISSION:

- Q What is your name? A R. B. Coleman.  
Q What is your post office address? A McAlester.  
Q How old are you? A 59.  
Q Mr. Coleman, are you acquainted with a Choctaw Indian by the name of Daniel Bell? A Yes, sir.  
Q About how old is he? A 59 or 60.  
Q How much Choctaw blood does he possess? A Full blood.  
Q What is his wife's name? A Eliza Bell.  
Q Is she a full blood? A Yes, sir.  
Q Have they any children? A Yes, sir.  
Q What are their names? A The daughter's name is Frances.  
Q They have other children living with them? A They have other children but they are not there.  
Q Are Daniel Bell, his wife and child living? A Yes, sir.  
Q When was the last time you saw him? A One day last week.  
Q You are positive that his wife and child are also living? A Yes, sir.  
Q They have always been recognized as citizens? A Yes, sir.  
Q Did you ever hear Eliza Bell called by any other name? A No, sir.  
Q Was she ever known by Lify? A Not that I know of.  
Witness excused.

--oOo--

JONAS SEXTON being duly sworn testified as follows:  
EXAMINATION BY THE COMMISSION:

- Q What is your name? A Jonas Sexton.  
Q How old are you? A 38.  
Q What is your post office address? A McAlester, I. T.  
Q Are you acquainted with a Choctaw Indian by the name of Daniel Bell? A Yes, sir.  
Q Do you know his wife Eliza Bell? A Yes, sir.  
Q What was his daughter's name? A Frances.  
Q Are they all living at the present time? A Yes, sir.  
Q Are they recognized full blood Choctaw citizens? A Yes, sir.  
Q Was Eliza Bell ever called by any other name? A Called Lify.  
Q The full bloods called her Lify? A Yes, sir.

The applicants, Daniel Bell, Eliza Bell (as Lify Bell) and Frances Bell (as Francis Bell), are identified upon the 1893 Choctaw

Leased District payment roll, Tobucksy County, page 9, numbers 88, 89 and 93 respectively.

Witness excused.

I, Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath state that I reported all the proceedings had in the above entitled case on the 7th day of January, 1905, and that the foregoing is a full, true and correct transcript of my stenographic notes in said case.

*Robert E. Grunert*

Subscribed and sworn to before me this 11th day of January, 1905.

*Wirt Franklin*  
Notary Public.

My commission expires  
January 3, 1909.

7-4905.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Wildhorse Creek, Choctaw Nation, about 15  
miles northwest of South McAlester, Indian  
Territory, January 9, 1905.

--oOo--

In the matter of the application for the enrollment of Daniel Bell, his wife Eliza Bell, and their daughter Frances Bell, as citizens by blood of the Choctaw Nation.

JONAS SEXTON being duly sworn testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Jonas Sexton.  
Q How old are you? A 38.  
Q What is your post office address? A McAlester, Indian Territory.  
Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.  
Q Do you know Daniel Bell? A Yes, sir.  
Q Is this Daniel Bell sitting here in this room? A Yes, sir.  
Q How long have you known him? A About 20 or 25 years.  
Q About how old is he? A He must be 50 or 60.  
Q Has he always been recognized and enrolled as a citizen by blood of the Choctaw Nation? A Yes, sir.

There is present in the room a man who has the appearance of a full blood Choctaw Indian whom the witness Jonas Sexton identifies as Daniel Bell.

- Q Do you know Eliza Bell, the wife of Daniel Bell? A Yes, sir.  
Q Was that the woman who was sitting here a minute ago in this room? A Yes, sir.  
Q How long have you known her? A 20 or 25 years.  
Q During that time she has been the wife of Daniel Bell? A Yes, sir.  
Q She is a recognized and enrolled citizen by blood of the Choctaw Nation? A Yes, sir.  
Q Always been recognized as such by the tribal authorities? A Yes, sir.  
Q Do you know Frances Bell? A I could not say because I have not seen her much.  
Q From your conversation with Daniel Bell and Eliza Bell this morning, did you learn that the girl that was in this room was their daughter Frances Bell? A Yes, sir.  
Q Are the woman and girl who have just entered the room the wife and daughter of Daniel Bell? A Yes, sir.

There is in this room a woman about 45 years of age and a girl about 12 years of age who have the appearance of full blood Choctaw Indians and who are identified by the witness, Jonas Sexton, as being Eliza Bell and Frances Bell, the wife and daughter respectively of Daniel Bell.

The said Daniel Bell and Eliza Bell refuse at this time to testify in the matter of their enrollment saying that they do not understand the present order of things and that they do not wish to receive an allotment.

- Q Since you have known Daniel Bell and his wife for about the last

- 20 or 25 years where have they resided? A Right here.  
 Q Have they always been residents of and lived in the Choctaw Nation? A Yes, sir.  
 Witness excused.

--oOo--

Later Daniel Bell was prevailed upon to testify and after being first duly sworn testified through Jonas Sexton sworn interpreter as follows:

## EXAMINATION BY THE COMMISSION:

- Q What is your name? A Daniel Bell.  
 Q How old are you? A I was six or eight years old in 1852.  
 Q What is your wife's name? A Eliza Bell.  
 Q What is your daughter's name? A Frances Bell.  
 Q Have you, your wife and daughter always been recognized and enrolled by the tribal authorities of the Choctaw Nation and by the citizens of the Choctaw Nation as full blood Choctaw citizens?  
 A Yes, sir.  
 Q Have you any other children than Frances Bell? A There is another.  
 Q What is that child's name? A Malinda, she is married.  
 Q What is her present married name? A She married Nelson Pickens.  
 Q When did she marry Nelson Pickens? A Three years, may be over. They have a baby two years old this January.  
 Q Is Malinda a daughter of yours by Eliza Bell? A Yes.  
 Q How old is she? A She will be twenty February 10th.  
 Q Have you any other children than Frances and Malinda? A That is all I have here.  
 Q How many children other than Frances and Malinda have you?  
 A Just have one living.  
 Q What is that child's name? A Selina.  
 Q Is she married? A Yes.  
 Q What is her husband's name? A Watson Lewis.  
 Q What is her post office address? A I don't know.  
 Q What is your post office address? A McAlester.  
 Q Was your daughter Selina Lewis ever married to any man other than Watson Lewis? A Only time I know of.  
 Q Has Selina any children? A He says he has not seen her in so long that he does not know whether she has any children.  
 Q Have you or any of your children or your wife ever made application to the Commission for enrollment as citizens by blood of the Choctaw Nation? A No, sir.  
 Q Do you now wish for yourself and wife Eliza Bell and your daughter Frances Bell to be enrolled by the Commission and by the Secretary of the Interior as citizens by blood of the Choctaw Nation provided you are entitled to such enrollment?  
 A No, sir.  
 Q Where were you and your family living in 1893, that is in what county of the Choctaw Nation? A Right here in Tobucksy county.  
 Q Did you draw the 1893 Choctaw Leased District Payment money for yourself and family? A Yes, sir.  
 Q Is your wife Eliza Bell called Lify Bell among the full bloods?  
 A Yes, sir.

The witness Daniel Bell, his wife Eliza Bell (as Lify Bell), and their daughter Frances Bell (as Francis Bell) are identified upon the 1893 Choctaw Leased District payment roll Tobucksy county page 9 numbers 88, 89 and 93 respectively.

3.

Q Have you and your wife and daughter Frances Bell always lived in the Choctaw Nation, in Tobuoksy county? A Yes, sir.  
Witness excused.

I, Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath state that I reported the proceedings had in the above entitled case on the 9th day of January, 1905, and that the foregoing is a full, true and correct transcript of my stenographic notes in said case.

*Robert E. Grunert*

Subscribed and sworn to before me this 11th day of January 1905.

*Wm. Franklin*

Notary Public.

My commission expires  
January 3, 1909.

MEMORANDA.

(Date) \_\_\_\_\_ 1899.

58

Name \_\_\_\_\_

Choctaw? \_\_\_\_\_ County \_\_\_\_\_ Year \_\_\_\_\_ No. \_\_\_\_\_

Chickasaw? \_\_\_\_\_ County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_

Citizen by blood? \_\_\_\_\_ Mother's citizenship \_\_\_\_\_

Intermarried citizen? \_\_\_\_\_

Married under what law? \_\_\_\_\_

License filed this day, \_\_\_\_\_

H

Wife's name, \_\_\_\_\_

Choctaw? \_\_\_\_\_ County Indian Year \_\_\_\_\_ No. 11

Chickasaw? \_\_\_\_\_ County \_\_\_\_\_ Year \_\_\_\_\_ Page 3

Citizen by blood? \_\_\_\_\_ Mother's citizenship \_\_\_\_\_

Intermarried citizen? \_\_\_\_\_

Married under what law? \_\_\_\_\_

License filed this day \_\_\_\_\_

Names of children:

6

J. H. ... County Indian Year 1/6 Page 23 No. 573

County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

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County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

AM



Choctaw-4905.

Muskogee, Indian Territory, August 12, 1904.

Daniel Bell,  
McAlester, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself, your wife, Eliza Bell, and your daughter, Frances Bell, as citizens by blood of the Choctaw Nation, you are hereby notified that it will be necessary for you and your said wife to appear in person before the Commission for the purpose of an examination under oath in order that your rights as such citizens may be determined by this Commission.

You are therefore requested to appear before the Commission at its general office at Muskogee, Indian Territory as soon as possible; or you may appear at the Choctaw Land Office, Atoka, Indian Territory on September 6-7, 1904; or at the Chickasaw Land Office, Tishomingo, Indian Territory, September 8-9, 1904.

Respectfully,

Commissioner in Charge.

7-4908

Muskogee, Indian Territory, March 13, 1906.

Thomas J. Sanford,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 6, 1906, asking to be advised the names and ages of the children of Daniel Bell, deceased.

In reply to your letter you are advised that Daniel Bell was enrolled as a citizen by blood of the Choctaw Nation and with him were enrolled his wife Eliza Bell and his daughter Frances Bell.

You are advised, however, that it is impracticable to attempt to give you the names of any other children of Daniel Bell than those listed with him at the time he made application for enrollment of himself and family as citizens of the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-4905

Muskogee, Indian Territory, May 15, 1906.

J. F. Hudson,

McCurtain, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 8, 1906, asking if Mack and Daniel Bell have been enrolled as Choctaw Indians.

In reply to your letter you are advised that Daniel Bell has been enrolled as a citizen by blood of the Choctaw Nation and his enrollment as such approved by the Secretary of the Interior, March 15, 1905.

You are further advised that the information contained in your letter is not sufficient to identify Mack Bell upon the records of this office as an applicant for enrollment in the Choctaw Nation.

Respectfully,

Acting Commissioner.

7-4206

Muskogee, Indian Territory, June 8, 1906.

J. F. Hudson,

Attorney at Law,

McCurtain, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 24, 1906, with which you inclose office letter of May 15, 1906, advising that Daniel Bell has been enrolled as a citizen by blood of the Choctaw Nation and his enrollment is approved March 15, 1906; you ask his address and request to be informed if Jack Bell has been enrolled as a citizen by blood of the Choctaw Nation as you need the testimony of these persons in behalf of their brothers children.

In reply to your letter you are advised that the post office address of Daniel Bell was Mc Lester, Indian Territory, but this office has received information that he died February 12, 1905.

You are advised that the information contained in your letter is not sufficient to enable this office to identify Jack Bell upon its records as an applicant for enrollment in the Choctaw Nation. The letter of this office of March 15, 1906, inclosed with your communication is herewith returned.

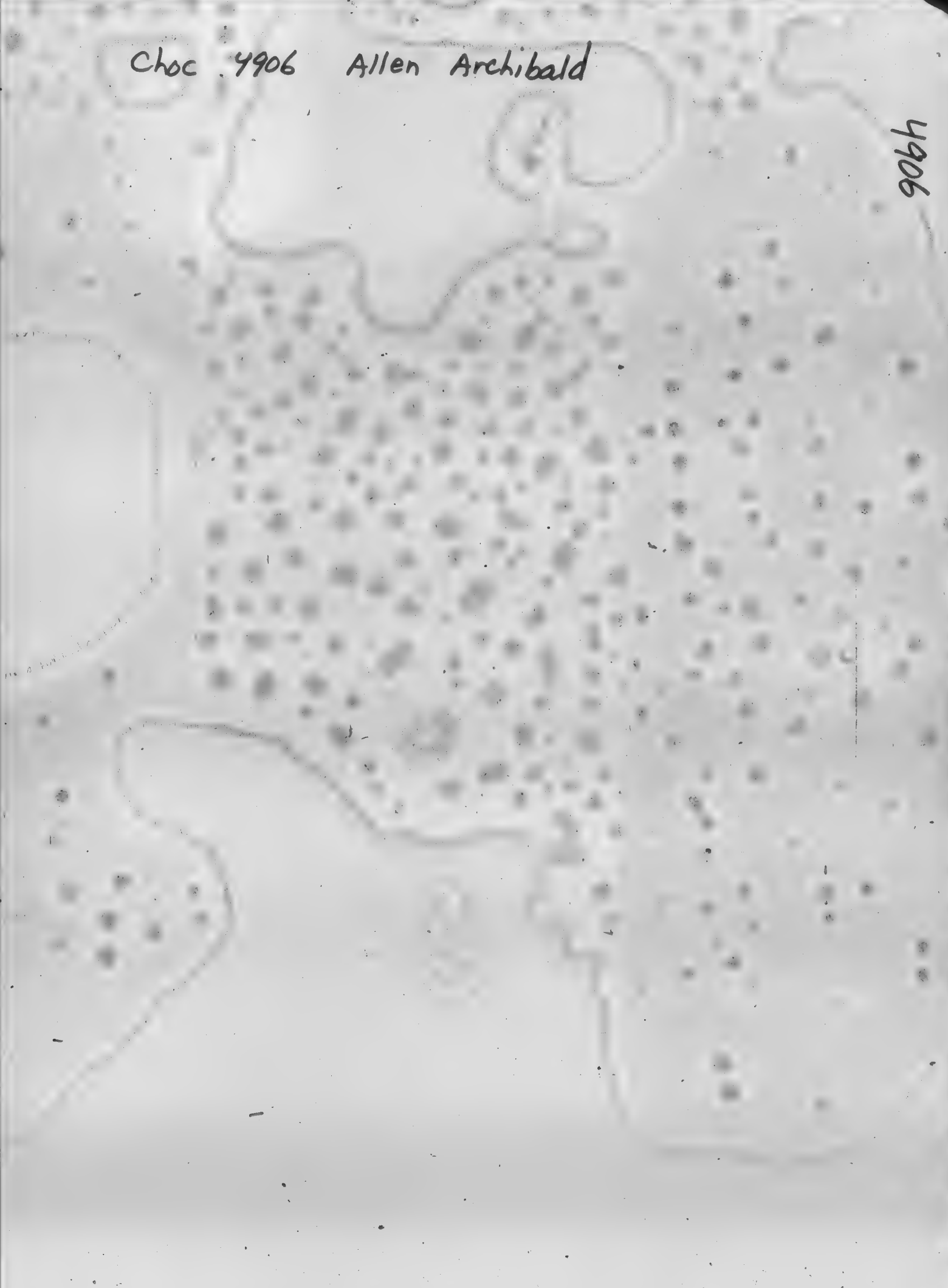
Respectfully,

EB 3-7

Commissioner.

Choc 4906 Allen Archibald

4906



7-4906.

Muskogee, Indian Territory, December 10, 1902.

W. H. Ansley,  
Notary Public,  
McAlester, Indian Territory.

Dear Sir:-

The Commission has received information to the effect that Allen Archibald and Sim Elnahubee, who were listed for enrollment as citizens of the Choctaw Nation from McAlester, have died since they were listed, and the Commission would appreciate it if you would inform it of some relatives or friends of these men who would know of the circumstances of their deaths, and to whom we could send for affidavits thereof.

We enclose you herewith an envelope for reply which requires no postage.

Respectfully,

Acting Chairman.

Env.



7-4906.

Muskogee, Indian Territory, December 30, 1908.

Rep. B. Bennett,

United States Marshall,

Muskogee, Indian Territory.

Dear Sir:

Information has been received at this office that Allen Archibald has died in jail since the time he was listed for enrollment as a citizen by blood of the Choctaw Nation.

If the information is correct, proof of his death should be furnished the Commission, a blank for which purpose is herewith enclosed you, and you are kindly requested to have same executed and returned in the enclosed envelope at your earliest convenience.

You will note there is an affidavit for a relative and an acquaintance; but in lieu thereof the Commission will accept the affidavits of two officials who know of the death of this person.

Respectfully,

Acting Chairman.

Env.

D. B.

7-4906.

Muskogee, Indian Territory, January 27, 1903.

Leo O. Bennett,

United States Marshal,

Muskogee, Indian Territory.

Dear Sir:

Under date of December 30, 1902, this office requested you to furnish the Commission with proof of the death of Allen Arentbald, a citizen by blood of the Choctaw Nation, who is said to have died in the United States jail at Muskogee, Indian Territory, since the time he was listed for enrollment, blanks for which purpose were enclosed you.

You are kindly requested to give this matter your early attention.

Respectfully,

Acting Chairman.

Choctaw 4906

Muskogee, Indian Territory, February 17, 1903.

D. J. Byington,

Scipio, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 9, in which you state that Allen Achibel, who was registered with this Commission, died in the Muskogee jail; that his wife is a Creek woman, and his children half Creek; that they have a place in the Choctaw Nation, and you wish to be informed if they can take allotment in the Choctaw Nation or if they will have to go to the Creek Nation for their allotments.

In reply to your letter you are advised that you do not give the names of the wife and children of Allen Achibel and it is therefore impossible to give you any definite information in this matter. If you will advise the names of the wife and children of Allen Achibel the matter of your inquiry will receive proper consideration.

Respectfully,

Acting Chairman.

Choctaw 4906

Muskogee, Indian Territory, February 28, 1904.

D. J. Hyington,

Scipio, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 17, stating that the names of the sons of Allen Archible to whom you refer are Smalwood, Able and Cain Archible and that these persons are not entitled to enrollment in the Choctaw Nation, but are holding lands.

In reply to your letter you are advised that it does not appear from our records that any application has been made to this Commission for the enrollment of the children of Allen Archible above referred to under these names, as citizens of the Choctaw Nation.

Respectfully,

Commissioner in charge.

**MEMORANDA.**

(Date) \_\_\_\_\_ 1899

Name \_\_\_\_\_

Choctaw? \_\_\_\_\_ County \_\_\_\_\_ Year \_\_\_\_\_ No. \_\_\_\_\_

Chickasaw? \_\_\_\_\_ County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_

Citizen by blood? \_\_\_\_\_ Mother's citizenship \_\_\_\_\_

Intermarried citizen? \_\_\_\_\_

Married under what law? \_\_\_\_\_

License filed this day, \_\_\_\_\_

Wife's name, \_\_\_\_\_

Choctaw? \_\_\_\_\_ County \_\_\_\_\_ Year \_\_\_\_\_ No. \_\_\_\_\_

Chickasaw? \_\_\_\_\_ County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_

Citizen by blood? \_\_\_\_\_ Mother's citizenship \_\_\_\_\_

Intermarried citizen? \_\_\_\_\_

Married under what law? \_\_\_\_\_

License filed this day \_\_\_\_\_

Names of children:

_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____

*Handwritten notes and signatures at the bottom of the page.*

CHOCTAW.

7-4906

INDEXED

32

IN RE  
THE DEATH OF

*Allen Archibald*

a citizen of the

*Choctaw* Nation.

Approved FEB 4 1903 190



Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
**FILED**

FEB 4 1903



ACTING CHAIRMAN:

CHOCTAW.

4906

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Allen Archibald  
(Here insert name of deceased.)

a citizen of the Choctaw Nation, who formerly resided at or near

Mo Alister, Ind. Ter., and died on the 10<sup>th</sup> day of

March, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
District. }

I, \_\_\_\_\_, on oath state that I am \_\_\_\_\_  
years of age and a citizen, by \_\_\_\_\_, of the \_\_\_\_\_ Nation;

that my post office address is \_\_\_\_\_, Ind. Ter.; that I am

\_\_\_\_\_ of \_\_\_\_\_,  
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)

who was a citizen, by \_\_\_\_\_, of the \_\_\_\_\_ Nation;

and that said \_\_\_\_\_ died on the \_\_\_\_\_ day of \_\_\_\_\_,  
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1902

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
Western District. }

I, W.A. Rubber, on oath state that I am 67  
years of age, and ~~a citizen~~, by am United States Jailor at Muskogee Ind Ter, of the \_\_\_\_\_ Nation;

that my post office address is \_\_\_\_\_, Ind. Ter.;

that I ~~was personally acquainted with~~ knew Allen Archibald a Choctaw Indian and that  
(Here insert name of deceased.)

who was a citizen, by \_\_\_\_\_, of the \_\_\_\_\_ Nation;

and that said Allen Archibald died on the 10<sup>th</sup> day of \_\_\_\_\_,  
(Here insert name of deceased.)

March, 1902.

W.A. Rubber

WITNESSES TO MARK

(Must be Two Witnesses.) }

W.E.S. Subscribed and sworn to before me this 10<sup>th</sup> day of February, 1902

John G. Lieber  
Notary Public.

See Chart 3, 1950

EMPTY



Choc 4908 marina sealy

4908  
806h

DEPARTMENT OF THE INTERIOR.  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 SOUTH WEALESTER, I. T., January 10, 1906.

--oOo--

In the matter of the application for the enrollment of Martha Sealy and her daughter Fernelia Sealy as citizens by blood of the Choctaw Nation.

--oOo--

ALFRED W. MCGUIRE being duly sworn testified as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name? A Alfred W. McGuire.  
 Q How old are you? A 46.  
 Q What is your post office address? A South Wealester, Indian Territory.  
 Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.  
 Q Are you acquainted with an Indian woman by the name of Martha Sealy? A Yes, sir.  
 Q About how old is she? A She must be somewhere between 30 and 40.  
 Q Has she any children? A Yes, she has two or three I don't remember now.  
 Q What are the names of those children if you know? A I don't know any except Fernelia. I think the boy's name is Henry. I am not sure about that.  
 Q Is the sur name of the children Sealy? A Yes.  
 Q Who is their father? A Isom Sealy.  
 Q To what tribe of Indians in Indian Territory does Martha Sealy and her daughter Fernelia Sealy belong? A I can only state as to what I have learned from them and from her deceased husband that she belongs to the Chickasaw tribe.  
 Q Is Isom Sealy a Chickasaw? A Yes.  
 Q Is he living? A No, he is dead.  
 Q Do you know Martha Sealy's father's name? A No, sir; I do not.  
 Q Do you know her mother's name? A No, sir.  
 Q What degree of Indian blood does Martha Sealy possess? A She is all of three-fourths. She looks to be a full blood.  
 Q Is Isom Sealy a full blood? A Yes.  
 Q About how old is Fernelia Sealy, the daughter of Martha Sealy?  
 A I don't know, but as near as I can remember she told me how old she was, I think about twelve or thirteen.  
 Q When was the last time you saw Martha Sealy and Fernelia Sealy?  
 Q About two weeks ago or a little over.  
 Q What is their present post office address if you know? A Stuart.  
 Q Have Martha Sealy and her daughter always lived in the Choctaw-Chickasaw country? A They have always lived in the Choctaw Nation.  
 Q How long have you known Martha Sealy? A About fourteen years.  
 Q And all this time she has been a resident of the Choctaw Nation?  
 A Yes, sir.  
 Q Has she been recognized since you have known her as a citizen of either the Choctaw or Chickasaw Nations? A She has always been recognized as a Chickasaw.

- Q And it is your opinion that she is a full blood Chickasaw Indian?  
A Yes, sir.  
Q And possessed of no Choctaw blood? A No, sir; I think not.  
Q Mr. McClure, there is listed for enrollment as a citizen of the Choctaw Nation Fernelia Sealy who is the daughter of Martha Sealy, are you of the opinion that Fernelia Sealy is the identical girl whom you know as Fernelia Sealy the daughter of Martha Sealy?  
A Yes, sir; that is the name she goes by.  
Witness excused.

I, Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath state that as stenographer I reported all the proceedings had in the above entitled case on the 10th day of January, 1906, and that the foregoing is a full, true and correct transcript of my stenographic notes in said case.

Robert E. Grunert  
Subscribed and sworn to before me this 14th day of January, 1906.

Wirt Franklin  
Notary Public.

My commission expires  
January 3, 1909.

## DEPARTMENT OF THE INTERIOR.

## COMMISSION TO THE FIVE CIVILIZED TRIBES.

Choctaw Nation, twelve miles south of  
South McAlester, I. T., January 12, 1905.

--oOo--

In the matter of the application for the enrollment of  
Martha Sealy and Burnelia Sealy as citizens by blood of the  
Choctaw Nation.

--oOo--

Nolis (or Norris) Carney being duly sworn and examined  
through sworn interpreter, Alfred W. McClure, testified as fol-  
lows:

## EXAMINATION BY THE COMMISSION

- Q What is your name? A Nolis (or Norris) Carney.  
Q How old are you? A 36.  
Q What is your post office address? A Chambers, Indian  
Territory.  
Q Are you a citizen by blood of the Choctaw Nation? A Yes, a  
full blood.  
Q Are you acquainted with Martha Sealy? A Yes.  
Q Is she a Choctaw Indian? A He says he don't know except that  
her father was a Chickasaw, but he don't know anything about her  
mother's side whether they were Chickasaws or Choctaws.  
Q What was her father's name? A Tasoka.  
Q Do you know Martha Sealy's mother's name? A No.  
Q Has Martha Sealy any children? A She had two children.  
Q What are their names? A One named Sibil, the other Nancy.  
Q About how old are those children? A He says Nancy is about 34.  
Sibil is near on to 30.  
Q Did she ever have any other children than those two? A Just  
those two.  
Q What is Martha Sealy's sister's name? A Susan Sealy.  
Q Has Susan Sealy got any children? A Yes.  
Q How many? A Three; one of them is dead.  
Q What are their names? A Permelia and Henry.  
Q What is the name of the one that is dead? A He says he has  
forgotten.  
Q How long has that child been dead? A About 6 or 7 years.  
Q About how old is Permelia Sealy, the daughter of Susan Sealy?  
A 13.  
Q Who is the father of Permelia Sealy? A Isom Sealy.  
Q Is Permelia Sealy living? A Yes.  
Q Is Martha Sealy living? A Says she is dead.  
Q When did Martha Sealy die? A About 5 years ago.  
Q Did she live near you at the time of her death? A Said he used  
to live a half mile from her but she left there and moved on  
Coal Creek and died there.  
Q Do you know what month it was that Martha Sealy died in?

Martha Sealy et al. 2.

A It was March.

Q Was it in March, 1900. A He says he is not certain but he is certain that she died in the month of March.

Q Will it be 5 years next March since her death? A Says it will be six next March.

Q Then Martha Sealy must have died in March, 1899? A Yes.

Q Is Susan Sealy, the mother of Permolia Sealy, living? A Yes.

Q When was the last time you saw Permolia Sealy? A 15th day of last month.

Q Where do Susan Sealy and Permolia Sealy live? A Up on Coal Creek.

Q What is the post office address of Permolia Sealy and Susan Sealy? A Ardmore, Indian Territory.

Witness excused.

I, Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath state that I reported all the proceedings had in the above entitled case on the 15th day of January, 1905, and that the foregoing is a full, true and correct transcript of my stenographic notes in said case.

Robert E. Grunert  
Subscribed and sworn to before me this 15th day of January, 1905.

My Commission expires  
January 3, 1909.

W. T. Franklin  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
South McAlester, I. T., January 14, 1905.

--000--

In the matter of the application for the enrollment of  
Pernelia Sealy as a citizen by blood of the Chickasaw Nation, 9-D-440  
In the matter of the application for the enrollment of  
Martha Sealy and Fernelia Sealy as citizens by blood of the  
Chectaw Nation, 7-4905.

--000--

Alfred W. McClure, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Alfred W. McClure.  
Q Mr. McClure, on January 10, 1905, you testified that you were acquainted with Martha Sealy, and that she had a daughter by the name of Pernelia Sealy about thirteen years old, did you in fact refer to Martha Sealy at the time you made that statement?  
A Yes, sir; that is I meant the name Susan Sealy. Instead of the name Susan Sealy I got it as Martha Sealy.  
Q When you made that statement you had in mind in fact one Susan Sealy? A Yes, sir.  
Q How did you happen to make this mistake? A Susan Sealy was Isom Sealy's first wife. After they separated Isom Sealy took her sister Martha Sealy; this Martha Sealy was a sister to Susan Sealy.  
Q Is Martha Sealy living? A No, she is dead.  
Q Since you have thought it over you are of the opinion that the one you referred to is Susan Sealy? A Yes, sir.  
Q About when did Martha Sealy die? A I don't remember now; I don't know of her death personally but it was commonly reported that she was dead.  
Q But Pernelia is a daughter of Susan Sealy and Isom Sealy? A Yes sir.  
Q Did Martha ever have a daughter by the name of Fernelia Sealy?  
A No.  
Q Do you now want to correct your testimony as given by you on January 10, 1905? A Yes, sir; I do.  
Q So that it shall appear that Martha Sealy is dead and that Susan Sealy was the one you referred to when you said she was living? A Yes, sir.  
Q Is Susan Sealy enrolled? A Yes, she told me she was.  
Q Her daughter Pernelia has not been enrolled? A No, sir.

Witness excused.

-----

Robert A. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath state that he reported all the proceedings had in the above entitled case on the 14th day of Jan-



Permelia Sealy et al. 2.

uary, 1905, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Robert E. French

Subscribed and sworn to before me this 28th day of January, 1905.

Charles H. Sawyer  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Arpalar, I. T., January 16, 1908.

--000--

In the matter of the application for the enrollment of Martha Sealy and her daughter Purnelia Sealy as citizens by blood of the Choctaw Nation, 7-1908.

In the matter of the application for the enrollment of Purnelia Sealy as a citizen by blood of the Chickasaw Nation, 9-D-440

--000--

Susan Brown, being duly sworn and examined through sworn interpreter, Jonas Sexton, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Susan Brown.  
Q About how old are you? A She has no idea how old she is.  
Q About 45? A May be.  
Q What is your post office address? A Arpalar, Indian Territory.  
Q Are you a citizen by blood of either the Choctaw or Chickasaw Nations? A Chickasaw.  
Q Are you a full blood Chickasaw? A Yes.  
Q Have you been enrolled as such by the Commission? A Yes, she has been on the roll at Stonewall.  
Q Have you any children? A She has three.  
Q What are their names? A Henry Sealy, Purnelia Sealy, L. W. Olish.  
Q Are all three of these children living? A Yes.  
Q Is that Purnelia over there (Pointing to a girl in the room)?  
A Yes.  
Q Are all your children enrolled? A The other two have but Purnelia has never been on the roll.  
Q About how old is Purnelia? A Thirteen.  
Q Who is the father of Purnelia Sealy? A Isaac Sealy.  
Q Is Isaac Sealy a Choctaw or Chickasaw? A Chickasaw.  
Q Full blood? A Yes.  
Q Is he living? A Dead.  
Q In what county has your daughter Purnelia Sealy lived since her birth? A Tebucky.

The applicant Purnelia Sealy is identified upon the 1896 Chickasaw Census Roll, Choctaw District, page 72.

- Q Do you know Martha Sealy? A Yes, my sister. She died.  
Q Was she your full sister, the same father and the same mother?  
A Yes, sir; full sister.  
Q Was she ever married? A Yes, she was married to Isaac Sealy. After him and her parted Isaac Sealy married Martha.  
Q Did Martha Sealy have any children? A Yes, she had three.  
Q What are their names? A Nancy LeFlore, Sibbie LeFlore, Tom Johnson.



Martha Sealy et al. A.

- Q Are those three all the children that Martha Sealy ever had?  
A Yes.  
Q Did she ever have a daughter by the name of Farnelia? A No.  
Q When did Martha Sealy die? A I have forgotten when she died.  
Q What time of the year was it? A She thinks it is about four years ago.  
Q What month and day? A She thinks in March.  
Q What day of the month if you know? A She don't know the day.  
Q Was it four years ago last March or will it be four years next March? A She says it will be four years next March.  
Q Then your sister Martha Sealy died in March, 1901, is that correct? A Yes.  
Q Was your sister Martha Sealy recognized as a citizen of the Choctaw or Chickasaw Nation? A Chickasaw.  
Q What is your mother's name? A Sohkiak.  
Q What is your father's name? A Wesley Brown.  
Q Are they both dead, your father and mother? A Yes.

Witness excused.

---0---

Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath states that he reported all the proceedings had in the above entitled case on the 16th day of January, 1906, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Robert E. Grunert

Subscribed and sworn to before me this 17th day of January, 1906.

Charles H. Sawyer  
Notary Public.

7-4908.

Muskogee, Indian Territory, April 11, 1905. v /

Aaron Arpealer,

Galvestine, Indian Territory.

Dear Sir:

This office has been advised that Martha Sealy, a citizen by blood of the Choctaw Nation, has died since the time she was listed for enrollment as such; and that you can furnish the proper affidavits relative to her death.

A blank for such purpose is enclosed you herein, together with an envelope for the return of same when properly executed.

You are kindly requested to give this matter prompt attention.

Respectfully,

Env.

D.C.

Chairman.

Choctaw-1908.

Muskogee, Indian Territory, August 12, 1904.

Martha Sealy,

McAlester, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and your daughter, Fernelia Sealy, as citizens by blood of the Choctaw Nation, it will be necessary for you to appear in person before the Commission for the purpose of being examined under oath relative to the rights of yourself and your said daughter as such citizens.

For this purpose you are requested to appear before the Commission at its general office at Muskogee, Indian Territory as soon as possible; or you may appear at the Choctaw Land Office, Atoka, Indian Territory, September 6-7, 1904; or at the Chickasaw Land Office, Tishomingo, Indian Territory, September 8-9, 1904.

Respectfully,

Commissioner in Charge.

7-4908

Muskogee, Indian Territory, January 24, 1905.

Commissioner in Charge,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:

Referring to Choctaw Enrollment Card Number 4908, Martha Sealy et al., you are advised that the stamp "dead" has been placed in front of No. 1 and the following notation has been placed thereon:

"No. 1 died in March 1900. Proof of death filed January 23, 1905."

You are therefore requested to make like change and place the above notation upon duplicate Choctaw Card Number 4908 in your possession.

Respectfully,

Chairman.

7-4908

Muskogee Indian Territory, January 30, 1908.

Commissioner in Charge,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

For the information of your office there is enclosed you herewith copy of Choctaw roll card No. 4908 Martha Sealy et al., and you are requested to make the duplicate of said card in the possession of your office conform to the information contained thereon.

Respectfully,

EB-1-30

Chairman.

7-4908

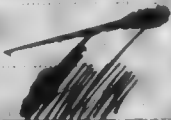
IN RE  
THE DEATH OF

*Martha Sealy*  
a citizen of the

*Choctaw*

Nation.

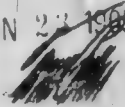
Approved JAN 23 1905 190



Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**

JAN 23 1905



Chairman

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Martha Sealy  
(Here insert name of deceased.)  
a citizen of the (Choctaw) Chickasaw Nation, who formerly resided at or near  
Arpelar  
(Here insert name of postoffice), Ind. Ter., and died on the \_\_\_\_\_ day of  
March, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Central DISTRICT.  
I, Susan Brown, on oath state that I am about 45  
years of age and a citizen, by blood, of the Chickasaw Nation;  
that my postoffice address is Arpelar, Ind. Ter.; that I am  
sister of Martha Sealy  
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)  
who was a citizen, by blood, of the Chickasaw Nation;  
and that said Martha Sealy died on the \_\_\_\_\_ day of  
March, 1900 her

WITNESSES TO MARK:

(Must be Two Witnesses.) } Robert E. Grunus  
James Sutton

Susan X Brown  
marks

Subscribed and sworn to before me this 16th day of January, 1905.

Wirt Franklin  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Central DISTRICT.  
I, Leonidas McClish, on oath state that I am 49  
years of age, and a citizen by blood, of the Chickasaw Nation;  
that my postoffice address is Arpelar, Ind. Ter.;  
that I was personally acquainted with Martha Sealy  
(Here insert name of deceased.)  
who was a citizen, by blood, of the Chickasaw Nation;  
and that said Martha Sealy died on the \_\_\_\_\_ day of  
March, 1900 his

WITNESSES TO MARK:

(Must be Two Witnesses.) } Robert E. Grunus  
James Sutton

Leonidas X McClish  
marks

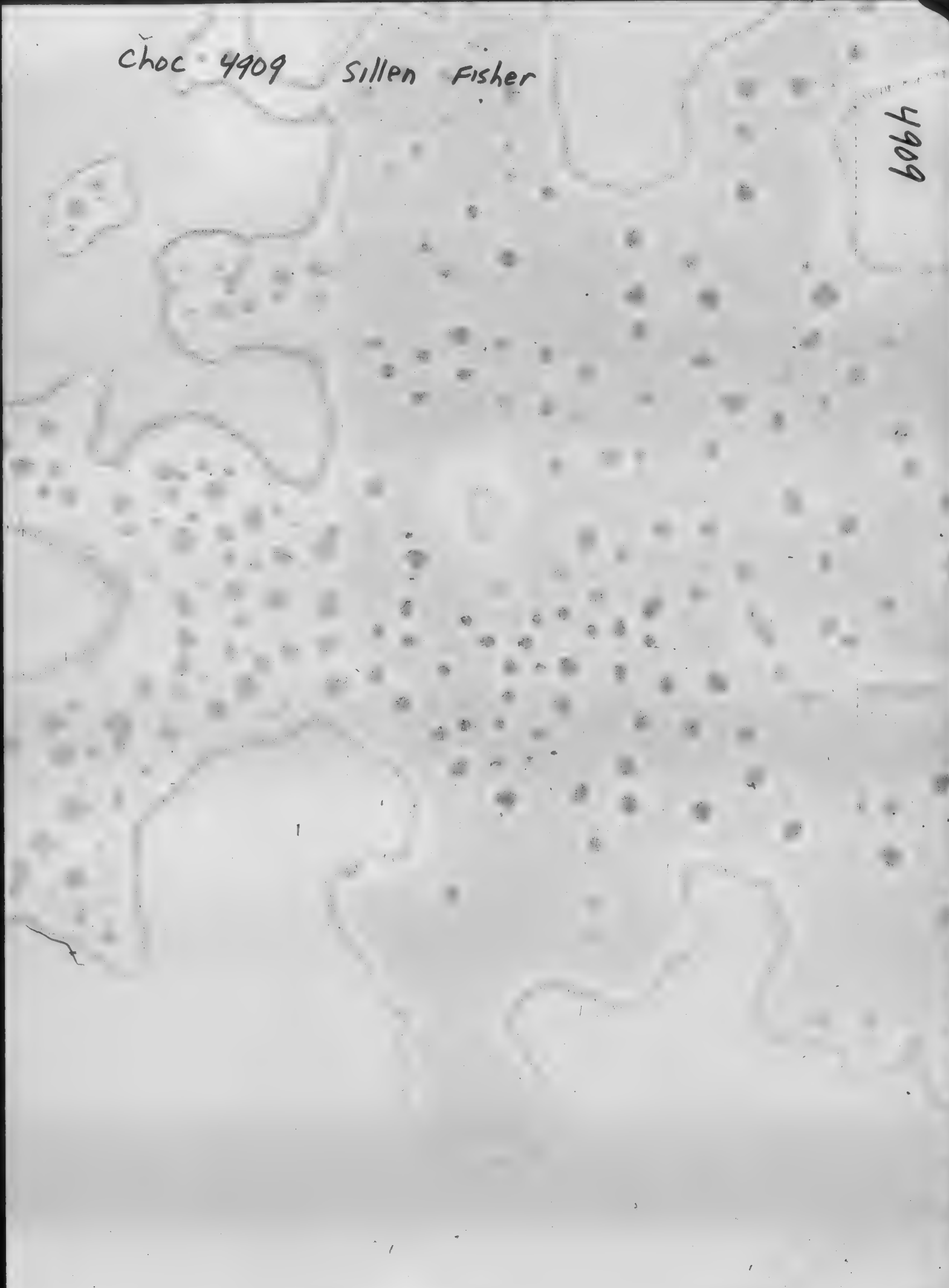
Subscribed and sworn to before me this 16th day of January, 1905.

Wirt Franklin  
Notary Public.



Choc 4909 Sillen Fisher

4909



Choctaw-1909.

Muskogee, Indian Territory, August 12, 1904.

Sillin Fisher,

McAlester, Indian Territory.

Dear Madam:

You are hereby notified that it will be necessary for you to appear in person before the Commission for the purpose of being examined under oath relative to the rights of yourself and your son, George Fisher, as citizens by blood of the Choctaw Nation and that until you do so appear, the Commission cannot determine the rights of yourself and your said son as such citizens.

For this purpose, you are requested to appear before the Commission at its general office at Muskogee, Indian Territory as soon as possible; or you may appear at the Choctaw Land Office, Atoka, Indian Territory, September 6-7, 1904; or at the Chickasaw Land Office, Tishamingo, Indian Territory, September 8-9, 1904.

Respectfully,

Commissioner in Charge.

MEMORANDA.

(Date) ..... 1899.

Name .....

Choctaw? ..... County ..... Year ..... No. ....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, .....

40 ✓ Wife's name, *Sarah J. ...* .....

Choctaw? ..... County *Talbot* ..... Year ..... No. ....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship *Choctaw* .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

5- <i>John</i>	County <i>Talbot</i>	Year <i>1896</i>	Page <i>54</i>	No. <i>2</i>
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....

*Handwritten signature/initials*

7-4909.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T. JANUARY 3, 1905.

--oOo--

In the matter of the application for the enrollment of Sillin Fisher and her minor child George Fisher.

S. S. LAWRENCE being duly sworn testifies as follows:

- Q What is your name? A S. S. Lawrence.  
Q What is your post office address? A Legal.  
Q How old are you? A 57.  
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.  
Q Finally enrolled by this Commission as such? A Yes, sir.  
Q Do you know a Choctaw woman by the name of Sillin Fisher? A Yes sir.  
Q About how old is she? A I would take her to be about 28 or 30.  
Q How much Choctaw blood does she possess? A I would take her to be a full blood.  
Q She has always been recognized as a citizen by blood of the Choctaw Nation? A Yes sir.  
Q Been enrolled by the tribal authorities as such? A Yes, sir; to the best of my knowledge.  
Q What was her husband's name? A Israel Fisher. The Choctaws call it Issil.  
Q When was the last time you saw Sillin Fisher? A It has been three or four years since I saw her.  
Q Do you know whether or not she was living on September 25, 1902? A To the best of my knowledge she was, but I cannot swear affirmatively that she was.  
Q When was the last time you heard of her or from her? A I never heard of her being dead. Whenever they die I generally hear of it.  
Q Has Sillin Fisher any children? A When I saw her last she had two children.  
Q Do you know their names? A No, sir.  
Q If alive, what is Sillin Fisher's post office address? A I would take it to be McAlester. Lives right due south of old Daniel Bells on the south side of Wild Horse Creek about three-quarters of a mile.

I, Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath state that I reported all the proceedings had in the above entitled case on the 3rd day of January, 1905, and that the above is a full, true and correct transcript of my stenographic notes in said case.

Subscribed and sworn to before me this 4th day of January, 1905

*Charles H. Sawyer*

Notary Public.

7-4909.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Wildhorse Creek, Choctaw Nation, about  
15 miles northwest of South McAlester,  
Indian Territory, January 9, 1905.

--oOo--

In the matter of the application for the enrollment of  
Sillin Fisher and her son George Fisher as citizens by blood of  
the Choctaw Nation.

--oOo--

SILLIN FISHER being duly sworn testified as follows  
through Jonas Sexton sworn interpreter.  
EXAMINATION BY THE COMMISSION:

- Q What is your name? A It was Sillin Fisher, now Sillin Wade.  
Q How old are you? A I don't know.  
Q About how old are you? A May be 35 or 40, I don't know.  
Q What is your post office address? A McAlester.  
Q Are you a full blood Choctaw Indian? A Yes.  
Q A recognized citizen of the Choctaw Nation? A Yes.  
Q Have you any children? A Have two.  
Q What are their names? A George Fisher and Louisa Wade.  
Q How old is George Fisher? A Over ten.  
Q How old is Louisa Wade? A Over three.  
Q Who is the father of George Fisher? A Israel Fisher.  
Q Was Israel Fisher a full blood Choctaw Indian? A Yes.  
Q Is he living? A Dead.  
Q How long has he been dead? A I don't know. May be about seven  
years.  
Q What is your present husband's name? A David Wade.  
Q Is he a full blood Choctaw Indian? A Yes.  
Q Is he the father of your daughter, Louisa Wade? A Yes.  
Q Have you and your son, George Fisher, and your daughter, Louisa  
Wade, always lived in the Choctaw Nation? A Yes.  
Q Have you always been recognized as citizens by blood of the  
Choctaw Nation? A Yes.  
Q What is your father's name? A Wilson Coley.  
Q What is your mother's name? A Jincy Coley.  
Q Your father and mother were both recognized citizens of the  
Choctaw Nation, were they? A Yes, they were full bloods.  
Q Were you ever married to any other man than Israel Fisher and  
David Wade? A Yes, married before I married Fisher.  
Q How many times were you married before you married Fisher? A Once.  
Q What was your former husband's name? A Charley Beams.  
Q Were you the wife of Charley Beams in 1893 at the time the Choctaws  
received the 1893 Leased District Payment money? A No, I was with  
Israel Fisher when we got the \$103.00.  
Q That was in 1893? A Yes.  
Q Do you know under what name you drew the 1893 Choctaw Leased  
District Payment money? A Sillin Fisher.

Sillin Fisher, et al. 2.

- Q Were you ever known by any other names than Sillin Fisher, Sillin Beams and Sillin Wade? A No other names.
- Q Who drew the money for you in 1893? A Israel Fisher.
- Q In what county of the Choctaw Nation were you and Israel Fisher living in 1893 at the time you received this payment? A Tobucksy County.
- Q Are your children, George Fisher and Louisa Wade, living at the present time? A Yes.

The applicants, Sillin Fisher and George Fisher, have the appearance of full blood Choctaw Indians and are identified on the 1896 Choctaw Census Roll, Tobucksy County, numbers 4002 and 4004, respectively.

- Q Have you ever appeared before the Commission before or ever made application to them for enrollment as a citizen by blood of the Choctaw Nation? A No.
- Q Do you now wish to be enrolled by the Commission as citizens by blood of the Choctaw Nation, you and your son, George, provided the Commission shall determine from the evidence given in your case that you are entitled to enrollment? A No.
- Q Have you always lived in Tobucksy County? A Yes.

Witness excused.

JONAS SEXTON, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Jonas Sexton.
- Q How old are you? A Thirty-eight.
- Q What is your post office address? A McAlester, Indian Territory.
- Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.
- Q Are you acquainted with Sillin Fisher who has just testified in the matter of her application for enrollment as a citizen by blood of the Choctaw Nation? A Yes.
- Q She has always been recognized as a citizen by blood of the Choctaw Nation, has she? A Yes.
- Q You have never heard her citizenship disputed in any manner? A No, sir.
- Q Is she a full blood Choctaw? A Yes.

Witness excused.

I, Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath state that I reported all the proceedings had in the above entitled case on the 9th day of January, 1905, and that the foregoing is a full, true and correct transcript of my stenographic notes taken in said case.

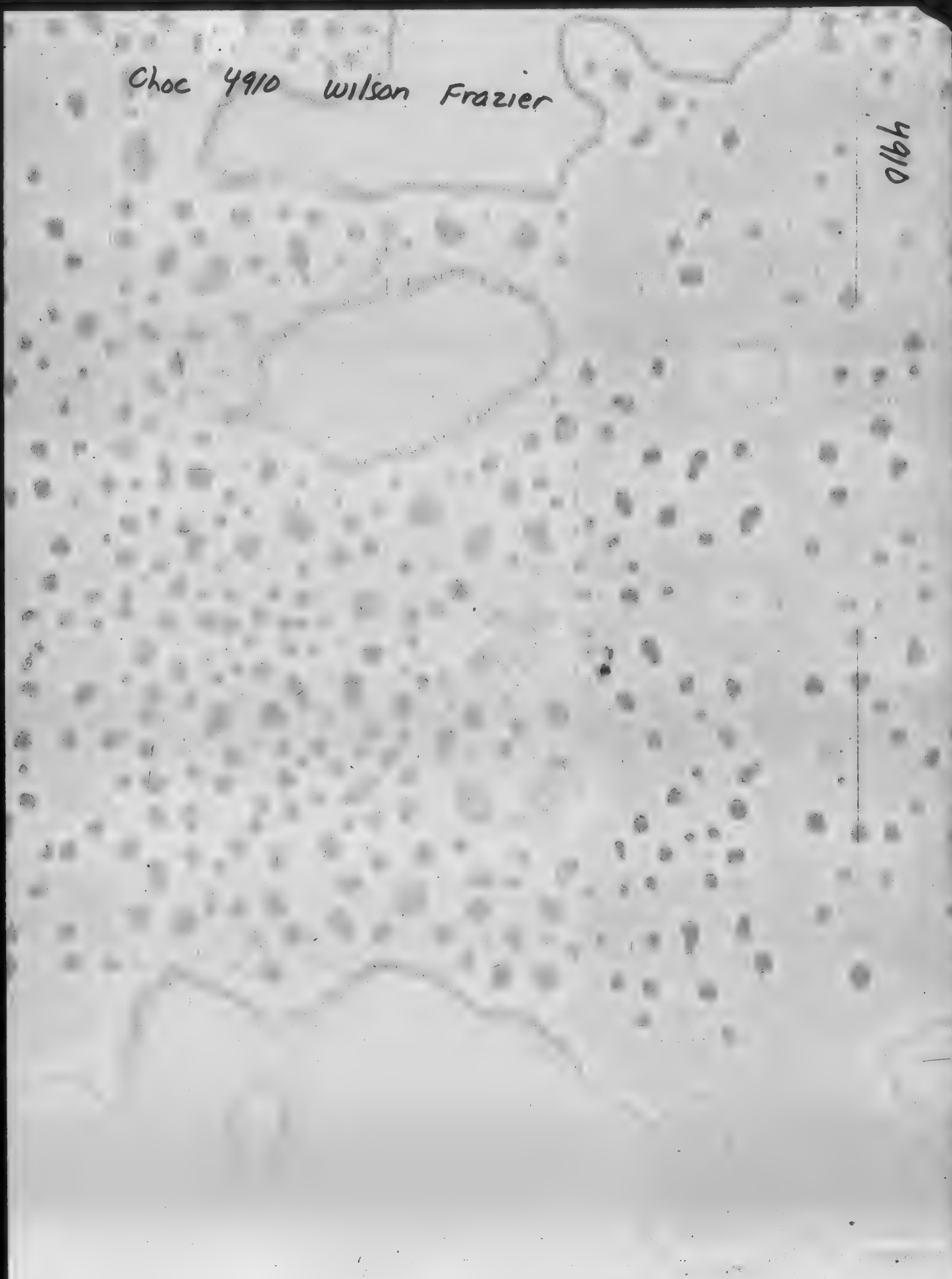
Subscribed and sworn to before me this 11th day of January, 1905.

*Robert E. Grunert*  
Notary Public.

My Commission expires January 3, 1909.

Choc 4910 Wilson Frazier

4910





MEMORANDA.

(Date) July 11 1899.

26 ✓

Name J. L. ...  
 Choctaw?  County Talbot Year 96 No. 14021  
 Chickasaw?  County Talbot Year 96 Page 97  
 Citizen by blood?  Mother's citizenship ...  
 Intermarried citizen?   
 Married under what law? ...  
 License filed this day, ...

35

Wife's name, J. L. ...  
 Choctaw?  County Talbot Year 96 No. 14025  
 Chickasaw?  County Talbot Year 96 Page 97  
 Citizen by blood?  Mother's citizenship ...  
 Intermarried citizen?   
 Married under what law? ...  
 License filed this day, ...

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

A910

130

Choc 4911 Eliza Hokey

4911

7-4911.

Muskogee, Indian Territory, May 6, 1903.

Commissioner in Charge,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

You are advised that the name "Dioey Hokey" appearing upon original Choctaw enrollment card, number 4911, has this day been changed to read "Elisa Hokey".

You are requested to correct the duplicate card in your possession in accordance with the above information.

Respectfully,

Chairman.

7-4911

Kuskogee, Indian Territory, November 4, 1903.

Commissioner in Charge,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the following notation has this day been made in lead pencil upon original Choctaw enrollment card No. 4911:

"Is not No. 1 a duplicate of No. 3 on Choctaw card No. 4922?"

You are, therefore, requested to make like notation in lead pencil upon the duplicate card in your possession in accordance with the above information.

Respectfully,

Chairman.

7-4911

Muskogee, Indian Territory, June 30, 1906.

Chief Clerk,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:-

You are hereby advised that a red line has this day been drawn through the name of Eliza Hokey at No. 1 on Choctaw roll card No. 4911, and the following notation in red ink has been placed upon said card:

"No. 1 is duplicate of No. 3 on Choctaw roll card No. 4922, approved roll #14930. Enrollment cancelled under Departmental authority of May 25, 1906, (I.T.O. 9210-1906) D. C. 21520-1906."

You are, therefore, directed to make like changes upon duplicate Choctaw roll card No. 4911 in the possession of your office.

Respectfully,

Commissioner.

**MEMORANDA.**

(Date) Jan 17 1899.

Name .....

Choctaw? County ..... Year ..... No. ....

Chickasaw? County ..... Year ..... Page .....

Citizen by blood? Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, .....

Wife's name, Janet .....

Choctaw? County Chickasaw Year 1898 No. 32

Chickasaw? County ..... Year ..... Page 13

Citizen by blood? Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.

A 111

Department of the Interior,  
Commission to the Five Civilized Tribes.  
McAlester, Indian Territory,  
April 1, 1903.

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Eliza Hokey.

ADDITIONAL TESTIMONY of John Simpson.

John Simpson being duly sworn testifies with reference to this application as follows:

Examination by the Commission.

- Q What is your name? A John Simpson.
- Q How old are you? A Sixty.
- Q What is your post office address? A Carbon.
- Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
- Q You are recognized and enrolled as such? A Yes sir.
- Q Are you acquainted with a child named Dicey Hokey? A No sir, I am acquainted with Eliza Hokey, but Dicey I dont know.
- Q Do you know of any child named Dicey Hokey? A No sir.
- Q Is this child, Eliza Hokey, the only child of that name in this county? A Yes sir; and I know everybody in this county; she was born and raised about four miles from town here.
- Q What is the name of this child's father? A Davis Hokey.
- Q What is the name of the child's mother? A Minnie Hokey.
- Q Were both these persons full blood Choctaw Indians? A Yes sir.
- Q How old is this child, Eliza Hokey? A About ten; I dont know exactly.
- Q Is she living with you at the present time? A No sir, she has been, and I have been looking after her and sending her to school; and I am also building her a farm for her where I expect to take her allotment for her.
- Q Have you been appointed guardian of this child? A No sir, just our old style, like we used to do; if her mother wants me to be appointed for her afterwards I will serve.
- Q Is the father of this child living? A No sir.
- Q Her mother is living is she? A Yes sir.
- Q How long have you had this child? A A little over a year.
- Q Before that did she live with her mother? A Yes sir.
- Q Do you know whether this child received any money in 1893 at the time of the leased District payment? A No sir, I dont know that; her father was living at that time, and I expect he drew her money.
- Q Do you know whether the name of this child was placed upon the 1896 Census roll? A No sir, I dont know that either.
- Q Has this child spent all her life in Tobuckey County? A Yes sir, only while she was going to school at Tuskahoma.
- Q How long has this child been in Tuskahoma Academy? A She went to school first last year, in September, and just come back this last week-- she has been over there two years; she was over there year before last until school was out, and then went back last fall and just come back the other day.
- Q Is this child's mother, Minnie Hokey, enrolled on the tribal rolls of the Choctaw Nation? A Yes sir, I think she is.



Eliza Hokey-----2

- Q Is that the name she passes under at the present time, Minnie Hokey? A No sir, her name is Minnie, and she was a Hokey, but married again; married a fellow named Ishatubbe; but we dont know whether she is registered as Ishatubbe or not; he is living now, that fellow is, but he is married again; he separated from this woman and married again,-- he has got a woman anyhow.
- Q You dont know whether this child, Eliza, has ever been called Dicey? A No sir, I never heard of it.
- Q Did you know the child in 1896? A No sir, I didn't know her then; I knew her mother before she was born; I didn't know her until her mother come down here in my neighborhood and wanted to give us this little girl, and gave her to us.
- Q She may have been called Dicey Hokey in 1896 and you not have known it? A Yes sir, she might have been and I not have known it.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at McAlester, Indian Territory, on the first day of April, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

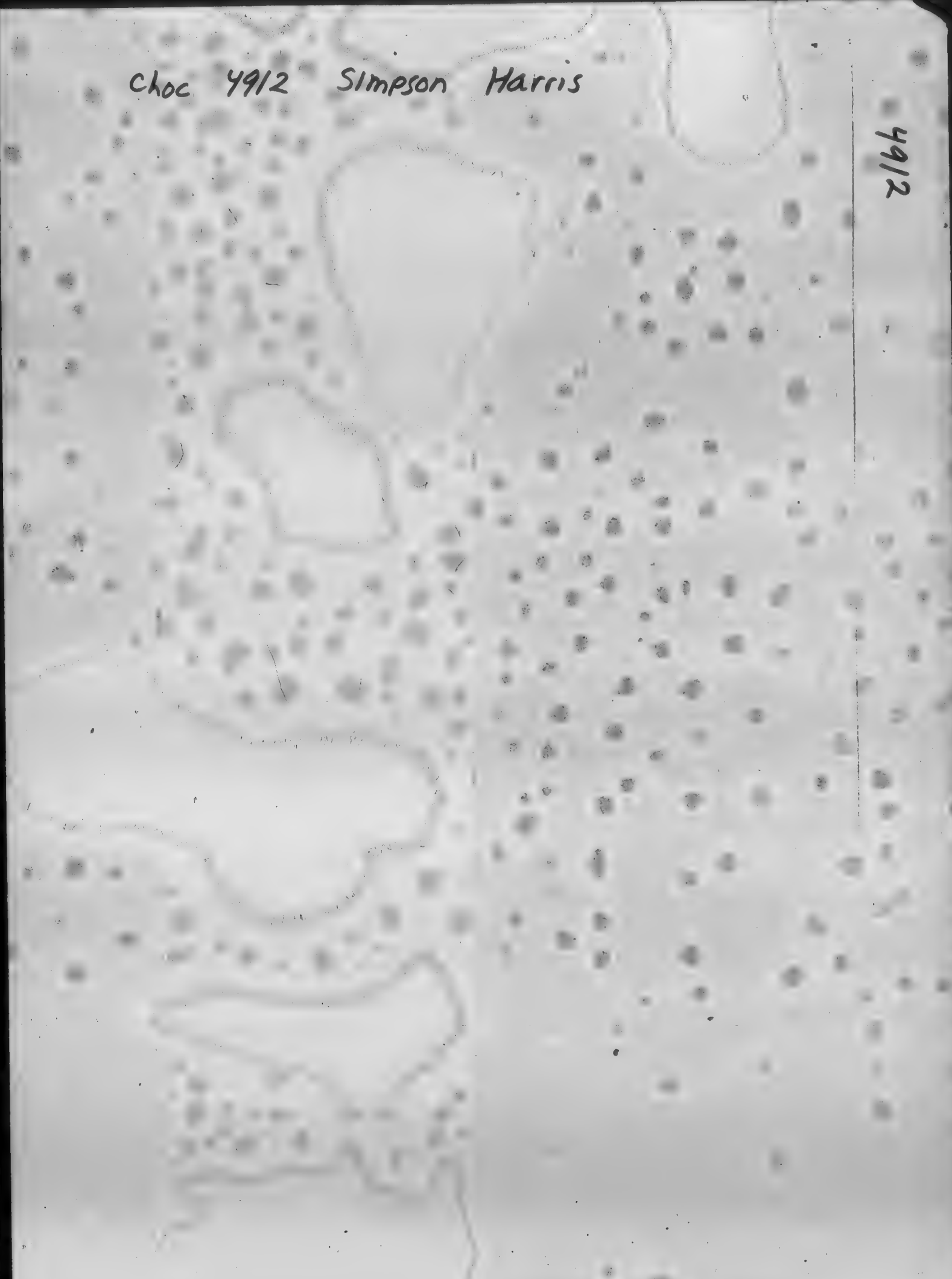
*W. H. Martin*

Subscribed and sworn to before me this 7 day of April, 1903.

*Charles G. Sawyer*  
Notary Public.

Choc 4912 Simpson Harris

4912



7-1-981.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Blanco, Indian Territory, February 9, 1905.

--oOo--

In the matter of the application for the enrollment of  
Susan Davis as a citizen by blood of the Choctaw Nation.

--oOo--

Stanton Kemp, being duly sworn and examined through J. W.  
White, sworn interpreter, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Stanton Kemp.  
Q How old are you? A Thirty-three.  
Q What is your post office address? A Blanco, Indian Territory.  
Q Do you know Susan Davis? A Yes.  
Q About how old is she? A Must be about 45 or 50.  
Q What is her post office address? A Blanco, Indian Territory.  
Q Is she a Choctaw? A Yes, a full blood.  
Q Is her present name Susan Davis? A Susan Harris now.  
Q What is her husband's name? A Sim Harris.  
Q Do you know Susan Harris' father's name? A No, he don't know.  
Q Do you know her mother's name? A No.  
Q Do you know what county she came from to Tobucksy County?  
A Gaines County. She lives in Gaines County now, right across  
Erushy.

The applicant Susan Davis is identified upon the 1896  
Choctaw Census Roll, Gaines County, No. 3273.

The husband of the applicant is identified as Simpson  
Harris on Choctaw Card 4912.

- Q When was the last time you saw Susan Harris? A He says he has  
seen her this week.  
Q And she and Sim Harris are now living together as husband and  
wife? A Yes.

-----

Simpson Harris, refuses to be sworn, but testifies through  
J. W. White, sworn interpreter, as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Simpson Harris.  
Q How old are you? A He says he won't tell you how old he is.  
Q What is your post office address? A Blanco, Indian Territory.  
Q What is your wife's name? A Susan Harris.  
Q What was your wife's name before you married her? A Susan Davis.  
Q About how old is your wife? A He says he don't know.  
Q About 50? A He says he don't think she is 50,

Susan Davis 2.

- Q Between 45 and 50? A About 45.  
Q Is your wife a full blood Choctaw? A Yes, a full blood Choctaw.  
Q What is her father's name? A He don't know her father's name.  
Q What was her mother's name? A He don't know that.  
Q Are her mother and father dead? A Yes, they are dead.  
Q Where has your wife been living all her life? In Gaines county? A He says he don't know for sure but guesses so.  
Q Was she living in Gaines County in 1893 when they made the leased district payment? A Yes.  
Q Was she married before she was married to you? A Married to Alberson Davis and they separated and he died.  
Q When were you married to Susan, your present wife? A In 1897.  
Q Since that time you have lived together continuously as husband and wife? A Yes.  
Q What was your wife's name in 1893, by what name was she known then? A Susan Davis.  
Q She was then thw wife of Alberson Davis? A Yes.

The witness is identified on Choctaw card No. 4912.

The witness states that since he has thought about it his wife was living with a man by the name of Silas Pisahambe in 1893, and she was known by that name at that time.

- Q Did Silas Pisahambe have an English name? A He says he don't remember.  
Q Is Susan Harris living at the present time? A Yes.

The witness states that he is opposed to the allotment of land, and that he is afraid to take an oath for fear the Commission can make him take his land if he does. He says he will not let any member of his family take an oath for fear the Commission will allot land to them, and states also that somebody has filed on the land on which he lives and the improvements on which he has bought, and that he does not intend to file but will just wait until it comes to "a show down and see who gets the land."

-----  
Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath states that he reported all the proceedings had in the above entitled case on the 9th day of February, 1905, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

*Robert E. Grunert*

sworn to before me this 13th day of February, 1905.

*Wirt Franklin*  
Notary Public.

2-9-05

7-D-881.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Brushy Creek, Choctaw Nation, about two  
miles East Of Blanco, Indian Territory,  
February 10, 1905.

--oOo--

In the matter of the application for the enrollment of  
Susan Harris as a citizen by blood of the Choctaw Nation.

---oOo---

Joseph James, being duly sworn and examined through J. W.  
White, sworn interpreter, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Joseph James.  
Q How old are you? A Will be 59 in a few days.  
Q What is your post office address? A Blanco, Indian Territory.  
Q Are you a full blood Choctaw? A Yes, sir.  
Q Do you know Susan Harris? A Yes.  
Q About how old is she? A He says about 45 years old.  
Q Do you know her father's name? A Jesse McCoy.  
Q What was her mother's name? A He says he don't remember her  
mother's name; he has forgotten it.  
Q Are her mother and father both dead? A Yes, both dead.  
Q To what county of the Choctaw Nation did they belong? A They  
both lived and died in Gaines County.  
Q Were they both full blood Choctaws? A Yes, they were both  
full blood Choctaws.  
Q What is Susan Harris' husband's name? A Sim Harris.  
Q Was she married before she was married to Sim Harris? A Yes.  
Q How many times? A Twice.  
Q What was her former husband's name? A Silas Pisahambe. Second  
one was Alberson Davis.  
Q What was Susan Harris' name in 1893 when the leased district pay-  
ment was made? A He thinks it was Silas Pisahambe.  
Q Is Susan Harris living at the present time? A Yes.  
Q Has she always been recognized as a citizen by blood of the  
Choctaw Nation? A Yes.  
Q She is a full blood is she? A Yes.  
Q How long has Susan Harris been the wife of Sim Harris? A He  
says he don't remember exactly, but thinks it has been five  
years or over since she married Sim Harris.

Witness excused.  
-----

The applicant, Susan Harris, refuses to be sworn, but

Susan Harris 2.

testifies through J. W. White, sworn interpreter, as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Susan Harris.  
Q How old are you? A She says she don't know how old she is.  
Q Forty-five? A She says her mother knows how old she is, she don't know. About forty.  
Q What is your post office address? A She says she never gets mail. She says Blanco, Indian Territory is the nearest post office. She says that is where Sim gets his mail at.  
Q What is your mother's name? A She says she don't know; her mother is dead.  
Q What is your father's name? A She says she don't know; he died when she was small.  
Q Were your mother and father both full blood Choctaw Indians?  
A Yes.  
Q Have you always lived in the Choctaw Nation? A Yes.  
Q In what county or counties? A In Gaines County. She lived some in Tobucksy County.  
Q Have you always been recognized as a Choctaw? A Yes.  
Q Are you married? A Yes.  
Q What is your husband's name? A Simpson Harris.  
Q How long have you been married to Simpson Harris? A She says she don't know.  
Q About how long? A About six years.  
Q Were you married before you were married to Simpson Harris?  
A Yes.  
Q How many times? A She says she married Silas Pisahambe and then married Alberson Davis, this is the third man.  
Q Did you draw the leased district money in 1893? A Yes.  
Q Did you draw it yourself or did somebody draw it for you? A Drew it herself.  
Q Who were you married to at that time, Silas Pisahambe? A She was a widow at that time.  
Q By what name were you known at that time? A Her name was Susan Hambe. She says her first husband was named hambe; his father was named Pisahambe, and her name at the time she drew the money was Susan Hambe.  
Q By what name were you known in 1896, at the time the Choctaw tribal authorities took the census? A Susan Davis.  
Q Were you the wife of Alberson Davis at that time? A She says Alberson was dead; I was his widow at that time.

The applicant appears to be a full blood Indian.  
Witness excused.

J. W. White, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A J. W. White.  
Q How old are you? A 40.  
Q What is your post office address? A Hartshorne, Indian Territory



Susan Davis 3.

- Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.  
Q Do you know Susan Harris? A Yes, sir.  
Q Is this woman sitting here by my side Susan Harris? A Yes, sir.  
Q How long have you known her? A About fourteen years.  
Q Was she married before she was married to Simpson Harris? A Yes, sir.  
Q What was the name of her former husband? A Silas Hambe; and the other one was Alberson Davis.  
Q From what you know of Susan Harris is she a full blood Choctaw? A Yes, sir.  
Q Has always been recognized as a citizen of the Choctaw Nation?  
A Yes, sir.

Witness excused.

-----  
Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath states that he reported all the proceedings had in the above entitled case on the 10th day of February, 1905, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

*Robert E. Grunert*

and sworn to before me this 13th day of February, 1905.

7-10-05



MEMORANDA.

(Date) Jan 17 1899.

Name .....

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

3  
2

County Year Page No. 5276

County Year Page No. 5371

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

AW

7  
Muskogee, Ind. Ter., February 8, 1901.

Mrs. Susan Davis,

Nowata, Indian Territory.

Dear Madam:-

It appears from the records of the Commission that at the time of the Commission's appointment at Nowata, in the Cherokee Nation, during the month of October, 1900, you appeared and made application for enrollment as a citizen by adoption of the Cherokee Nation, and being duly identified by the Commission from the rolls of citizenship of the Cherokee Nation, you were listed for enrollment as a citizen by adoption of the Cherokee Nation.

It now appears from an examination of our Choctaw records, that upon the 1896 census roll the name of Susan Davis, a resident of Gaines County, age given as 41 in 1896, is found.

You are requested to inform the Commission if you ever claimed any rights to citizenship in the Choctaw Nation, and if so, when you left there, if you were a citizen by blood or by intermarriage, or if adopted by an act of the Choctaw Council.

Please give us full information as to any rights you may have as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

Choc. Del.

Muskogee, Indian Territory, June 16, 1902.

Simpson Harris,  
McAlester, Indian Territory.

Dear Sir:

The name of Susan Davis, now about 47 years of age, is found upon the 1896 Choctaw census roll, at which time she appears to have been a resident of Gaines County, but there is no record that any application for her enrollment has ever been made to this Commission.

You are requested to answer the questions below at your earliest convenience, returning this letter in the enclosed envelope which requires no postage.

Yours truly,

Env.

Acting Chairman.

- Q Do you know Susan Davis? A \_\_\_\_\_  
Q If so, state her present name and post office address? A \_\_\_\_\_  
Q Is she related to you? A \_\_\_\_\_  
Q If so, state how related? A \_\_\_\_\_  
Q If you are unable to give any information concerning Susan Davis, can you state the name of some person who can do so? A \_\_\_\_\_

Muskogee, Indian Territory, October 6, 1902.

Simpson Harris,

McAlester, Indian Territory.

Dear Sir:

From an examination of the Choctaw census roll of 1896 it is found that the name of your wife, Susan Davis, appears thereon as a resident of Gaines county, but it does not appear that any application has been made to this Commission for her enrollment as a citizen of the Choctaw Nation. It will be necessary that she appear before the Commission and make personal application for her enrollment as a citizen of said Nation.

There is enclosed herewith a notice of the appointments of the Commission in the Choctaw and Chickasaw Nations, and it is advisable that she appear at the appointment most convenient to her place of residence.

Respectfully,

Acting Chairman.

Enc. McM--58

W. O. B.

COMMISSIONERS:  
TAMM BERRY,  
THOMAS B. NEEDLES,  
C. E. BRACKENRIDGE.

WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NOTE IN REPLY TO THE FOLLOWING:
Choctaw D. 881

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 20, 1905.

Wirt Franklin,  
Coalgate, Indian Territory,

Dear Sir:

You are advised that the name of Susan Davis, Choctaw card D 881, has been transferred to Choctaw card 4912, with her husband, Simpson Harris, where she appears as Susan Harris.

Respectfully,



Chairman.

Choc 4913 Sealy James

Granted Apr 24, 1906

4913

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a  
citizen by blood of the Choctaw Nation of.....

SEALY JAMES.....7-4913.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Choctaw Nation, twelve miles south of  
South McAlester, I. T., January 12, 1905.

--oOo--

In the matter of the application for the enrollment of  
Sealy James as a citizen by blood of the Choctaw Nation.

--oOo--

Nolis (or Norris) Carney, being duly sworn and examined  
through Alfred W. McClure, sworn interpreter, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Nolis (or Norris) Carney.  
Q What is your post office address? A Chambers, Indian Territory.  
Q How old are you? A Thirty-six.  
Q Are you a citizen by blood of the Choctaw Nation? A Yes.  
Q Do you know Sealy James? A Yes.  
Q About how old is she? A She was about thirty-two at the time of  
her death.  
Q Was she a full blood Choctaw? A Yes.  
Q What was her father's name? A He says he don't remember her  
father's name it has been so long since he has been dead.  
Q What was her mother's name? A Sophia Olasachubbee.  
Q Is her mother living? A Dead.  
Q Is Sealy James living? A Dead.  
Q When did she die? A About two years ago.  
Q Did she live near you at the time of her death? A Said they  
used to live near each other but he had moved here at the time  
of her death.  
Q How did you learn of her death? A Says Sealy's sister Amy told  
me about Sealy's death.  
Q What month was it that Sealy James died? A It was in August.  
Q Was it two years last August? A Yes.  
Q Are you positive that it was two years or over last August?  
A This last August was a year ago. It will be two years this  
coming August.  
Q Do you remember the time of the ratification of the Choctaw-  
Chickasaw Supplemental Agreement, the special election held on Sep-  
tember 25, 1902? A He says yes, he knows about it; he says he  
knows it.  
Q Was it the August before they voted on that treaty or the  
August after that that Sealy James died? A He says she died  
the August before the treaty was ratified. Says she had died  
when that treaty took place.  
Q You are positive about that? A Yes.  
Q Can you tell me the names of some relatives of Sealy James who  
would be able to make out an affidavit as to the exact date of  
Sealy James' death? A Wilson Frazier can give the exact date.  
Q What is his post office address? A Blanco, Indian Territory.  
Q Was Sealy James formerly the wife of Stanton Kemp? A Yes.

Witness excused.

--oOo--

Sealy James et al. 2.

Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath states that he reported all the proceedings had in the above entitled case on the 12th day of January, 1905, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Robert E. Grunert

Subscribed and sworn to before me this 26 day of January, 1905.

Charles L. Sawyer  
Notary Public.

Original.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
South McAlester, Indian Territory.  
December 22, 1902.

--

Original application for enrollment as citizens by blood of the Choctaw Nation of Natsy Noel for herself and her minor child, Ellen Noel.

Natsy Noel being first duly sworn testified as follows:

Peter Haytubby interpreter.

Examination by the Commission:

- Q What is your name? A Natsy Noel.  
Q What is your age? A Twenty-three years.  
Q What is your post office address? A Blanco, Ind. Ter.  
Q What is the name of your father? A Forbis Noel.  
Q Is he living or dead? A Dead.  
Q What is the name of your mother? A Celia Noel.  
Q Is she living? A She is dead.  
Q When did she die? A This month.  
Q Did you draw your pro rata share of the 1893 Leased District money? A Yes, sir.  
Q In what county? A Tobuckey.

The name Nancy Noel is found upon the 1893 Leased District payroll of Tobuckey County, page 54, Fo. 486. The name of Nancy Noel is also found upon the 1896 Choctaw Census Roll, page 243, No. 9607 as Natsy.

- Q Did you ever make application for enrollment to this Commission before this time? A No, sir.  
Q Are you married? A No.  
Q Have you any children? A One Child.  
Q What is the name of that child? A Ellen Noel.  
Q Who was the father of Ellen Noel? A Gilbert Pickens.  
Q When was the child born? A Born June 1899.

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Chas. Diffendaffer being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer.*

Subscribed and sworn to before me this 3d day of January 1903.

*Charles H. Sawyer*

Notary Public.

West

DEPARTMENT OF THE INTERIOR  
OFFICE OF THE ASSISTANT ATTORNEY GENERAL  
Washington, Indian Territory April 1, 1904.

7-1-104  
7-473.

In the matter of the application of Jennie Noel, Bennett Kemp, Sinie Kemp, and Lena Kemp as citizens of the Choctaw Nation.

Stanton Kemp being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Stanton Kemp.  
Q What is your post office address? A Blanco.  
Q How old are you? A About thirty or thirty-three.  
Q Are you married? A No.  
Q Do you know James Noel? A Yes, sir.  
Q What is his right name? A Jennie.  
Q What is her father's name? A I don't know I think.  
Q Do you know her mother's name? A Yes, sir, her mother Celia Noel.  
Q What relation is Jennie to you is she your wife? A No, sir.  
Q Has she lived with you? A Yes, sir.  
Q Did you ever have any children by her? A Yes, sir.  
Q You and her have lived together as man and wife? A Yes, sir.  
Q Now Jennie Noel is living with you now down at Blanco? A Yes, sir at Blanco.  
Q About how old is she? A About nineteen I think.  
Q Do you know Bennett Kemp and Sinie Kemp? A Yes, sir my children.  
Q How do you spell your name? A K-e-m-p.  
Q Are those children living with you? A Yes, sir.  
Q And the mother of Bennett and Sinie Kemp is Celia Kemp? A Yes, sir.  
Q Jennie Noel is a sister of Bennett and Sinie? A Yes, sir.  
Q All have the same mother? A Yes, sir.  
Q Celia is the mother of these children? A Yes, sir.  
Q Bennett and Sinie and Jennie all are alive? A Yes, sir.  
Q But another child is dead? A Yes, sir.  
Q When did he die? A 1901.  
Q Do you know how it was they got the name of Jennie down as James? A No, sir.  
Q She hasn't a brother named James has she? A No, sir.  
Q You haven't a child called James? A No, sir.  
Q Did you give the name of Jennie when you enrolled in 1899? A Yes, sir.  
Q And they must have got the name wrong? A I said Jennie.  
Q You want Jennie named Jennie Noel and Sinie and Bennett as Kemp?  
A Yes, sir.  
Q Have you and Jennie and Bennett and Sinie always lived in Tobuckay county? A Yes, sir.  
Q You have always lived there? A Yes, sir.  
Q Born and raised there? A Yes, sir.

Jennie Noel is identified as being James Noel upon Choctaw card field number 473.

- Q Did they ever call you Campbell? A No, sir.

- Q Warran Kemp is your brother? A Yes, sir my brother.
- Q Do you know Isaac Dickens? A Yes, sir.
- Q He is a full blood is he? A Yes, sir.
- Q These two children were enrolled down at South Wallester? A Yes, sir.
- Q You have a child called Lena by Jennie Noel born September 26, 1901 and is now living with you? A Yes, sir.
- Q Jennie Noel is your wife and she is living with you? A Yes, sir.
- Q And she is the daughter of Forbis Noel and Celie Noel? A Yes, sir.
- Q And you have been living with Celie Noel and you have three children by Celie Noel? A Yes, sir.
- Q Their names are Bennett, Sinie and Woltser? A Yes, sir.
- Q Woltser died in 1901? A Yes, sir.
- Q Celie Jones left you and then you lived with her daughter Jennie Noel? A Yes, sir.
- Q And you have one child by Jennie Noel called Lena? A Yes, sir.
- Q That child was born September 26, 1901? A Yes, sir.
- Q And you made application for that child two years ago? A Yes, sir.
- Q And Mr. Rowley wrote a letter for you? A Yes, sir.

A lication was made for the child Lena Mary mentioned in the testimony April 1902.

Statement by witness: My wife Celie left me about 1900 when she went to live with Jim Harris and she died December 1902; at the time of her death she was living with her daughter Nancy Noel.

- Q Did Nancy apply before the Commission? A I don't know.
- Q Did she go by any other name than Nancy Noel? A Yes, sir.
- Q What was the other name? A Just Nancy Noel.

Chas. T. Difendafur being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 21st day of April 1904.

*Chas. T. Difendafur*  
*Charles H. Sawyer*

Notary Public.

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IN RE  
THE DEATH OF

*Sealy James*  
a citizen of the  
*Choctaw* Nation.

---

Approved

190

Commissioner.

---

JAN 19 1906



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Sealy James  
(Here insert name of deceased.)  
a citizen of the Choctaw Nation Nation, who formerly resided at or near  
Blanco, Ind. Ter., and died on the 2th day of  
(Here insert name of postoffice.)  
December, 1902.

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Natsey Noel, on oath state that I am 26  
years of age and a citizen, by blood, of the Choctaw Nation;  
that my postoffice address is Blanco, Ind. Ter.; that I am  
(Here insert name of postoffice.)  
daughter of Sealy James  
(State relationship: as the father; an uncle; a cousin, etc. (Here insert name of deceased.)  
who was a citizen, by blood, of the Choctaw Nation  
and that said Sealy James died on the 3th day of  
(Here insert name of deceased.)  
December, 1902.

WITNESSES TO MARK:

(Must Be Two Witnesses) } W. Addelman

Natsey Noel

Subscribed and sworn to before me this 17th day of January, 1906.

J. H. McCall  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Wilson Frazier, on oath state that I am 32  
years of age, and a citizen by blood of the Choctaw Nation;  
that my postoffice address is Blanco, Ind. Ter.;  
(Here insert name of postoffice.)  
that I was personally acquainted with Sealy James  
(Here insert name of deceased.)  
who was a citizen, by blood, of the Choctaw Nation;  
and that said Sealy James died on the 3th day of  
(Here insert name of deceased.)  
December, 1902.

WITNESSES TO MARK:

(Must Be Two Witnesses) } W. Addelman

Wilson Frazier

Subscribed and sworn to before me this 17th day of January, 1906.

J. H. McCall  
Notary Public.



7-4913.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Sealy James as a citizen by blood of the Choctaw Nation.

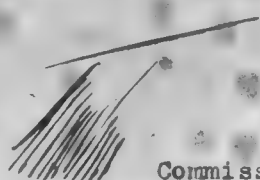
D E C I S I O N .

It appears from the census card record in this case that  
on October 17, 1899, application was made to the Commission to the  
Five Civilized Tribes for the enrollment of Sealy James as a citizen  
by blood of the Choctaw Nation.

It further appears from the record herein and from the  
census card record in this case that said applicant is a full blood  
Choctaw Indian, and is identified upon the 1896 Choctaw Census Roll,  
Tobucksy County, No. 2357.

It further appears from the record herein that said appli-  
cant was a resident in good faith of Indian Territory on June 28,  
1898.

I am, therefore, of the opinion that Sealy James should  
be enrolled as a citizen by blood of the Choctaw Nation, under the  
provisions of the Acts of Congress approved June 28, 1898 (30 Stats.,  
495) and July 1, 1902 (32 Stats., 641), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

1905

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7-4913.

Muskogee, Indian Territory, April 24, 1906.

Natsy Noel,

Blanco, Indian Territory.

Dear Madam:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 24, 1906, granting the application for the enrollment of your mother Sealy James as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

CNEC

*Wm. C. Beall*

Acting Commissioner.

Registered.

Incl. 7-4913.

7-4913.

Wuskogee, Indian Territory, April 24, 1906.

COPY

Eddleman & Graham,  
Attorneys at Law,  
Ardmore, Indian Territory.

Gentlemen:-

You are hereby notified that the Commissioner to the Five Civilized Tribes, on April 24, 1906, rendered his decision granting the application for the enrollment of Sealy James as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the enrollment of above named applicant. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,  
SIGNED

*Wm. G. B...*

Acting Commissioner.

Registered.

7-4913.

Muskogee, Indian Territory, April 24, 1906.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 24, 1906, granting the application for the enrollment of Sealy James as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the enrollment of this applicant. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Acting Commissioner.

Register.

Incl. 7-4913.

Choctaw-4913.

Muskogee, Indian Territory, August 12, 1904.

Sealy James,

McAlester, Indian Territory.

Dear Madam:

You are hereby notified that, before your rights as a citizen by blood of the Choctaw Nation can be determined, it will be necessary for you to appear in person before the Commission for the purpose of being examined under oath relative to your rights as such citizen.

For this purpose you are requested to appear before the Commission at its general office at Muskogee, Indian Territory as soon as possible; or at the Choctaw Land Office, Atoka, Indian Territory, September 6-7, 1904; or at the Chickasaw Land Office, Tishomingo, Indian Territory, September 8-9, 1904.

respectfully,

Commissioner in Charge.

7-4910.

Muskogee, Indian Territory, October 19, 1905.

Wilson Frasier,

Blanco, Indian Territory.

Dear Sir:

This office is in receipt of information to the effect that Sealy James, an applicant for enrollment as a citizen by blood of the Choctaw Nation, has died since the date of her application, and in order to secure this information in proper form there is enclosed herewith a blank proof of death which you are requested to have filled in, returning same to this office in the enclosed envelope which requires no postage.

Kindly give this matter your immediate attention.

Respectfully,

Commissioner.

Enc. D.  
Env.

7-4915.

Muskogee, Indian Territory, October 19, 1905.

Stanton Kemp,  
Kiowa, Indian Territory,

Dear Sir:

This office has received information to the effect that your wife Sealy James has died since the date of her application for enrollment as a citizen by blood of the Choctaw Nation, and in order to secure this information in proper form there is enclosed herewith a blank proof of death which you are requested to fill in, returning same to this office in the enclosed envelope which requires no postage.

Kindly give this matter your immediate attention.

Respectfully,

Commissioner.

Enc D.C.  
Env.



7-4915

Muskogee, Indian Territory, October 28, 1905.

Wilson D. Frazier,

Blanco, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 23, 1905, in which you state that you do not know Sealy James but do know a Sealy Kemp who died December 9, 1902; that she made application for enrollment, but you are unable to find the same on record.

You are requested to state the age of Sealy Kemp to whom you refer, the names of her parents, the county in the Choctaw Nation to which she belongs and the names of her children if any, and any other information which will aid in identifying her upon the records of this office; the matter of your inquiry will then receive further consideration.

Respectfully,

Commissioner.

7-4913

Muskogee, Indian Territory, December 30, 1905.

Eddleman & Graham,

Attorneys at Law,

Ardmore, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of December 26, 1905, relative to the enrollment of Sealy Kemp, deceased, in which you state that she was a Choctaw woman about thirty five years of age, and that she had two daughters, Nancy or Natsy Noel and Jennie Noel, now the wife of Stanton Kemp. You ask to be advised the status of this case and if further information is desired, you will endeavor to furnish it.

In reply to your letter you are advised that it appears from the records of this office that Sealy James, who was formerly the wife of Stanton Kemp, was listed for enrollment as a full blood citizen of the Choctaw Nation, on November 17, 1899; that she was identified upon the 1896 census roll of the Choctaw Nation, Tobuckey County. Information has been received by this office of her death since the time she was listed for enrollment and it is desired that affidavits be prepared for the purpose of making her death a matter of record. There is inclosed herewith blank form for proof of death which please

E & B #2

have executed and return to this office as early as practicable.

Respectfully,

D C

Commissioner.

7-4013

Muskogee, Indian Territory, February 1, 1906.

Matsy Noel,

Blanco, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavit of Wilson Frazier to the death of your mother Sealy James, a citizen by blood of the Choctaw Nation which occurred December 9, 1902, and the same have been filed with the records of this office as proof of the death of said citizen.

Respectfully,

Acting Commissioner.

7-4913

Muskogee, Indian Territory, March 9, 1906.

Eddleman & Graham,  
Attorneys at Law,  
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 3, 1906, asking if Sealy James, for whom you forwarded proof of death recently, has yet been approved.

In reply to your letter you are advised that the name of Sealy James has not yet been placed upon a schedule of citizens by blood of the Choctaw Nation which has been forwarded the Secretary of the Interior, but it is probable that her name will be placed upon the next schedule so prepared.

Respectfully,

Acting Commissioner.

7-4913

Muskogee, Indian Territory, June 13, 1906.

Jennie Noel,

Blanco, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 20, 1906, in which you give information relative to the enrollment of your mother Celia Kemp.

In reply to your letter you are advised that your mother has been enrolled as a citizen by blood of the Choctaw Nation and her name has been placed upon a schedule of citizens by blood of said nation which has been prepared for forwarding to the Secretary of the Interior. You will be notified when her enrollment is approved by the Department.

Respectfully,

Commissioner.

MEMORANDA.

-1

(Date) ..... 1899.

Name .....

Choctaw? ..... County ..... Year ..... No. ....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, .....

✓ Wife's name, ..... *John Day* .....

Choctaw? ..... County ..... Year ..... No. ..... *337*

Chickasaw? ..... County ..... Year ..... Page ..... *37*

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

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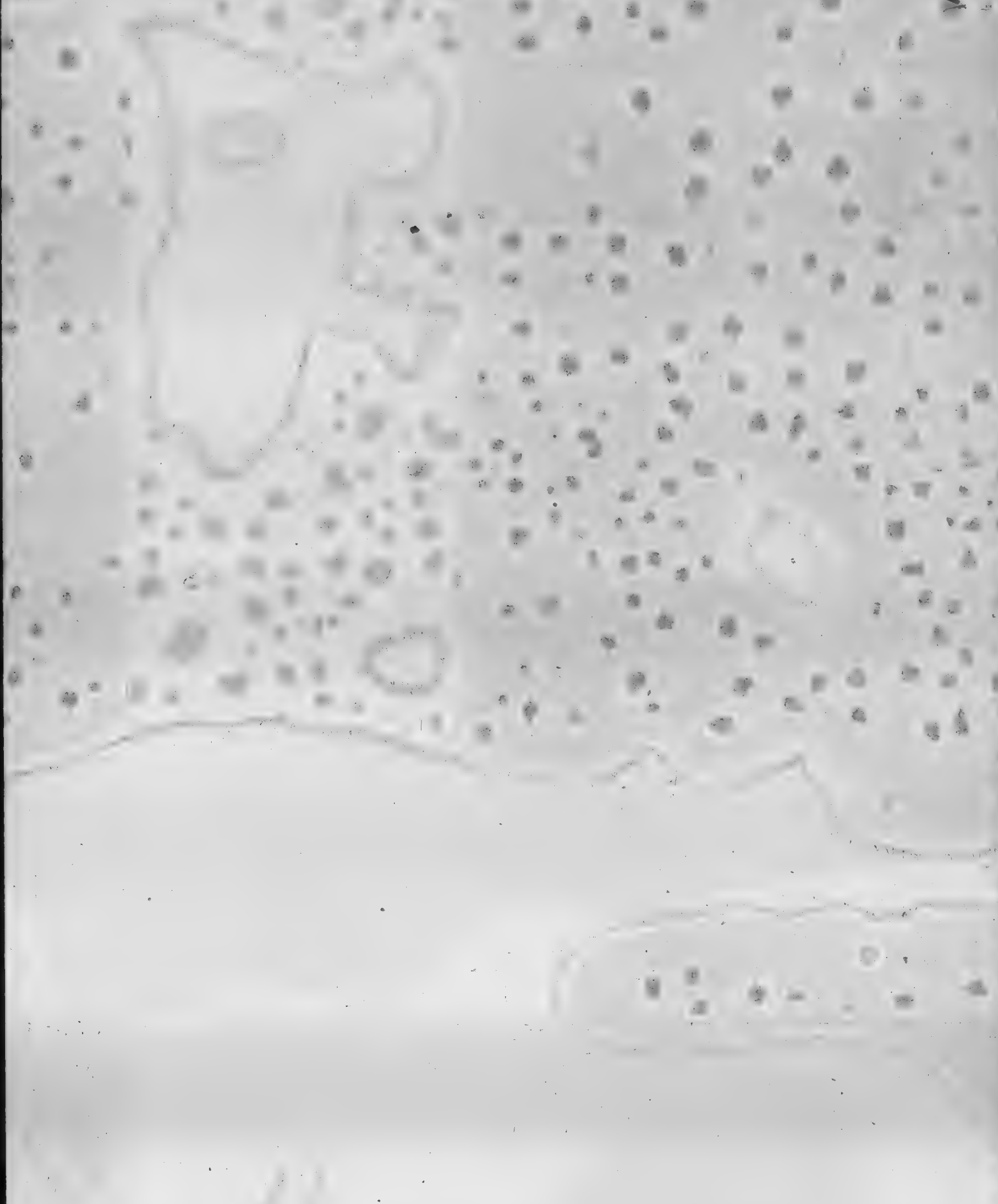
..... County ..... Year ..... Page ..... No. ....

*A913*



Choc 4914 Lewis Jackson  
Asie Jackson

4914



MEMORANDA.

(Date) ..... 1899.

39

Name .....

Choctaw? ..... County ..... Year ..... No. ....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, .....

43

Wife's name, .....

Choctaw? ..... County ..... Year ..... No. ....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, .....

Names of children:

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

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..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

4114

7-4914

IN RE  
THE DEATH OF

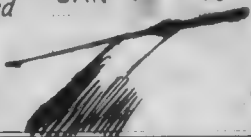
Lewis Jackson

a citizen of the

Choctaw

Nation.

Approved JAN 23 1905 190



Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JAN 23 1905



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Lewis Jackson  
(Here insert name of deceased.)  
a citizen of the Choctaw Nation, who formerly resided at or near  
Scipio Ind. Ter., and died on the 11th day of  
January 1902  
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Central DISTRICT. }

I, Ellen LeFlore, on oath state that I am about 30  
years of age and a citizen, by blood of the Choctaw Nation;  
that my postoffice address is Stuart Ind. Ter.; that I am  
niece of Lewis Jackson  
(State relationship as: the father, an uncle, a cousin, etc.) (Here insert name of deceased.)  
who was a citizen, by blood of the Choctaw Nation;  
and that said Lewis Jackson died on the 11th day of  
January 1902 Ellen her X LeFlore  
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) } Jonas Seaton  
Robert E. Grunnet

Subscribed and sworn to before me this 19th day of January 1905  
Wirt Franklin  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Central DISTRICT. }

I, Leticia Sealy, on oath state that I am 31  
years of age, and a citizen by blood of the Chickasaw Nation;  
that my postoffice address is Urpelar Ind. Ter.;  
that I was personally acquainted with Lewis Jackson  
(Here insert name of deceased.)  
who was a citizen, by blood of the Choctaw Nation;  
and that said Lewis Jackson died on the 11th day of  
January 1902 Leticia Sealy

WITNESS TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 19th day of January 1905  
Wirt Franklin  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MCALISTER, I. T., JANUARY 7, 1905

--oOo--

In the matter of the application for the enrollment of Lewis Jackson as a citizen by blood of the Choctaw Nation.

R. B. COLEMAN being duly sworn testifies as follows:  
BY THE COMMISSION:

- Q What is your name? A R. B. Coleman.  
Q What is your post office address? A McAlester, Indian Territory.  
Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.  
Q Were you ever acquainted with a Choctaw Indian by the name of Lewis Jackson? A Yes, sir; personally well acquainted with him.  
Q How long have you known Lewis Jackson? A I got acquainted with Lewis Jackson about the year 1881--in the winter of 1880 or 1881.  
Q About how old would he be if he were living at the present time?  
A Approximately fifty.  
Q What was his wife's name? A His last wife was Asie Leflore.  
Q That was her maiden name? A No, sir; that was the wife of Austin Leflore who was then in the Ft. Leavenworth penitentiary.  
Q Do you know Lewis Jackson's father's name? A No, sir.  
Q Do you know his mother's name? A No, sir.  
Q Was he ever known by the name of Lewis Johnson? A Yes, sir.  
Q Is Lewis Jackson living at the present time? A No, sir.  
Q Mr. Coleman, when did he die, giving the date as near as you can?  
A It strikes me it was in October, 1901, along in the fall of the year 1901.  
Q You are absolutely positive that it was in the fall of 1901 are you? A Yes, sir; I believe it was.  
Q If not absolutely positive that it was in the fall of 1901, you are absolutely sure that it was prior to the ratification of the Supplemental Agreement on September 25, 1902? A Yes, sir; I am positive that it was before September 25, 1902.  
Q Was Lewis Jackson a Choctaw? A Yes was a full blood Indian.

I, Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath state that I reported all proceedings had in the above entitled case on the 7th day of January, 1905, and that the above is a full, true and correct transcript of my stenographic notes in said case.

*Robert E. Grunert*

Subscribed and sworn to before me this 10th day of January, 1905.

*W. F. Klu*  
Notary Public.

My Commission expires  
January 3, 1909.

7-4914.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Wildhorse Creek, Choctaw Nation, about  
15 miles northwest of South McAlester,  
Indian Territory, January 9, 1905.

--oOo--

In the matter of the application for the enrollment  
of Lewis Jackson as a citizen by blood of the Choctaw Nation.

DANIEL BELL being duly sworn testified as follows through  
Jonas Sexton sworn interpreter:  
EXAMINATION BY THE COMMISSION:

- Q What is your name? A Daniel Bell.  
Q How old are you? A About sixty-three.  
Q What is your post office address? A McAlester.  
Q Do you know Lewis Jackson? A Yes.  
Q When did he die, as near as you can tell? A He died in the  
summertime. Next summer it will be three years.  
Q Was it in the middle of summer? A In the spring.  
Q About what month in the spring, as near as you can tell? A In  
May. Died with smallpox.  
Q Did you see him after he was dead? A No, I did not see him; a  
man who buried him told me about it.  
Q Who was the man who buried him? A Isaac Leflore.  
Q Where does Isaac Leflore live? A Tobucksy county.  
Q What is his post office address? A Stuart or Arpeler, Indian  
Territory.  
Q Did Lewis Jackson die the spring before the ratification of the  
agreement on September 25, 1902, or the spring after that?  
A I could not say just exactly.  
Q Are you positive that it will be three years next May since  
he died--that is May, 1905? A Yes, sir; I am positive as to  
that.  
Q Was Lewis Jackson a full blood Choctaw? A A full blood  
Bolokchi.  
Q Did he ever have a wife by the name of Asie Jackson? A I could  
not tell his wife's name. I knew his wife but not her name.  
Witness excused.

I, Robert E. Grunert, stenographer to the Commission to  
the Five Civilized Tribes, on oath state that I reported all the  
proceedings had in the above entitled case on the 9th day of  
January, 1905, and that the foregoing is a full, true and correct  
transcript of my stenographic notes in said case.

*Robert E. Grunert*

Subscribed and sworn to before me this 11th day of January, 1905.

*Wirt Franklin*  
Notary Public.

My commission expires  
January 3, 1909.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Arpelar, I. T., January 19, 1905.

--oOo--

In the matter of the application for the enrollment of  
Lewis Jackson as a citizen by blood of the Choctaw Nation.

--oOo--

Ellen LeFlore, being duly sworn and examined through  
Jonas Sexton, sworn interpreter, testified as follows:

--oOo--

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Ellen LeFlore.  
Q About how old are you? A About thirty.  
Q What is your post office address? A Stuart, Indian Territory.  
Q Are you a citizen by blood of the Choctaw Nation? A Yes.  
Q Have you been enrolled as such by the Commission? A No.  
Q Did you know Lewis Jackson during his lifetime? A Yes.  
Q What was his father's name if you know? A Jackson.  
Q What was his mother's name? A I don't know.  
Q Are his mother and father both dead? A Yes.  
Q What relation are you to Lewis Jackson? A He was my uncle.  
Q Is Lewis Jackson living? A No, he is dead.  
Q When did he die? A It was three years ago.  
Q What month and day was it that Lewis Jackson died? A January  
11th.  
Q January 11th three years ago? A Yes.

Witness excused.

Leticy Sealy, being duly sworn and examined through  
Jonas Sexton, sworn interpreter, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Leticy Sealy.  
Q How old are you? A About thirty-one years old.  
Q What is your post office address? A Arpelar, Indian Territory.  
Q Are you a citizen by blood of the Choctaw Nation? A Chickasaw.  
Q Did you know Lewis Jackson during his lifetime? A Yes, sir.  
Q Did you know his mother's name? A No, sir.  
Q When did Lewis Jackson die, giving the date as near as you can?  
A January 11, 1902.  
Q Where did he die? A At Isaac LeFlore's house.  
Q Were you present at his death? A No.  
Q Were you present at his funeral? A No; a boy came and told her  
about it.  
Q You are positive are you that Lewis Jackson died January 11, 1902?



Lewis Jackson 2.

A Yes.

Witness excused.

Ellen LeFlore, being recalled, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q Did Lewis Jackson ever have a wife by the name of Asie Jackson?  
A That was Ellis Jackson's wife.  
Q Who was Ellis Jackson? A He was Lewis' half brother.  
Q What was Asie Jackson's father's name? A She don't know, he was from Atoka county.  
Q But you are positive are you that Lewis Jackson never had a wife by the name of Asie? A No, he never had a wife by the name of Asie?  
Q Did Lewis Jackson die at your house? A Yes.

Witness excused.

--o00--

Robert W. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath states that he reported all the proceedings had in the above entitled case on the 19th day of January, 1905, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Robert W. Grunert

Subscribed and sworn to before me this 26th day of January, 1905.

Charles W. Lawrence  
Notary Public.

Choctaw C. 4914.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hanna, I. T., June 14, 1905.

In the matter of the enrollment of Asie Jackson as a citizen by blood of the Choctaw Nation.

ASIE JACKSON? being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

- Q What is your name? A Asie Jackson.  
Q How old are you? A I think I am over forty.  
Q What is your post office address? A Trenton.  
Q Are you a citizen of the Creek Nation? A No, sir, I am a citizen of the Choctaw Nation.  
Q To what county in the Choctaw Nation do you belong? A Atoka.  
Q Were you ever enrolled as a citizen of the Creek Nation? A I think I was once enrolled as a member of Quasarte Town No. 2.  
Q Do you know under what name you were enrolled in the Creek Nation? A Maly or Millie Jackson.  
Q Were you ever known as Missie? A No, sir, Missie is my sister-in-law.  
Q What relation is Missie to Lewis Jackson? A A niece. (Lewis Jackson is listed for enrolled on Creek Indian Card, field No. 3968)  
Q Who was Missie's father? A I do not know who her parents were but understand that they were Creek Citizens.  
Q Do you know to what town in the Creek Nation they belonged? A No, sir.  
Q Has Missie any other name? A She is sometimes known as Ellen. She is married to a Choctaw Indian and is living in the Choctaw Nation.  
Q What is the name of her husband? A I think it is Isaac Crowell or Trower or some such name.  
Q Do you know where she has taken her allotment? A I think land was selected for her by the town officers of Quasarte Town somewhere in the western part of the Creek Nation.  
Q Who are Betsy, Pollie and Louisanna, who are enrolled as citizens of the Creek Nation with Lewis Jackson? A Lewis Jackson's nieces and they are sisters of Missie.  
Q What relation was Lewis Jackson to you? A No relation except by marriage. He was the brother of my husband, Helis Jackson.  
Q Is Helis Jackson now living? A He is dead. I am now married to Chowastiye.  
Q Have you been allotted land as a citizen of the Choctaw Nation? A I am enrolled in the Choctaw Nation and suppose I have been given an allotment there but have no evidence of the fact.  
Q Who were your parents? A My mother's name was Mary Nocussie. I do not know what my father's name was.  
Q Were they both citizens of the Choctaw Nation? A Yes, sir.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this 17 day of July 1905.

*D. C. Skaggs*  
*Edw. H. Bruce*  
Notary Public.

7-2314

Muskogee, Indian Territory, April 28, 1902.

Asie Jackson,  
McAlester, Indian Territory.

Dear Madam:

This office has received information that your husband Lewis Jackson has died since the time he was listed for enrollment as a citizen of the Choctaw Nation.

For the purpose of making his death a matter of record there is enclosed you herewith a blank for proof of death which you are kindly requested to have properly executed at your earliest convenience and return in the enclosed envelope which requires no postage.

You will notice that there is an affidavit for a relative and an acquaintance; in having the same executed be careful to see that all blanks are properly filled, all names written in full and in event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark that such signatures be attested by two disinterested parties witnesses thereto.

The notary public before whom the affidavits are

AD 2

acknowledged must affix his notarial jurat and seal to each separate affidavit.

Yours truly,

Inv.

D.C.

Commissioner in Charge

7-4914.

Muskogee, Indian Territory, December 15, 1902.

Asie Jackson,  
McAlester, Indian Territory.

Dear Madam:-

The Commission has received information of the death of your husband, Lewis Jackson, since the time he was listed for enrollment as a citizen of the Choctaw Nation.

For the purpose of making his death a matter of record there is enclosed you herewith a blank for proof of death, which you are kindly requested to have filled out and return with as little delay as possible.

In having the same executed be careful to see that all blank spaces are properly filled, all names written in full, and that the notary public before whom the affidavits are sworn to attaches his name and seal to each separate affidavit. In case any signatures are by mark they must be attested by two disinterested parties, witnesses thereto.

This matter must receive your immediate attention.

Respectfully,

D.C.  
Env.

Acting Chairman.

Muskogee, Indian Territory, December 9, 1906.

William Jackson,

Care J. A. Humphreys,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your petition and that of your wife, Mollie Jackson, for enrollment as citizens by blood of the Choctaw Nation.

You are informed that before any action can be taken in the matter referred to in your petition, and that of your wife, it will be necessary for you and her to appear in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of an examination under oath in order that you may be identified, if possible, as citizens by blood of the Choctaw Nation.

Respectfully,

Chairman.



7-4914

Muskogee, Indian Territory, January 24, 1905.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

Referring to Choctaw Enrollment Card Number 4919, Lewis Jackson et al., you are advised that the stamp "dead" has been placed in front of No. 1 and the following notation has been placed thereon:

"No. 1 died January 11, 1902. Proof of death filed January 23, 1905."

You are therefore requested to make like changes and place the above notation upon duplicate Choctaw Card number 4919 in your possession.

Respectfully,

Chairman.



7-4914

Muskogee, Indian Territory, January 24, 1905.

Commissioner in Charge,

Choctaw Land Office,

Atoka, Indian Territory.

11

Dear Sir:

Referring to Choctaw Enrollment Card Number 4919, Lewis Jackson et al., you are advised that the stamp "dead" has been placed in front of No. 1 and the following notation has been placed thereon:

"No. 1 died January 11, 1902. Proof of death filed January 23, 1905."

You are therefore requested to make like changes and place the above notation upon duplicate Choctaw Card number 4919 in your possession.

Respectfully,

Chairman.

Dustin, Indian Territory, June 17, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith testimony in the matter of the enrollment of Asie Jackson as a citizen by blood of the Choctaw Nation.

This case was referred to me by the Choctaw Field Party, in charge of Wirt Franklin, with the request that I ascertain whether or not Asie Jackson, whose name appears on Choctaw Indian Card, Field No. 4914, is a duplicate of "Missie", whose name appears on Creek Indian Card, Field No. 3960.

Respectfully,

*Alex Posey*

Clerk in Charge Creek Field Party.

7-4914

Muskogee, Indian Territory, July 21, 1905.

Chief Clerk,  
Creek Enrollment Division,

Dear Sir:

It appearing from the testimony of Aoy Jackson of June 14, 1905, that she was enrolled as a citizen of the Creek Nation, and a member of Quasarte Town No. 2, you are requested to advise the Choctaw-Chickasaw Enrollment Division if application has been made for the enrollment of Aoy Jackson as a citizen of the Creek Nation and if so, what disposition has been made thereof.

Respectfully,

Commissioner.

7-4914

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 24, 1905.

Chief Clerk,  
Choctaw-Chickasaw Enrollment Division.

Dear Sir:

Receipt is acknowledged of your letter of July 21, 1905, in which you ask if application has been made for the enrollment of Acy Jackson of Quassarte town No. 2, as a citizen of the Creek Nation.

In reply you are advised that it does not appear from the records of this office that application has ever been made for the enrollment of Acy Jackson of Quassarte town No. 2 as a citizen of the Creek Nation.

Respectfully,



Commissioner.

7-4914.

Muskogee, Indian Territory, September 22, 1905

Chief Clerk,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the following notation  
"No. 2 also on 1896 Choctaw Census Roll, page 163, number  
664, as Mollie Jackson", appearing on Choctaw card #4914 has  
this day been lined out and the notation "error" placed  
thereafter.

You are requested to conform the duplicate card in  
your possession in accordance with the information herein  
contained.

Respectfully,

Acting Commissioner.

Choc 4915 Sallie James

4915

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
CHOCTAW LAND OFFICE,

Atoka, Indian Territory, May 6, 1904.

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In the matter of the enrollment of Sallissie James as a citizen by blood of the Choctaw Nation.

SALLISSIE JAMES being first duly sworn testifies:

EXAMINATION BY THE COMMISSION

JACOB HOMER, INTERPRETER:

- Q What is your name? A Sallissie James.
- Q About how old are you? A I am close to fifty years of age. I do not know just how old I am.
- Q Near what town in the Choctaw Nation do you live? A I live close to McAlester, Indian Territory.
- Q What is your post office address? A I don't know.
- Q If the Commission should write you a letter where would you receive it? A Carbon, Indian Territory.
- Q What is the name of your father? A I don't know that.
- Q Do you know the name of your mother? A No, sir; I don't know that either.
- Q Were you ever married? A Yes, sir, the first time I was married to Wallen Jackson.
- Q Who did you marry the next time? A Ben James.
- Q Are Wallen Jackson and Ben James living now? A No, sir; both dead long time ago.
- Q Did you have any children by either of these marriages? A Yes, sir, one child by Wallen Jackson named Mandy Jackson.
- Q Who has Mandy now? A Daniel Bond.

It appears from the records of the Commission to the Five Civilized Tribes in the possession of the Choctaw Land Office that the name of Amanda Jackson, now about fourteen years of age, the daughter of Wallen Jackson, now deceased and Sallissie James is finally enrolled as a citizen by blood of the Choctaw Nation on Choctaw Enrollment Card No. 4494, Approved Roll No. 12478 as a ward of Daniel A. Bond.

- Q How long have you lived near McAlester, Indian Territory, in Tobucksky County? A I moved up there when I was a child and was raised in Tobusky County. Near McAlester.
- Q Where did you live in 1893 when the Leased District Payment took place and did you draw any money from the Choctaws that year? A Yes, sir; I was living in Tobucksky County and I got some money then.
- Q Did you ever live in Gaines County at any time? A Yes, sir; I lived over there about one year.
- Q Did you draw this money from the Choctaw Nation while you were living in Gaines County or Tobucksky County? A Yes, sir; I got that money when I was living in Gaines County.
- Q How much money did you get? A I drew the money for myself and my child -- I don't remember how much it was, but it was a right smart money.



- Q Where were you living in 1896 when the Choctaws made their census roll? A I think in Tobucksy County at that time. There close to where I am living now.
- Q Did you ever make personal appearance before the Commission the Five Civilized Tribes, the Dawes Commission, to be enrolled as a citizen by blood of the Choctaw Nation? A Yes, sir; I went over to McAlester and was enrolled there.
- Q Do you remember what year that was? A I don't remember.
- Q Do you know how many years it was after the Choctaws made their census roll, after they took your name, that you went before the Dawes Commission? The white men there at McAlester? A I don't remember that.
- Q At the time you went before the Dawes Commission, the white people, there at McAlester, did you give in the name of your child? A No, sir, I think not; I did not give the name of that child at all.
- Q You never give in the name of that child at all? A No, sir.
- Q Are you sure that you went before the Dawes Commission, the white people in McAlester to be enrolled as a citizen by blood of the Choctaw Nation? A Yes, sir. I went over there but I did not give in the name of my child. I just give in my own name and I do not remember when that was.
- Q Who went with you over there? A Lee Hodges.
- Q Is he a full blood Choctaw Indian? A Yes, sir; I think he is a Mississippi Choctaw.
- Q Was any one else there with you? A Yes, sir, Noel Anderson acted as my interpreter before the Commission.
- Q Is Noel Anderson living? A Yes, sir; I think he lives near Hartshorne.
- Q Did you ever have a boy by the name of Andy? A No, sir; I never did have a son.
- Q How long has Daniel A. Bond had your daughter Amanda? A He took that child ever since she was six years old.
- Q Have you ever lived with any other man since the death of your husband Ben James? A No, sir.
- Q And you have never gone by any other name excepting Sallissie Jackson and Sallissie James? A Yes, sir, that is all.
- Q You have never gone by any other name? A No, sir.
- Q And you are sure that you did not give in the name of your child when you went before the Commission? A I think not.

Witness excused.

Fred V. Kinkade being first duly sworn on oath states that above and foregoing is a true, full and correct translation of his stenographic notes as taken in said cause on date above.

*Fred V. Kinkade*  
Sworn to before me this May 7, 1904.

Notary Public.

List of questions to be answered by

NOEL ANDERSON.

Int. 1 State your full name.

Ans. Noel Anderson

Int. 2 How old are you?

Ans. 24 years old.

Int. 3 What is your postoffice address?

Ans. G. A. J. T.

Int. 4 Do you know Sallisie James?

Ans. Yes Sir - I do

Int. 5 Is she the mother of Amanda Jackson, now living with Daniel A. Bond.

Ans. She known as their mother

Int. 6 How old is Sallisie James.

Ans. She is about 50.

Int. 7 Do you know if she has ever been known by any other name than Sallisie James, if so, state fully what other names she has been known by.

Ans. She was wife of Warren Jackson before she married Ben Jackson

Int. 8 Were you present when Sallisie James appeared before the Commission at McAlester, Indian Territory.

Ans.

yes Sir

Int. 9 Did you make application for the enrollment of yourself and family before the Commission at McAlester, Indian Territory, in 1899.

Ans.

~~\_\_\_\_\_~~ 1899 October 1902

Int. 10 Did Sallisie James make application for enrollment at the same time.

Ans.

yes Sir

Int. 11 Did you act as her interpreter?

Ans.

yes Sir

Int. 12 By what name was she known at that time?

Ans.

she was known by the name of Sallisie James

Int. 13 Do you know what county in the Choctaw Nation she drew the 1893 leased district money.

Ans.

I think it was in Jackson County

Int. 14 State any other information which you may have which will assist the Commission in identifying Sallisie James as a citizen by blood of the Choctaw Nation.

Ans.

Jackson County

Mr. [unclear] I know more  
I submit this

MEMORANDA.

(Date) 7 1899.

Name .....

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day.

Wife's name.

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

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10

AG 115

(COPY).

DS

Atoka, Indian Territory, May 7, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

There are enclosed herewith three copies of the testimony of Sallissie James taken at this office on May 6, 1904, relative to her right to enrollment as a citizen by blood of the Choctaw Nation.

Sallissie James appeared at this office for the purpose of selecting lands in allotment and in her oral examination failed to give evidence sufficient to identify her as appearing upon any of the approved schedules of the citizens by blood of the Choctaw Nation.

Reference is made in the record to the enrollment of her daughter, Amanda Jackson, on Choctaw Card No. 4494, Approved Roll No. 12478.

You will note that an effort was made to identify her as Sallie James who is listed for enrollment as a citizen by blood of the Choctaw Nation on Choctaw Card No. 4915 with her son Andy James, which was done for the reason that in her testimony she gave the name of her child as "Mandy" and it was thought that the name of the child might have been misunderstood and the child listed for enrollment under the name of "Andy". She, however, testifies that at the time of her appearance before the

Commission for enrollment at McAlester, Indian Territory, she did not give in the name of her child.

The names of Sallie and Andy James also appear on the list of "Snake Indians" furnished this office on May 6, 1903. It is possible that the Sallie James listed for enrollment on Choctaw Card No. 4915 may be identical with this witness, and for this reason the names of the persons who accompanied her to McAlester at the time she made her appearance before the Commission for enrollment were brought out in her testimony, and it is possible that Daniel A. Bond and Noel Anderson, whose postoffice addresses are Krebs and Wilburton, Indian Territory, may be able to furnish some information relative to her identity.

The witness appears to be a full blood Indian and her testimony was given in Choctaw through an interpreter.

Respectfully,

W. H. Angell,

Chief Clerk.

FVK III

Muskogee, Indian Territory, May 18, 1904.

Noel Anderson,

Hartshorne, Indian Territory.

Dear Sir:

It appears from our records that Sallisie James, now about 50 years of age, living near Carbon, Indian Territory, and who is the mother of Amanda Jackson, ward of Daniel A. Bond, of Krebs, Indian Territory, appeared before the Choctaw Land Office, Atoka, Indian Territory, May 6, 1904, for the purpose of selecting her allotment, at which time, however, the officials of said Land Office were unable to identify Sallisie James as a citizen by blood of the Choctaw Nation. It appears from her testimony taken upon the above date that she appeared before the Commission at South McAlester Indian Territory, she being unable, however, to state the exact time. She stated further in her testimony that you accompanied her upon the occasion and acted as her interpreter.

For the purpose of assisting the Commission in determining her identity, you are requested to answer the list of questions enclosed herewith relative to the same and return to this office at your earliest convenience in the enclosed envelope, which requires no postage.

Respectfully,

Commissioner in Charge.



Choc 4916 Frank Lacey

4916

Choctaw 4916

Muskogee, Indian Territory, June 8, 1904.

Frank Lacey,

Bokchito, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 23, addressed to the United States Indian Agent, which has been by him referred to the Commission for appropriate action. Therein you ask if your name has yet been forwarded to the Secretary of the Interior and about when you will be permitted to select your allotment.

In reply to your letter you are advised that your name has not yet been placed upon the schedules of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior. If you will communicate with the Commission again in about sixty days you will be notified whether or not your enrollment has been approved.

You are informed, however, that pending your enrollment by the Commission and the approval thereof by the Secretary of the Interior, you will not be permitted to make selection of allotment.

Respectfully,

Chairman.

Choctaw 4916

Muskogee, Indian Territory, July 19, 1904.

Frank Lacey,

Bokchito, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 15, asking if your enrollment has been approved. In reply you are advised that your enrollment has not yet been approved by the Secretary of the Interior but it is probable that your name will be placed upon the next schedule of citizens by blood of the Choctaw Nation to be prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

MEMORANDA.

(Date) Nov 11 1899.

20

Name J. ....

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

Handwritten signature or initials in the bottom right corner.

7-4916.

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I. T. April 20, 1904.

In the matter of the application for the enrollment of  
Frank Lacey as a citizen by blood of the Choctaw Nation.

Frank Lacey being duly sworn testifies as follows:  
Examination by the Commission.

- Q. Your name is Frank Lacey? A. Yes sir.  
Q. What is your post office address? A. Bokchito, Indian Territory  
Q. How old are you Mr. Lacey? A. Tewnty-four as near as I re-  
collect.  
Q. You are an applicant as a citizen by blood of the Choctaw Nation  
A. Yes sir.  
Q. How long have you lived in the Choctaw nation? A. All my life  
I have never left the Territory.  
Q. You have never made your home in any other place than in the  
Choctaw Nation? A. No sir.  
Q. What was your fathers name? A. Elias P. Lacey.  
Q. What was your mothers name? A. Annie Lacey.  
Q. Your mother is dead? A. Yes sir.  
Q. Is your father living? A. Yes sir.  
Q. Where were you living in 1893 when you drew the money? A. I do  
not know.  
Q. Did you draw any money in 1893? A. I think my father drew it.  
Q. Was your mother living? A. No sir she died when I was four  
months old.  
Q. What county was your father living in at that time? A. I do  
not know.  
Q. Your mother was a Beams? A. Yes sir.  
Q. Your uncle is Josiah Beams? A. Yes sir.  
Q. What county was he in? A. Blue.  
Q. Have you ever lived in Tobusky county? A. I do not know I might  
have been.  
Q. Did you ever go by any other name than Lacey? A. No sir  
Q. You are a quarter blood are you not? A. I do not know, I  
think so.  
Q. You have been r cognized by the Choctaw Nation have you not?  
A. Yes sir and on the rolls, the payment rolls.  
Q. Are you sure that you have never went by any other name than  
Lacey? A. I have never went by any other name than Lacey.

Elias P. Lacey being duly sworn testifies as follows:  
Examination by the Commission.

- Q. Are you the father of the applicant Frank Lacey? A. Yes sir.  
Q. How old is he? A. About twenty four years old.  
Q. What was his mothers name? A. Annie Lacey.  
Q. How much blood did she have? A. I do not know.  
Q. Are you a white man? A. Yes sir.  
Q. Where was this boy living at the time you drew the money for him  
A. He was living at Checotah, Creek Nation  
Q. Well how did you come to go to Caddo for the money?

Testimony in the Frank Lacey case, page 2.

- A. One of the boys informed me that they were paying off down there, the payment had just busted up when I got there, but one of the boys told me he had enrolled him and drew the money all right.
- Q. Where was this boy born? A. Down in Blue county.

The name of the applicant is identified on the 1893 Choctaw payment roll, Blue county, page 99, as Frank Lacey.

- Q. D. A. Riddle drew the money for this boy? A. Yes sir.
- Q. Riddle had married your neice and Riddle drew the money for him is that right? A. Yes sir that is right.

Josiah Beams being duly sworn testifies as follows:  
Examination by the Commission.

- Q. Is your name Josiah Beams? A. Yes sir.
- Q. How much Indian blood have you got? A. One half I think.
- Q. You are a Choctaw by blood? A. Yes sir.
- Q. You are on the final roll, you have been listed for enrollment?
- A. Yes sir, and have done filed.
- Q. Do you know Frank Lacey? A. Yes sir.
- Q. How long have you known him? A. Ever since he was born.
- Q. What relation is he to you? A. He is my nephew.
- Q. Was his mother a full sister to you? A. Yes sir.
- Q. The same father and mother as yourself? A. Yes sir.
- Q. Has this young man been recognized ~~xxx~~ by the Choctaw authorities? A. His name is on the pay roll.
- Q. Do you know that his name is on the pay roll? A. I think he is or he could not have drawn the money.
- Q. Did you know that he drew this money? A. His father told me that he drew the money for him.
- Q. Did you know anything of this D. A. Riddle? A. Nothing further than what Mr. Lacey told me.
- Q. You have never talked to Riddle yourself about it? A. No sir.

M. May Gilbert being duly sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on April 20, 1904, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*M. May Gilbert*

Subscribed and sworn to before me this 20, day of April 1904.

*Chas. W. Keever*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

APR 2 1914



J. CROWLEY



NO. 6631

**FIRST NATIONAL BANK**

**CAPITAL STOCK \$25,000**

**E. L. SAWYER, PRES.      E. W. FREY, CASH**

**BOKCHITO, I. T.**

**DOES A GENERAL AND CONSERVATIVE BANKING BUSINESS.**

Indian Territory.....

Central Judicial District.

On this, the 19th day of April, 1904, personally appeared the undersigned affiants who upon oath say that they are personally acquainted with the bearer hereof, Frank Lacy, that they have known him ever since he was born and his parents before him and that he is a Choctaw Indian by blood, - that he has continuously resided in the Choctaw Indian Nation and is now a citizen thereof. He is now twenty four years old and to their best knowledge and belief he is entitled to enrollment and to participate in the estate of said Choctaw Indian Nation.

His father is Elias P. Lacy, his mother Annie Lacy, nee Beams.

His grand father on his his mother's side (Indian side) was James Beams, grandmother Annie Beams.

Sworn to and subscribed before me,  
this, April, 19, 1904.

*E. W. Frey*  
Notary Public.

*M. M. Simpson*  
*A. C. Gardner*  
*mark*  
*Josiah Beams*

Choc. 4917 George Hill

Round mountain in distance

1866

EMPTY

Choc 4918 Alinton Pusley

4918  
816h

7-1914

Muskogee, Indian Territory, September 20, 1904.

Rawlings-Lounsberry Realty Company,

South McAlester, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 14th instant, stating that Alinton Pusley desires to be advised relative to the status of the application for his enrollment, and that of his son Harry Pusley, and what steps it will be necessary for them to take in the matter.

You are advised that Alinton Pusley is listed for enrollment as a citizen by blood of the Choctaw Nation, but before his enrollment can receive further consideration it will be necessary that he appear before the Commission at its office in Muskogee, Indian Territory for the purpose of an examination under oath in order that his rights as such may be determined. It is important that such appearance be made with as little delay as possible.

You are advised that the Commission is unable from the information contained in your letter to identify Harry Pusley as a citizen by blood of the Choctaw Nation.

Respectfully,

Chairman.

7-4550  
7-4918  
7-D-954

Muskogee, Indian Territory, November 17, 1904.

James S. Arnote,

Attorney at Law.

South McAlester, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 11th instant, requesting information relative to the enrollment of Alice Holloway, Annie Jefferson Durant who you state was probably listed for enrollment as Annie Jefferson and Harriet Pusley, daughter of Alinton Pusley.

You are advised that the enrollment of Alice Holloway, wife of Frank Holloway, as an intermarried citizen of the Choctaw Nation, was approved by the Secretary of the Interior October 21, 1904.

You are further advised that the application for the enrollment of Annie Jefferson as an intermarried citizen of the Choctaw Nation is now under consideration by the Commission. As soon as a decision is reached in her case she will be duly notified of the action taken therein.

You are further advised that it does not appear from our records that any application has ever been made to this Commis-

J. S. A. #2

sion for the enrollment of Harriet Pusley, daughter of Alinton  
Pusley.

Respectfully,

Chairman.

Choctaw-4918.

Muskogee, Indian Territory, August 12, 1904.

Alinton Pusley,

McAlester, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by blood of the Choctaw Nation, it will be necessary for you to appear in person before the Commission for the purpose of being examined under oath in order that your rights as such citizen may be determined by this Commission.

You are, therefore, requested to appear before the Commission at its general office at Muskogee, Indian Territory as soon as possible; or you may appear at the Choctaw Land Office, Atoka, Indian Territory, September 6-7, 1904; or at the Chickasaw Land Office, Tishomingo, Indian Territory, September 8-9, 1904.

Respectfully,

Commissioner in Charge.



MEMORANDA.

(Date) Jan 11 1899

31 ✓

Name John B. ...

Choctaw? Yes County LeFlore Year 1898 No. 100

Chickasaw? County Year Page 234

Citizen by blood? Yes Mother's citizenship ...

Intermarried citizen? No

Married under what law? ...

License filed this day, ...

Wife's name, ...

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

*Handwritten notes and signatures at the bottom of the page.*

7-4918.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Ind. Ter. September 26, 1904.

In the matter of the application for the enrollment of Alinton Pusley as a citizen by blood of the Choctaw Nation.

Alinton Pusley, through an interpreter, Dah Russell, being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Alinton Pusley.  
Q How old are you? A About thirty-one years old something like that.  
Q What is your post office address? A Apala.  
Q What is your father's name? A Tom Pusley.  
Q What is your mother's name? A Jincy Pusley.  
Q Father and mother both dead? A Yes, sir, both dead.  
Q They were both citizens by blood of the Choctaw Nation? A Yes, sir.  
Q Full bloods? A Yes, sir.  
Q In what county did you live in 1896 at the time the Choctaw commissioners made up the Choctaw roll? A Cole.  
Q Is Cole County the same as Tobucksy? A Yes, sir.

The applicant is identified upon the 1896 Choctaw Census Roll, Tobucksy County, number 10222.

- Q In what county were you living in 1893 when they made the Choctaw leased district payment? A Cole county.  
Q Did you draw the 1893 Choctaw Leased District Payment? A Yes, sir.  
Q Were your father and mother living in 1893? A Been dead years and years ago were not living at that time.  
Q Did you have any brothers and sisters who were living at that time? A Aint't got no sister, got a brother.  
Q What is your brother's name? A William Anderson, same ~~father~~ mother but different father.  
Q Have you always lived in Tobucksy county all your life? I first raised up biggest part in Atoka county.  
Q Who drew the money for you in 1893? A His ~~father~~ step-father fixed the paper up for him and he got it himself.

The applicant is identified upon the 1893 Choctaw Leased District Payment Roll, Tobucksy County, page 75, number 634 as Alington Pusley.

- Q Are you married? A No, sir.  
Q Was he ever married? A Yes, sir, he was married before.  
Q What was his wife's name? A Arena Pusley.  
Q What is the name of your first wife? A Alsey Pusley.

7-4918---2.

Q She was ~~born~~ about your same age wasn't she? A Yes, sir, something like that.

Q And you were living with her in 1893? A Yes, sir.

Q With whom were you living in 1885 at the time they took the Choctaw Census? A Jack Bynum, Indian name Tilooka.

Q He said he was raised in Atoka County until he was a good sized boy? A Yes, sir.

Q He was still living in Atoka County in 1885? A Yes, sir.

Q Ask him how old he was when he moved from Atoka County to Cole County? A Something like about twelve or fourteen years old or maybe older, he was a boy, he was an orphan.

The applicant is identified on the 1885 Choctaw Census Roll Atoka County, number 1091 as Allenton Pusley fourteen years old

Witness excused.

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Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken on said date in said cause.

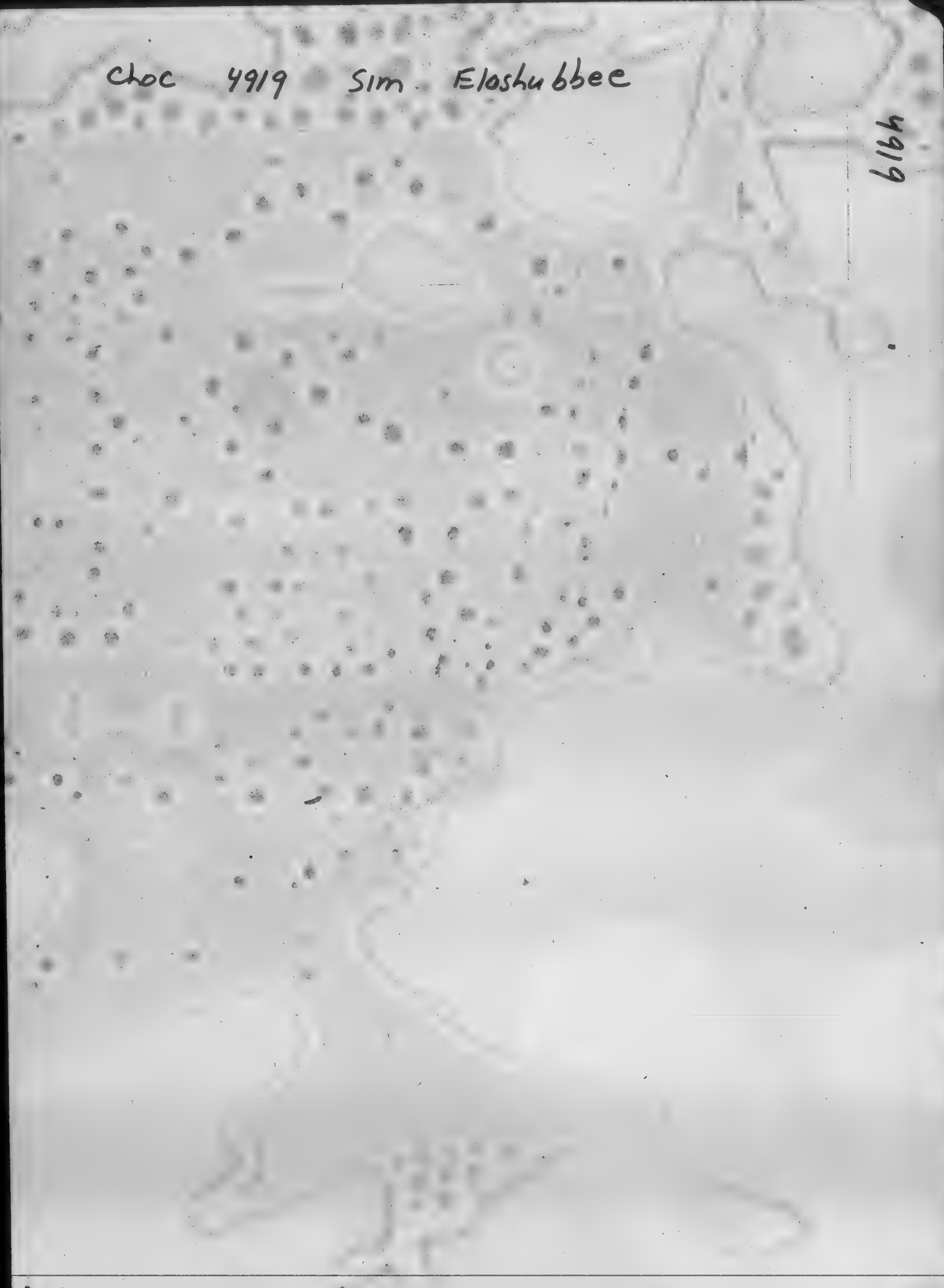
*Chas. T. Difendafer*

Subscribed and sworn to before me this 29th day of September 1904.

*W. H. Campbell*  
Notary Public.

Choc 4919 Sim Eloshubee

4919  
bibh



In the matter of the  
death of Jim Selashubee  
a citizen by blood of the  
Choctaw Nation

Approved MAR 6 1905

C. A. Perkins

Commissioner

1000

7-4919.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MCALISTER, I. T., JANUARY 7, 1905.

--oOo--

In the matter of the application for the enrollment of  
Sim Elashubbee as a citizen by blood of the Choctaw Nation.

R. B. COLEMAN being duly sworn testified as follows:  
EXAMINATION BY THE COMMISSION:

- Q What is your name? A R. B. Coleman.  
Q How old are you? A 59.  
Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir;  
and reside in McAlester, Indian Territory.  
Q Are you acquainted with a Choctaw Indian by the name of Sim  
Elashubbee? A Yes, sir.  
Q How much Choctaw blood does he possess? A Full blood.  
Q Was he ever known by any other name than Sim Elashubbee? A Yes,  
sir; by the name of Sim Paxton.  
Q About how old is Sim Elashubbee? A He would be between 45 and  
50.  
Q Is he living? A No, sir; he is dead.  
Q When did he die, as near as you can tell? A About two years ago.  
Q You cannot tell positively whether it was before or after Septem-  
ber 25, 1902? A No, sir.  
Q Do you know that he is dead? A Yes, sir; I do.  
Q Can you state the post office of some friend or relative who  
would state the date of his death? A D. K. Carson, McAlester.  
Philip Nelson, Argeler.  
Q Was Sim Elashubbee a recognized and enrolled citizen by blood  
of the Choctaw Nation? A Yes, sir.  
Q Was he always recognized as such? A Yes, sir.

I, Robert E. Grunert, stenographer to the Commission to the  
Five Civilized Tribes, on oath state that I reported all proceedings  
had in the above entitled case on the 7th day of January, 1905,  
and that the foregoing is a full, true and correct transcript of  
my stenographic notes in said case.

*Robert E. Grunert*

Subscribed and sworn to before me this 10th day of January, 1905.

*Wm. Franklin*  
Notary Public.

My Commission expires  
January 3, 1909.

7-4919.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Wildhorse Creek, Choctaw Nation, about  
15 miles northwest of South McAlester,  
Indian Territory, January 9, 1905.

--oOo--

In the matter of the application for the enrollment of  
Sim Elashubbee as a citizen by blood of the Choctaw Nation.

--oOo--

DANIEL BELL, being duly sworn testified as follows through  
Jonas Sexton, sworn interpreter:  
EXAMINATION BY THE COMMISSION:

- Q What is your name? A Daniel Bell.  
Q How old are you? A About 63.  
Q What is your post office address? A McAlester, Indian Territory.  
Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.  
Q Do you know Sim Elashubbee? A Yes, sir; Sim Elashubbee or  
Sim Paxton.  
Q Is Sim Elashubbee a full blood Choctaw? A Yes.  
Q About how old is he? About 35 or 40.  
Q Is he living? A Dead.  
Q When did he die? A Over three years ago. He died in Atoka  
county.  
Q Were you present at his death? A No, I was not, but Willis  
Tobley told me. Willis Tobley buried him.  
Q What time of the year was it that Sim Elashubbee died? A I  
could not tell you exactly. I don't like to swear because it  
has been so long.  
Q Has it been over three years since he died? A Yes, over  
three years.  
Q So you are positive then that it was before the election at  
the ratification of the agreement on September 25, 1902? A I  
am positive it was before that.  
Q You say that Willis Tobley buried him, what is Willis Tobley's  
post office address? A Owl or Coalgate, Indian Territory. I  
Think it is Owl.  
Witness excused.

I, Robert E. Grunert, stenographer to the Commission to the  
Five Civilized Tribes, on oath state that I reported all the pro-  
ceedings had in the above entitled case on the 9th day of January,  
1905, and that the foregoing is a full, true and correct transcript  
of my stenographic notes in said case.

*Robert E. Grunert*

Subscribed and sworn to before me this 11th day of January, 1905.

*Herb Franklin*

My commission expires  
January 3, 1909.

Not ary Public.



7-4919.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Scipio, I. T., January  
18, 1905.

-0-

In the matter of the application for the enrollment of  
Sim Elashubbee as a citizen by blood of the Choctaw Nation.

-0-

Dave J. Ryington, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Dave J. Ryington.  
Q How old are you? A 51.  
Q Are you a citizen by blood of the Choctaw Nation? A Yes.  
Q What is your post office address? A Scipio, Indian Territory.  
Q Were you acquainted during his lifetime with Sim Elashubbee?  
A Yes, sir.  
Q Was he a full blood Choctaw Indian? A Yes, sir.  
Q Was he ever known by any other name than Sim Elashubbee?  
A Sim Paxton.  
Q How old would Sim Elashubbee be if he were living now? A I  
think somewhere about fifty. He may be not quite that old; may  
be older.  
Q When did he die as near as you can tell? A I think he died  
somewhere about five or six years ago; I would not be certain.  
Somewhere about that.  
Q You are positive that it was at least two years before the  
ratification of the Agreement. A Yes, about two years; some-  
where about that.

Witness excused.

David Anderson, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A David Anderson.  
Q How old are you? A I will be thirty next month.  
Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.  
Q What is your post office address? A Scipio, Indian Territory.  
Q Did you know Sim Elashubbee during his lifetime? A Yes.  
Q Was he a full blood Choctaw Indian? A Yes, sir.  
Q When did he die? A To the best of my recollection it was in  
October before the Commission was at South McAlester two  
years ago.  
Q Where did Sim Elashubbee die? A In Atoka County.  
Q Are you related to him? A No, sir.

Sim Elashubbee 2.

- Q How did you learn of his death? A Morris Leader come from there and he worked for me. He told me. He did not see him die but came from the same neighborhood.
- Q Has Sim Elashubbee any relatives living that you know of? A I don't think he has any relatives; he has a son in Atoka county.
- Q What is his son's name? A John McKinny.
- Q What is the post office address of John McKinny? A I think Atoka, but I am not positive.
- Q Are you positive, Mr. Anderson, that Sim Elashubbee died in October, 1902? A I am positive that he died in October, but I don't know what year.
- Q But you are not positive as to whether it was October 1902 or 1901? A No, I am not positive, but it was in October.
- Q Are you sure he died in October? A Yes.
- Q Do you remember the election on September 25, 1902, on the ratification of the Supplemental Agreement? A Yes.
- Q Did Sim Elashubbee die the October before that election or the October after that? A The October before that, in 1901, I think that is when he died.
- Q Since thinking about the date of his death in connection with that election are you positive that he died before the ratification of that agreement? A Yes, I think so. I don't want to say I am positive. I think it was before the ratification of that agreement.

Witness excused.

--0--

Robert E. Grunert, stenographer to the Commission to the Five Civilized tribes, on oath states that he reported all the proceedings had in the above entitled case on the 18th day of January, 1905, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Robert E. Grunert

Subscribed and sworn to before me this 28th day of January, 1905.

Charles H. Sawyer  
Notary Public.

7-4919.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Six Miles North of Coalgate, Indian Ter-  
ritory, February 14, 1905.

--oOo--

In the matter of the application for the enrollment of  
Sim Elashubbee as a citizen by blood of the Choctaw Nation.

--oOo--

Willis F. Tobly, being duly sworn and examined through  
Robert Anderson, sworn interpreter, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Willis F. Tobly or W. F. Tobly.  
Q About how old are you? A Fifty-three years old.  
Q What is your post office address? A Coalgate, Indian Territory.  
Q Are you a full blood Choctaw citizen? A Yes.  
Q Did you know Sim Elashubbee in his lifetime? A He knew him when  
he saw him.  
Q About how old a man was he at the time of his death? A About  
thirty-five.  
Q Was he a full blood Choctaw? A Yes, sir.  
Q In what county did he live? A He says first in Gaines and then  
in Tobucksy--just backward and forward. He has not got any family.  
Q When did Sim Elashubbee die, as near as you can tell? A He says  
somewhere in November, 1901.  
Q That would be three years ago last November? A Yes, sir.  
Q Where did Sim Elashubbee die? A At Lyman Frazier's house near  
Owl, Indian Territory.

Witness excused.

-----  
Eleven Miles Northeast of Coalgate, Indian  
Territory, February 14, 1905.

--oOo--

Alfred Noah, being duly sworn and examined through  
Robert Anderson, sworn interpreter, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Alfred Noah.  
Q How old are you? A Thirty-one.  
Q What is your post office address? A Cairo, Indian Territory.

Sim Elashubbee 2.

- Q Are you a full blood Choctaw citizen? A Yes, sir.  
Q Did you know Sim Elashubbee in his lifetime? A Yes, sir.  
Q Was he a full blood Choctaw? A Yes, sir.  
Q About how old was he at the time of his death? A About fifty years old.  
Q Do you know his father's name? A Don't know.  
Q Do you know his mother's name? A No.  
Q Was he known by any other name than Sim Elashubbee? A No, he was not known by any other name.  
Q Willis Tobly testified this morning that Sim Elashubbee died in November, 1901, that would be three years ago last November, is that correct? A Yes, about that time.  
Q You are positive that it was at least three years ago are you?  
A Yes, three years or over.

Witness excused.

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Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath states that he reported all proceedings had in the above entitled case at the above named place on the 14th day of February, 1905, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Robert E. Grunert

Subscribed and sworn to before me this 15th day of February, 1905.

Wirt Franklin  
Notary Public.

My commission expires January 3, 1909.

7-1019.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Owl, Indian Territory, February 17, 1905.

--oOo--

In the matter of the application for the enrollment of  
Sim Flashubbee as a citizen by blood of the Choctaw Nation.

--oOo--

Lyman Frazier, being duly sworn and examined through  
Robert Anderson, sworn interpreter, testified as follows.

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Lyman Frazier.  
Q How old are you? A Thirty-seven years old.  
Q What is your post office address? A Owl, Indian Territory.  
Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.  
Q Did you know Sim Flashubbee? A Yes, sir, I knew him.  
Q About how old a man was he at the time of his death? A About  
fifty years old.  
Q Was he a full blood Choctaw? A Yes, sir.  
Q Mr. Frazier, Willis Tobley testified the other day that Sim  
Flashubbee died in November, 1901, that would be three years  
ago last November, is that the correct date? A He says that  
is about correct.  
Q It has been at least three years or over has it not? A Yes,  
it has been at least three years.  
Q Where did Sim Flashubbee die? A At my house.  
Q You were present when he died were you? A Yes, sir.  
Q Was Sim Flashubbee known by any other name? A That is all I  
know. Did not go by any other name.  
Q How long did you know Sim Flashubbee prior to his death? A  
Years I have been knowing him a long time as great many years.

Witness excused.

Caroline Frazier, being duly sworn and examined through  
Robert Anderson, sworn interpreter, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Caroline Frazier.  
Q About how old are you? A Fifty years old.  
Q What is your post office address? A Owl, Indian Territory.  
Q What relation are you to the witness who has just testified?  
A He is my husband.  
Q Did you know Sim Flashubbee in his lifetime? A Yes, sir; I  
knew him. Knew him ever since I was about sixteen.  
Q Were you present when Sim Flashubbee died? A Yes.

Sim Flashubbee--2.

- Q Died in your house? A Yes, sir.  
Q When did he die? A She says about three years ago.  
Q Three years ago last November? A She says he died three years ago last November, on the second Sunday.

Witness excused.

Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath states that he reported all the proceedings had in the above entitled case at Owl, Indian Territory, on the 17th day of February, 1905, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Robert E. Grunert

Subscribed and sworn to before me, this 3rd day of March, 1905.

Wirt Franklin  
Notary Public.

My commission expires January 23, 1909.



MEMORANDA.

*McClure,*

(Date) *Dec 17* 1899.

*41*

Name *Star Kubbie*

Choctaw? *ye* County *LeFlore* Year *1898* No. *1*

Chickasaw? County Year Page

Citizen by blood? *ye* Mother's citizenship *Chickasaw*

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

*4114*



7-4919.

Muskogee, Indian Territory, December 30, 1902.

D.D. Anderson,

Scipeo, Indian Territory.

Dear Sir:

Information has been received at this office of the death of Sim Elashubee, a citizen by blood of the Choctaw Nation, since the time he was listed for enrollment.

If this is correct, proof of his death should be furnished the Commission on the blank herewith enclosed for that purpose, which you are kindly requested to have correctly executed and return in the enclosed envelope.

You will note there is an affidavit for a relative and an acquaintance. In having same executed, be careful to see that all blanks are properly filled, all names written in full, and in event either of the persons whose names are to be affixed to the affidavits are unable to write, and their signatures are by mark, that such signatures are attested by two disinterested parties, witnesses thereto.

The notary public before whom the same are acknowledged must affix his notarial jurat and seal to each separate affidavit.

Respectfully,

Env.  
S.O.

Acting Chairman.

7-4212.

Muskogee Indian Territory, January 23, 1903.

E. E. Anderson,

Salpeo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th inst., stating that Sim Elashubbee died in October, 1901, but that you are unable to find any relative of the deceased person.

Your letter has been duly filed with the records of the Commission in the matter of the application for enrollment of Sim Elashubbee as a citizen by blood of the Choctaw Nation.

Your prompt attention to the matter is duly appreciated.

Respectfully,

Acting Chairman.

7-4919.

Muskogee, Indian Territory, January 30, 1905.

Willis Tobly,  
Coalgate, Indian Territory.

Dear Sir:

On January 9, 1905, Daniel Bell testified before the Commission that Sim Elashubbee (or Sim Paxton) died several years ago, and that he did not remember the exact date of his death. He further stated that you buried the said Sim Elashubbee.

You are therefore requested to furnish the Commission with proof of the death of Sim Elashubbee, and a blank for that purpose is enclosed herewith. You will notice that there is a blank for the affidavit of a relative and an acquaintance of the deceased. In having the same executed be careful to see that all blank spaces are properly filled, all names written in full and that the notary public before whom the affidavits are sworn to attaches his name and seal to each affidavit. In case any signature is by mark, it must be attested by two disinterested parties, witnesses thereto.

You are requested to give this matter your prompt attention.

Respectfully,

Encl. D. C.

Chairman.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. E. BRECKINRIDGE.  
WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1117A

REFER IN REPLY TO THE FOLLOWING:

7-4919.

ADDRESS OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 30, 1905.

Willis Tobly,  
Owl, Indian Territory.

Dear Sir:

On January 9, 1905, Daniel Bell testified before the Commission that Sim Elashubbee (or Sim Paxton) died several years ago, and that he did not remember the exact date of his death. He further stated that you buried the said Sim Elashubbee.

You are therefore requested to furnish the Commission with proof of the death of Sim Elashubbee, and a blank for that purpose is enclosed herewith. You will notice that there is a blank for the affidavit of a relative and an acquaintance of the deceased. In having the same executed be careful to see that all blank spaces are properly filled, all names written in full and that the notary public before whom the affidavits are sworn to attaches his name and seal to each affidavit. In case any signature is by mark, it must be attested by two disinterested parties, witnesses thereto.

You are requested to give this matter your prompt attention.

Respectfully,

Encl. D. G.

Chairman.

Choctaw 4919

Muskogee, Indian Territory, March 7, 1905.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory,

Dear Sir:

There is inclosed herewith copy of Choctaw roll card field Number 4919, Sim Elashubbee, and you are directed to make duplicate Choctaw card of this number in your possession conform to the information thereon.

Respectfully,

Commissioner in Charge.

AB 1-7

Choctaw 4919

Muskogee, Indian Territory, March 7, 1905.

Chief Clerk,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

There is inclosed herewith copy of Choctaw roll card field Number 4919, Sim Elashubbee, and you are directed to make duplicate Choctaw card of this number in your possession conform to the information thereon.

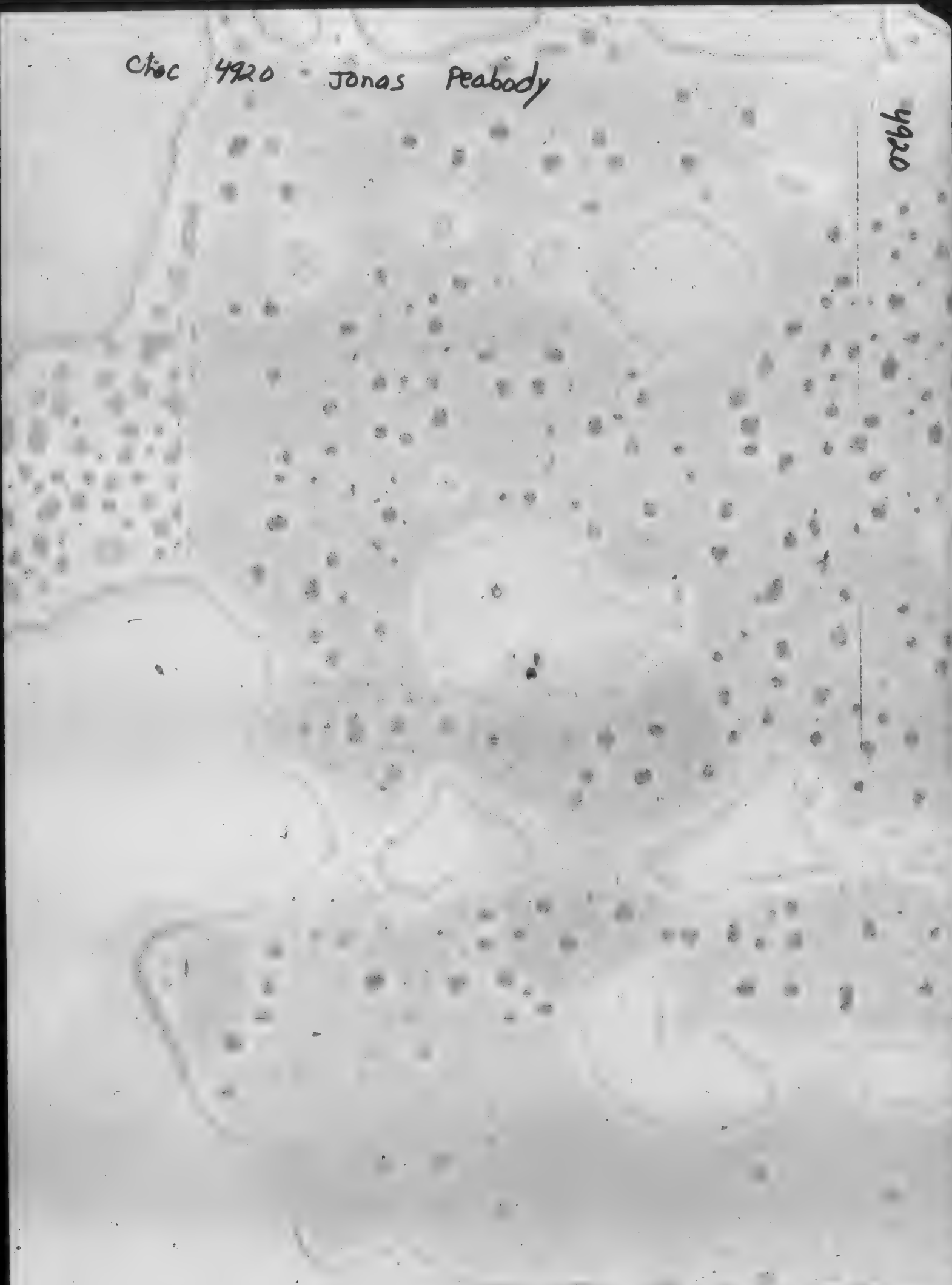
Respectfully,

Commissioner in Charge.

AB 2-7

Choc 4920 Jonas Peabody

4920





MEMORANDA.

(Date) ..... 1899.

Name .....

Choctaw ? ..... County ..... Year ..... No. ....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, .....

Wife's name, .....

Choctaw ? ..... County ..... Year ..... No. ....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

36

47  
12  
1

4120

IN RE  
THE DEATH OF

*Ruben Peabody*  
a citizen of the

*Choctaw* Nation.

Approved JAN 23 1905 190

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**

JAN 23 1905

CH-IRMA

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Ruben Peoddy*  
(Here insert name of deceased.)  
a citizen of the *Choctaw* Nation, who formerly resided at or near  
*McAlester Street,* Ind. Ter., and died on the \_\_\_\_\_ day of  
*August about 1900.*  
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

*Central* DISTRICT

I, *Afford Noh*, on oath state that I am *32*  
years of age and a citizen, by *Blood* of the *Choctaw* Nation;  
that my postoffice address is *Cairo*, Ind. Ter.; that I am  
*no relative* of *Ruben Peoddy*  
(State relationship as: the father; an uncle; a cousin; etc.) (Here insert name of deceased.)  
who was a citizen, by *Blood* of the *Choctaw* Nation;  
and that said *Ruben Peoddy* died on the \_\_\_\_\_ day of  
*about August, 1900.*

WITNESSES TO MARK:

(Must be Two Witnesses.) } *O.S. Lawrence*  
*Nancy Wade.*

Subscribed and sworn to before me this *17* day of *January* 190*5*

*Afford Noh*  
*X His mark*  
*Richard E. Hunt*  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

*Central* DISTRICT

I, *Sidney S. Lawrence*, on oath state that I am *57*  
years of age, and a citizen by *Blood* of the *Choctaw* Nation;  
that my postoffice address is *Legal*, Ind. Ter.;  
(Here insert name of postoffice.)  
that I was personally acquainted with *Ruben Peoddy*  
(Here insert name of deceased.)  
who was a citizen, by *Blood* of the *Choctaw* Nation;  
and that said *Ruben Peoddy* died on the \_\_\_\_\_ day of  
*about August, 1900.*

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this *17* day of *January* 190*5*

*Sidney S. Lawrence*  
*Richard E. Hunt*  
Notary Public.

*My Comm. Exp. Dec. 17-1905*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Wildhorse Creek, Choctaw Nation, about  
15 miles northwest of South McAlester,  
Indian Territory, January 9, 1905.

-----:-----

In the matter of the application for the enrollment of  
Reuben Peabody as a citizen by blood of the Choctaw Nation.

Jonas Peabody, being duly sworn and examined through  
sworn interpreter, Jonas Sexton, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Jonas Peabody.  
Q How old are you? A About fifty.  
Q What is your post office address? A McAlester, Indian Territory.  
Q What is your wife's name? A Sallie.  
Q Have you any children? A Only one living.  
Q What is that boy's name? A Frank.  
Q What are the names of your children that are dead? A Charley  
and Reuben.  
Q When did your son, Reuben Peabody, die? A The same year that  
Allen Archibald died in the jail at Muskogee.  
Q What month was it? A December 2.  
Q Four years ago? A Yes.  
Q That would be December 2, 1900? A Yes.  
Q When did your son, Charles Peabody, die? A The October before  
Reuben died.  
Q That would be October, 1900? A Yes, sir.

At this point the witness, Jonas Peabody, who is the  
father Reuben Peabody and Charles Peabody, refuses to testify  
further, saying that he will make out a statement of the death  
of his two sons and send it in to the Commission. He and his  
wife, Sallie Peabody, both refuse to sign affidavits as to  
the death of Reuben Peabody and Charles Peabody, which were  
prepared from the statement under oath of said Jonas Peabody  
for their signature.

Jonas Peabody states further that as he is under oath  
and does not know the exact date of the death of his said sons  
he will not sign the affidavits at the present time but will  
see to it later.

The witness, Jonas Peabody, although he had been duly  
sworn was not aware of the fact that his testimony was being  
taken down and as soon as he became aware of said fact refused  
to answer any further questions. It is believed by the  
examiner that the said Jonas Peabody has no intention of  
furnishing affidavits as to the death of his said sons and  
that his testimony, as above given, is as good evidence of  
their death as can be obtained.

-----:-----

I, Robert S. Crunert, stenographer to the Commission to  
the Five Civilized Tribes, on oath, state that I reported all the  
proceedings had in the above entitled case on January 9, 1905, and  
that the above and foregoing is a full, true and correct transcript

Reuben Peabody 2

of my stenographic notes taken on said date in said case.

Robert E. Summit

Subscribed and sworn to before me this 11th day of January,  
1905.

Walter Franklin  
Notary Public.

My Commission expires January 3, 1909.

7-4920.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Wildhorse Creek, Choctaw Nation, about  
fifteen miles northwest of South Mc  
Alester, I. T., January 16, 1905.

---oOo---

In the matter of the application for the enrollment of  
Reuben Peabody as a citizen by blood of the Choctaw Nation.

---oOo---

Lewis Hancock, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Lewis Hancock.  
Q About how old are you? A 38.  
Q What is your post office address? A McAlester, Indian Territory.  
Q Are you a citizen by blood of the Choctaw Nation, enrolled as  
such by the Commission? A Yes, sir.  
Q Did you know Reuben Peabody in his lifetime? A Yes, sir.  
Q What was the name of his father and mother? A Jonas Peabody  
and Sallie Peabody.  
Q Did you know Charley Peabody, the brother of Reuben Peabody,  
during his lifetime? A Yes, sir.  
Q Were you present at the death of Charley Peabody? A Yes, sir.  
Q Were you present at the death of Reuben Peabody? A No, sir;  
I was not present.  
Q But you remember distinctly do you when Reuben Peabody died?  
A Yes, sir.  
Q Mr. Hancock, the testimony of Jonas Peabody, the father of these  
boys, is on file, and in said testimony said Jonas Peabody stated  
that Reuben Peabody, his son, died on December 2, 1900, and  
his son Charles Peabody died in October immediately preceding  
that, is that the correct dates of the death of the said Reuben  
Peabody and Charles Peabody? A Yes.

Witness excused.

---O---

Robert E. Grunert, stenographer to the Commission to  
the Five Civilized Tribes, on oath states that he reported all the  
proceedings had in the above entitled case on the 16th day of  
January, 1905, and that the foregoing is a full, true and cor-  
rect transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 27th day of January, 1905.

*Robert E. Grunert*  
*Charles H. Sawyer*

Notary Public.

7-4920

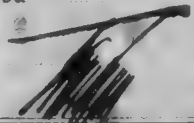
32

IN RE  
THE DEATH OF

*Reuben Peabody*  
a citizen of the

*Choctaw* Nation.

Approved *W. L. B.* 190



Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**

JAN 23 1905



CHAIRMAN



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Reuben Peabody  
(Here insert name of deceased)  
a citizen of the Choctaw Nation, who formerly resided at or near  
McAlester Ind. Ter., and died on the 2nd day of  
(Here insert name of postoffice)  
December, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Central DISTRICT.

I, \_\_\_\_\_, on oath state that I am  
\_\_\_\_\_ years of age and a citizen, by \_\_\_\_\_ of the \_\_\_\_\_ Nation;  
that my postoffice address is \_\_\_\_\_ Ind. Ter.; that I am  
(Here insert name of postoffice.)  
\_\_\_\_\_ of \_\_\_\_\_  
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased)  
who was a citizen, by \_\_\_\_\_ of the \_\_\_\_\_ Nation;  
and that said \_\_\_\_\_ died on the \_\_\_\_\_ day of  
(Here insert name of deceased)

WITNESSES TO MARK :  
(Must be Two Witnesses.)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1900  
\_\_\_\_\_  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Central DISTRICT.

I, Lewis Hancock, on oath state that I am 38  
years of age, and a citizen by blood of the Choctaw Nation;  
that my postoffice address is McAlester Ind. Ter.;  
(Here insert name of postoffice.)  
that I was personally acquainted with Reuben Peabody  
(Here insert name of deceased)  
who was a citizen, by blood of the Choctaw Nation;  
and that said Reuben Peabody died on the 2nd day of  
(Here insert name of deceased)  
December, 1900 Lewis Hancock

WITNESSES TO MARK :  
(Must be Two Witnesses.)

Subscribed and sworn to before me this 16th day of January, 1905  
Wirt Franklin  
Notary Public.

Muskogee, Indian Territory, March 12, 1901.

Mr. Jonas Peabody,

McAlester, Indian Territory.

Dear Sir:-

The Commission has information of the death of your son, Reuben Peabody, subsequent to the time application was made for his enrollment, November 17, 1899.

For the purpose of making the fact of his death a matter of record, there is enclosed you herewith a blank proof of death, which you will kindly have filled out and return to the Commission.

In having the same executed, you will notice that there is a blank for the affidavit of a relative and an acquaintance. Both of these blanks should be filled, all names written in full and the affidavits sworn to before a Notary Public. Should the relative or acquaintance making the affidavit be unable to write, and their signatures are by mark, it will be necessary to have such signatures attested by two disinterested parties as witnesses thereto.

The notary public acknowledging the affidavits must affix his notarial jurat and seal to each separate affidavit. The Commission will appreciate your prompt attention to this matter.

An envelope for reply is enclosed you herewith.

Yours truly,

Acting Chairman.

7-4920.

Muskogee, Indian Territory, December 16, 1902.

Jonas Peabody,

McAlester, Indian Territory.

Dear Sir:-

The Commission has received information of the death of your son, Reuben Peabody, since the time he was listed for enrollment as a citizen of the Choctaw Nation.

For the purpose of making his death a matter of record there is enclosed you herewith a blank form for proof of death which you are kindly requested to have filled out and return to the Commission with as little delay as possible. You will notice that there is an affidavit for a relative and an acquaintance. In having the same executed be careful to see that all blank spaces are properly filled, all names written in full, and that the notary public before whom the affidavits are sworn to attaches his name and seal to each separate affidavit. In case the relative and acquaintance are unable to write, and their signatures are by mark, they must be attested by two disinterested parties, witnesses thereto.

This matter must receive your immediate attention.

Respectfully,

D. C.  
Env.

Acting Chairman.

Muskogee, Indian Territory, August 29, 1904.

Jonas Peabody,

Care of P. B. Coleman,

McAlester, Indian Territory.

Dear Sir:-

The Commission has been advised that your son Reuben Peabody has died since the time he was listed for enrollment as a citizen by blood of the Choctaw Nation.

If this information is correct you are advised that proof of the death of said Reuben Peabody should be furnished the Commission with as little delay as possible and a blank for that purpose is enclosed herewith.

Please give this matter prompt attention.

Respectfully,

Chairman.

Env. D. C.

9-75  
7-4920

Muskogee, Indian Territory, January 24, 1905.

Sidney S. Lawrence,  
Legal, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 11, 1905, in which you state that Reuben Peabody and Benton and Polly Lewis and Peter Haines all died prior to September 25, 1902, and as soon as the weather is so you can go out you will have affidavits filled out and forwarded showing their death.

In reply to your letter you are informed that evidence of the death of Peter Haines August 1, 1900 has already been filed with the Commission and it will not be necessary for you to forward any affidavits as to his death.

Receipt is further acknowledged of your letter of January 18, 1905, in which are transmitted the following affidavits: affidavits of Nancy Wade and Sidney S. Lawrence to the death of Pol-  
lie Lewis a citizen by blood of the Chickasaw Nation in October 1899; affidavits of Sidney S. Lawrence and Nancy Wade to the death of Ben-  
ton Lewis, a citizen by blood of the Chickasaw Nation February 1901; affidavits of Afford Noh and Sidney S. Lawrence to the death of Richard Peabody about August 1900. These affidavits being in proper form have been filed as evidence of the death of the above named persons.

S. S. L. #2

Replying to that portion of your letter in which you ask for one dozen blanks for the enrollment of children born since September 25, 1902, you are informed that under the provisions of the act of Congress approved July 1, 1902, no children born to citizens of the Choctaw and Chickasaw Nations subsequent to September 25, 1902, the date of the ratification of said act, are entitled to enrollment and allotment in the Choctaw and Chickasaw Nations.

The matter of the contest referred to in your letter will be made the subject of another communication.

Respectfully,

Chairman.



7-4920

Muskogee, Indian Territory, January 24, 1905.

Commissioner in Charge,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

Referring to Choctaw Enrollment Card Number 4920, Jonas Peabody et al., you are advised that the stamp "dead" has been placed in front of No. 3 and the following notation has been placed thereon:

"No. 3 died in December 1900. Proof of death filed January 23, 1905."

You are therefore requested to make like changes and place the above notation upon duplicate Choctaw card number 4920 in your possession.

Respectfully,

Chairman.



7-4920

Muskogee, Indian Territory, January 24, 1905.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

Referring to Choctaw enrollment card number 4920, Jonas Peabody et al., you are advised that the stamp "dead" has been placed in front of No. 3 and the following notation has been placed thereon:

"No. 3 died in December 1900. Proof of death filed January 23, 1905."

You are therefore requested to make like changes and place the above notation upon duplicate Choctaw card number 4920 in your possession.

Respectfully,

Chairman.

South McAlester, Indian Territory, January 20, 1905

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

I have the honor to report the following field work in the matter of the procurement of additional evidence in Choctaw and Chickasaw enrollment cases for January 16, 17, 18, 19 and 20, 1905:

Early on the morning of January 16th, 1905 we left South McAlester and drove about twelve miles northwest of town to the home of Rev. Lewis Hancock, a Choctaw by blood. We there obtained the testimony of said Lewis Hancock in the case of Reuben Peabody, 7-4920, and also procured the affidavits of said Lewis Hancock, on the blank forms provided for that purpose, as to the death of Reuben Peabody and his brother Charles Peabody, 7-4920. Said applicants died December 2, 1900, and October \_\_\_\_, 1900, respectively. The said Charles Peabody has been finally enrolled by the Commission as a citizen by blood of the Choctaw Nation and his enrollment as such approved by the Secretary of the Interior. Inasmuch as the parents of the said Charles Peabody are members of the "Snake" band of Indians and will not appear at the land office to select an allotment I deemed it advisable to procure proof of the death of the said Charles Peabody while the opportunity was at hand. I am aware of the fact that it is without my province to deal with the cases of applicants who have been finally enrolled by the Commission.

Commission--2.

From the home of Lewis Hancock we drove to the home of Nelson Pickens, another of the recalcitrant Choctaws, and after much persuasion obtained the personal testimony of said applicant in the matter of his enrollment as a citizen by blood of the Choctaw Nation. It is extremely difficult to persuade these recalcitrant Indians to testify and in order to accomplish our object it is generally necessary to stay at their homes from one to two hours before they can be prevailed upon to give their testimony.

We next drove to the home of Susan Brown (formerly Sealy) about two miles north of Arpelar post office and obtained her testimony in the cases of Martha Sealy et al., 7-4908, and Permelia Sealey, 9-D-440. It developed from the testimony of said Susan Brown that No. 1, Permelia Sealey, on Card 9-D-440 is a duplicate enrollment of No. 2, Purnelia Sealy, on Card 7-4908, and that said applicant is not the daughter of No. 1, Martha Sealy, on Card 7-4908, but is a niece of said Martha Sealy. We also here obtained the affidavits of Susan Brown and Leonidas McClish as to the death of said Martha Sealy in March, 1900.

From the home of Susan Brown we drove one mile north to the home of William Arpealer and obtained the testimony of said William Arpealer and his affidavit on the blank form provided for that purpose as to the birth of his daughter Noley Arpealer on July 15, 1897. The mother of said child and the midwife who was present at her birth are both dead and there were no witnesses in

Commission--3.

the neighborhood who knew anything of the birth of said child. Said child is listed on Chickasaw card field No. 86, No. 7 thereon, under the name of Nora Arpealer but her correct name, as it appears from the the testimony of her father, William Arpealer, is Holey Arpealer. We also obtained at this place the testimony of Philip Nelson, Silby Arpealer and Levi Orphan in the case of Joseph Nelson, 9-59, and the affidavits of Silby Arpealer and Levi Orphan as to the death of said Joseph Nelson in April, 1902.

Before arriving at the home of William Arpealer we had inquired along the way at several places for lodging for the coming night and each time was refused. When we had finished taking testimony at the home of William Arpealer it was quite dark, and being unable to drive in safety through the woods in the darkness, we camped for the night on the bank of Bearfoot Creek, where with two horse blankets for bedding, and a large fire for warmth, we managed to take a few minutes sleep during the night.

We started out early on the morning of January 17, 1905, and drove to the home of Loring Williams, about seven miles northwest of Arpelar and took the testimony of said Loring Williams in the matter of his enrollment as a citizen by blood of the Choctaw Nation, 7-4923.

From there we drove to the home of Morris Green for the purpose of taking his testimony in a certain case, but the said Morris Green was not at home. We then drove north to Scipio and

Commission 4.

obtained lodging for the night with one Frank Walker, a white man.

The rain fell steadily all night and was still falling on the morning of January 18, 1905, when we started north to the Canadian River, on the opposite bank of which we had been informed Selina Kachafixico, 7-4925, lived. However we were unable to get across the river, but, guided by Dave Anderson, a Choctaw who lives in the neighborhood, we walked about a mile and a half along the river until we came opposite the home of said Selina Kachafixico, which was about three hundred yards from the opposite bank. After our interpreter, Jonas Sexton, and said Dave Anderson had shouted in Choctaw, calling for said Selina Kachafixico, for about an hour, two Choctaw girls living with said applicant came down to the bank of the river and we learned from them that the said Selina Kachafixico had but a short time before left her home for a visit to a neighbor three miles away. We notified said applicant through said girls to meet us here in South McAlester this afternoon but up to this time she has not made an appearance.

On the way back from the river we obtained the testimony of Dave J. Byington and Dave Anderson as to the death of Sim Flashubbee, 7-4919, prior to September 25, 1902.

We obtained lodging that night at the home of Frank Walker and on the following day, January 19, 1905, drove to the home of Isaac LaFlore, for the second time, for the purpose of obtaining his affidavit as to the death of Lewis Jackson, 7-4914,

Commission 5.

having been informed that said Isaac LeFlore was the man who buried the said Lewis Jackson. However, there was no one at the home of Isaac LeFlore and we drove from there to the home of Leticia Sealy, where we obtained the testimony and affidavits of Ellen LeFlore and Leticia Sealy as to the death of Lewis Jackson on January 11, 1902.

We secured lodging that night at the home of Forbis Grubbs near Arpelar and this morning drove to the home of Morris Green and procured his testimony in the case of Alice Green, 7-D-921. From there we drove to South McAlester, arriving here shortly after noon.

There is enclosed herewith affidavits as to the death of Joseph Nelson, 9-59, Martha Sealy, 7-4908, Lewis Jackson, 7-4914, Reuben Peabody and Charles Peabody, 7-4920. I will hold the affidavit of William Arpealer as to the birth of his daughter, Noley Arpealer, until Mr. Grunert has transcribed the testimony taken in the matter of the enrollment of said child and will then forward said affidavit and testimony at the same time.

I learned from the interpreter and from Dave Anderson, after we had left the Canadian River that one of the women who came to the bank of the river in response to our calls for Selina Kachafixico was Asie Jackson; that said Asie Jackson was formerly the wife of Ellis Jackson, who was a brother of Lewis Jackson, 7-4914; that said Asie Jackson never was the wife of said Lewis Jackson; that Lewis Jackson never had a wife by the name of Asie; and that



Commission 6.

said Asie Jackson told the interpreter that she made application for enrollment as a citizen by blood of the Choctaw Nation and also for enrollment as a citizen of the Creek Nation at Wetumka, Indian Territory, before the Commission at that place. Asie Jackson appears as No. 2 on Choctaw card field No. 4914, as the wife of Lewis Jackson and she has been finally enrolled by the Commission as a citizen by blood of the Choctaw Nation. Inasmuch as said Asie Jackson has been living in the Creek Nation and inasmuch as she stated that she had made application to the Commission for enrollment as a citizen of the Creek Nation, it is very probable that an examination of the records of the Commission will show her to be also finally enrolled by the Commission as a citizen of the Creek Nation. I am further lead to believe that this is so from the fact that Selina Kachafixico, with whom the said Asie Jackson has apparently been living, has been enrolled by the Commission as a citizen of the Creek Nation.

In compliance with the directions contained in your letter dated January 16, 1905, I will to-morrow call upon Mr. Simon E. Lewis at McAlester, Indian Territory for the purpose of obtaining from him information and testimony relative to persons who have been heretofore listed for enrollment as citizens of the Choctaw and Chickasaw Nations.

Respectfully,

Wirt Franklin.



Choc 4921 Nelson Pickens

Nº 2 enrolled by special provision of  
Act of June 21, 1906 [34 STAT. 325]

4921

7-4921.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., JANUARY 3, 1905.

--oOo--

In the matter of the application for the enrollment of Nelson Pickens as a citizen by blood of the Choctaw Nation.

S. S. LAWRENCE being duly sworn testifies as follows:

- Q What is your name? A S. S. Lawrence.  
Q How old are you? A 57.  
Q What is your post office address? A Legal, I. T.  
Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.  
Q Finally enrolled as such by this Commission? A Yes, sir.  
Q Are you acquainted with a Choctaw Indian ~~named~~ by the name of Nelson Pickens? A Yes, sir.  
Q How old is he? A About 28.  
Q What is his post office address? A I suppose it is Mclester.  
Q How much Choctaw blood does he possess? A Full blood.  
Q What is the name of his father? A I don't know his father's name.  
Q Do you know his mother's name? A No, sir; he has got a brother by the name of Gilbert Pickens. He lives near Lebanon.  
Q When was the last time you saw Nelson Pickens? A I never saw him, but he got beat up in a ball game the 16th day of last November.  
Q You are absolutely positive that he was living on September 15, 1905? A Yes, sir.  
Q He is recognized and enrolled citizen by blood of the Choctaw Nation? A Yes, sir.  
Q Why is it that he has never appeared before the Commission?  
A He is a "Snake."  
Q Is Nelson Pickens married? A I think so.  
Q Was he any children? A I don't know.  
Q Do you know his wife's name? A No, sir.

I, Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath state that I reported all the proceedings had in the above entitled case on the 3rd day of January, 1905, and that the above is a full, true and correct transcript of my stenographic notes in said case.

Subscribed and sworn to before me this 4th day of January, 1905.

*Charles H. Sawyer*

Notary Public.

DEPARTMENT OF THE INTERIOR.  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 McALESTER, I. T., JANUARY 7, 1905.

--oOo--

In the matter of the application for the enrollment of Nelson Pickens as a citizen by blood of the Choctaw Nation.

R. B. COLEMAN being duly sworn testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A R. B. Coleman.  
 Q How old are you? A 59.  
 Q What is your post office address? A McAlester.  
 Q Were you acquainted with a Choctaw Indian by the name of Nelson Pickens? A Yes, sir.  
 Q About how old is he? A About 24 or 25.  
 Q Do you know his father's name? A No, sir.  
 Q Do you know his mother's name? A No, sir.  
 Q How much Choctaw blood does he possess? A He looks to be a full blood.  
 Q How long have you known him? A Since about 1885 or 1886.  
 Q He has always been a recognized citizen by blood of the Choctaw Nation? A Yes, sir.  
 Q Has his citizenship ever been disputed? A No, sir.  
 Q Is he a member of the "Snake" band? A I could not tell you, I guess he is.  
 Q Do you know why he has never appeared before the Commission? A No, sir.  
 Q Do you know in what county he was living in 1893? A He was living in Tobucksy County, or just across the line in Gaines County.  
 The applicant is identified upon the 1893 Choctaw Leased District payment Roll, Gaines County, page 63, number 598, as Nelson Pickens, 17 years old.  
 Q Is Nelson Pickens living to-day? A No, sir; I think not. I think he is dead.  
 Q When was the last time you saw him alive? A About a year ago, may be a little over.  
 Q Where did you see him at that time? A In South McAlester.  
 Q Do you know when he died? A No, sir.  
 Q Since you saw him in South McAlester a year ago you have heard that he is dead, but don't know it positively? A That is right.  
 Q Nelson Pickens, so far as you know, had always lived in the Choctaw Nation? A Yes, sir.  
 Q Never made his home outside? A No, sir.

I, Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath state that I reported all proceedings had in the above entitled case on the 7th day of January, 1905, and that the above is a true, full and correct transcript of my stenographic notes in said case.

Subscribed and sworn to before me this 10th day of January, 1905.

My commission expires  
 January 3, 1909.

*W. Frank*  
 Notar. Public.

7-4921.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Wildhorse Creek, Choctaw Nation, about  
15 miles northwest of South McAlester,  
Indian Territory, January 9, 1905.

--oOo--

In the matter of the application for the enrollment  
of Nelson Pickens as a citizen by blood of the Choctaw Nation.

DANIEL BELL being duly sworn testified as follows:

EXAMINATION BY THE COMMISSION: through sworn interpreter Jonas Sexton.

- Q What is your name? A Daniel Bell.  
Q How old are you? A About 63.  
Q What is your post office address? A McAlester.  
Q Do you know Nelson Pickens? A Yes, sir.  
Q About how old is he? A I could not say.  
Q About thirty? A I don't think he is that old, he is about  
twenty-five.  
Q How long have you known Nelson Pickens? A For ten years.  
Q Has he lived near you during that time? A He lived in this  
county. He used to live in Gaines County.  
Q Is Nelson Pickens any relation to you? A He married my daughter  
Malinda. He is my son-in-law.  
Q Is Nelson Pickens a full blood Choctaw? A Yes.  
Q Is he living? A Yes.  
Q When was the last time you saw him? A Yesterday morning.  
Q Does he make his home with you? A Yes, he is living with me.  
Q What is Nelson Pickens' father's name? A Thompson Pickens.  
Q What is his mother's name? A Be sie Pickens.  
Q The father and mother of Nelson Pickens were both recognized  
Choctaws by blood were they? A Yes, sir.  
Q They and Nelson Pickens always lived in the Choctaw Nation?  
A Yes, sir.

The applicant Nelson Pickens is identified upon the 1893 Choctaw Leased District Payment Roll, Gaines county, page 63, number 598, as Nelson Picken 17 years old, and upon the 1896 Choctaw Census Roll, Tobucksy County, number 10258.

Witness excused.

--oOo--

MALINDA PICKENS being first duly sworn testified through  
sworn interpreter Jonas Sexton as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Malinda Pickens.  
Q About how old are you? A About twenty.  
Q What is your husband's name? A Nelson Pickens.  
Q About how old is your husband? A May be about twenty-eight.  
Q Is he a full blood Choctaw? A Yes.  
Q Is he living here with you at your father's house when he is

Nelson Pickens 2

- at home? A Yes.
- Q Where is he this morning? A He went to the Chickasaw Nation.
- Q Has your husband Nelson Pickens always lived in the Choctaw Nation? A Yes.
- Q Has he always been recognized by the other citizens as a citizen by blood of the Choctaw Nation? A Yes.
- Q When were you married to him? A Over three years.
- Q Have you any children by him? A I have one.
- Q How old is that child, when was it born? A January 29, 1903.
- Witness excused.

I, Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath state that I reported all the proceedings had in the above entitled case on the 9th day of January, 1905, and that the foregoing is a full, true and correct transcript of my stenographic notes.

*Robert E. Grunert*

Subscribed and sworn to before me this 11th day of January, 1905.

*Wirt Franklin*  
Notary Public.

My commission expires  
January 3, 1909.



DEPARTMENT OF THE INTERIOR,  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 Wildhorse Creek, Choctaw Nation, about  
 15 miles northwest of South McAlester,  
 Indian Territory, January 9, 1905.

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In the matter of the application for the enrollment of  
 Nelson Pickens as a citizen by blood of the Choctaw Nation.

Sillin Wade, being duly sworn and examined through sworn  
 interpreter, Jonas Sexton, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Sillin Wade. Was Sillin Fisher.  
 Q What is your post office address? A McAlester, Indian Territory.  
 Q Are you a full blood Choctaw Indian? A Yes, sir.  
 Q Are you acquainted with a Choctaw Indian by the name of Nelson  
 Pickens? A Yes.  
 Q Where does he live? A At Daniel Bell's.  
 Q What relation, if any, is he to Daniel Bell? A Son-in-law.  
 Q How long have you known Nelson Pickens? A I could not say hardly  
 but I think ten years.  
 Q Where has he been living during this ten years that you have  
 known him? A He used to live in Gaines County.  
 Q How long has he been living in Tobuckey County? A May be five  
 or six years.  
 Q Do you know Nelson Pickens' father's name? A Thompson Pickens.  
 Q Do you know his mother's name? A No.  
 Q When was the last time you saw Nelson Pickens? A Last Wednesday  
 night at prayer meeting where he lives.  
 Q Nelson Pickens at the present time makes his home at Daniel  
 Bell's and his wife, Malinda, is a daughter of Daniel Bell? A Yes.  
 Q His post office address then, so far as you know, is McAlester?  
 A Yes.  
 Q Since you have known Nelson Pickens, has he always been recognized  
 among the citizens of the Choctaw Nation as a citizen by blood of  
 said Nation? A Yes.  
 Q About how old is Nelson Pickens? A He may be about thirty.

Witness excused.

I, Robert E. Grunert, stenographer to the Commission to  
 the Five Civilized Tribes, on oath, state that I reported all the  
 proceedings had in the above entitled case on January 9, 1905,  
 and that the above and foregoing is a full, true and correct trans-  
 cript of my stenographic notes in said case.

*Robert E. Grunert*

Subscribed and sworn to before me on this 11th day of January,  
 1905.

*W. Franklin*  
 Notary Public.

My Commission expires January 3, 1909.

7-4921.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Wildhorse Creek, Choctaw Nation, fifteen  
miles northwest of South McAlester, I. T.  
January 16, 1905.

--oOo--

In the matter of the application for the enrollment of  
Nelson Pickens as a citizen by blood of the Choctaw Nation.

--oOo--

Nelson Pickens, being duly sworn and examined through  
Jonas Sexton, sworn interpreter, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Nelson Pickens.  
Q What is your age? A 27.  
Q What is your post office address? A McAlester, Indian Territory.  
Q Are you a full blood Choctaw Indian? A Yes, sir.  
Q Have always been enrolled as such by the tribal authorities have  
you? A Yes, sir.  
Q Where have you lived all your life, in what county of the  
Choctaw Nation? A Tobucksy.  
Q Never lived anywhere else did you? A He was born in Gaines  
county and after that he went to Sans Bois county, then back to  
Gaines county, then ~~back~~ up here.  
Q Where were you living in 1893, at the time you drew the 1893  
Leased District Payment money from the Choctaw Nation? A  
Gaines county.  
Q Did you draw that money then for yourself? A He went to  
Wilburton first and they had no records, then he came to  
Krebs in Tobucksy county.  
Q You drew the money then in Tobucksy county? A Yes.  
Q Did you sign the pay roll yourself or did some one sign for you?  
A Somebody made a mistake and he was not on the roll and had to  
fix it over so he could get the money.  
Q When was it fixed over, in 1893 or after that? A In the same  
year.  
Q Did you have to get the Counsel to do it, or did the Commission-  
ers themselves do it? A He did not know himself but he  
thinks the Counsel fixed it. He did not get all the money he  
was entitled to.  
Q Was some of it paid as fees to a lawyer to get it for you? A  
he does not know. He had an interpreter with him and everything  
was fixed up alright but they were short. He got \$84.20.  
Q Where were you in 1885 when the Choctaws made the census roll.  
A I don't remember, I was too little.  
Q Do you now want to be enrolled by the Commission and the Sec-  
retary of the Interior as a citizen by blood of the Choctaw  
Nation? A Yes, he tried that once in Tishomingo and they  
failed to make it.

Witness excused.

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Nelson Pickens 2.

Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath states that he reported all the proceedings had in the above entitled case on the 16th day of January, 1905, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Robert E. Grunert

Subscribed and sworn to before me this 27th day of January, 1905.

Charles H. Sawyer  
Notary Public.

Choctaw-4921.

Muskogee, Indian Territory, August 12, 1904

Nelson Pickens,  
McAlester, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by blood of the Choctaw Nation, it will be necessary for you to appear in person before the Commission for the purpose of being examined under oath in order that your rights as such citizen may be determined by this Commission.

You are, therefore, requested to appear before the Commission at its general office at Muskogee, Indian Territory as soon as possible, or you may appear at the Choctaw Land Office, Atoka, Indian Territory, September 6-7, 1904; or at the Chickasaw Land Office, Tishomingo, Indian Territory, September 8-9, 1904.

Respectfully,

Commissioner in Charge.

# MEMORANDA.

(Date) ..... 1899.

Name .....

Choctaw ? ..... County ..... Year ..... No. ....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, .....

Wife's name, .....

Choctaw ? ..... County ..... Year ..... No. ....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

**Names of children :**

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

A(121)

7-4921

Muskogee, Indian Territory, March 3, 1906.

Nelson Pickens,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 27, 1906, in which you ask the status of the enrollment of your wife Malinda Pickens who was the daughter of Daniel and Eliza Bell.

In reply to your letter you are advised that it does not appear from the records of this office that application has been made by or on behalf of your wife Malinda Pickens or Bell for enrollment as a citizen by blood of the Choctaw Nation, and under the act of Congress approved July 1, 1902, there is no authority for the reception of original applications for enrollment in the Choctaw and Chickasaw Nations.

Respectfully,

Acting Commissioner.

7-1921

Muskogee, Indian Territory, July 10, 1906.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Your attention is invited to the following provision of the Act of Congress approved June 21, 1906 (public No. 258):

"That the Commissioner to the Five Civilized Tribes is hereby authorized to add the names of the following persons to the final roll of the citizens by blood of the Choctaw tribe: Malinda Pickens. . . . . Provided, That the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribes, and shall be approved by the Secretary of the Interior."

You will be allowed fifteen days from the date of this notice within which to file protest against the enrollment of Malinda Pickens as a citizen by blood of the Choctaw Nation. If at the expiration of that time no protest has been filed, the name of this person will be placed upon a schedule of citizens by blood of the Choctaw Nation to be prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner.

7-4921

Muskogee, Indian Territory, August 24, 1906.

E. L. Stegall,

McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 20, 1906, in which you ask the status of the application for the enrollment of Malinda Pickens.

In reply you are advised that the name of Malinda Pickens has been placed upon a schedule of citizens by blood of the Chickasaw Nation which has been prepared for forwarding the Secretary of the Interior. You will be notified when her enrollment has been approved.

Respectfully,

Acting Commissioner.

Choc 4922 Davio wode.

4922



# MEMORANDA.

(Date) ..... / ..... / 1899.

Name .....

Choctaw ? ..... County ..... Year ..... No. .... /

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, .....

Wife's name, .....

Choctaw ? ..... County ..... Year ..... No. ....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

### Names of children:

County	Year	Page	No.
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
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1140

Original

4922

Department of the Interior.  
Commission to the Five Civilized Tribes.  
South McAlester, Indian Territory,  
December 22, 1902.

In the matter of the application of Mymie Hokey for the enrollment of herself and her minor child Eliza Hokey.

Mymie Hokey being first duly sworn testified as follows:

Peter Maytubby Interpreter.

Examination by the Commission:

- Q What is your name? A Mymie Hokey.  
Q How old are you? A Thirty-five years.  
Q What is your post office address? A Krebs, I.T.  
Q What is the name of your father? A Louie Nelson.  
Q Living or dead? A Dead.  
Q What is your mother's name? A Mahaley Nelson.  
Q Is she dead? A Dead.  
Q Where was you born? A Jacks Fork County, Choctaw Nation.  
Q Have you always lived in the Choctaw Nation? A Yes, sir.  
Q In what county did you draw any money? A Tobucksy County.  
Q Was you ever married? A Married twice.  
Q What was the name of your first husband? A Davis Hokey.  
Q Did you have any children by Davis Hokey? A One.  
Q Did you have more than one? A That is all.  
Q What is the name of that child? A Eliza Hokey.  
Q Is she living? A Living and at school at Tuskahoma.  
Q How old is she? A Ten years old.  
Q Did you draw her pro rata of the 1893 leased district payment?  
A Yes, sir.  
Q In what County? A Tobucksy.  
Q What is the name of your living husband? A Dave Wade.  
Q Did you have any children by Dave Wade? A None.

The name of Mymie Hokey is found on the 1893 Leased District Pay-Roll, Tobucksy County, page 41, No. 373. The name Lizzie Hokes is found on the 1893 Leased District Pay-Roll, Tobucksy County, page 41, No. 375.

- Q Did you ever make application for the enrollment of yourself and this child before this time? A Never did.

Chas. Diffendaffer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 3d day of January 1903.

*Wm. Charles Neffinger*

Notary Public.

Muskogee, Indian Territory, April 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On May 6, 1903, the Commission to the Five Civilized Tribes had the honor to transmit for Departmental approval a schedule constituting part of the final roll of citizens by blood of the Choctaw Nation Nos. 14201 to 14911 inclusive, copies of which have been heretofore returned approved by the Secretary of the Interior May 21, 1903.

I now have the honor to report that the enrollment of Eliza Hoke at No. 14211 upon said schedule is in error and should be cancelled.

I have further to report that Marie Fade, approved roll of citizens by blood of the Choctaw Nation, No. 13469, appeared at the Choctaw Land Office March 24, 1906, and from her testimony it developed that the Eliza Hoke, whose name appears at No. 14211 upon the schedule above referred to, is her daughter, and is identical with Eliza Hoke whose name appears at No. 14230 upon the approved roll of citizens by blood of the Choctaw Nation.

For the information of the Department there is inclosed herewith copy of the testimony of Marie Fade of March 24, 1906.

I have the honor to recommend, inasmuch as selection of allotment has heretofore been made for Eliza Hokee at No. 14230 upon the approved roll of citizens by blood of the Choctaw Nation, that the enrollment of Eliza Hokee at No. 14911 upon the schedule of citizens by blood of the Choctaw Nation and the letter of transmittal of May 6, 1903, in the possession of the Secretary of the Interior and the Commissioner of Indian Affairs be cancelled and that this office be authorized to make like cancellation upon the schedule and letters of transmittal in its possession.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

Choctaw 4911

7-4911

Muskogee, Indian Territory, April 18, 1906.

Chief Clerk,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:

There is inclosed herewith copy of letter of April 6, 1906, addressed to the Secretary of the Interior, recommending the cancellation of the enrollment of Eliza Hokey, at No. 14911, upon the approved roll of citizens by blood of the Choctaw Nation.

You are therefore directed to withhold the issuance of citizenship certificate and the making of allotment to this citizen until otherwise further directed.

Respectfully,

FB 3-18

Acting Commissioner.

7-4911

Muskogee, Indian Territory, April 11, 1906.

Chief Clerk,  
Chickasaw Land Office,  
Ardmore, Indian Territory.

Dear Sir:

There is inclosed herewith copy of letter of April 6, 1906, addressed to the Secretary of the Interior recommending the cancellation of the enrollment of Eliza Hokey at No. 14911 upon the approved roll of citizens by blood of the Choctaw Nation.

You are therefore directed to withhold the issuance of citizenship certificate and the making of allotment to this citizen until otherwise further directed.

Respectfully,

Acting Commissioner.

EB 4-18



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
CHOCTAW LAND OFFICE.

Atoka, Indian Territory, March 24, 1906.

In the matter of the duplicate enrollment of Eliza Hokey, Choctaw by blood, Field Card No. 4911, Approved Roll No. 14911, and Eliza Hokey, Choctaw by blood, Field Card No. 4922, Approved Roll No. 14830.

MAMIE WADE, being first duly sworn, testified as follows:-

EXAMINATION BY THE COMMISSIONER:--

JEFFERSON D. WARD, Official Interpreter.

- Q What is your name ? A Mamie Wade.  
Q How old are you ? A About 38.  
Q What is your post office address ? A Krebs.  
Q What is the name of your father ? A Louie Nelson.  
Q What is the name of your mother ? A Mahaley Nelson.  
Q What was your husband's name ? A Joe Willis.  
Q Was that your first husband's name ? A No sir.  
Q Is that your present husband's name ? A Yes sir, it was--  
present husband dead now.  
Q What was your husband's name before you married Joe Willis?  
A David Wade.

The name of Mamie Wade appears as No. 13469 upon the approved Choctaw Roll by Blood, Field Card No. 4922.

- Q Have you a child named Eliza Hokey ? A Yes sir.  
Q What is Eliza Hokey's father's name ? A Davis Hokey.  
Q Is Eliza Hokey living ? A Yes sir.  
Q How old is she ? A Over 13 years old.

The name of Eliza Hokey, daughter of Davis Hokey and Mamie Wade, appears as No. 14830 upon the approved Roll of Choctaws by Blood, Field Card No. 4922.

The name of Eliza Wokey also appears as No. 14911 upon the approved Choctaw Roll by Blood, Field Card No. 4911, as the daughter of Davis Hokey - mother's name not given.

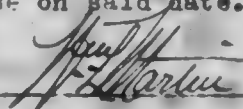
- Q Is Davis Hokey dead ? A Yes sir.  
Q Where did he live during his life time ? A Near McAlester.  
Q In Tobuckey county ? A Yes sir.  
Q Was he married before he married you ? A Yes sir.  
Q Were you at one time the wife of Davis Hokey ? A Yes sir.  
Q Did he ever have two children named Eliza ? A No sir, he had two children but was different mother, one was boy and the other was girl.  
Q What was the boy's name ? A Roberson Hokey.



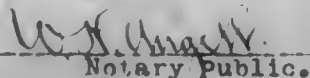
- Q Are these the only children Davis Hokey ever had, Eliza and Roberson? A One of them was named Silvey, the little girl.
- Q He had three children then? A I have got one now with me that makes it three.
- Q Davis Hokey then just had three children, Eliza, Roberson and this little girl, Silvey, is that all he had? A Yes sir.
- Q Was Eliza Hokey ever called Dicey? A Yes sir, it was named Lacey at first time and so now they call it Eliza. We called it Lacey but when they put down on the book they put down as Eliza.
- Q Well was she ever called Dicey? A I think so sometime.
- Q Now there are two persons on the Choctaw Roll by Blood named Eliza Hokey. One of them is given as the daughter of Davis Hokey whose mother's name is not given, and the other is given as the daughter of Davis Hokey and yourself. Do you think this Eliza Hokey is enrolled twice and that both of these persons are the same child? A May be her sister is nearly the same name. May be for her child's sister.
- Q What is her sister's name? A Silvey.
- Q How old is Silvey? A I don't know, but I guess she is over 20 years old.
- Q What is Silvey's mother's name? A Louisiana Hokey.
- Q What is Silvey's father's name? A Davis Hokey.
- Q Was Silvey the wife of Sam Carnes? A I don't know who she was married to.
- Q Well this Eliza Hokey is only about 13 years old, you say? A Yes sir.
- Q Well both of these Eliza Hokeys whose names appear on the Choctaw Roll appear to be about 13 years old, and Silvey you state is over 20 years old? A Yes sir.
- Q You ~~don't~~ think that either one of these persons whose names appear on the roll as Eliza Hokey could be intended for Silvey, who is over 20 years old, do you? A No sir.
- Q One Silvey Carnes, who appears as the daughter of Louisiana Hokey and Louis Hokey, appears to be enrolled as No. 14941 upon the approved Choctaw Roll by Blood. Is this the Silvey that you have been referring to? A Yes sir.
- Q Davis Hokey never had another child named Eliza, did he, except your daughter? A That is all.
- Q And you state that this child is sometimes called Dicey? A Yes sir.

-----oOo-----

Wm. L. Martin, stenographer to the Commissioner to the Five Civilized Tribes, upon oath states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this the 26th day of March, 1906.

  
Notary Public.

J.S.J.

W.H.M.

DEPARTMENT OF THE INTERIOR,

I.T.D. 9210-1906.  
D.C. 21520-1906.

WASHINGTON.

May 25, 1906.

I.R.S.

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On April 6, 1906, you forwarded to the Department a report in the matter of the erroneous enrollment of Eliza Hokey, at No. 14911 of the final roll of citizens by blood of the Choctaw Nation.

It appears from the testimony of Mamie Wade that she is the mother of Eliza Hokey, whose name appears at No. 14911 upon the roll above referred to, and that the said Eliza Hokey is identical with Eliza Hokey, whose name appears at No. 14830 upon said roll.

You request that authority be granted for the cancellation of the name of Eliza Hokey, at No. 14911 upon the final roll of the citizens by blood of the Choctaw Nation.

Reporting May 19, 1906, the Indian Office concurs in your recommendation. A copy of its letter is enclosed.

It appears that a double enrollment has been made and you are hereby authorized to cancel the name of Eliza Hokey, at No. 14911 upon the final roll of citizens by blood of the Choctaw Nation.

The Department has this day cancelled said name upon the portion of the roll in its possession, and has requested the Indian Office to take the same action.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 enclosure.

(COPY)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

Land  
31874-1906.

May 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated April 6, 1906, saying that the enrollment of Eliza Hokey, No. 14911, approved roll of citizens by blood of the Choctaw Nation, is erroneous and should be cancelled.

He reports that on March 24, 1906, Mamie Wade appeared before his office, and from her testimony it developed that Eliza Hokey, whose name appears at #14911, is her daughter and is identical with Eliza Hokey, whose name is found at No. 14830 on the approved roll of citizens by blood of the Choctaw Nation.

He enclosed the testimony of Mamie Wade, and as an allotment has been selected for Eliza Hokey, No. 14830, he recommends the cancellation of the enrollment of Eliza Hokey, No. 14911.

From what is said by the Commissioner and shown by the testimony forwarded by him, it is evident there is a double enrollment in this case, and his recommendation is concurred in.

Very respectfully,

C. F. Jarrabee,  
Acting Commissioner.

GAW-GH.

2-4911

Muskogee, Indian Territory, June 30, 1906.

Chief Clerk,

Chickasaw Land Office,

Arkmore, Indian Territory.

Dear Sir:-

For your information there is enclosed you herewith copy of Departmental letter of May 25, 1906, (I.T.D.9210-1906), authorizing the cancellation of the enrollment of Eliza Hoxey at No. 14911 upon the final roll of citizens by blood of the Choctaw Nation.

You are, therefore, directed to cancel the name of this citizen at No. 14911 upon the final roll of citizens by blood of the Choctaw Nation and the letters transmitting said roll.

Respectfully,

W.H. 30/8

Commissioner.

7-4311

Muskogee, Indian Territory, June 30, 1906.

Chief Clerk,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:-

For your information there is enclosed you herewith copy of Departmental letter of May 25, 1906, (I.T. 9210-1906), authorizing the cancellation of the enrollment of Eliza Hokee at No. 14911 upon the final roll of citizens by blood of the Choctaw Nation.

You are, therefore, directed to cancel the name of this citizen at No. 14911 upon the final roll of citizens by blood of the Choctaw Nation and the letters transmitting said roll.

Respectfully,

W.M. 30/7

Commissioner.



7-4909.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Wildhorse Creek, Choctaw Nation, about  
15 miles northwest of South McAlester,  
Indian Territory, January 9, 1906.

--oOo--

In the matter of the application for the enrollment of  
Sillin Fisher and her son George Fisher as citizens by blood of  
the Choctaw Nation.

--oOo--

SILLIN FISHER being duly sworn testified as follows  
through Jonas Sexton sworn interpreter.  
EXAMINATION BY THE COMMISSION:

- Q What is your name? A It was Sillin Fisher, now Sillin Wade.  
Q How old are you? A I don't know.  
Q About how old are you? A May be 35 or 40, I don't know.  
Q What is your post office address? A McAlester.  
Q Are you a full blood Choctaw Indian? A Yes.  
Q A recognized citizen of the Choctaw Nation? A Yes.  
Q Have you any children? A Have two.  
Q What are their names? A George Fisher and Louisa Wade.  
Q How old is George Fisher? A Over ten.  
Q How old is Louisa Wade? A Over three.  
Q Who is the father of George Fisher? A Israel Fisher.  
Q Was Israel Fisher a full blood Choctaw Indian? A Yes.  
Q Is he living? A Dead.  
Q How long has he been dead? A I don't know. May be about seven  
years.  
Q What is your present husband's name? A David Wade.  
Q Is he a full blood Choctaw Indian? A Yes.  
Q Is he the father of your daughter, Louisa Wade? A Yes.  
Q Have you and your son, George Fisher, and your daughter, Louisa  
Wade, always lived in the Choctaw Nation? A Yes.  
Q Have you always been recognized as citizens by blood of the  
Choctaw Nation? A Yes.  
Q What is your father's name? A Wilson Coley.  
Q What is your mother's name? A Jincy Coley.  
Q Your father and mother were both recognized citizens of the  
Choctaw Nation, were they? A Yes, they were full bloods.  
Q Were you ever married to any other man than Israel Fisher and  
David Wade? A Yes, married before I married Fisher.  
Q How many times were you married before you married Fisher? A Once.  
Q What was your former husband's name? A Charley Beams.  
Q Were you the wife of Charley Beams in 1893 at the time the Choctaws  
received the 1893 Leased District Payment money? A No, I was with  
Israel Fisher when we got the \$103.00.  
Q That was in 1893? A Yes.  
Q Do you know under what name you drew the 1893 Choctaw Leased  
District Payment money? A Sillin Fisher.



Sillin Fisher, et al. 2.

- Q Were you ever known by any other names than Sillin Fisher, Sillin Beam and Sillin Wade? A No other names.
- Q Who drew the money for you in 1893? A Israel Fisher.
- Q In what bounty of the Choctaw Nation were you and Israel Fisher living in 1893 at the time you received this payment? A Tobuckay County.
- Q Are your children, George Fisher and Louisa Wade, living at the present time? A Yes.

The applicants, Sillin Fisher and George Fisher, have the appearance of full blood Choctaw Indians and are identified on the 1896 Choctaw Census Roll, Tobuckay County, numbers 4002 and 4004, respectively.

- Q Have you ever appeared before the Commission before or ever made application to them for enrollment as a citizen by blood of the Choctaw Nation? A No.
- Q Do you now wish to be enrolled by the Commission as citizens by blood of the Choctaw Nation, you and your son, George, provided the Commission shall determine from the evidence given in your case that you are entitled to enrollment? A No.
- Q Have you always lived in Tobuckay County? A Yes.

Witness excused.

JONAS SEXTON, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Jonas Sexton.
- Q How old are you? A Thirty-eight.
- Q What is your post office address? A McAlester, Indian Territory.
- Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.
- Q Are you acquainted with Sillin Fisher who has just testified in the matter of her application for enrollment as a citizen by blood of the Choctaw Nation? A Yes.
- Q She has always been recognized as a citizen by blood of the Choctaw Nation, has she? A Yes.
- Q You have never heard her citizenship disputed in any manner? A No, sir.
- Q Is she a full blood Choctaw? A Yes.

Witness excused.

I, Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath state that I reported all the proceedings had in the above entitled case on the 9th day of January, 1905, and that the foregoing is a full, true and correct transcript of my stenographic notes taken in said case.

Subscribed and sworn to before me this 11th day of January, 1905.

*Robert E. Grunert*  
Notary Public.

My Commission expires January 3, 1909.

Prof. [unclear] [unclear] all use been forwarded to the

[unclear] [unclear]

[unclear] [unclear]

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. E. BRECKINRIDGE

WM. O. BRALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER TO APPLY TO THE FOLLOWING:


ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

United States of America, Indian Territory,

-----Central-----District.

I, David Wade, on oath state that I am 47 years of age and a citizen by blood of the Choctaw Nation Roll No. 13468, and that Eliza Bell, my wife attended on my wife, Sillin Fisher, on the 6th day of October, 1901; and that there was born to her on said date a female child; that said child was living March 4th, 1905, and is named Louisa Wade.

David ( ) Wade  
mark

Witness to mark:

Joseph B. Williams  
William Frank

Subscribed and sworn to before me this 1st. day of April, 1905

William Frank

Notary Public.

65-16



IN RE

Application for Enrollment of  
INFANT CHILD

*Louisa Wade*

as a citizen of

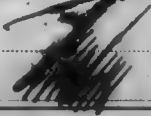
*Choctaw*

Nation.

~~OCT 17 1905~~

Approved

190



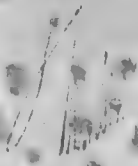
Commissioner.

*Born Oct. 6, 1901*

LETTERS OF THE RECORDS  
Committee on the Choctaw and Chickasaw Tribes

FILED

APR 3 1905



CHAIRMAN

RECEIVED  
APR 3 - 1905

CHOCT.

*4902*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Louisa Wade (Here insert name of child.) , born on the 6th day of October 1901  
Name of Father: David Wade a citizen of the Choctaw Nation:  
Name of Mother: Sillin Fisher (Card No 4909) a citizen of the Choctaw Nation:  
Postoffice Mc Alester Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Central DISTRICT.

Sillin Fisher , on oath state that I am 35  
years of age and a citizen by blood of the Choctaw Nation;  
that I am the lawful wife of David Wade , who is a citizen, by  
blood of the Choctaw Nation; that a Female child was  
(Male or Female.)  
born to me on 6th day of October 1901 , that said child has been named  
Louisa Wade , and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 1st day of April , 1905

Sillin (X) Fisher  
mark  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
DISTRICT.

I, \_\_\_\_\_ , on oath state that I  
attended on Mrs. \_\_\_\_\_ wife of \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ , 1905 ; that there was born to her on said date a  
(Male or Female.)  
child; that said child was living March 4, 1905, and is said to have been named \_\_\_\_\_

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ , 1905

Notary Public.

choc 4923 Loring Williams

4923

Choctaw-4923.

Muskogee, Indian Territory, August 12, 1904.

Boring Williams,

McAlester, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by blood of the Choctaw Nation, it will be necessary for you to appear in person before the Commission for the purpose of being examined under oath in order that your rights as such citizen may be determined by this Commission.

You are, therefore, requested to appear before the Commission at its general office at Muskogee, Indian Territory as soon as possible; or you may appear at the Choctaw Land Office, Atoka, Indian Territory, September 6-7, 1904; or at the Chickasaw Land Office, Tishomingo, Indian Territory, September 8-9, 1904.

Respectfully,

Commissioner in Charge.



7-1925

Muskogee, Indian Territory, November 25, 1904.

Aaron Henry,

Loft, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 18, 1904, in which you ask the status of the enrollment of Loring William, now about twenty-nine years of age, who is the son of Aaron William. You state that he has never been before the Commission.

In reply to your letter you are informed that before further consideration can be given the application of Loring Williams for enrollment as a citizen by blood of the Choctaw Nation it will be necessary for him to appear in person before the Commission at Muskogee, Indian Territory, for the purpose of testifying relative to his right to enrollment as a citizen by blood of said Nation. This appearance is practicable in order that the application of

# MEMORANDA.

(Date) ..... 1899.

Name .....

Choctaw ? County ..... Year ..... No. ....

Chickasaw ? County ..... Year ..... Page .....

Citizen by blood ? Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, .....

Wife's name, .....

Choctaw ? County ..... Year ..... No. ....

Chickasaw ? County ..... Year ..... Page .....

Citizen by blood ? Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, .....

Names of children:

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

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..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

*A925*

7-4923.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
McALESTER, I. T., January 7, 1905.

--oOo--

In the matter of the application for the enrollment of Loring Williams as a citizen by blood of the Choctaw Nation.

R. B. COLEMAN being duly sworn testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A R. B. Coleman.  
Q How old are you? A 59.  
Q What is your post office address? A McAlester.  
Q Were you acquainted with a Choctaw Indian by the name of Loring Williams? A Yes, sir.  
Q How old is he? A He is about 20 or 21, somewhere about there.  
Q What is his father's name? A Aaron Williams.  
Q Do you know his mother's name? A She was a Miss Ott.  
Q How much Choctaw blood does Loring Williams possess? A I guess full blood.  
Q Is he living? A I think so.  
Q When was the last time you saw him? A About six months ago.  
Q Do you know his present post office address? A No, sir. The last time I saw him he was up near Daniel Dell's.  
Q Has he always lived in the Choctaw-Chickasaw country? A Yes, sir.  
Q And has always been recognized as a citizen by blood? A Yes, sir.

I, Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath state that I reported all the proceedings had in the above entitled case on the 7th day of January, 1905, and that the foregoing is a full, true and correct transcript of my stenographic notes in said case.

*Robert E. Grunert*

Subscribed and sworn to before me this 10th day of January, 1905.

*Wm. Franklin*

My commission expires  
January 3, 1909.

Notary Public.

7-4923.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Choctaw Nation, twelve miles south of  
South McAlester, I. T., January 12, 1905.

--c0o--

In the matter of the application for the enrollment of  
Loring Williams as a citizen by blood of the Choctaw Nation.

--c0o--

Nolis (or Norris) Carney, being duly sworn and examined  
through sworn interpreter, Alfred W. McClure, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Nolis (or Norris) Carney.  
Q How old are you? A Thirty-six.  
Q What is your post office address? A Chambers, Indian Territory  
Q Are you a citizen by blood of the Choctaw Nation? A Yes, a  
full blood.  
Q Do you know Loring Williams? A Yes.  
Q About how old is he? A He says he is not over twenty-nine.  
Q What is his father's name? A He says George Williams was the  
father of Loring and Aaron Williams was a step father.  
Q Who is the mother of Loring Williams? A He says he don't know.  
Q Is his father dead? A Yes, his father George Williams is dead.  
Q Is Loring Williams living? A He says he don't know, he has  
not seen him for a long time.  
Q When was the last time you saw him? A About five years ago.  
Q Was Loring Williams a full blood Choctaw? A Yes.  
Q Has he always lived in the Choctaw Nation? A Yes, in Tobucksy  
county.

Witness excused.

Robert E. Grunert, stenographer to the Commission to the  
Five Civilized Tribes, on oath states that he reported all the  
proceedings had in the above entitled case on the 12th day of  
January, 1905, and that the foregoing is a full, true and cor-  
rect transcript of his stenographic notes in said case.

*Robert E. Grunert*

Subscribed and sworn to before me this 12 day of January, 1905.

*Charles H. Sawyer*  
Notary Public.

7-4923.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
McAlester, I. T., January 13, 1905.

--oOo--

In the matter of the application for the enrollment of  
Loring Williams as a citizen by blood of the Choctaw Nation.

--oOo--

Jonas Sexton, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Jonas Sexton.  
Q How old are you? A 36.  
Q What is your post office address? A McAlester.  
Q Are you a citizen by blood of the Choctaw Nation? A Yes.  
Q Do you know Loring Williams? A Yes, sir.  
Q About how old is he? A About 25 or 30.  
Q Is he a full blood Choctaw? A Yes.  
Q What was his father's name? A Aaron Williams.  
Q Was Aaron Williams his own father or a step father? A His own  
father, as well as I know.  
Q Is Aaron Williams dead? A Yes, I think so.  
Q Is Loring Williams living at the present time? A Yes, sir.  
Q When and where did you last see him? A Here in town about  
two months ago.  
Q Is Loring Williams married? A He has a woman, but I don't  
know whether he has been married or not.  
Q Has Loring Williams always been recognized as a citizen by blood  
of the Choctaw Nation? A Yes.  
Q Where has he been living all his life? A Up on Wildhorse,  
Choctaw Nation.  
Q Do you know his mother's name? A No.  
Q How long have you known him? A Known him for 20 years.  
Q Ever since he was a little boy? A Yes.

Witness excused.

Robert L. Grunert, stenographer to the Commission to the  
Five Civilized Tribes, on oath states that he reported all the pro-  
ceedings had in the above entitled case on the 13th day of January,  
1905, and that the foregoing is a full, true and correct transcript  
of his stenographic notes in said case.

Subscribed and sworn to before me this 13th day of January, 1905.

*Robert L. Grunert*  
-----  
*Charles H. Sawyer*

-----  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 South McAlester, I. T., January 14, 1905.

---oOo---

In the matter of the application for the enrollment of Loring Williams as a citizen by blood of the Choctaw Nation.

---oOo---

Ward Nelson, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Ward Nelson.  
 Q How old are you? A 27.  
 Q What is your post office address? A Arpelar, Indian Territory.  
 Q Are you a recognized and enrolled citizen by blood of the Chickasaw Nation? A Yes, sir.  
 Q Do you know Loring Williams? A Yes, sir.  
 Q About how old is he at the present time? A 27 or 28.  
 Q What is his father's name? A Aaron Williams.  
 Q Is Aaron Williams Loring Williams' own father or step father?  
 A I don't know. He disappeared and I never saw him any more.  
 Q So far as you know Aaron Williams is the own father of Loring Williams? A Yes, sir.  
 Q Is Aaron Williams living? A I don't know; he disappeared during the election troubles several years ago.  
 Q Is Loring Williams living? A Yes, sir.  
 Q Where does he make his home? A About nine miles west of McAlester and about seven miles north of Arpelar.  
 Q Is he living there now? A Yes, sir.  
 Q What is his post office address? A I think McAlester, Indian Territory.  
 Q Is Loring Williams a full blood Choctaw Indian? A Yes.  
 Q How long have you known him? A I have known him for several years; about ten or twelve years.  
 Q During this time where has he resided? A He has been living right where he is now.  
 Q In Tobucksay county, Choctaw Nation? A Yes, sir.  
 Q And has always been recognized as a Choctaw citizen? A Yes, sir.

Witness excused.

Columbus Compelube, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Columbus Compelube.  
 Q How old are you? A 44.  
 Q What is your post office address? A McAlester, Indian Territory  
 Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.

Loring Williams 2.

- Q A full blood Choctaw? A Yes, sir.  
Q Do you know Loring Williams? A Yes.  
Q About how old is he? A I don't know exactly but somewhere  
a about twenty-five.  
Q What is his father's name? A Aaron Williams.  
Q Is his father living? A I heard he died; he is gone.  
Q What is his mother's name? A I don't know.  
Q Is Loring Williams a full blood Choctaw? A Yes, sir.  
Q Where is he living now? A West of McAlester about ten miles.  
Q Has he always been recognized as a citizen by blood of the  
Choctaw Nation? A Yes, sir.  
Q Is he married? A He is living with a woman but I don't know  
whether they are married.  
Q What is the name of the woman? A Nancy Jackson.  
Q Is she a Choctaw by blood? A Yes, part Choctaw, mixed about  
three kinds, Mulatto.  
Q When was the last time you saw Loring Williams? A I could not  
tell you but I have seen him heaps of times.  
Q About when? A About a month or so.  
Witness excused.

-----  
Robert E. Grunert, stenographer to the Commission to  
the Five Civilized Tribes, on oath states that he reported all the  
proceedings had in the above entitled case on the 14th day of  
January, 1905, and that the foregoing is a full, true and cor-  
rect transcript of his stenographic notes in said case.

*Robert E. Grunert*  
-----

Subscribed and sworn to before me this 28th day of January, 1905.

*Charles N. Sawyer*  
-----

Notary Public



7-4923.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Wildhorse Creek, Choctaw Nation, about  
fifteen miles northwest of South Me  
Alester, I. T., January 17, 1905.

--0--

In the matter of the application for the enrollment of  
Loring Williams as a citizen by blood of the Choctaw Nation.

--0--

Loring Williams, being duly sworn and examined through  
Jones Sexton, sworn interpreter, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Loring Williams.  
Q About how old are you? A About 29; may be over.  
Q What is your post office address? A McAlester, Indian Territory.  
Q What is your father's name? A Aaron Williams.  
Q What is your mother's name? A Melissa Williams.  
Q Are your father and mother living? A Both dead.  
Q Were your father and mother both full blood Choctaw Indians?  
A Yes.  
Q Have you always lived in Tobucksy county, Choctaw Nation? A Yes.  
Q Did you draw the 1893 Leased District payment money? A Yes.  
Q In what county did you draw it? A Tobucksy.  
Q Under the name of Loring Williams? A Yes.

The applicant is identified upon the 1893 Choctaw Leased  
District Payment Roll, Tobucksy county, page 98, number 828,  
and also upon the 1896 Choctaw Census Roll, Tobucksy county  
number 12990.

- Q Have you always been recognized as a citizen by blood of the  
Choctaw Nation? A Yes.  
Q What is your wife's name? A Nicey Wade.  
Q Is your wife a Choctaw or Chickasaw? A Choctaw.  
Q Has she been enrolled as such? A He don't know.  
Q Were you lawfully married to Nicey Wade? A No, just living  
together.  
Q Have you any children by her? A Yes, one.  
Q What is the child's name? A James Williams.  
Q When was the child born, was it born before or after the  
last Supplemental Agreement? A Last December 30th was a year  
ago.  
Q Then the child was born December 30, 1903, is that correct?  
A Yes.  
Q Do you now wish to be enrolled by the Commission as a citizen  
by blood of the Choctaw Nation provided the Commission shall  
determine by the evidence in your case that you are entitled  
to such enrollment? A No, we don't want to be enrolled.  
Q What is your wife's father's name? A Ellis Jackson.  
Q What was her mother's name? A Sallie James.  
Q Are they both living? A Sallie James is living but Ellis  
Jackson is dead.

Loring Williams 2.

- Q Was your wife ever known by any other name than Nicey Wade?  
A She went by the name of Nicey Allen when she drew the money.  
Q Was she ever known by any other name than those two? A No,  
they just gave that name and let her draw the money.  
Q About how old is Nicey Wade? A I don't know.  
Q Is she older than you? A Younger.  
Q Must be about twenty-five? A May be.

Witness excused.

---0---

Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath states that he reported all the proceedings had in the above entitled case on the 17th day of January, 1905, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Robert E. Grunert

Subscribed and sworn to before me this 28th day of January, 1905.

Charles Sawyer  
Notary Public.

Choc 4924 Bible wode

4924

MEMORANDA.

(Date) \_\_\_\_\_ 1899.

33

Name .....

Choctaw ? County ..... Year ..... No. ....

Chickasaw ? County ..... Year ..... Page .....

Citizen by blood ? Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, .....

23

Wife's name, *Elizabeth* .....

Choctaw ? County ..... Year ..... No. ....

Chickasaw ? County ..... Year ..... Page .....

Citizen by blood ? Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, .....

Names of children:

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

*4429*

Choc 4925 Selina Kochafixico

Dismissed OCT 6, 1905

4925



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of - - - -

Selina Kachafixico.

7-4925.

7-4925.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
WISKOGON, I. T., JANUARY 3, 1905.

--oOo--

In the matter of the application for the enrollment of Selina Kachafixico as a citizen by blood of the Choctaw Nation.

S. S. LAWRENCE being duly sworn testifies as follows:

- Q What is your name? A S. S. Lawrence.  
Q What is your post office address? A Legal, I. T.  
Q How old are you? A 57.  
Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.  
Q Finally enrolled as such by this Commission? A Yes, sir.  
Q Are you acquainted with a Choctaw Indian woman by the name of Selina Kachafixico? A Yes, sir.  
Q About how old is she? A I could not tell you? I guess she is about 50 or 55.  
Q What is her husband's name? A We generally called him Katchafixico.  
Q Her husband is a Creek? A Yes, sir.  
Q Fullblood Creek? A I think so.  
Q What is the post office address of Selina Kachafixico? A Thurman, to the best of my knowledge.  
Q Was Selina Kachafixico living on September 25, 1902? A Yes, sir.  
Q To the best of your knowledge she is living yet? A Yes, sir.  
Q She is a full blood Choctaw? A Yes, sir.  
Q Always recognized as such? A Yes, sir.  
Q Does she belong to the "Five" band? A Yes, sir.

I, Robert E. Brunert, stenographer to the Commission to the Five Civilized Tribes, on oath state that I reported all the proceedings had in the above entitled case on the 3rd day of January, 1905, and that the above is a full, true and correct transcript of the stenographic notes in said case.

Subscribed and sworn to before me this 4th day of January, 1905.

*Charles H. Sawyer*  
Notary Public.



7-4925.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
McALESTER, I. T., January 7, 1905.

--oOo--

In the matter of the application for the enrollment of  
Selina Kachafixico as a citizen by blood of the Choctaw Nation.

R. B. Coleman being duly sworn testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A R. B. Coleman.  
Q What is your post office address? A McAlester.  
Q How old are you? A 59.  
Q Are you acquainted with Choctaw Indian woman by the name of  
Selina Kachafixico? A Yes, sir.  
Q What is her present post office address, if you know? A Scipio,  
I guess.  
Q About how old is she? A Sixty or over.  
Q Do you know her father's name? A No, sir.  
Q What is her husband's name? A Kacha Fixico.  
Q They were both recognized citizens of the Choctaw Nation? A Yes,  
sir.  
Q And so far as you know were never recognized or enrolled as cit-  
izens of the Creek Nation? A No, sir.  
Q Is Selina Kachafixico living to-day? A I saw her about two  
weeks ago.  
Q She is a recognized citizen of the Choctaw Nation? A Yes, sir.  
Witness excused.

I, Robert E. Grunert, stenographer to the Commission to the  
Five Civilized Tribes, on oath state that I reported all the pro-  
ceedings had in the above entitled case on the 7th day of January,  
1905, and that the foregoing is a full, true and correct transcript  
of my stenographic notes in said case.

*Robert E. Grunert*

Subscribed and sworn to before me this 10th day of January, 1905.

*Wm. Franklin*  
Notary Public.

My commission expires  
January 3, 1909.

1434

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 3, 1905.

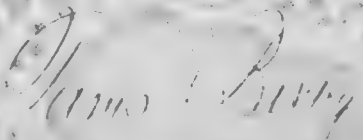
Clerk in Charge,  
Choctaw-Chickasaw Enrollment Division,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed testimony taken June 6, 1905, in the matter of the enrollment of Selina Kachafixico as a citizen by blood of the Creek Nation.

You are hereby advised that said Selina Kachafixico is identified on Creek Indian card, field No. 2909, and that her name is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 28, 1902, Roll No. 8127.

Respectfully,



Commissioner.

1 inc.  
DCS

C.4925.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Scipio, I.T. June 6, 1905.

In the matter of the enrollment of Selina Kachafixico as a citizen by blood of the Creek Nation.

SELINA KACHAFIXICO, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION.

Q What is your name? A Selina Kachafixico.

Q How old are you? A About fifty.

Q What is your post office address? A Hanna

Q Are you a citizen of the Creek Nation? A Yes, sir.

Q To what town do you belong? A Quasarte No. 2 Simmer is my Town King.

Q Who were your parents? A I do not know the names of my parents. They died while I was quite young and I was raised an orphan.

Q Have you participated in all the per capita payments in the Creek Nation? A Yes, sir.

Q Have you made selection of land for yourself in the Creek Nation A I was allotted land in the Creek Nation by the Commission. I am now living on my allotment.

Q Were both your parents citizens of the Creek Nation? A My mother was a citizen of the Choctaw Nation and my father was a citizen of the Creek Nation.

Q Were you ever enrolled as a citizen of the Choctaw Nation? A I think so.

Q Did you ever participate in any of the per capita payments in the Choctaw Nation? A I drew money in one payment over there.

Q Do you know when that was? A No, sir, it was something like ten years ago.

Q Have you always resided in the Creek Nation? A I have lived in both the Choctaw and Creek Nations.

Q How long did you live in the Choctaw Nation? A About ten years.

Q What is the name of your husband? A Cacha Fixico

Q Should it be found that you are entitled to rights in either the Choctaw or Creek Nations in which nation do you elect, to be finally enrolled and take your allotment of land? A In the Creek Nation.

I, D.C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

(signed) D.C. Skaggs.

Subscribed and sworn to before me this ---day of Jul 17, 1905

(signed) Edw. C. Griesel.  
Notary Public.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct copy of the original.

*Anna Garrigues*

Subscribed and sworn to before me this 4th day of August 1905

*[Signature]*  
Notary Public.

7-4925.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Selina Kachafixico as a citizen by blood of the Choctaw Nation.

-----o-----

It appears from the census card record in this case that  
on November 17, 1899, application was made to the Commission to  
the Five Civilized Tribes for the enrollment of Selina Kacha-  
fixico as a citizen by blood of the Choctaw Nation.

Upon an examination of the tribal rolls of the Choctaw  
Nation, the applicant is identified upon the 1896 Choctaw Census  
Roll, Tobucksy County, No. 7479.

It also appears from the record herein that Selina Kachafix-  
ico is of part Creek and part Choctaw blood, and that an appli-  
cation was duly made to said Commission for the enrollment of  
said Selina Kachafixico as a citizen by blood of the Creek  
Nation, and she has been duly enrolled as such, her name appear-  
ing as No. 8127 upon a partial list of citizens by blood of the  
Creek Nation, approved by the Secretary of the Interior March  
28, 1902.

It further appears from the record herein that on June 6,  
1905, the said Salina Kachafixico appeared in person before said  
Commission at Scipio, Indian Territory, and ratified the action  
of the Commission in enrolling her as a citizen by blood of the  
Creek Nation, and elected to be so enrolled.

It is therefore hereby ordered that the application for the  
enrollment of said Selina Kachafixico as a citizen by blood of  
the Choctaw Nation be dismissed.

  
Commissioner.

Muskogee, Indian Territory,

OCT 6 1905

7-4925

COPY.

Muskogee, Indian Territory, October 6, 1905.

Selina Kachafizico,  
Hanna, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated October 6, 1905, dismissing your application for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

*Tamr Bixoy*

Commissioner.

Registered.

Incl. 7-4925.



7-4925

COPY.

Muskogee, Indian Territory, October 6, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated October 6, 1905, dismissing the application for the enrollment of Solina Kachafixice as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

*Tame Bixby*

Commissioner.

Incl. 7-4925

South McAlester, Indian Territory, January 20, 1905

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to report the following field work in the matter of the procurement of additional evidence in Choctaw and Chickasaw enrollment cases for January 16, 17, 18, 19 and 20, 1905:

Early on the morning of January 16th, 1905 we left South McAlester and drove about twelve miles northwest of town to the home of Rev. Lewis Hancock, a Choctaw by blood. We there obtained the testimony of said Lewis Hancock in the case of Reuben Peabody, 7-4920, and also procured the affidavits of said Lewis Hancock, on the blank forms provided for that purpose, as to the death of Reuben Peabody and his brother Charles Peabody, 7-4920. Said applicants died December 2, 1900, and October \_\_, 1900, respectively. The said Charles Peabody has been finally enrolled by the Commission as a citizen by blood of the Choctaw Nation and his enrollment as such approved by the Secretary of the Interior. Inasmuch as the parents of the said Charles Peabody are members of the "Snake" band of Indians and will not appear at the land office to select an allotment I deemed it advisable to procure proof of the death of the said Charles Peabody while the opportunity was at hand. I am aware of the fact that it is without my province to deal with the cases of applicants who have been finally enrolled by the Commission.



Commission--2.

From the home of Lewis Hancock we drove to the home of Nelson Pickens, another of the recalcitrant Choctaws, and after much persuasion obtained the personal testimony of said applicant in the matter of his enrollment as a citizen by blood of the Choctaw Nation. It is extremely difficult to persuade these recalcitrant Indians to testify and in order to accomplish our object it is generally necessary to stay at their homes from one to two hours before they can be prevailed upon to give their testimony.

We next drove to the home of Susan Brown (formerly Sealy) about two miles north of Arpelar post office and obtained her testimony in the cases of Martha Sealy et al., 7-4908, and Pernelia Sealey, 9-D-440. It developed from the testimony of said Susan Brown that No. 1, Pernelia Sealey, on Card 9-D-440 is a duplicate enrollment of No. 2, Purnelia Sealy, on Card 7-4908, and that said applicant is not the daughter of No. 1, Martha Sealy, on Card 7-4908, but is a niece of said Martha Sealy. We also here obtained the affidavits of Susan Brown and Leonidas McClish as to the death of said Martha Sealy in March, 1900.

From the home of Susan Brown we drove one mile north to the home of William Arpealer and obtained the testimony of said William Arpealer and his affidavit on the blank form provided for that purpose as to the birth of his daughter Noley Arpealer on July 15, 1897. The mother of said child and the midwife who was present at her birth are both dead and there were no witnesses in

Commission--3.

the neighborhood who knew anything of the birth of said child. Said child is listed on Chickasaw card field No. 86, No. 7 thereon, under the name of Nora Arpealer but her correct name, as it appears from the the testimony of her father, William Arpealer, is Noley Arpealer. We also obtained at this place the testimony of Philip Nelson, Silby Arpealer and Levi Orphan in the case of Joseph Nelson, 9-59, and the affidavits of Silby Arpealer and Levi Orphan as to the death of said Joseph Nelson in April, 1902.

Before arriving at the home of William Arpealer we had inquired along the way at several places for lodging for the coming night and each time was refused. When we had finished taking testimony at the home of William Arpealer it was quite dark, and being unable to drive in safety through the woods in the darkness, we camped for the night on the bank of Bearfoot Creek, where with two horse blankets for bedding, and a large fire for warmth, we managed to take a few minutes sleep during the night.

We started out early on the morning of January 17, 1905, and drove to the home of Loring Williams, about seven miles northwest of Arpelar and took the testimony of said Loring Williams in the matter of his enrollment as a citizen by blood of the Choctaw Nation, 7-4923.

From there we drove to the home of Morris Green for the purpose of taking his testimony in a certain case, but the said Morris Green was not at home. We then drove north to Scipio and

Commission 4.

obtained lodging for the night with one Frank Walker, a white man.

The rain fell steadily all night and was still falling on the morning of January 18, 1905, when we started north to the Canadian River, on the opposite bank of which we had been informed Selina Kachafixico, 7-4925, lived. However we were unable to get across the river, but, guided by Dave Anderson, a Choctaw who lives in the neighborhood, we walked about a mile and a half along the river until we came opposite the home of said Selina Kachafixico, which was about three hundred yards from the opposite bank. After our interpreter, Jonas Sexton, and said Dave Anderson had shouted in Choctaw, calling for said Selina Kachafixico, for about an hour, two Choctaw girls living with said applicant came down to the bank of the river and we learned from them that the said Selina Kachafixico had but a short time before left her home for a visit to a neighbor three miles away. We notified said applicant through said girls to meet us here in South McAlester this afternoon but up to this time she has not made an appearance.

On the way back from the river we obtained the testimony of Dave J. Byington and Dave Anderson as to the death of Sim Elashubbee, 7-4919, prior to September 25, 1902.

We obtained lodging that night at the home of Frank Walker and on the following day, January 19, 1905, drove to the home of Isaac LeFlore, for the second time, for the purpose of obtaining his affidavit as to the death of Lewis Jackson, 7-4914,

Commission 5.

having been informed that said Isaac LeFlore was the man who buried the said Lewis Jackson. However, there was no one at the home of Isaac LeFlore and we drove from there to the home of Leticia Sealy, where we obtained the testimony and affidavits of Ellen LeFlore and Leticia Sealy as to the death of Lewis Jackson on January 11, 1902.

We secured lodging that night at the home of Forbis Grubbs near Arpelar and this morning drove to the home of Morris Green and procured his testimony in the case of Alice Green, 7-D-921. From there we drove to South McAlester, arriving here shortly after noon.

There is enclosed herewith affidavits as to the death of Joseph Nelson, 9-59, Martha Sealy, 7-4908, Lewis Jackson, 7-4914, Reuben Peabody and Charles Peabody, 7-4920. I will hold the affidavit of William Arpealer as to the birth of his daughter, Noley Arpealer, until Mr. Grunert has transcribed the testimony taken in the matter of the enrollment of said child and will then forward said affidavit and testimony at the same time.

I learned from the interpreter and from Dave Anderson, after we had left the Canadian River that one of the women who came to the bank of the river in response to our calls for Selina Kachafixico was Asie Jackson; that said Asie Jackson was formerly the wife of Ellis Jackson, who was a brother of Lewis Jackson, 7-4914; that said Asie Jackson never was the wife of said Lewis Jackson; that Lewis Jackson never had a wife by the name of Asie; and that

Commission 6.

said Asie Jackson told the interpreter that she made application for enrollment as a citizen by blood of the Choctaw Nation and also for enrollment as a citizen of the Creek Nation at Wetumka, Indian Territory, before the Commission at that place. Asie Jackson appears as No. 2 on Choctaw card field No. 4914, as the wife of Lewis Jackson and she has been finally enrolled by the Commission as a citizen by blood of the Choctaw Nation. Inasmuch as said Asie Jackson has been living in the Creek Nation and inasmuch as she stated that she had made application to the Commission for enrollment as a citizen of the Creek Nation, it is very probable that an examination of the records of the Commission will show her to be also finally enrolled by the Commission as a citizen of the Creek Nation. I am further lead to believe that this is so from the fact that Selina Kachafixico, with whom the said Asie Jackson has apparently been living, has been enrolled by the Commission as a citizen of the Creek Nation.

In compliance with the directions contained in your letter dated January 16, 1905, I will to-morrow call upon Mr. Simon E. Lewis at McAlester, Indian Territory for the purpose of obtaining from him information and testimony relative to persons who have been heretofore listed for enrollment as citizens of the Choctaw and Chickasaw Nations.

Respectfully,

Wirt Franklin.



7-4925

Muskogee, Indian Territory, December 8, 1905.

Chief Clerk,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:

Referring to Choctaw roll card No. 4925, Selina Kachafixico, you are advised that on October 6, 1905, the Commissioner to the Five Civilized Tribes dismissed the application for the enrollment of the above named person as a citizen by blood of the Choctaw Nation for the reason that she is enrolled as a citizen of the Creek Nation and a red line has been drawn through her name on original Choctaw roll card No. 4925.

You are therefore directed to make like change upon duplicate Choctaw roll card in the possession of your office and eliminate the name of this citizen from your list of undetermined applicants for enrollment of the Choctaw Nation.

Respectfully,

Acting Commissioner.

# MEMORANDA.

(Date) ..... 1899.

Name .....

Choctaw ? ..... County ..... Year ..... No. ....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, .....

Wife's name, .....

Choctaw ? ..... County ..... Year ..... No. 7 4 7 6

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

9925



Choc 4926 John Kate

4926

MEMORANDA.

(Date) 1899 1899.

Name J. L. ...

Choctaw ? County ... Year ... No. ...

Chickasaw ? County ... Year ... Page ...

Citizen by blood ? Mother's citizenship ...

Intermarried citizen ? ...

Married under what law ? ...

License filed this day ...

23 Wife's name ...

Choctaw ? County ... Year ... No. ...

Chickasaw ? County ... Year ... Page ...

Citizen by blood ? Mother's citizenship ...

Intermarried citizen ? ...

Married under what law ? ...

License filed this day ...

Names of children :

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

4124

Original Det. # 4976

DEPARTMENT OF THE INTERIOR/  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
SOUTH McALESTER, INDIAN TERRITORY,  
December 24, 1902.

In the matter of the application of Mary Gates for the enrollment of herself as a citizen by blood of the Choctaw Nation.

Applicant is not represented by attorney.

Mary Gates being first duly sworn, testifies as follows:

Wilson Frazier, being duly sworn as interpreter:

Examination by the Commission.

- Q. What is your name? A. Mary Gates.  
Q. How old are you? A. Little over twenty.  
Q. What is your post office address? A. Blanco, I. T.  
Q. What was the name of your father? A. Johnson Noel.  
Q. Is he dead? A. Yes, sir.  
Q. What is the name of your mother? A. Lucy Frazier.  
Q. She is living? A. Yes, sir.  
Q. Are you married? A. Yes, sir.  
Q. What is the name of your husband? A. John Gates.  
Q. Is he living? A. Yes, sir.  
Q. Is he a full blood Choctaw Indian? A. Full blood Chickasaw.  
Q. Whereabouts does he live? A. Tobucksy County.  
Q. Have you any children? A. No, sir.  
Q. Did you receive your pro rata share of the 1893 Leased District payment money? A. Yes, sir.  
Q. In what County? A. Tobucksy County.  
Q. Were you the wife of John Gates at that time? A. Yes, sir.

The name of Mary Kate is found upon the 1893 Leased District payment roll, Tobucksy County, page 55 No. 494. The name of John Kate is found upon the same page, No. 493.

Fred V. Kinkadee, being first duly sworn, on oath states that as stenographer to the Commission to the Five Civilized Tribes he report in full the proceedings had in above cause at South McAlester, Indian Territory on December 24, 1902; that the above and foregoing is a true, full and correct translation of his notes as taken in said cause.

*Fred V. Kinkadee*

Sworn and subscribed before me this 27 of December, 1902.

*Charles H. Sawyer*  
Notary Public.

Choc 4927 Willie Tullihela

4927

Muskogee, Indian Territory, November 14, 1901.

H. K. Hodge,

Goodland, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you desire to be informed if William Hailey and Jane Foster, Alfred Bacon and Isaac Alexander have been enrolled by this Commission as citizens of either the Choctaw or Chickasaw Nations.

Replying to your inquiry you are informed that it appears from our records that on November 17, 1899, Willie Tullihela, 21 years of age of Garvin, Indian Territory, was listed for enrollment as a citizen of the Choctaw Nation his name having been identified from the 1896 census roll of Red River County, Choctaw Nation, where it was found as Willie Haley.

It further appears that on May 11, 1899, Isaac Alexander 60 years of age, of Grant, Indian Territory, with his wife, Sallie and his two step-children, Lucy and Edward Peter were listed for enrollment as citizens of the Choctaw Nation.

Also that on May 10, 1899, Alfred Bacon, 42 years of age, of Mayhew, Indian Territory, with his wife Eliza Bacon and his



H H H 2

daughter Mary Bacon and his step-children, Isaac, David and Jane Jones were listed for enrollment as citizens of the Choctaw Nation.

All of these persons appear from our records to be full blood Choctaw Indians and have been identified from the tribal rolls of the Choctaw Nation.

We are unable to find any record of an application having been made by Jane Foster for enrollment as a citizen of the Choctaw or Chickasaw Nations and if you desire further information concerning her, it will be necessary that you furnish her full name, her age, her maiden name if she is married, the names of other members of her family and any other information you may have that will identify her as listed for enrollment.

Yours truly,

Acting Chairman.

7-1563

7-1635

7-4927

Muskogee, Indian Territory, December 5, 1901.

Alfred Bacon,

Mayhew, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, requesting that you be informed if Willie Hailey and Jane Foster, are listed for enrollment as citizens of the Choctaw or Chickasaw Nation.

You are informed that it appears from our records that on November 17, 1899, Willie Tullihela, 21 years of age of Garvin, Indian Territory, was listed for enrollment as a citizen of the Choctaw Nation, his name having been identified from the 1898 census roll of Red River County, Choctaw Nation, where it was found as Willie Haley.

We are unable to find any record of an application ever having been made by any person by the name of Jane Foster for enrollment as a citizen of either the Choctaw or Chickasaw Nation.

Yours truly,

Commissioner in Charge.



MEMORANDA.

(Date) 7-5-17 1899.

21 ✓

Name *William Tullikela*

Choctaw? *yes* County *Red Pine* Year *16* No. *5690*

Chickasaw? County Year Page *138*

Citizen by blood? *yes* Mother's citizenship *Choc*

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

*1124*

Class 5000 - 1912

Completed

July 12, 1912

EMPTY

EMPTY

EMPTY

Choc 4931 Isaac Tullihela

Dismissed June 21, 1906

4931

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a  
citizen by blood of the Choctaw Nation of.....

ISAAC TULLIHELA.....7-4931.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Indian Territory, April 27, 1900.

In the matter of the death of Isaac Tullihela, killed  
by blood of the Choctaw Nation, Case No. 4331.

Testimony taken three miles south of Garvin, Indian Ter-  
ritory, April 17, 1900.

WILLIAM ED FORBES, being duly sworn, testifies as follows:

BY THE COMMISSIONER:

Q What is your name? A William Ed Forbes.

Q What is your age? A 35.

Q What is your post office? A Garvin, I. T.

Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.

Q Were you acquainted with Isaac Tullihela? A Yes.

Q Is Isaac Tullihela living or dead?

A He is dead I suppose; I did not see him die, they all said he  
died; whenever he came back to this country and I know he  
would have come back if he had not died.

Q How old would he be at the present time?

A About 25 or 26 years old.

Q Where did he die?

A In the penitentiary near Garvin, Texas.

Q On what charge was he sent to the penitentiary?

A Larceny; he stole some cattle from a Choctaw living on a farm  
close to me; and another boy stole them in Red River county  
and took them to Texas and sold them; they were arrested and  
tried in Clarksville and sent to the penitentiary.

Q To the nearest of your recollection, what year was it that

Isaac Tullihela was tried and sentenced to the penitentiary?

A I think he was tried in 1898 and sent up in 1899.

Q When did he die?

A He died some time along in 1900.

Q You are thoroughly satisfied from General Information that Isaac

Tullihela died prior to September 25, 1900? A Yes, sir.

Q Who was implicated and sentenced with Isaac Tullihela from

Clarksville?

A Moses James.

Q Was Moses James living when his sentence expired?

A Yes, sir.

Q About what year was Moses James released from prison?

A I think it was about 1900.

Q Moses James stated to you that Isaac Tullihela died in prison?

A Yes.

Q And prior to his release? A Yes.

Q Is Moses James living or dead?

A Dead; he died in July at South M'Alister.

Witness Excused.



IN Re Isaac Tallinela --- #2----

Testimony taken at Garvin, Indian Territory, April 19,  
1906.

ALBERT FORBES, being first duly sworn, testified, under  
interrogation of Jacob Homer, as follows:

BY THE COMMISSIONER:

- Q What is your name? A Albert Forbes.  
Q What is your age? A A out  
Q What is your post office? A Garvin.  
Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.  
Q Were you acquainted with Isaac Tallinela?  
A Yes.  
Q What age Choctaw was he when you knew him?  
A About 28 or 19 I guess.  
Q Is he living or dead?  
A He's dead I guess, that's what they say.  
Q Where did he die?  
A He died in the penitentiary somewhere in Texas, I do not know  
where it was; Moses James went with him and he told me when he  
came back that Isaac died in the penitentiary.  
Q For what offence were they sent to the penitentiary?  
A Stealing cattle.  
Q Where were they tried? A At Clarksville, Texas.  
Q Were you related to Isaac Tallinela?  
A His father was my own cousin.  
Q What year were these parties committed to prison?  
A I have forgot, it has been a good while.  
Q Why do you know Isaac Tallinela to be dead?  
A Moses James went with him; both were arrested and taken to  
Clarksville and sent to the pen, and when Moses James came  
back he said Isaac died in the penitentiary.  
Q Did Isaac Tallinela die before the release of Moses James?  
A Yes, that's what he said.  
Q When was Moses James released from prison?  
A It has been a long time more than five years.  
Q You are satisfied in your own mind that Isaac Tallinela died  
prior to September 25, 1902?  
A Yes.

Witness Excused.

W. P. Covington, being duly sworn, deposes and says above and  
foregoing is a full, true and correct transcript of his  
stenographic notes taken in said case on said date.

W. P. Covington

Subscribed and sworn to before me, this 28th day of

April 1906.

Lacey P. Reed  
Notary Public.

7-4931.

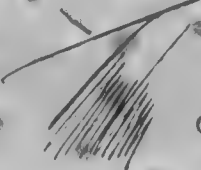
DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----  
In the matter of the application for the enrollment of  
Isaac Tullihela as a citizen by blood of the Choctaw Nation.

-----  
It appears from the census card record in this case that  
on November 17, 1899, application was made to the Commission to the  
Five Civilized Tribes for the enrollment of Isaac Tullihela as a  
citizen by blood of the Choctaw Nation.

The evidence in this case shows that said applicant died  
prior to September 25, 1902.

It is, therefore, ordered that the application made for  
the enrollment of Isaac Tullihela as a citizen by blood of the Choctaw  
Nation be, and the same is, hereby dismissed.

  
Commissioner

Muskogee, Indian Territory,

JUN 21 1906

---

7-4931

Muskogee, Indian Territory, June 21, 1906.

COPY.

Nancy Haley,  
Garvin, Indian Territory.

Dear Madam:

Inclosed herwith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated June 21, 1906, dismissing the application for the enrollment of Isaac Tullihela as a citizen by blood of the Choctaw Nation.

Respectfully,

*Tama Dink*  
Commissioner.

Registered.

7-4931

7-4932

Muskogee, Indian Territory, June 21, 1906.

COPY.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nation,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the  
order of the Commissioner to the Five Civilized Tribes,  
dated June 21, 1906, dismissing the application for the  
enrollment of Isaac Tullihela as a citizen of the  
Choctaw Nation.

Respectfully,

Commissioner.

Incl. 7-4931.

7-4931

Muskogee, Indian Territory, October 30, 1903.

T. J. Barnes,

Garvin, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter without date in which you state that Isaac Tullihela is supposed to have died in prison somewhere in the state of Texas.

You have the thanks of this office for your attention in this matter.

Respectfully,

Commissioner

7-4931.

Muskogee, Indian Territory, October 19, 1905.

Nancy Haley,

Care T. J. Barnes,

Garvin, Indian Territory.

Dear Madam:

On November 17, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of your step-son, Isaac Tullihela. Frequent letters addressed to him at his last named postoffice address at Garvin, Indian Territory, have been returned unclaimed. If you have any knowledge relative to the present whereabouts of said applicant kindly inform this office of the same at the earliest possible date.

Respectfully,

Commissioner.

Death of this person is suggested. Supposed to have died in imprisonment somewhere in the State of Texas.

Resp.

T. Barnes.



MEMORANDA.

(Date) July 17 1899.

29 Name L. M. Sullivan  
Choctaw? Yes County Franklin Year 90 No. 12316  
Chickasaw? County Year Page 311

Citizen by blood? Mother's citizenship  
Intermarried citizen?  
Married under what law?  
License filed this day,

Wife's name,  
Choctaw? County Year No.  
Chickasaw? County Year Page

Citizen by blood? Mother's citizenship  
Intermarried citizen?  
Married under what law?  
License filed this day

Names of children:

County	Year	Page	No.
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
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.....	.....	.....	.....
.....	.....	.....	.....

✓

A431



REFER IN REPLY TO THE FOLLOWING

7-4931

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 21, 1906.

Nancy Haley,

Garvin, Indian Territory.

Dear Madam:

Inclosed herwith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated June 21, 1906, dismissing the application for the enrollment of Isaac Tullihela as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

Registered.

7-4931

Choc 4932 Ausie willie

Soyanis willie

4932

7-1087  
7-4932

Muskogee, Indian Territory, November 27, 1905.

Bersna Wright,  
Care of John Wright,  
Marvin, Indian Territory.

Dear Madam:

(You are requested to appear at the Choctaw land office, Atoka, Indian Territory, at the earliest practicable date for the purpose of testifying relative to your age, the names of your parents, and your right to select an allotment of the lands of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Commissioner.

GR.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D. 2862-1903.

11182-1906.

D.C. 27019.

June 25, 1906.

LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 2, 1906, you forwarded a report inclosing testimony of Sayanis Willie (now Charles) and Alice Austin, both residents of Garvin, Ind. T., taken April 27, 1906, showing that Susanna Willie, whose name appears opposite No. 13482 upon the partial roll of citizens by blood of the Choctaw Nation, age 22, is a duplicate of the enrollment of Surena Wright, whose name appears opposite No. 2898 upon the approved partial roll of citizens by blood of the Choctaw Nation, and in view of said testimony you ask authority to cancel the name of Susanna Willie, No. 13482, from the partial roll of Choctaw citizens by blood approved by the Acting Secretary of the Interior on March 19, 1903.

In view of the testimony adduced the Department is convinced that Susanna Willie is a duplicate enrollment of Surena Wright as above described, and hereby authorizes you to strike from the roll of approved citizens by blood of the Choctaw Nation, the name of Susanna Willie, opposite No. 13482.

A copy of the Indian Office letter, recommending such action,  
is inclosed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

(COPY)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

Land  
48461-2906

June 20, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated June 2, 1906, saying that the enrollment of Susanna Willie, approved roll of citizens by blood of the Choctaw Nation No. 13482, is erroneous, and should be canceled.

He reports that information reached his office that the enrollment of Susanna Willie was a duplicate enrollment of Surena Wright, No. 2898; that he caused an investigation to be made by an enrolling party in the Choctaw Nation; and that from the testimony of Sayanis Willie and Alice Austin, of April 28, 1906, it is evident that Susanna Willie No. 13482 is identical with Surena Wright No. 2898, and he recommends that authority be granted for the cancellation of the enrollment of Susanna Willie at No. 13482, as she has selected an allotment under the name of Surena Wright, enrolled at No. 2898.

He transmitted a copy of the testimony taken in the case, which shows conclusively that there is a duplicate



-2-

enrollment in this case, and the Office concurs in his recommendation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.



7-4932

Muskogee, Indian Territory, July 19, 1906.

Chief Clerk,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:-

Referring to Choctaw roll card No. 4932 you are hereby advised that a red line has been drawn through the name of No. 3 thereon, Susanna Willie, and the following notation in red ink placed upon said card:

"No. 3 is duplicate of Susana Wright No. 2 on Choctaw Card No. 1087. Enrollment hereon cancelled under Departmental authority of June 25, 1906 (I.T.O.11182-1906) D. C. 27012-1906."

You will, therefore, make duplicate Choctaw card of this number in your possession conform to the information thereon.

Respectfully,

Commissioner.

7-4932

Muskogee, Indian Territory, July 19, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:-

Referring to Choctaw roll card No. 4932 you are hereby advised that a red line has been drawn through the name of No. 3 thereon, Susanna Willie, and the following notation in red ink placed upon said card:

"No. 3 is duplicate of Surana Wright No. 2 on Choctaw Card No. 1087. Enrollment hereon cancelled under Departmental authority of June 25, 1906 (I.T.D. 11182-1906) D. C. 27019-1906."

You will, therefore, make duplicate Choctaw card of this number in your possession conform to the information thereon.

Respectfully,

Commissioner.

MEMORANDA.

(Date) Nov 14 1899.

Name .....

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship :

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name,

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship :

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children :

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

A932

7-4932 ✓

INDEXED

Prime  
Dept. of  
American Affairs

Choctaw notes  
approved DEC 25 1902

Commissioner

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
DEC 25 1902

CHOCTAW  
# 4932

DEPARTMENT OF THE INTERIOR,  
Commission to the Five Civilized Tribes

In the matter of the death of Annie Willie  
a citizen of the Cherokee Nation, who formerly resided at or  
near Garwin, Ind. Ter., and died on the    day of  
December, 1899.

Affidavit of Relative.

United States of America,  
Indian Territory,  
Central District.

I, Willis Willie, on oath state that I am 22  
years of age and a citizen by Blood, of the Cherokee Nation;  
that my post office address is Garwin, Ind. Ter.; that I  
am son of Annie Willie who was a citizen,  
by Blood, of the Cherokee Nation; and that said Willis Willie  
died on the    day of December, 1899.

Witness to Mark:

Willis Willie

Subscribed and sworn to before me this 24 day of November, 1902.

J. J. Barrow  
Notary Public.

Affidavit of Acquaintance.

United States of America,  
Indian Territory,  
Central District.

I, Robert Taylor, on oath state that I am 50  
years of age, and a citizen, by Blood, of the Cherokee Nation;  
that my post office address is Garwin, Ind. Ter.;  
that I was personally acquainted with Annie Willie  
who was a citizen by Blood, of the Cherokee Nation; and that  
said Annie Willie died on the    day of December, 1899.

Witness to Mark:

Robert Taylor

Subscribed and sworn to before me this 26 day of November, 1902.

J. J. Barrow  
Notary Public.

Case 9933

...

EMPTY



Clac 4934 - missing self id

Record transferred to Chicago 2/1/64

EMPTY



EMPTY

Choc 4936 setena Cassell

4936

MEMORANDA.

Greene

(Date) Dec 11, 1899.

Name .....

Choctaw ? ..... County ..... Year ..... No. ....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, .....

Wife's name, .....

Choctaw ? ..... County ..... Year ..... No. ....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

7-1136

Case No. W 146 INDEXED

IN RE

Application for Enrollment of

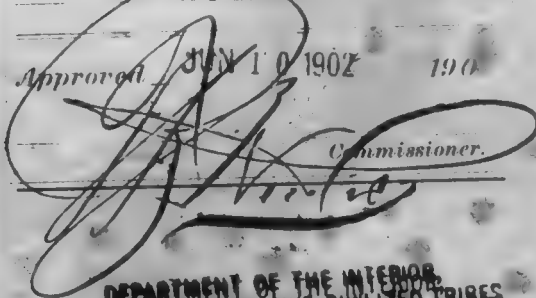
INFANT CHILD

Leathie Cassell

as a citizen of the

Choctaw Nation.


Approved JUN 10 1902 190

  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 10 1902

 ACTING CHAIRMAN.

1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
 of Leathie Cassell, born on the 17th day of November, 1901  
(Here insert name of child.)  
 Name of Father: J. T. Cassell, a citizen of the Choctaw U.S. Nation.  
 Name of Mother: Serena Cassell, a citizen of the Choctaw Nation.  
 Post-Office: Canadian, O. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY,  
Central District. }

I, Serena Cassell, on oath state that I am 29  
 years of age and a citizen, by Birth, of the Choctaw Nation;  
 that I am the lawful wife of J. T. Cassell, who is a citizen, by  
marriage, of the Choctaw Nation, that a girl child was  
(Male or female.)  
 born to me on the 17th day of November, 1901; that said child has been  
 named Leathie Cassell, and is now living.

Serena Cassell

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 17th day of May, 1902

J. T. Caves

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY,  
Central District. }

I, Dr. M. R. Moulins, Physician, on oath state that I  
 attended on Mrs. Serena Cassell, wife of J. T. Cassell,  
 on the 17th day of November, 1901; that there was born to her on said  
 date a girl child; that said child is now living and is said to have been  
(Male or female.)  
 named Leathie Cassell.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 17th day of May, 1902

J. T. Caves

Notary Public.

7-4936

Muskogee, Indian Territory, May 20, 1902.

J. T. Cassell,  
Canadian, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Leahie Cassell infant daughter of J. T. and Serena Cassell, born November 11, 1901, and the same is returned to you herewith for the reason that the notary public before whom the affidavit of the mother was acknowledged has neglected to affix his notarial seal thereto.

Upon return of the application with the seal of the notary public affixed to the affidavit of the mother, the matter will receive further consideration.

Yours truly,

Enc. W. 146.

Commissioner in Charge.



Muskogee, Indian Territory, June 10, 1908.

J. T. Cassell,  
Canadian, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Cheetaw Nation of Leathie Cassell, infant daughter of J. T. and Serena Cassell, born November 11, 1901, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Cheetaw Nation.

Yours truly,

Commissioner in Charge.



CHOC 4937 Eli wade

4937

MEMORANDA.

*Atoka*

(Date) *December 11* 1899.

Name .....

Choctaw ? ..... County ..... Year ..... No. ....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, .....

Wife's name, .....

Choctaw ? ..... County ..... Year ..... No. ....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

*20* *Eli Made* County *Atoka* Year *96* Page *366* No. *13979*

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

*father, Simon Made, } residence, Gannett Co.*  
*mother, Henry*

*7-4931*

Choc 4938 Sin Xarharmby

4938

MEMORANDA.

Alaska

(Date) December 4 1899.

330

Name Sim Yarkhamby

Choctaw? yes County Alaska Year 76 No. 14244

Chickasaw? County Year Page 874

Citizen by blood? yes Mother's citizenship Alaska

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

or all Sim Yarkhamby

4938

Muskogee, Oklahoma, June 29, 1908.

Subject:

---  
Death of Sin Yarharaby,  
a Choctaw.  
.....

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record in the matter of the date of the death of Sin Yarharaby, whose name appears opposite No. 13469 upon a schedule constituting a part of the final roll of citizens by blood of the Choctaw Nation, approved by the Secretary of the Interior March 19, 1903, and the selection of an allotment in his name.

A copy of the decision of the Acting Commissioner to the Five Civilized Tribes of February 25, 1908, was, on February 26, 1908, forwarded to J. C. Smith, Marietta, Oklahoma, by registered mail, and he was notified that he would be allowed to show cause and introduce testimony before the Commissioner at his office in Muskogee, Oklahoma,

on Monday, March 30, 1908, at two o'clock, P. M., why recommendation should not be made to the Secretary of the Interior for the cancellation of the allotment selected by him, as the administrator of the estate of Sin Yarhamby, deceased, at the Chickasaw Land Office on January 20 and 21, 1904, for the reason that the said Sin Yarhamby died prior to September 25, 1902, the date of the ratification of the Choctaw-Chickasaw Agreement approved July 1, 1902 (32 Stats., 641).

No appearance was made at this office by the administrator, or his representative, at the time stated in the above notice, and no action, whatever, appears to have been taken by him relative thereto.

It appears from the records of this office that Chickasaw Homestead Certificate No. 5637 and Chickasaw Allotment Certificates No's. 7957, 7958 and 14352 have been issued in the name of Sin Yarhamby and mailed to the administrator of the estate. The return of said certificates has been requested, but no response has been made to the notice by the administrator.

No patents to the allotment selected in the name of Sin Yarhamby have been prepared.



3.

Inasmuch as it appears from the record transmitted herewith that Sin Yarharaby died prior to September 25, 1902, the date of the ratification of the Choctaw-Chickasaw agreement approved July 1, 1902 (32 Stats., 641), I have the honor to recommend that there be placed upon the final roll of citizens by blood of the Choctaw Nation and the letter of transmittal in the possession of the Department, opposite the name of the said Sin Yarharaby, appearing thereon at No. 13489, the following notation:

"Died prior to September 25, 1902;  
not entitled to land or money".

and that a like notation be placed upon the copies of the final roll and letter of transmittal in the possession of the Indian Office.

I have the honor to further recommend that this office be authorized to place the above notation upon the copies of the final roll and letter of transmittal in its possession.

In view of the fact that the certificates of allotment for the land selected in the name of the said Sin Yarharaby are outstanding, I have the honor to request that this office be specifically advised whether this allotment



shall be cancelled upon the records of this office and applications for said land on behalf of other allottees received prior to the return and cancellation of the certificates of allotment which have been issued in the name of Sin Yarharaby.

Respectfully,

WPC(VR 812)

Commissioner.

Through the  
Commissioner of  
Indian Affairs.

DEPARTMENT OF THE INTERIOR

Land  
45531-1908  
G R

Office of Indian Affairs

Washington.

July 18, 1908

Subject:  
Cancellation of allotment  
certificates issued in  
the name of Sin Yarharmby,  
deceased, Choctaw by blood,

The Commissioner

to the Five Civilized Tribes,  
Muskogee, Oklahoma.

Sir:

Referring to the letter of the Acting Commissioner to the Five Civilized Tribes, dated June 29, 1908, transmitting therewith the record as to the date of death of Sin Yarharmby, whose name appears opposite No. 13489 on the approved final roll of Citizens by blood of the Choctaw Nation, and who died prior to September 25, 1902, the date of the final ratification of the Choctaw-Chickasaw agreement, approved July 1, 1902 (32 Stat. l., 641 ), you are advised that the Department on July 16, 1908, concurred in the recommendation that there be placed opposite the name of Sin Yarharmby on the copies of the approved rolls of Choctaws by blood in the possession of the Department and this Office the following notation:

"Died prior to September 25, 1902, not entitled to land or money."

and that a like notation be made upon the final roll in your possession. The above notation has been made upon the

copies of the rolls in possession of the Department and this Office. So note on the Roll in your possession.

The Department approved the further recommendation that you be authorized to cancel as now appears of record in your office, Chickasaw homestead certificate No. 6637, dated January 21, 1904, Chickasaw allotment certificates Nos. 7857 7858, dated January 21, 1904, and Chickasaw allotment certificate No. 14352, dated January 20, 1904, issued in the name of Sin Yarharmby, deceased, for the lands therein described.

For your information and guidance, find enclosed copy of Office letter of recommendation showing Departmental action thereon.

Very respectfully,

Acting Commissioner

INCLOSURE.

DEPARTMENT OF THE INTERIOR,

Land  
45531-1908  
G R

Office of Indian Affairs,

Washington.

July 15, 1908.

Cancellation of allotment  
certificates issued in name  
of Sin Yarharmby, deceased,  
Choctaw by blood.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a letter of the Acting Commissioner to the Five Civilized Tribes, dated June 29, 1908, enclosing the record as to the date of the death of Sin Yarharmby, whose name appears opposite No. 13489 on the final roll of citizens by blood of the Choctaw Nation, approved by the Secretary of the Interior March 19, 1903, and selection of an allotment in his name by the administrator of his estate.

Pursuant to enrollment and selection there were issued and delivered to the administrator of the estate and by him not returned, Chickasaw homestead certificate No. 6637, dated January 21, 1904, embracing:

Subdivision	Sec.	Town.	Range	Acres
SW/4 NE/4 NW/4	19	6 S	2 E	10
SE 10 acres Lot 1	19	6 S	2 E	10
E 20 acres Lot 2	19	6 S	2 E	20
S/2 SE/4 NW/4	19	6 S	2 E	20
SE/4 NE/4 SW/4	19	6 S	2 E	10

W/2 NE/4 SW/4	19	6 S	2 E	20
E 20 acres Lot 3	19	6 S	2 E	20
S/2 NW/4 SE/4	19	6 S	2 E	20
N/2 SW/4 SE/4	19	6 S	2 E	20
NW/4 SE/4 SE/4	19	6 S	2 E	10

in the Chickasaw Nation, and Chickasaw allotment certificates Nos. 7853 and 7858, dated January 21, 1904, embracing:

Subdivision	Sec.	Town.	Range	Acres.	
N 18.30 acres Lot 4	19	6 S	2 E	18.30	
SE 10 acres Lot 4	19	6 S	2 E	10	
N/2 SE/4 SW/4	19	6 S	2 E	20	
S/2 SE/4 SE/4	19	6 S	2 E	20	7857
EE/4 SE/4 SW/4	31	6 S	2 E	10	
SW/4 SE/4 SW/4	31	6 S	2 E	10	
NW/4 SW/4 SE/4	31	6 S	2 E	10	
<hr style="width: 20%; margin-left: auto; margin-right: auto;"/>					
NW/4 NE/4 SE/4	21	4 S	2 E	10	7858

and Chickasaw allotment certificate No. 14352, embracing the NW/4 NW/4 of Sec. 27, Town. 4 S. Range 2 E., 40 acres, all in the Chickasaw Nation.

The allotment certificates have been delivered and are still outstanding and are not now in the possession of the Commissioner to the Five Civilized Tribes. No patent thereunder has yet been prepared. By his decision of February 25, 1908, the Acting Commissioner found from the evidence adduced that Sin Yarharmby, whose name appears opposite No. 13489 on the final roll of citizens by blood of the Choctaw Nation, died prior to September 25, 1902, the date of the final ratification of the Choctaw-Chickasaw agreement, approved July 1, 1902, and is not entitled to an allotment of land in the Choctaw-Chickasaw country, according to the proviso of Section

35 of said agreement, which provides:

That no allotment of land or other tribal property shall be made to any person, or to the heirs of any person whose name is on the said roll, and who died prior to the date of the final ratification of this agreement.

Notice of the above decision was forwarded by registered mail on February 26, 1908, to J. C. Smith at Marietta, Oklahoma, administrator of the estate of Sin Yarharmby, deceased, and he was notified to appear before the Commissioner to the Five civilized Tribes at his office in Muskogee, Oklahoma, on Monday, March 30, 1908, at 2 P. M., and show cause why the above described certificates of allotments issued in the name of Sin Yarharmby died prior to September 25, 1902, the date of the final ratification of the Choctaw-Chickasaw agreement, approved July 1, 1902 (32 Stat. L. 641).

No appearance on behalf of the administrator of the estate of Sin Yarharmby, deceased, or on behalf of the deceased, was made at the time and place fixed in the notice, but default was made therein.

This Office has carefully examined the evidence as submitted and is of opinion that Sin Yarharmby, whose name appears opposite No. 13489 on the approved final roll of citizens by blood of the Choctaw Nation, died prior to September 25, 1902, and, therefore, concurs in the recommendation of the Acting Commissioner to the Five Civilized Tribes that opposite the name of Sin Yarharmby on copies of the roll of Choctaws by blood in the possession of the Department and this Office,



the following notation be made:

Died prior to September 25, 1902;  
Not entitled to land or money;

and that a like notation be made upon the copy of the final roll in his possession.

This Office recommends further that the Commissioner to the Five Civilized Tribes be authorized to cancel Chickasaw homestead certificate No. 6637, dated January 21, 1904, Chickasaw allotment certificates Nos. 7857 and 7858, dated January 21, 1904, and Chickasaw allotment certificates No. 14352, dated January 20, 1904, as now appears of record in his office and issued in the name of Sin Yarharmby, deceased, for aforesaid lands.

Very respectfully,

Acting Commissioner.

July 1908.

Approved:

Assistant Secretary.



Choc 4939 Daniel Bacon

4939

Faint, illegible text, possibly bleed-through from the reverse side of the page.

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. July 23, 1904.

.....  
Choctaw 4939.

In the matter of the application of Silly Frazier for enrollment as a citizen by blood of the Choctaw Nation.

LIZZIE ANN BACON, being first duly sworn, testifies as follows:

Examination by the Commission:

- Q. What is your name? A. Lizzie Ann Bacon.  
Q. How old are you? A. About thirty-five.  
Q. What is your Post-Office address? A. Colgate.  
Q. Is that in the Choctaw Nation? A. Yes sir.  
Q. Were you once the wife of Daniel Bacon? A. Yes sir.  
Q. How many children did you have by Daniel Bacon? A. Two.  
Q. What were their names? A. Elias Bacon and Ed Bacon.

The witness is identified from original Choctaw enrollment card No. 4939, as Lizzie A. Bacon, Choctaw roll No. 13491.

- Q. Are you living with Daniel Bacon at the present time? A. No sir.  
Q. Were you divorced from Daniel Bacon?  
A. I was married to Daniel Bacon, and we then separated and I married Frazier. After Frazier died I married Bacon again, and we again separated.  
Q. How long did you live with Lewis Frazier? A. Nearly two years.  
Q. Were you married to him? A. Yes sir.  
Q. Did you have any children by him? A. Yes sir.  
Q. How many? A. One.  
Q. What was the name of that child? A. Silly Frazier.  
Q. Did you ever make application for the enrollment of that child?  
A. Yes sir.  
Q. Where did you make application for the enrollment of that child?  
A. At Atoka.  
Q. Do you know what year it was? A. No sir.  
Q. Was the Commission in session at that time at Atoka? A. Yes sir.  
Q. Who was with you at the time you made this application?  
A. Sam A. Ott.  
Q. Anybody else? A. Martha Frazier.  
Q. Did you make application on a sheet like this blank that is shown you now? (Witness shown regular form of application for enrollment of infant children). A. No sir.  
Q. Was Silly Frazier born January 6, 1900? A. Yes sir.  
Q. How long after this child was born was it before you sent an application to the Commission for its enrollment?  
A. About two years afterwards.  
Q. Did you send that application to the Dawes Commission, at Muskogee? A. Yes sir.

#2.

- Q. Did you get any letter in reply? A. No sir.  
Q. Then in November, 1902, you went before the Commission at Atoka and made application at that time? A. Yes sir.

(Witness excused)

SAM A. OTT, being first duly sworn, testifies as follows:

Examination by the Commission:

- Q. What is your name? A. Sam A. Ott.  
Q. Are you a citizen by blood of the Choctaw Nation? A. Yes sir.  
Q. How old are you? A. Thirty-three years old.  
Q. What is your Post-Office address? A. Colgate, Choctaw Nation.  
Q. Do you know Lizzie Ann Bacon? A. Yes sir.  
Q. Do you know her child, Silly Frazier? A. Yes sir.  
Q. Do you know when that child was born? A. Yes sir.  
Q. When was it born? A. January 6, 1900, in the morning, about half past six o'clock.  
Q. How near do you live to Lizzie Ann Bacon? A. Three miles.  
Q. Were you present when the child was born?  
A. Yes sir, it was born right there in my house.  
Q. Who was the midwife, the woman who attended her at the time the child was born? A. Martha Frazier.  
Q. Do you know if Lizzie Ann Bacon ever made a personal application to the Dawes Commission for the enrollment of Silly Frazier?  
A. Yes sir.  
Q. When did she make that application? A. In November, 1902.  
Q. At what place? A. At Atoka, Choctaw Nation.  
Q. Were you present at that time? A. Yes sir.  
Q. Did you hear the talk between her and the Commission? A. Yes sir.  
Q. Did they give her a blank application like this? (Witness shown regular form of application for enrollment of infant children).  
A. No sir.  
Q. Do you remember if any conversation took place between the Commission and Lizzie Ann Bacon about this child. What did they tell her. Did they ask her any questions? A. Yes sir - they told her to write to the Commission at Muskogee.  
Q. At this time, at Atoka, did you or Lizzie Ann Bacon sign any papers at all? A. Yes sir, I signed a paper.  
Q. At Atoka? A. Yes sir, at Atoka.  
Q. Was that paper about this child, Silly Frazier? A. Yes sir.  
Q. Was that paper left with the Commission? A. Yes sir.  
Q. Was it a paper like this I show you? (Showing birth affidavit).  
A. Yes sir.  
Q. You and Lizzie Ann Bacon did sign a paper something like this, before the Commission, at Atoka, in November, 1902?  
A. Yes sir, on November 19, 1902.  
Q. After this paper was signed by you and Lizzie Ann Bacon you left it with the Commission? A. Yes sir.  
Q. Has Lizzie Ann Bacon selected her allotment of land in the Choctaw Nation? A. Yes sir.  
Q. At the time she made selection of her own allotment did she ask to allot land for Silly Frazier? A. Yes sir.  
Q. What did they tell her? A. Told her the name of Silly Frazier was not on the roll.

#3.

- Q. When did this take place - how long ago? A. Some time in 1903.  
Q. Did she write to the Commission at Muskogee to find out about it?  
A. I dont know.  
Q. Did you? A. No sir.  
Q. Do you know whether anybody did?  
A. No sir. We tried to find out at South McAlester, from Mansfield & McMurray, attorneys for the Chotaw and Chickasaw Nations.  
Q. On November 19, 1902, at Atoka, Indian Territory, at the time you say Lizzie Ann Bacon made application for the enrollment of her child, Silly Frazier, did she make application for the enrollment of any other child? A. It is so long ago I dont recollect.

(Witness excused).

LIZZIE ANN BACON - Recalled.

- Q. Did you make application for the enrollment of Ed Bacon, on November 19, 1902? A. Yes sir.  
Q. Did Martha Frazier sign the paper with you? A. Yes sir.  
Q. This was the same day that you made application for the enrollment of Silly Frazier, was it? A. Yes sir.  
Q. Did you sign just such a paper for Silly Frazier as you did for Ed Bacon? A. Yes sir.

(Witness excused).

SAM A. OTT - Recalled.

- Q. Do you now remember that application was made on the same day for the enrollment of Ed Bacon? A. Yes sir, I was the interpreter.  
Q. Did you interpret for her in making the application for Silly Frazier? A. Yes sir.  
Q. And you swear positively that application was made upon that day?  
A. Yes sir.

.....

Arthur R. Taylor, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 23rd day of July, 1904, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 21<sup>st</sup> day of July, 1904.

Charles H. Taylor  
Notary Public.

IN RE  
Application for Enrollment of  
INFANT CHILD

*Willy Brazier*  
as a citizen of

*Choctaw* Nation.

Approved:  190

Commissioner

Born Jan 6, 1900

DEPARTMENT OF THE INTERIOR  
Commissioner of the U.S. Civilized Tribes.

FILED

APR 21 1905

CHOCTAW

4939

RECEIVED  
APR 19 1905

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the **Choctaw** Nation,  
of **Silly Frazier** (Here insert name of child.) born on the **6th** day of **January, 1900.**  
Name of Father: **Lewis Frazier** a citizen of the **Choctaw** Nation.  
Name of Mother: **Eliza A. Bacon** a citizen of the **Choctaw** Nation.  
Postoffice **Coalgata**

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
**Central** DISTRICT.

I, **Eliza A. Bacon**, on oath state that I am **40**  
years of age and a citizen by **blood** of the **Choctaw** Nation,  
that <sup>was</sup> the lawful wife of **Lewis Frazier**, who is a citizen by  
**blood** of the **Choctaw** Nation; that a **female** child was  
born to me on **6th** day of **January, 1900.** that said child has been named  
**Silly Frazier**, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two Witnesses.)

*Martha McGee*  
*James Quebrson*  
Subscribed and sworn to before me this **18th** day of **April, 1905.**

*W. H. Angell*  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
**Central** DISTRICT.

I, **Martha McGee**, **Mid-wife**, on oath state that I  
attended on Mrs. **Eliza A. Bacon**, wife of **Lewis Frazier**  
on the **6th** day of **January, 1900,** that there was born to her on said date a **female**  
child; that said child was living March 4, 1905, and is said to have been named **Silly Frazier.**

WITNESSES TO MARK:

(Must be Two Witnesses.)

*Martha McGee*  
*James Quebrson*  
Subscribed and sworn to before me this **18th** day of **April, 1905.**

*W. H. Angell*  
Notary Public.



IN RE

Application for Enrollment of

INFANT CHILD

*Silly Frasier*  
as a citizen of  
*Choctaw*

Approved

Commissioner

*[Vertical handwritten signature]*

*[Vertical handwritten notes]*

7-4939

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen by blood of the Choctaw Nation,  
 of Silly Frazier born on the 6th day of January, 1900  
 (Here insert name of child)  
 Name of Father: Louis Frazier a citizen of the Choctaw Nation.  
 Name of Mother: Lizzie Ann Bacon a citizen of the Choctaw Nation.  
 Post-office Coalgette

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
Central District.

I, Lizzie Ann Bacon, on oath state that I am a little over 30  
 years of age and a citizen, by Blood of the Choctaw Nation;  
 that I ~~was~~ was the lawful wife of Louis Frazier when Silly Frazier was born,  
Blood of the Choctaw Nation; that a ~~male~~ female child was  
 (Male or female)  
 born to me on 6th day of January, 1900; that said child has been named  
Silly Frazier and is now living. her

WITNESSES TO MARK:

Must be Two Witnesses

Robinson Murphy  
Edward James

Lizzie Ann + Bacon  
 mark

Subscribed and sworn to before me this 16th day of July, 1904

Herb B. Griffin  
 Notary Public, Central Dist. Ind. Ter.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
Central District.

I, Marta Frazier, Choctaw, and acting midwife  
 attended on Mrs. Lizzie Ann Bacon, wife of Louis Frazier  
 on the 6th day of January, 1900, that there was born to her on said  
 date a ~~male~~ female child; that said child is now living and is said to have been named  
 (Male or female)  
Silly Frazier

WITNESSES TO MARK:

Must be Two Witnesses

Robinson Murphy  
Edward James

Marta Frazier  
 mark

Subscribed and sworn to before me this 16th day of July, 1904

Herb B. Griffin  
 NOTARY PUBLIC.

7-4939

INDEXED ✓

IN RE

Application for Enrollment of

INFANT CHILD

EA Bacon

as a citizen of the

Choctaw Nation.

Approved

NOV 22 1902  
*[Signature]*  
Commissioner.

ACTING CHAIRMAN.

*[Signature]*

NOV 22 1902

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FILED

44939

DEPARTMENT OF THE INTERIOR; COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation, of Et. Bacon, born on the 1st day of May, 1902. Name of Father: Daniel Bacon, a citizen of the Choctaw Nation. Name of Mother: Lizzie A. Bacon, a citizen of the Choctaw Nation. Post-Office: Coalgate, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Lizzie A. Bacon, on oath state that I am 40 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of Daniel Bacon, who is a citizen, by blood, of the Choctaw Nation, that a male child was born to me on the 1st day of May, 1902, that said child has been named Et. Bacon, and is now living.

Witnesses to Maternal Signature: Lizzie A. Bacon (with X mark). Witnesses: W. Leokyo, H. G. Hains.

Subscribed and sworn to before me this 19th day of November 1902. H. Christie, Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Martha Frazier, a mid-wife, on oath state that I attended on Mrs. Lizzie A. Bacon, wife of Daniel Bacon, on the 1st day of May, 1902, that there was born to her on said date a male child; that said child is now living and is said to have been named Et. Bacon.

Witnesses to Maternal Signature: Martha Frazier (with X mark). Witnesses: H. G. Hains, Dan. A. Ott.

Subscribed and sworn to before me this 19th day of November 1902. H. Christie, Notary Public.

MEMORANDA.

Alaska

(Date) December 1 1899.

37

Name Daniel Bacon

Choctaw? yes County Alaska Year 96 No. 1780

Chickasaw? County Year Page 43

Citizen by blood? yes Mother's citizenship Choctaw

Intermarried citizen?

Married under what law?

License filed this day,

27

Wife's name, Lizzie A. Bacon

Choctaw? yes County Alaska Year 96 No. 1837

Chickasaw? County Year Page 45

Citizen by blood? yes Mother's citizenship Choctaw

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

9

Elias Bacon County Alaska Year 96 Page 45 No. 1838

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

Lizzie Ann Bacon  
Eli

4957

GEORGE A MANSFIELD  
J F McMURRAY  
MELVIN CORNISH

LAW OFFICES OF  
MANSFIELD, McMURRAY & CORNISH.

GENERAL COUNSEL FOR  
THE CHOCTAW NATION  
THE CHICKSAW NATION

South McAlester, Indian Territory, July 5, 1904.

Mr. Thomas S. Wade,  
Coalgate, Indian Territory.

Dear Sir:

Further referring to the matter of the enrollment of Silly Frazier, the child of Lizzie Ann Bacon and Louis Frazier, with reference to which you called at our office some days ago.

Upon an investigation we find that the records of the Commission to the Five Civilized Tribes do not show that any application was ever made for Silly Frazier. The records do show that on November 19th 1902, personal appearance was made before the Commission at Atoka and at that time application was made for Ed Bacon's brother of the child Silly. Mr. Sam A. Ott was present and witnessed the signature of the witnesses to the birth affidavit.

We enclose you herewith a blank birth affidavit which you can have filled out by some one at Coalgate who is familiar with the matter. The mother of the child should make the first affidavit and the midwife, physician or some other persons present at the birth of the child a second affidavit. After you have had prepared this affidavit in proper form we would suggest that you take the mother or or any other or some person present at the time the child was before the Commission at Atoka and Mr. Sam A. Ott and go to Muskogee and there appear before the Commission and testify orally that the child was brought before the Commission on November 19, 1902, and their presented to said Commission for the purpose of having her enrolled.



We believe that if this course is pursued the Commission will be inclined to act favorably in the matter and do what they can to see that Sill Frazier is placed on the final rolls.

Very truly yours,

*Wm. H. Murray*

7-4937  
7 NB 1300

Muskogee, Indian Territory, May 12, 1905.

O. S. Lawrence,  
Legal, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 1, 1905, enclosing affidavits of Lizzie Bacon and Martha Frazier to the birth of Sousin and Ellen Jackson, November 20, 1904, and the same have been filed with our records as an application for the enrollment of said children.

Further replying to your letter you are advised that the affidavits heretofore forwarded to the birth of Silly Frazier daughter of Lizzie A. Bacon, have been filed with our records as an application for the enrollment of said child, but her name has not yet been placed upon a schedule of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

Respectfully,

Chairman.

7-4939

Muskogee, Indian Territory, April 14, 1906.

W. P. Stewart,

Attorney at Law,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 11, 1906, stating that you have a client who married Elias Bacon a citizen of the Choctaw Nation in October 1904 and you ask if his wife can now be enrolled as an intermarried citizen if this proof is submitted.

You are advised that under the act of Congress approved July 1, 1902, no person who married a citizen of the Choctaw or Chickasaw Nation subsequent to September 15, 1902, is entitled to enrollment or allotment as an intermarried citizen of either of said nations.

Respectfully,

Acting Commissioner.

Loc 4940 Frank Jones

4940  
ahbh

MEMORANDA.

Okla

(Date) December 11 1899.

37

Name Frank Jones

Choctaw? ye County Okla Year 1891 No. 7286

Chickasaw? County Year Page 177

Citizen by blood? ye Mother's citizenship Choctaw Cherokee

Intermarried citizen? .....

Married under what law? .....

License filed this day, .....

Wife's name, .....

Choctaw? County Year No. ....

Chickasaw? County Year Page .....

Citizen by blood? Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

4940

Choc 4941 John Lewis

4941



INDEXED

CHOCTAW.

32

IN RE  
THE DEATH OF

*John Lewis*  
a citizen of the  
*Choctaw* Nation.

Approved. JUL -7 1902 190

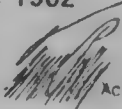


Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 7 1902



ACTING CHAIRMAN.

CHOCTAW

4941

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of John Lewis  
(Here insert name of deceased.)

a citizen of the Choctaw Nation, who formerly resided at or near  
Quertie, Ind. Ter., and died on the 8 day of  
May, 1902  
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.  
Central District.

I, Hullecher Lewis, on oath state that I am 50  
years of age and a citizen, by blood, of the Chickasaw Nation;  
that my post office address is Quertie, Ind. Ter.; that I am  
Wife of John Lewis  
(State relationship as: the father, an uncle, a cousin, etc.) (Here insert name of deceased.)  
who was a citizen, by blood, of the Choctaw Nation;  
and that said John Lewis died on the 8 day of  
May, 1902.

WITNESSES TO MAKE:

(Must be Two Witnesses.)

E. W. Horner

Hullecher Lewis  
not

Subscribed and sworn to before me this 27 day of June 1902

W. H. Hoffman  
Notary Public

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.  
Central District.

I, Edman Collett, on oath state that I am 30  
years of age, and a citizen, by blood, of the Chickasaw Nation;  
that my post office address is Quertie, Ind. Ter.;  
that I was personally acquainted with John Lewis  
(Here insert name of deceased.)  
who was a citizen, by blood, of the Choctaw Nation;  
and that said John Lewis died on the 8 day of  
May, 1902.

WITNESSES TO MAKE

(Must be Two Witnesses.)

Edman Collett

Subscribed and sworn to before me this 27 day of June 1902

W. H. Hoffman  
Notary Public

Muskogee, Indian Territory, June 12, 1902.

Hullecher Lewis,

Guertie, Indian Territory.

Dear Madam:

Information has been received by the Commission that your husband, John Lewis, has died since the time he was listed for enrollment as a citizen by blood of the Choctaw Nation.

For the purpose of making his death a matter of record, there is enclosed herewith a blank for proof of death which you are kindly requested to have properly executed, returning the same in the enclosed envelope which requires no postage.

You will notice that there is an affidavit for a relative and an acquaintance. You should be careful to see that all blanks are properly filled, all names written in full, and in event either of the persons whose names are to be affixed to the affidavits are unable to write, and their signatures are by mark, that such signatures are attested by two disinterested parties witnesses thereto.

The notary public before whom the affidavits are acknowledged must affix his notarial jurat and seal to each separate affidavit.

Yours truly,

Brv.  
D.C.

Commissioner in Charge.

Choctaw 4941

Muskogee, Indian Territory, July 7, 1902.

Hullecher Lewis,

Quertie, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavit of Edmon Colbert, as to the death of your husband, John Lewis on the 8th day of May, 1902, and such affidavits being in proper form have been accepted by the Commission and duly filed with the records of this office as evidence of the death of John Lewis.

Yours truly,

Commissioner in Charge.

MEMORANDA.

Ala.

(Date) Nov 60, 1899 1899.

63

Name John Lewis

Choctaw? yes County Utah Year 96 No. 8343

Chickasaw? County Year Page 208

Citizen by blood? yes Mother's citizenship Ohio

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

4441

Choc 4942 George F. McAhey

Marina Allen transferred from Choc D# 837

OCT 31, 1904

4942



In the matter of the application for the enrollment of  
Martha Allen as a citizen by intermarriage of the Choctaw Nation.

7-D-837.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, Ind. Ter., November 21, 1902.

Original  
Choctaw.

In the matter of the application of Martha Allen for enrollment as a citizen by intermarriage of the Choctaw Nation.

Martha Allen, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Martha Allen.  
Q How old are you? A Fifty.  
Q What is your post office address? A Cliff, Indian Territory.  
Q Is that in the Choctaw Nation? A Chickasaw Nation.  
Q How long have you been a resident of the Chickasaw Nation? A Three years.  
Q Lived there for the period of three years continuously? A Yes sir.  
Q Where did you live before that? A Coalgate.  
Q How long did you live in the Choctaw Nation? A I was raised in the Choctaw Nation.  
Q Lived there up to the time of your removal to the Chickasaw Nation? A Yes sir.  
Q What was the name of your father? A William Hunt.  
Q Is he living? A No sir, he is dead.  
Q Was he a white man? A Yes sir.  
Q What was the name of your mother? A Mary Jackson.  
Q Is she living? A No sir, she is dead.  
Q Was she a white woman? A Yes sir.  
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.  
Q What was the name of your Choctaw husband through whom you claim those rights? A Alex. McGahey.  
Q Was he a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.  
Q His rights were never questioned? A No sir.  
Q When were you married to Alex. McGahey? A In 1870.  
Q Where was the marriage ceremony performed? A In Nashoba county.  
Q In the Choctaw Nation? A Yes sir.  
Q At that time were both you and your husband residents of the Choctaw Nation? A Yes sir.  
Q Who performed the marriage ceremony? A Willis Folsom.  
Q A minister of the gospel? A Yes sir.  
Q Did you obtain a marriage license? A No.  
Q Have you got your marriage certificate? A No sir.  
Q What has become of your marriage certificate? A We never had any.  
Q Didn't the minister who married you give you a certificate? A No, the lady who lives over here a piece was there--Frank Rogers' wife--she was there.  
Q Who else was there? A That is all that is around here any where.  
Q Were you ever married before your marriage to Alex. McGahey? A No sir.  
Q Was he ever married before his marriage to you? A No sir.  
Q How long did you live with him as his wife? A About fourteen years until he died.

Martha Allen-----2

- Q You lived with him continuously until his death? A Yes sir.  
Q Since his death have you remarried? A Yes sir.  
Q How many times? A One time.  
Q What was the name of your second husband? A Will Allen.  
Q Was he a white man? A Yes sir.  
Q Where did you marry him? A About thirteen years ago.  
Q Where was this marriage ceremony performed? A Near Stringtown,  
Choctaw Nation.  
Q Are you at present a bona fide resident of the Choctaw Nation?  
A Yes sir.

The children of this applicant, Dora E., Arthur D., and Elijah W. McGahey appear on the records of the Commission on Choctaw Card Field No. 4403; her son, George F. McGahey appears upon the records of the Commission upon Choctaw roll Card, Field No. 4942.

By Simon Lewis, Choctaw Commissioner:

- Q Were you married to Alex. McGahey after he was admitted or before by the Choctaw Council? A Before.  
Q And before he applied to the Council? A Yes, before.  
Q Was your name included in the act that admitted his family?  
A No sir, I don't think it was.  
Q You married him after he came here but before he was admitted by the Council? A Yes sir.  
Q And your name was not in the list that the Council acted upon?  
A No sir.  
Q Were you living with him at the time of his admission? A Yes sir.

-----  
Harry C Risteen being first duly sworn upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 21 st day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*Harry Risteen*

Subscribed and sworn to before me this 24 day of November, 1902.

*J. J. James*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**

A handwritten signature in dark ink, appearing to be 'J. CHAMMAN', written over a horizontal line.

J. CHAMMAN.

INDIAN TERRITORY  
Southern District. ( SS:

Elizabeth Schoeppy, of Daugherty, Indian Territory, being duly sworn on her oath, states that she is well acquainted with Martha Allen and has known her from childhood. Affiant further states that the said Martha Allen was living at affiant's house at the time of her marriage to Alexander McGahey, a citizen by blood of the Choctaw Nation. Affiant states that she was present at the marriage of Martha Allen to Alexander McGahey and saw and heard the marriage ceremony performed.

*Elizabeth Schoeppy*

Subscribed and sworn to before me this 26 day of July, 1904.

*J. H. [Signature]*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

AUG 2 1904

A handwritten signature in dark ink, appearing to be 'J. C. ...', written over a horizontal line.

J. CHAIRMAN.



INDIAN TERRITORY,  
CENTRAL DISTRICT.

SS:

M. M. Rogers

, being first duly sworn, on her oath states that she is well acquainted with Martha Allen, who was formerly the wife of Alexander McGahey; that she has known the said Martha Allen for a number of years and was present and saw and heard the marriage ceremony performed at the marriage of said Martha Allen to Alexander McGahey; that she knew the said Alexander McGahey during his lifetime and he was a citizen by blood of the Choctaw Nation.

M. M. Rogers

Subscribed and sworn to before me this 14 day of July, 1904

J. W. Jones  
Notary Public. Cent. Dist.

7-D-837.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Martha Allen as a citizen by intermarriage of the Choctaw Nation.

---:--

D E C I S I O N .

It appears from the record herein that in the year 1870, the applicant, Martha Allen (nee Hunt) was lawfully married to Alex McGahey, the names of whose children Dora E. Barker (nee McGahey), Arthur McGahey, Eliza W. McGahey, Effie McGahey and Joel J. McGahey, by said marriage appear as numbers 12275, 12276, 12277, 12278 and 12279 upon the list prepared by this Commission, under the act of Congress approved July 1, 1902, (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior, March 6, 1903; that at the time of said marriage both persons first above mentioned were residents in good faith of the Choctaw Nation and lived together as husband and wife continuously in said Nation until the time of the death of said Alex McGahey about the year 1884, that thereafter the applicant was married to Will Allen a non-citizen white man.

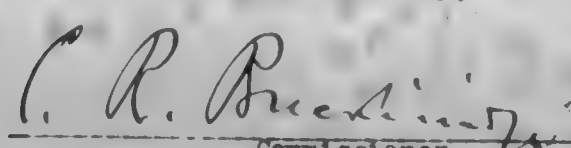
It further appears from the record herein that the applicant had been a resident in good faith of the Choctaw-Chickasaw Nation from the date of said marriage to Alex McGahey up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Martha Allen should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the Acts of Congress approved June 28, 1898, (30 Stat., 495) and July 1, 1902, (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
-----  
Chairman.

  
-----  
Commissioner.

  
-----  
Commissioner.

Muskogee, Indian Territory,

7-D-837

Muskegee, Indian Territory, October 15, 1904.

COPY,

Martha Allen,

Cliff, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application to enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNAL

*Tame Bixby.*

Chairman.

Registered.

Encl. 7-D-837.

Muskegee, Indian Territory, October 15, 1904.

Riley & Cotner,  
Attorneys-at-Law,  
Tishomingo, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application of Martha Allen for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said Martha Allen as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Chairman.

7-D-837.

Muskogee, Indian Territory, October 15, 1904.

Hardy & Franklin,

Attorneys-at-Law,

Madill, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application of Martha Allen for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said Martha Allen as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Chairman.

COPY

7-D-837.

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application for the enrollment of Martha Allen as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, Martha Allen's name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

*Jame Birney*

Chairman.

Registered. For registry receipt

Encl. 7-D-837. see 7-D-447.



MEMORANDA.

*Atoka*

(Date) *Dec 11* 1899.

28

Name *George F. McGabe*

Choctaw? *yes* County *Atoka* Year No. *44 32*

Chickasaw? County Year Page *238*

Citizen by blood? *yes* Mother's citizenship *white woman*

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

*On roll G. F. McGabe*

*Admitted by Act of Council*

*[Signature]*

Muskogee, Indian Territory, October 13, 1900,

Furman, Herbert & Mathers,  
 Attorneys at Law,  
 Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 13th instant in which you desire to be advised if the name of one, G. E. McGahay, appears upon the rolls of citizens of the Choctaw nation as prepared by this Commission, and if so, that you be informed as to his present post-office address.

You are informed that the records of this Commission show that George E. McGahay, 28 years of age at Atoka, Indian Territory, was listed for enrollment by this Commission as a citizen of the Choctaw Nation on December 4th, 1899, claiming to have been admitted to such citizenship by an act of the National Council of the Choctaw Nation.

The Commission has had no communication with Mr. McGahay since the time he appeared as an applicant on December 4th, 1899, and the only information we have as to his post-office is as of that date when he stated that he resided at Atoka, Indian Territory.

Yours truly,

Acting Chairman.

Choctaw 5331  
Choctaw B-837

Muskogee, Indian Territory, May 11, 1904.

Riley & Cotner,

Attorneys-at-Law,

Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 6, in which you ask the status of the enrollment of Mattie Allen and George Brown as an intermarried citizens of the Choctaw Nation.

In reply to your letter you are informed that the Commission has not yet passed upon the applications of George Brown and Martha Allen for enrollment as intermarried citizens of the Choctaw Nation. As soon as decisions are reached in these cases, you and the applicants will be notified of the action taken therein.

Respectfully,

Chairman.

Muskogee, Indian Territory, August 2, 1904.

Riley & Cotner,

Attorneys at Law,

Tishomingo, Indian Territory.

Gentlemen :-

Receipt is hereby acknowledged of your letter of July 23, 1904, enclosing the affidavits of Elizabeth Schoeppe and M. H. Rogers relative to the marriage between Martha Allen and Alexander McGahey, and the same have been duly filed with the records of the Commission in the matter of the application of Martha Allen for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

7-D-857

7-4403

7-4942

Muskogee, Indian Territory, September 9, 1904.

Hardy & Franklin,

Attorneys at Law,

Madill, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 3rd inst., requesting to be advised whether or not Martha McGaney nee Martha Allen has been enrolled by the Commission as an intermarried citizen of the Choctaw or Chickasaw Nation, and if so where she has taken her allotment. You further request to be advised whether or not George E. McGaney has been enrolled as a Choctaw Indian by blood and if so the location of this allotment, and whether the records show that he is still alive. We further request to be advised relative to the filing of his son J. J. McGaney and of F. Wade if he is a citizen.

You are advised that the application of Martha Allen, now about fifty-two years of age of Cliff, Indian Territory, for enrollment as an intermarried citizen of the Choctaw Nation has not yet been passed upon by the Commission.

You are further advised that the enrollment of Arthur D. McGaney as a citizen by blood of the Choctaw Nation was approved by the Secretary of the Interior March 6, 1903.

You are further advised that the enrollment of George F.



1. & F. 12

McGaley as a citizen by blood of the Choctaw Nation was approved by the Secretary of the Interior March 19, 1903. If said George F. McGaley has died since the time he was listed for enrollment as a citizen by blood of the Choctaw Nation December 4, 1899, this office has not been advised of that fact.

Our records do not show that any application has ever been received for the enrollment of J. J. McGaley, son of George F. McGaley.

You are also advised that the information contained in your letter relative to J. Ward is not sufficient to identify him as a citizen of the Choctaw or Chickasaw Nation. In making inquiry relative to the citizenship of any person the full given name should be given if known.

That portion of your letter referring to the selection and location of the allotments will be made the subject of a separate communication.

Respectfully,

Chairman.



Choctaw D 881

Muskogee, Indian Territory, February 20, 1905.

Wirt Franklin,

Coalgate, Indian Territory,

Dear Sir:

You are advised that the name of Susan Davis, Choctaw card D 881, has been transferred to Choctaw card 4912, with her husband, Simpson Harris, where she appears as Susan Harris.

Respectfully,

Chairman.

Choc 4943 Julia Nevins

Refused April 19, 1906

4943

MEMORANDA.

*Alaska*

(Date)

*Dec 11*

1899.

Name .....

Choctaw ? .....

County .....

Year .....

No. ....

Chickasaw ? .....

County .....

Year .....

Page .....

Citizen by blood ? .....

Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, .....

Wife's name, .....

*Julia Nevins*

Choctaw ? .....

*yes*

County .....

*alaska*

Year .....

*96*

No. ....

*9844*

Chickasaw ? .....

County .....

Year .....

Page .....

*249*

Citizen by blood ? .....

*yes*

Mother's citizenship .....

*Choctaw*

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....
.....	County .....	Year .....	Page .....	No. ....

*A94B*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, I. T. Feb. 6, 1901.

In relation to the rights of Julia Nevins to citizenship and enrollment as a member of the Choctaw tribe of Indians. Julia Nevins being duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Julia Nevins.  
Q What is your age, Mrs. Nevins? A I am 52.53.  
Q Where do you live? A Down here on the Arkansas River at the mouth of Grand River.  
Q What Nation is that in? A Cherokee Nation.  
Q How long have you lived there? A About 34 years.  
Q Lived there continuously for the past 34 years? A Yes sir.  
Q What is your father's name? A Lewis Garland.  
Q To what tribe of Indians did he belong? A Choctaw.  
Q Is he dead? A Yes sir.  
Q What is your mother's name? A Aurilla Polhom was her maiden name.  
Q Was she a Choctaw? A Yes sir.  
Q You have no Cherokee blood then? A None whatever.  
Q How did you become a citizen of the Cherokee Nation?  
A Just by living there and married a Cherokee. By adoption.  
Q You have always been recognized by the Cherokee tribal authorities as an intermarried citizen? A Yes sir.  
Q In 1893 did you draw your leased District money in the Choctaw nation? A That was when they paid out \$103.  
Q Yes. A Yes sir.  
Q What county? A Sansbois.  
Q Always been recognized as a citizen by blood of the Choctaw Nation have you? A Yes sir I guess so.  
Q Always participated in any payments that have been made to the Choctaws? A That is the only one.

It appears from the records of the Commission that Julia Nevins was listed for enrollment as a citizen by blood of the Choctaw nation on December 4th, 1899 having been identified from the 1896 census roll of the Choctaw nation, Atoka County No. 9849. At that time there was no statement made as to her Cherokee citizenship and she was listed for enrollment on Choctaw roll card, field No. 4943. It appears that subsequent to this time the Commission had knowledge of her residence in and enrollment as a citizen of the Cherokee Nation and a note to this effect was placed on this card. On August 29th, 1900, she was listed for enrollment as a citizen of the Cherokee Nation having been identified from the 1880 authenticated roll of Cherokee citizens, Canadian District No 1043. It appears from the records of the Commission and said citizenship rolls of both the Choctaw and the Cherokee Nations in its possession, that Julia Nevins is entitled to enrollment as a citizen of either the Choctaw or Cherokee Nations.

Q Mrs. Nevins, the paragraph of the 21st section of the act of Congress of June 28th, 1898, known as the Curtis Act, which provides, "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more

Julia Nevins 2--

tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere." Your purpose in now appearing before the Commission is to elect under the provision of the law I have just read to you, to be enrolled as a citizen of either the Choctaw or Cherokee Tribe of Indians. Is that correct? A Yes sir.

Q Now, in which of the tribes, the Choctaw or Cherokee, do you elect to be finally enrolled and take your allotment? A Cherokee.

Q If the Commission enrolls you upon the final rolls to be approved and your enrollment is so approved as a citizen of the Cherokee Nation, do you relinquish all your rights, title and interest in and to the lands and property of the Choctaw Tribe of Indians? A Yes sir.

-----  
Myra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 6th day of February, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 7th day of February, 1902,

Guy L. Emerson  
Notary Public

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Ft. Gibson, I.T., August 29, 1900.

In the matter of the application of JULIA NIVENS for the enrollment of herself as a CHEROKEE CITIZEN; being sworn and examined by Commissioner Needles, she testifies as follows:

- Q What is your name? A Julia Nivens.  
Q What is your age? A Fifty-three.  
Q What is your post-office address? A Muskogee.  
Q For whom do you apply? A Myself.  
Q Are you a recognized citizen of the Cherokee Nation? A Supposed to be; I am not a Cherokee.  
Q Is your mother a Choctaw? A Yes sir.  
Q Your father too? A Yes sir.  
Q Are you on the roll of 1880 here? A Yes sir.  
Q What district do you live in? A Canadian.  
Q How long have you resided in the Cherokee Nation? A Ever since 1867.  
Q Is your father living? A No sir.  
Q Did he die after 1880, or before? A He died before.  
Q What was his name? A Lewis Garland.  
Q What is your mother's name? A Aurilla Folsom was her maiden name.  
Q Is she living? A No sir.

1880 roll, page 37, #1043 Julia Nivens, Choctaw, Canadian District,  
1896 roll examined, and name not found.

Com'r Needles: The applicant's name appears upon Choctaw Card #4943; name also appears upon the authenticated roll of 1880.

- Q Do you elect to have yourself enrolled in the Cherokee Nation?  
A Yes sir, I want to make my home in the Cherokee Nation.  
1894 roll examined for applicant, and name not found.  
Q Did you draw your money for yourself in 1894? A No sir, the Cherokees wouldn't let me draw.

Com'r Needles: The name of Julia Nivens appears upon the authenticated roll of 1880; she being duly identified, and making satisfactory proof as to her residence, and being identified according to page and number in the testimony as indicated, she will be duly listed for enrollment as a Cherokee citizen by intermarriage; she having this day elected to accept Cherokee citizenship. It appears from the record that she has also been enrolled as a citizen of the Choctaw Nation.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green

Subscribed and sworn to before me this 6 day of Sept. 1900.

(Signed) T. B. Needles

Commissioner.



7-4943.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Julia Nevins as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the census card record in this case that on December 4, 1899, Julia Nevins appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by blood of the Choctaw Nation.

It further appears from the record herein that on August 29, 1900, said applicant appeared before said Commission at Fort Gibson, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation.

Upon an examination of the tribal rolls in the possession of this office, it appears that said Julia Nevins is identified upon the 1896 Choctaw Census Roll, Atoka County, No. 9840, and also upon the 1880 Authenticated Cherokee Roll, Canadian District, No. 1043.

It further appears from the record herein that on August 29, 1900, and again on February 6, 1901, said applicant appeared before said Commission and, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), elected to be finally enrolled as a citizen by blood of the Cherokee Nation, and to take her allotment of lands and distribution of moneys in said Nation. In accordance with said election the applicant herein was by the Commission to the Five Civilized Tribes finally enrolled as a citizen by blood of the Cherokee Nation, her name (as Julia Nevins) appearing as No. 5720 upon a list prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 716), of persons entitled to enrollment as citizens by blood of the Cherokee Nation, and approved by the Secretary of the Interior November 14, 1902.

I am, therefore, of the opinion that the application made for the enrollment of Julia Nevins as a citizen by blood of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

APR 19 1906

7-4943

Muskogee, Indian Territory, April 19, 1906.

Julia Nevins,

Muskogee, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 19, 1906, denying your application for enrollment as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

WED

Registered.

Acting Commissioner.

Incl. 7-4943.

7-4943

Muskogee, Indian Territory, April 19, 1906.

COPY

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 19, 1906, denying the application for the enrollment of Julia Nevins as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

*Wm. C. Beall*

Acting Commissioner.

Incl. 7-4943

Muskogee, Indian Territory, April 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application for the enrollment of Julia Nevins as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, rendered April 19, 1906, denying said application.

Respectfully,

SIGNED

Acting Commissioner.

2 Incl. 7-4943

Through the  
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I.T.L. 19916-1906.  
D. C. 16086.

October 16, 1906.

J.P.

Commissioner to the Five Civilized Tribes,  
Kuskogee, Indian Territory.

Sir:

April 19, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Julia Nevins as a citizen by blood of the Choctaw Nation, including your decision of the same date, adverse to the applicant.

Reporting October 6, 1906, (Land 35452), the Indian Office recommended that your decision be approved. A copy of its letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been returned for the files of the Indian Office.

Respectfully,

Thos. Ryan.

Acting Commissioner.

Through the Commissioner  
of Indian Affairs.

1 inc. and 2 to Ind. Of.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS.

Band  
31452-1906.

WASHINGTON.

October 6, 1906.

(C o p y)

The Honorable,

The Secretary of the Interior,

Sir:

There is enclosed herewith a report from the Commissioner to the Six Civilized Tribes, dated April 19, 1906, transmitting the record relative to the application of Julia Nevins for enrollment as a citizen of the Cherokee Nation.

On December 1, 1898, Julia Nevins applied for enrollment as a citizen by blood. On April 19, 1906, the Commissioner held that the applicant was not entitled to enrollment.

The record in the case shows that on August 29, 1900, the applicant appeared before the Commission to the Six Civilized Tribes at Fort Gibson, J. T., and made further application for enrollment, and upon examination of the tribal rolls, the applicant was identified on the Cherokee Census roll at Atoka County as No. 9840 of the records of 1896, and also on the authenticated Cherokee roll, Canadian District, No. 1043 of the records of 1880.

It further appears from the record that on August 29, 1900, and again on February 6, 1901, the applicant appeared before the Commission, and under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats. 495) elected to be finally enrolled as a citizen by blood of the Cherokee Nation, her name as Julia Nivens appearing as No. 5720 on a



list prepared by the Commission under the provisions of the Act of Congress approved July 1, 1901, (32 Stat. 716) and approved by the Department of the Interior November 14, 1902.

In view of the record, the approval of the Commissioner's decision is recommended; and it is further recommended that the application for enrollment of Julia Kovins, as a citizen of the Choctaw Nation, be denied.

Very respectfully,

C. F. Larrabee

H. R. E.-S. 1.

Acting Commissioner.

7-4943

Muskogee, Indian Territory, October 26, 1906.

COPY.

Julia Nevins,

Muskogee, Indian Territory,

Dear Madam:

You are hereby notified that on October 16, 1906, the Secretary of the Interior affirmed the decision of this office of April 19, 1906, denying the application for your enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

*James M. ...*  
Commissioners

7-4943

Muskogee, Indian Territory, October 26, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on October 16, 1906, the Secretary of the Interior affirmed the decision of this office of April 19, 1906, denying the application for the enrollment of Julia Nevins as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

Choc 4944 John Gore

4944

[Faint, illegible text covering the majority of the page, possibly bleed-through from the reverse side.]

MEMORANDA.

*Alaska*

(Date) *December* 1899.

*421*

Name .....

Choctaw ? ..... County ..... Year ..... No. ....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, .....

Wife's name, .....

Choctaw ? ..... County ..... Year ..... No. ....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

*10* X

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

..... County ..... Year ..... Page ..... No. ....

*1149.*

Commission to the Five Civilized Tribes,

Atoka, I. T., December 5, 1899.

In the enrollment of Minnie L. Gore as a Choctaw; William H. Harrison, being sworn and examined by Com'r McKennon states:

Q What is your name? A William H. Harrison.

Q How old are you? A Forty-eight.

Q Do you know John Gore? A Yes sir.

Q Do you know his child, Minnie Lee? A Yes sir.

Q John Gore is a Choctaw Indian citizen? A Yes sir.

Q His wife, the mother of Minnie Lee, was a white woman?

A Yes sir.

Q Do you know that they lived together as husband and wife, and were so recognized by the ~~people~~ community in which they lived?

A Yes sir.

Q You understood that they were married? A Yes sir.

Q She is dead is she? A Yes sir.

---  
---  
Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that this is an official and correct stenographic transcript of the deposition of William H. Harrison, taken by me, J. McKennon, Commissioner, that this transcript is a true and correct translation of my stenographic notes.

*J. McKennon*



Choc. R. 13497.

COPY

STATE OF TEXAS.

LAMAR COUNTY.

TO ANY REGULARLY LICENSED OR ORDAINED MINISTER OF THE GOSPEL,  
JEWISH RABBI, JUDGE OF THE DISTRICT OR COUNTY COURT, OR ANY  
JUSTICE OF THE PEACE IN AND FOR LAMAR COUNTY, TEXAS.

GREETING,

You are hereby authorized to solemnize the Rites of Matrimony between Mr. Chas. Gaskell and Miss Minnie Goer and make due return to the Clerk of the County Court of said County, within sixty days thereafter, certifying your action under this License.

Witness my official signature and Seal of Office at  
Office in Paris, the 16 day of July 1903.

SEAL:

(signed) Dee Thompson,  
Clerk of the County Court  
Lamar County, Texas.

I, J. R. G. Long, hereby certify that on the 16th day of July, 1903, I united in marriage Chas. Gaskell and Miss Minnie Goer the parties above named.

Witness my hand the 16 day of July 1903.  
J. R. G. Long,  
Justice of the Peace.  
Lamar County Texas.

By F. M. Bishop, Deputy.

Returned and filed for record the 16 day of July, 1903,  
and recorded the 16 day of July, 1903.  
Dee Thompson, County Clerk.

By D. Ridley, Dept.

INDORSED "No. 251. Marriage License. Mr. Chas. Gaskell and Miss Minnie Goer. Issued the 16 day of July 1903, Dee Thompson Clerk County Court, Lamar County, Texas. By F. M. Bishop, Deputy.

-:-

Fred V. Kinkade being first duly sworn on oath states that above and foregoing is a true, full and correct copy of original paper which was filed with the Choctaw Land Office at Avoket

Sworn to before me this December 22, 1903.

*Fred V. Kinkade*  
*Thomas W. Lerby*  
Notary Public.

7-4944.

Muskogee, Indian Territory, August 9, 1902.

Benj. F. Been,

Auburn, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 28th, in which you state that Thomas Gore, a Choctaw Indian about twenty years of age, who has recently died, had previous to his death selected a part of his homestead allotment; that you are now desirous of obtaining the whereabouts of his heirs that you may purchase the remainder of his homestead; and in conclusion you desire to be advised if any persons by the name of Gore appear upon our records as citizens of the Choctaw Nation.

Replying to your communication you are informed that the only persons listed for enrollment by this Commission as citizens of the Choctaw Nation under the name of Gore are John Gore, forty-two years of age, of Atoka, Indian Territory, and his minor daughter, Minnie L. Gore.

The Commission has further to advise you that no allotments of any of the lands of the Choctaw and Chickasaw Nations have been made up to this time to the citizens of these two tribes. It is, therefore, impracticable and impossible that Thomas Gore or any other

B. F. B., 2.

person has had any allotment of a homestead made to him.

You are further advised that the rolls of the citizens of the Choctaw and Chickasaw Nations as made by this Commission will be of those persons living on the date of the final closing of said rolls. No date has at this time been fixed or agreed upon closing the rolls of the citizens of the Choctaw and Chickasaw Nations, and the names of citizens now dead will not be included upon such final rolls, nor will their heirs receive an allotment of the lands of the Choctaw and Chickasaw Nations.

We have further to advise that it does not appear from an examination of our records or the records of the Choctaw Nation in the possession of this Commission that any person by the name of Thomas Gere has in any manner ever been recognized as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

AM  
LINA

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLER,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

7-4944  
Roll 13496

MILTON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Atoka, Indian Territory, September 23, 1903.

John Gore,  
Atoka, Indian Territory.

Dear Sir:

The Commission is in receipt of your affidavit in which it is stated that you have heretofore selected in allotment certain land described therein; that through ignorance of the description of the land desired by you a mistake was made in said selection; that you have since ascertained that you failed to include land upon which at least two-thirds of your most valuable improvements were located, and that your selection as it now stands embraces certain land which is without value for agriculture purposes. You ask that the Commission cancel your former selection and include in lieu thereof land indicated on the plat attached to said affidavit.

In reply thereto you are advised that if you desire to make application to relinquish land heretofore selected in allotment by you it will be necessary that you appear in person at the Choctaw Land Office, at which time your testimony will be taken relative to your right to relinquish said land, and same will receive due consideration by the Commission.

Respectfully,

  
Chairman.

EMPTY

Choc 4946 Labard James

Dismissed Jan 30, 1907

4946



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment as a  
citizen by blood of the Choctaw Nation.....OF.....

LABARD JAMES,.....7-4946.

7-4946.

Muskogee, Indian Territory, October 19, 1905.

Levi James,

Aliichí, Indian Territory.

Dear Sir:

This office is in receipt of information to the effect that Labard James, an applicant for enrollment as a citizen by blood of the Choctaw Nation has died since the date of his application.

Inasmuch as the name of said applicant appears upon the 1896 Choctaw Census Roll along with yours, it is thought that you were acquainted with said applicant and can furnish an affidavit as to his death. For that purpose there is enclosed herewith a blank proof of death which you are requested to have filled out, returning same to this office at the earliest possible date.

Respectfully,

Commissioner.

7-4946  
O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment of  
Labard James as a citizen by blood of the Choctaw Nation.

DECISION.

It appears from the census card record in this case that on November 15, 1899, there was listed for enrollment as a citizen by blood of the Choctaw Nation by the Commission to the Five Civilized Tribes, from the 1896 Choctaw census roll, the name of Labard James. This action was taken by said Commission in order to protect whatever rights the said person might have to enrollment as a citizen of the Choctaw Nation.

The applicant is identified upon the 1896 Choctaw census roll opposite No. 6787, as a resident of Towson County.

This office has for the past four years, through its field parties operating in the Choctaw and Chickasaw Nations and its land offices and by interviews at this office of prominent Choctaw and Chickasaw Indians of extensive acquaintance, made every effort to ascertain the whereabouts of said applicant but no information has been obtained.

It is considered that the applicant is either dead or residing without the limits of the Indian Territory.

I am, therefore, of the opinion that the application for the enrollment of Labard James as a citizen by blood of the Choctaw Nation, should be dismissed, and it is so ordered.

Muskogee, Indian Territory,

---



Commissioner.

**MEMORANDA.**

*Alaska*

(Date) *December 5* 1899.

13

Name *Labard James*

Choctaw? *yes* County *Dawson* Year *1896* No. *6787*

Chickasaw? County Year Page *167*

Citizen by blood? *yes* Mother's citizenship *Choctaw*

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

*4490*

Choc 4947

Aaron Holmes

4947

MEMORANDA.

*Ala*

(Date) *Dec 3* 1899.

54 ✓ Name *Aaron Holmes*

Choctaw? *yes* County \_\_\_\_\_ Year \_\_\_\_\_ No. \_\_\_\_\_

Chickasaw? \_\_\_\_\_ County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_

Citizen by blood? *yes* Mother's citizenship *Choc*

Intermarried citizen? \_\_\_\_\_

Married under what law? \_\_\_\_\_

License filed this day, \_\_\_\_\_

60 X Wife's name, *Mary Holmes*

Choctaw? *yes* County \_\_\_\_\_ Year \_\_\_\_\_ No. \_\_\_\_\_

Chickasaw? \_\_\_\_\_ County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_

Citizen by blood? *yes* Mother's citizenship *Choc*

Intermarried citizen? \_\_\_\_\_

Married under what law? \_\_\_\_\_

License filed this day \_\_\_\_\_

Name of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
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County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

✓ On p 44 #404-93 PR *Tobuckey Co*  
as *Aaron Holmes*.

X On p 44 #405-93  
as *Mary Holmes*

*A 9-11*



7-4947

Muskogee, Indian Territory, June 11, 1906.

Ball Brothers,

Attorneys at Law,

Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 23, 1906, in which you ask if Atuklantinna Holm is on the roll; you state that this person is the wife of Aaron Holm and you understand that she is dead and her husband has sold her land.

In reply to your letter you are advised that this office is unable to identify any person by the name of Atuklantinna Holm upon its records. It appears, however, that Aaron Holm and his wife Mary Holm have been enrolled as citizens by blood of the Choctaw Nation.

If these are not the persons to whom you refer and you will give further information, the matter of your inquiry will receive further consideration.

Respectfully,

Commissioner.

7-4947

Muskogee, Indian Territory, June 12, 1906.

Halls Brothers,  
Attorneys at Law,  
Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 23, 1906, in which you ask if Atuklantamma Holm is on the roll; you state that this person is the wife of Aaron Holm and you understand that she is dead and her husband has sold her land.

In reply to your letter you are advised that this office is unable to identify any person by the name of Atuklantamma Holm upon its records. It appears, however, that Aaron Holmes and his wife Mary Holmes have been enrolled as citizens by blood of the Choctaw Nation.

If these are not the persons to whom you refer and you will give further information, the matter of your inquiry will receive further consideration.

Respectfully,

Commissioner.

Choc 4948 William Hall

4948

Commission to the Five Civilized Tribes,  
Atoka, Indian Territory.

In the enrollment of William Hall et. al. as Choctaws, Patsy Poff being sworn and examined by Com'r McKennon testifies:

- Q What is your name? A Patsy Poff.
- Q How old are you? A I don't know. (She is very old.)
- Q Your first husband was named Perry Hall? A Yes sir.
- Q Did he have a brother named William? A Yes sir, we always called him Bill.
- Q Was he ever married? A Yes sir.
- Q What was his wife's name? A Martha.
- Q Did she ever have any children? A No sir.
- Q Was she the only wife he ever had? A Yes sir.
- Q Where did Bill die? A Between Skullyville and pt. Smith time of the War.
- Q Do you know who killed him? A It was Jerry Ward, Sheriff of the county.
- Q And he had no children? A No children at all.

Department of the

Commission to the Five Civilized Tribes

I hereby certify as an official of a stenographer to the named Commission that this transcript is a true, full and correct translation of my stenographic notes.

W. D. Green

Department of the Interior  
Commissioner  
I hereby certify that this  
transcription is a true and correct  
my stenographic notes of the proceedings

Commission to the Five Civilized Tribes,

Atoka, I. T., Dec. 5th, 1899.

In the enrollment of Caroline Hall as a choctaw; Julius C. Folsom being sworn and examined by Com'r McKennon states:

- Q What is your name? A Julius C. Folsom.
- Q How old are you? A Sixty-nine.

Statement by witness:

William Hall's wife, Caroline, is a daughter of Mr. Tiner; he was a choctaw by blood, and a recognized Choctaw citizen,- he was a distant relative of mine; he married a white woman, after her death he married a Cherokee, and this is a daughter of that Cherokee woman.

Q When did he marry this Cherokee woman? A I don't recollect the exact time; I suppose it must have been twenty years or twenty-five years ago.

Q Where did she live at that time? A I couldn't locate the place, but she lived in the choctaw Nation.

Q How long had she been living in the Choctaw Nation? A She was born here; her mother came here as a refugee during the War.

Q And her mother and she lived here all the while? A She lived here during her life.

Q She wasn't then living in the Cherokee Nation and a recognized citizen there, was she? A William Hall's wife has always lived here,- born and raised here.

Q Was she ever enrolled as a Cherokee, that you know of?  
A Not that I know of.

Q She has lived nowhere else except here in the Choctaw Nation?  
A Nowhere else; she was born and raised here.

Q Has she been on the Choctaw rolls all the while? A I think she has always been recognized as a choctaw; her father was a choctaw.

Muskogee, Indian Territory, January 22, 1902.

William Hall,

Phillips, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant designating certain sections of land that you desire to have recorded as your selection of allotment of the lands of the Choctaw Nation and also a diagram in which the East Half of Section Thirteen, Township One South, Range Eleven East is designated.

The diagram contained in your letter is returned to you herewith with the information that the Commission has no means at this time of recording the selections of the citizens of the Choctaw and Chickasaw Nations to any separate tracts of land in the Choctaw-Chickasaw country. Matters of this character will receive the attention of the Commission upon the establishment of an allotment office in the Choctaw-Chickasaw country for the purpose of allowing the citizens of these two tribes to make selection of and file upon their prospective allotments.

Yours truly,

7-4948  
Enc Y 124

Acting Chairman.



Choctaw 4948

Muskogee, Indian Territory, May 27, 1902.

William M. Hall,

Rowdy Depot, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the seventh instant, in which you state that you were recognized by the Revisory Board of the Choctaw nation at the time of the Leased District Payment in 1893, and were also recognized by the Choctaw Commissioners in 1896, but in the latter year when you appeared before the Choctaw Commissioners at Atoka, Indian Territory, the Secretary of that commission informed you that your name nor the names of any of your family could be found upon the Choctaw roll and that since that time you have made no effort to be enrolled as a citizen of the Choctaw Nation. In conclusion you desire to be informed what steps it is necessary for you to take in order to be enrolled and how long after May 14, 1902, will the commission receive and consider applications for enrollment in the Choctaw Nation.

Replying to your letter you are advised that it appears from our records that at Atoka, Indian Territory, on December 5, 1893, William Hall, fifty four years of age, of Stringtown, Indian Territory, and Caroline Hall, his wife, twenty four years of age, were

listed for enrollment by the Commission as citizens by blood of the Choctaw Nation. If you are not the William Hall who was at that time listed for enrollment by the Commission and have never up to this time made application for enrollment as a citizen of the Choctaw Nation to the Commission to the Five Civilized Tribes you are advised that it will be necessary that you personally present yourself before the Commission for the purpose of an examination under oath, so that a sufficient record may be made upon which your rights to such enrollment can be determined, before any record can be made or further consideration given your application.

The Commission is now preparing for submission to the Secretary of the Interior a roll of the citizens of the Choctaw Nation, but in its preparation is limited by the following provision of the act of Congress of May 31, 1900:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law, but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior.

You will understand from this legislation that if you have not already been enrolled by the Choctaw tribal authorities as a citizen of that nation or duly and lawfully admitted to citizenship therein by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896, the Commission is without authority to receive, con-

sider or make any record of your application further than to determine whether or not it has jurisdiction.

In addition to the authority vested in the Commission to prepare a roll of the citizens of the Choctaw Nation, section twenty one of the act of Congress of June 28, 1898, provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, referred to in the above legislation, is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty; and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parents. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

The Commission will require of applicants for identification as Mississippi Choctaws under the foregoing legislation and the provisions of the treaty above referred to, that they reasonably demonstrate that they are descendants of Choctaw Indians who resided in Mississippi in 1830 and whose rights under the fourteenth article of

W.M.H. 3

the Choctaw treaty of 1830 were favorably adjudicated.

The Commission will hear applications of this character at its office at Muskogee, Indian Territory, until some date is fixed or agreed upon terminating the time within which the Commission can receive and consider such applications. If you desire to present an application of this character, it would be advisable that you do so as early as practicable.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 3, 1903.

William W. Hall,

Boggy Depot, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 14, inclosing certified copy of the record of registration of Wm. M. Hall and his family, affidavits of Mary Daniel and Willis Jackson and the petition of William Hall to the Choctaw Council for the enrollment of himself and his family, and the same are herewith returned to you for the reason that we are unable, from the information contained in your letter, to identify you as an applicant for enrollment as a citizen of the Choctaw Nation. If you have made personal application to this Commission for enrollment in the Choctaw Nation, kindly state when, where and under what name such application was made, the names of your parents and other members of your family who appeared at the same time and any information you may possess which would enable the Commission to identify you upon its records.

If you have not made personal application to this Commission prior to December 25, 1902, for enrollment as a citizen of the Choctaw Nation, your attention is invited to the following provision of the act of Congress approved July 1, 1902, which was ratified by the

W.M.H. 2

Choctaw and Chickasaw Nations on September 23, 1902:

"The application of no person whatsoever for enrollment shall be received after the expiration of the said ninety days."

The ninety days from September 23, 1902, the date of the final ratification of the act of Congress above referred to, having expired on December 24, 1902, the Commission is now without authority to receive, consider or make any record of original applications for enrollment in the Choctaw Nation.

Respectfully,

Acting Chairman.

AB 1-3



MEMORANDA.

*Alaska*

(Date) *December 5* 1899.

54

Name *William Hall*

Choctaw? *yes* County *Alaska* Year *1896* No. *6006*

Chickasaw? County Year Page *146*

Citizen by blood? *yes* Mother's citizenship *Choctaw*

Intermarried citizen?

Married under what law?

License filed this day,

24

Wife's name, *Caroline Hall*

Choctaw? *yes* County *Alaska* Year *96* No. *6007*

Chickasaw? County Year Page *146*

Citizen by blood? *yes* Mother's citizenship *Cherokee*

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

*As to citizenship of #2 see Testimony of Julius C. Folsom taken this day*

*A.M.*

Choc 4949 John Folsom

4949

MEMORANDA.

*alaba*

(Date) *Dec 3* 1899.

33 ✓ Name *John Fulson*

Choctaw? *yes* County *Chick Dept* Year *96* No. *4561*

Chickasaw? County Year Page *111*

Citizen by blood? *yes* Mother's citizenship *Other*

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

*✓ On roll John Fulson*

*2949*

Choc 4950 Rhoda S. Morris

4950

# MEMORANDA.

*Oklahoma*

(Date) *December 5* 1899.

Name .....

Choctaw? ..... County ..... Year ..... No. ....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, .....

57

Wife's name, *Rhoda S. Morris*

Choctaw? *yes* County *Chick Dist* Year *1896* No. *8943*

Chickasaw? ..... County ..... Year ..... Page *224*

Citizen by blood? *yes* Mother's citizenship *Choctaw*

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

County	Year	Page	No.
.....	.....	.....	.....
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Choctaw 4950

Muskogee, Indian Territory, January 9, 1903.

L. C. Oliver,

Francis, Indian Territory,

Dear Sir:

Your letter of December 8, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action. You state therein that Rhoda Morris, your wife's aunt, is an old Choctaw woman who is an invalid, and you ask if she would be permitted to mortgage her allotment in order to secure money to provide herself the proper medical treatment.

In reply to your letter you are advised that it appears from our records that Rhoda S. Morris, daughter of Rmsiah Robinson and Emily Folsom, has been listed for enrollment as a citizen by blood of the Choctaw Nation, having been identified from the 1896 census roll of the Choctaw Nation, Chickasaw District, as number 8943.

Relative to her being permitted to mortgage the land which she expects to receive in allotment, your attention is invited to the following provisions of the act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902:

"Lands allotted to members and freedmen shall not be af-



ected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under this Act, nor shall said lands be sold except as herein provided.

All lands allotted to the members of said tribes, except such land as is set aside to each for a homestead as herein provided, shall be alienable after issuance of patent as follows: One-fourth in acreage in one year, one-fourth in acreage in three years, and the balance in five years; in each case from date of patent: Provided That such land shall not be alienable by the allottee or his heirs at any time before the expiration of the Choctaw and Chickasaw tribal governments for less than its appraised value."

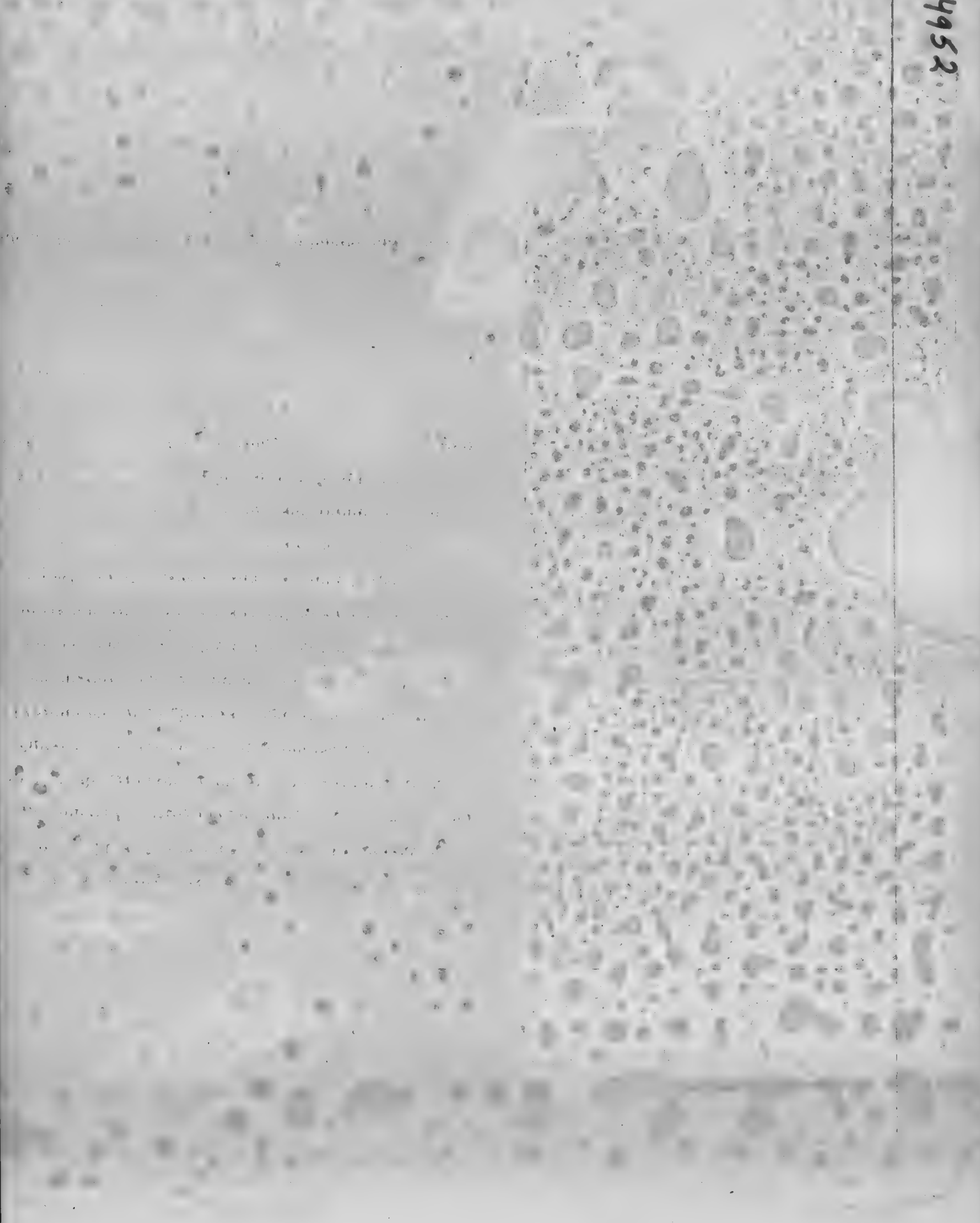
Respectfully,

Acting Chairman

EMPTY

Choc 4952 Ellis Christie

4952



7-4952.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
McAlester, Indian Territory,  
April 1, 1903.

In the matter of the application of Ellis Christie for enrollment as a citizen by blood of the Choctaw Nation.

ADDITIONAL TESTIMONY.

Simon E. Lewis, duly sworn interpreter.

Ellis Christie being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Ellis Christie.  
Q What is your age? A He dont know his age correctly, but thinks he is about forty-six years old.  
Q What is your post office address? A Nowat.  
Q What is your father's name? A He says Chito is what he has been told his father's name was.  
Q Is he living or dead? A Dead.  
Q What is the name of your mother? A He dont know; he was raised an orphan.  
Q She is dead? A Yes.  
Q Are you a full blood Choctaw Indian? A Yes, full blood.  
Q How long have you lived in the Choctaw Nation? A He says ever since he was born.  
Q Have you been recognized and enrolled by the tribal authorities of the Choctaw Nation as a citizen by blood of that tribe? A Always been recognized and enrolled.  
Q Did you draw your pro rata share of the 1893 Leased District money? A Yes sir.  
Q What County were you living in at that time? A Atoka County.  
Q Was your name put on the 1894 Census roll? A He dont remember; Adam Clark took him at one time; he says his name appears on the pay roll of Atoka County in 1893; he says he has no family.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at McAlester, Indian Territory, on the first day of April, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 1 day of April, 1903.

*Charles H. Sawyer*

Notary Public.

MEMORANDA.

*Atoka*

(Date) *Dec. 8th* 1899.

37

Name *Ellis Christy Christie*

Choctaw? *yes* County Year *1893* No.

Chickasaw? County Year Page

Citizen by blood? *yes* Mother's citizenship *Choctaw*

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
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*On p 16 # 171 - 1893 Pay Roll atoka Co  
as Ellis Christy.*

Choc 4953 Charles King

4953



CHOCTAW

7-4953

INDEXED



a:131-24

IN RE

Application for Enrollment of

INFANT CHILD

*Calvin King*

as a citizen of the

*Choctaw* Nation.

Approved *DEC 21 1901* 1901

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
DEC 24 1902

4953

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Calvin King, born on the 10<sup>th</sup> day of Sept, 1899  
(Here insert name of child)  
Name of Father: Chas King, a citizen of the Choctaw Nation.  
Name of Mother: Lernia King, a citizen of the Choctaw Nation.  
Post-Office: Legal, J. J.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Central District.

I, Lernia King, on oath state that I am 24  
years of age and a citizen, by blood, of the Choctaw Nation;  
that I am the lawful wife of Chas King who is a citizen, by  
blood, of the Choctaw Nation, that a male child was  
(Male or female)  
born to me on the 10<sup>th</sup> day of Sept, 1899; that said child has been  
named Calvin King, and is now living.

WITNESSES TO SIGN:

Lernia King

(Must be Two Witnesses) } Collin Harkins

Subscribed and sworn to before me this 18<sup>th</sup> day of November, 1902  
R. H. Smebaugh  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Central District.

I, Lucy Robinson, a midwife, on oath state that I  
attended on Mrs. Lernia King, wife of Chas King  
on the 10<sup>th</sup> day of September, 1899 that there was born to her on said  
date a male child; that said child is now living and is said to have been  
(Male or female)  
named Calvin King.

WITNESSES TO SIGN:

Lucy Robinson

(Must be Two Witnesses) } Collin Harkins

Subscribed and sworn to before me this 18<sup>th</sup> day of November, 1902  
R. H. Smebaugh  
Notary Public.

MEMORANDA.

Atoka

(Date) Dec 4 1899

25

Name Charles King

Choctaw? yes

County Dart. Bois

Year 96

No. 74 27

Chickasaw? .....

County .....

Year .....

Page 183

Citizen by blood? yes

Mother's citizenship Choctaw

Intermarried citizen? .....

Married under what law? .....

License filed this day, .....

Wife's name, .....

Choctaw? .....

County .....

Year .....

No. ....

Chickasaw? .....

County .....

Year .....

Page .....

Citizen by blood? .....

Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

14 mo Calvin King

County .....

Year .....

Page .....

No. ....

County .....

Year .....

Page .....

No. ....

County .....

Year .....

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Year .....

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No. ....

County .....

Year .....

Page .....

No. ....

#1: father, Davis King, - dead - Skullyville Co  
mother, Louisa - dead - Dart Bois

J.O. Legal, Atoka Co.

Muskogee, Indian Territory, February 20, 1902.

Charles King,  
Legal, Indian Territory.

Dear Sir:

It does not appear from the records of the Commission that any proof of the birth of your child, Calvin King, has been furnished in the matter of his enrollment as a citizen of the Choctaw Nation. It is necessary that the same be supplied.

In order to assist you in this matter a blank for that purpose is inclosed you herewith. In having the same executed be careful to see that all blanks are properly filled, all names written in full, and in the event either of the persons whose names are to be affixed to the affidavits are unable to write, and their signatures are by mark, that such signatures be attested by two disinterested parties witnesses thereto.

The notary public before whom the affidavits are acknowledged must affix his notarial jurat and seal to each separate affidavit.

This matter should receive prompt attention as the affidavits are essential in the matter of the enrollment of your child.

Yours truly,

Env.

B. C.

Commissioner in Charge.

Muskogee, Indian Territory, November 24, 1902.

Charles King,

Legal, Indian Territory,

Dear Sir:

There is returned you herewith the application for the enrollment of Calvin King, infant son of Charles and Levenia King, as a citizen of the Choctaw Nation. It is stated in the affidavit of the mother that she is a citizen by blood of the Choctaw Nation. If this is true, kindly advise when, where, and under what name she was listed for enrollment, and the names of other members of her family who appeared at the same time.

If she is not a citizen by blood of the Choctaw Nation, it will be necessary for you to supply either the original or a certified copy of the marriage license and certificate between yourself and Levenia King, in the matter of the enrollment of your child, Calvin King, as a citizen by blood of the Choctaw Nation.

Upon the return of the inclosed application, together with the information requested, and evidence of marriage between yourself and the mother of this child, the application for the enrollment of Charles King will receive further consideration.

Respectfully,

Muskogee, Indian Territory, December 16, 1902.

Charles King,

Legal, Indian Territory.

Dear Sir:-

On November 24, 1902, the Commission returned to you the application for enrollment as a citizen of the Choctaw Nation of Calvin King, infant son of yourself and Levenia King, for further information regarding the mother of the child. This information has since been received from the Choctaw-Chickasaw enrollment party at Atoka, Indian Territory, and you should therefore immediately return the application for the enrollment of your son, Calvin King.

This matter should receive your immediate attention as until this application is received nothing further can be done in the matter of the enrollment of your son as a citizen of the Choctaw Nation.

Respectfully,

Acting Chairman.



Muskogee, Indian Territory, March 19, 1902.

Charles King,

Legal, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Levenia King and Lucy Bohannon, relative to the birth of your minor child Calvin King, on September 10, 1899, and the same are returned to you herewith for further information relative to the mother of the child.

It is stated in the affidavit of the mother that her name is Levenia King; that she is a citizen by blood of the Choctaw Nation; if this be correct you are requested to state her full maiden name, the time and place application was made for her enrollment; the names of other members of her family for whom application was made at the same time and any other information that you may have which will enable the Commission to identify Levenia King as being duly listed for enrollment as a citizen by blood of the Choctaw Nation.

It will also be necessary that the name of the attending midwife be affixed to her affidavit.

Upon receipt of the information requested herein

CK 2

and return of the application with the affidavit of the attending midwife properly corrected, the matter will receive further consideration.

Yours truly,

Enc. W. 121

Commissioner in Charge.

7-4953  
7-5806

Muskogee, Indian Territory, December 29, 1902.

Charley King,

Legal, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th inst., enclosing the application for enrollment as a citizen of the Choctaw Nation of Calvin King, infant son of Charles and Levenia King, born September 12, 1899; and the same being in proper form has been duly filed with the records of the Commission, and the child listed for enrollment as a citizen of the Choctaw Nation.

Respectfully,



Acting Chairman.

7-4853.

Muskogee, Indian Territory, September 30, 1902.

C.D. King,

Legal, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23d inst., requesting to be advised whether you and your family are listed for enrollment as citizens of the Choctaw Nation, and state that the members of such family are Charlie D. King, 27 years old, Levenia King, 22 years old, Calvin D. King, 4 years old and Susie Leflore, 7 years old.

You are informed that our records show that Charles King, of Legal, Indian Territory, 25 years of age, and his minor child Calvin King, 1 year of age, were duly listed for enrollment by this Commission December 14, 1899. Our records do not show the name of the mother of Calvin King. It further appears from our records that on March 19, 1902, receipt was acknowledged to Charles King, of Legal, Indian Territory, of the affidavits of Levenia King and Lucy Bohannon relative to the birth of Calvin King September 10, 1899, and the same were returned to you for further

C D K 2

information relative to the mother of the child; and you were advised that upon receipt of the information requested therein concerning the mother, and legal evidence of your marriage to her, the matter would receive proper consideration.

If your wife, Levenia King, is a citizen by blood of the Choctaw Nation, you are requested to state her full maiden name, the names of her parents and other members of her family, the time and place application was made for her enrollment and any other information you may have which will enable the Commission to identify Levenia King as being listed for enrollment as a citizen by blood of the Choctaw Nation.

You are also requested to further advise the Commission relative to Susie Leflore, stating the names of her parents, the time and place application was made for her enrollment, the names of the other members of her family for whom application was made at the same time and any other information you may have which will enable the Commission to identify her as being duly listed for enrollment as a citizen by blood of the Choctaw Nation.

Please give this matter prompt attention.

Respectfully,

Acting Chairman.

Choc 4954 Mattie Dunn

TESTIMONY in R393

Nos 526 Dismissed OCT 25, 1904

4954



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the  
enrollment as a citizen by blood of the Choctaw Nation of

JIM DUNN

7-4954

Commission to the Five Civilized Tribes,

Muskogee, I. T., Dec. 19th, 1899.

In the enrollment of Mattie Dunn and others as Choctaws; William C. Dunn being sworn and examined by Com'r McKenach. testifies as follows:

Q What is your name? A William C. Dunn.

Q How old are you? A I was born in 1855; July 10th.

Q Are you the husband of Mattie Dunn who was admitted by the United States Court at Ardmore to citizenship in the Choctaw Nation?

A Yes sir.

Q You present here a copy of the decree in the case of Sarah Shields and others against the Choctaw Nation, which includes the name of Mattie Dunn; this decree is not dated; do you know under what date this decree was rendered by the court? A No sir I do not.

Q You understand that it was on last Saturday the 16th day of December, 1899, do you not? A That was my understanding, yes sir.

Q Sarah Shields is the mother of Mattie Dunn is she not? A Yessir.

Q Where is Sarah Shields now? A She is in the Chickasaw Nation, near Bradley, at my house.

Q She lives with you? A Yes sir.

Q How long has she been residing in the Chickasaw Nation?

A About five years I think.

Q Continuously? A Yes sir; yes, she has been there with me ever since she moved to the country.

Q When did she come to the Chickasaw Nation; when did she move to the Chickasaw Nation? A I believe I came in the spring, -in May, and she came that fall.

Q Of what year? A I don't know whether it was 1893 or 1894 that I moved here.

Q Where from? A From Texas.

Mattie Dunn et al; William C. Dunn, witness, #2)

- Q Had you resided in Texas all your life? A No sir, I was born in Mississippi.
- Q How long had you been living in Texas? A Since 1869.
- Q Had she been living there also, Sarah Shields? A Yes sir. It might have been in the spring of 1870 that she moved to Texas.
- Q Has she been living all the while in the Territory since she came to the Territory in the fall of 1893 or 1894? A Yes sir.
- Q Where did you marry your wife? A In Brazos County, Texas.
- Q Did she move to the Territory with you in 1893 or 1894? A Yes sir.
- Q Has she been living here all the while ever since? A Yes sir.
- Q Never lived anywhere else? A Never has been away.
- Q Do you know Colbert Ivy? A Yes sir.
- Q Where does he live? A He lives in Burleson County, Texas, and lives there now.
- Q He has never lived in the Territory? A No sir, he has been here once on a visit.
- Q Did you know Johnnie Browning? A Yes sir.
- Q That is a lady? A Yes sir.
- Q Where does she live? A In Texas.
- Q Has she ever lived in the Territory? A Yes sir.
- Q Resided in the Territory? A Yes sir.
- Q When? A She moved here with me, and her husband also drove a wagon here for me, and they was married after she moved here; that was the year I moved, in 1893 or 1894, - and they lived here some three or four months and then they returned to Texas and still reside there.
- Q She was the daughter of your wife, Mattie Dunn, by a former husband? A Yes sir.
- Q And so is Colbert Ivy? A Yes sir, they were sister and brothers.
- Q By the same father? A Yes sir.
- Q Who is Ella Smith? A She is a step-daughter of mine.
- Q Where is she? A She is with me.

Mattie Dunn et al; William C. Dunn witness, #3)

- Q Living with you? A Yes sir.
- Q Has she been living with you all the while? A Yes sir, ever since we were married.
- Q She has not married? A No sir.
- Q Give the names of your children, and the ages? A Hope Dunn, about eight years old; John Dunn, I think he will be six next July.
- Q Have you any other children? A Yes sir.
- Q Whose names are not included in this decree? A No sir. Jimmie is my baby; I think he was born May 27th, 1897.
- Q After the application to the Daves Commission? A Yes sir.
- Q And before this decree was rendered? A Yes sir.

Com'r McKennon: Your child, Jimmie Dunn, having been born prior to the date of your admission by the United States court as a Choctaw citizen, and not included in the decree, the Commission has no authority to enroll him, and his enrollment will be refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, in my official capacity as stenographer to the named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

*AV. ME*

Application for Enrollment of

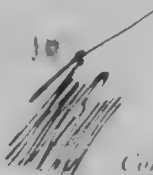
INFANT CHILD

*John K. ...*  
as a citizen of the  
*...*

Nation.

Approved,

190



Commissioner.

**FILED**

JUN 5 1900

COMMISSION TO FIVE TRIBES

*Chas. J. ...*  
*4954*

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*IN RE* Application for Enrollment, as a citizen of the *Choctaw* Nation,  
 of *Jim Durr*, born on the *27* day of *May*, 1897  
 (Here insert name of child.)  
 Name of Father: *W. C. Durr*, a citizen of the *Chickasaw* Nation.  
 Name of Mother: *Mattie Durr*, a citizen of the *Chickasaw* Nation.  
 Postoffice, *Bradley* *St.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

*Southern* District.)

I, *Mattie Durr*, on oath state that I am *47*  
 years of age and a citizen, by *Blood* of the *Choctaw* Nation  
 that I am the lawful wife of *W. C. Durr*, who is a citizen, by  
*Adopt.* of the *Choctaw* Nation; that a *Male* child was  
 born to me on the *27* day of *May*, 1897, that said child has been  
 named *Jim* and is now living.

WITNESSES TO MARK

*Mattie Durr*

(Must be Two)  
Witnesses

Subscribed and sworn to before me this *24* day of *May*, 1900

*J. W. Gay*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

*Southern* District.)

I, *R. E. Thacker*, a *Physician*, on oath state that I  
 attended on Mrs. *Mattie Durr*, wife of *W. C. Durr*,  
 on the *27* day of *May*, 1897, that there was born to her on  
 said date a *Male* child; that said child is now living and is said to have been  
 named *Jim Durr*.

WITNESSES TO MARK

*Dr. R. E. Thacker*

(Must be Two)  
Witnesses

Subscribed and sworn to before me this *23* day of *May*, 1900

*J. W. Gay*



7-4954

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of Jim Dunn as a citizen by blood of the Choctaw Nation.

The applicant, Jim Dunn, claims his right to enrollment as a citizen by blood of the Choctaw Nation through his mother Mattie Dunn. The right of the applicant's mother, Mattie Dunn, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, June 29, 1904, in case number 90 upon the Tishomingo docket of said court, it is hereby ordered that the application of Jim Dunn for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

  
Chairman.

Choctaw 4954

Muskogee, Indian Territory, October 25, 1904.

V. C. Dunn,

Bradley, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated October 25, 1904, dismissing the application for the enrollment of Jim Dunn as a citizen by blood of the Choctaw Nation.

Respectfully,

Chairman.

Registered.  
Incl. 7-4954.

Choctaw 4954

COPY.

Muskogee, Indian Territory, October 25, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find copies of the orders of this Commission, dated October 25, 1904, dismissing the applications for the enrollment of Jim Dunn and John Henry Nix as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNATURE

2 Incl. 4954-Choctaw.

Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the  
enrollment as a citizen by blood of the Choctaw Nation of-

JOHN HENRY NIX. 7-4954

IN RE

Application for Enrollment of  
INFANT CHILD

*John Henry Nix*  
as a citizen of the

*Choctaw* Nation.

Approved JUN 30 1902 190

*[Signature]*  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
JUN 30 1902

*[Signature]*  
ACTING CHAIRMAN.

4954

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT as a citizen of the Choctaw Nation,  
 of John Henry Nix, born on the 3 day of Feb, 1902  
(If to insert name of child)  
 Name of Father: Hal Nix, a citizen of the \_\_\_\_\_ Nation.  
 Name of Mother: Ella Nix, a citizen of the Choctaw Nation.  
 Post-Office: Bradley Ind Ter

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, )  
 INDIAN TERRITORY, )  
Southern District. )

I, Ella Nix (nee Smith), on oath state that I am Twenty  
 years of age and a citizen, by Blood of the Choctaw Nation;  
 that I am the lawful wife of Hal Nix, who is a citizen, by  
 \_\_\_\_\_, of the \_\_\_\_\_ Nation, that a male child was  
(Male or female)  
 born to me on the 3 day of Feb, 1902; that said child has been  
 named John Henry Nix and is now living.

WITNESSES TO MARK:  
 (Must be Two Witnesses)

Ella Nix (nee Smith)

Subscribed and sworn to before me this 24 day of June, 1902

[Signature]  
 Notary Public.  
 My Comm. Ex 3-3-1905

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, )  
 INDIAN TERRITORY, )  
Southern District. )

I, R. E. Thacker, a physician, on oath state that I  
 attended on Mrs. Ella Nix, wife of Hal Nix  
 on the 3 day of Feb, 1902; that there was born to her on said  
 date a male child; that said child is now living and is said to have been  
(Male or female)  
 named John Henry Nix

WITNESSES TO MARK:  
 (Must be Two Witnesses)

R. E. Thacker M.D.

Subscribed and sworn to before me this 25 day of June, 1902

[Signature]  
 Notary Public.



7-4954

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of John Henry Nix as a citizen by blood of the Choctaw Nation.

The applicant, John Henry Nix, claims his right  
to enrollment as a citizen by blood of the Choctaw Nation  
through his mother Ella Smith (now Nix). The right of the  
applicant's mother, Ella Smith (now Nix), to citizenship in  
the Choctaw Nation having been adversely determined by a  
decree of the Choctaw and Chickasaw Citizenship court, June  
29, 1904, in case number 90 upon the Tishomingo docket of  
said court, it is hereby ordered that the application of  
John Henry Nix for enrollment as a citizen by blood of the  
Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Chairman.

Muskogee, Indian Territory,

---

COPY  
Chootaw 4954

Muskogee, Indian Territory, October 25, 1904 .

Hal Nix,

Bradley, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated October 25, 1904, dismissing the application for the enrollment of John Henry Nix as a citizen by blood of the Chootaw Nation.

Respectfully,

Registered.  
Incl. 7-4954.

Chairman.

Choctaw 4954

COPY.

Muskogee Indian Territory, October 25, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find copies of the orders of this Commission, dated October 25, 1904, dismissing the applications for the enrollment of Jim Dunn and John Henry Nix as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

2 Incl. 4954-Choctaw.

Chairman.

# Certificate of Record of Marriage.

UNITED STATES OF AMERICA,  
THE INDIAN TERRITORY,  
SOUTHERN DISTRICT.

I, C. M. CAMPBELL, Clerk of the United States Court in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for, and Certificate of Marriage of

Mr. *Hal Nix* and  
M. *Ella Smith*

were filed in my office in said Territory and District the *23* day of *Aug.*

A. D. *1900* and duly recorded in Book *6* of Marriage Record, page *65*

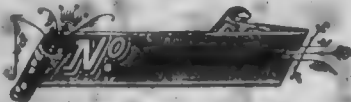
WITNESS my hand and seal of said Court

at Ardmore, this *23* day of *Aug.*

A. D. *1900*

*C. M. Campbell* CLERK

2061 91 708  
AUG 25 1902  
RECEIVED  
COMMISSION TO THE INDIAN TERRITORY



# MARRIAGE LICENSE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
SOUTHERN DISTRICT

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are hereby Commanded, to solemnize the Rite and  
publish the Banns of Matrimony between

Mr. Hal Nix of Bradley  
in the Indian Territory, aged twenty-five years, and  
Miss. Ella Smith of Bradley  
in the Indian Territory, aged eighteen years,  
according to law; and do you officially sign and return this License to  
the parties therein named.

Witness my hand and official seal, this 13<sup>th</sup> day  
of August, A.D. 1900.

By J. W. Speake Deputy: C. M. Campbell,  
Clerk of the United States Court

## Certificate of Marriage

UNITED STATES OF AMERICA,  
THE INDIAN TERRITORY,  
SOUTHERN DISTRICT.

I, H. C. Mabeey,  
Minister of the Gospel,  
do hereby certify, that on the 19 day of Aug A.D. 1900  
did duly and according to law, as commanded in the foregoing License, solemnize the Rite  
and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this 19 day of Aug A.D. 1900

My credentials are recorded in the office of the Clerk of the United States Court,  
Indian Territory, Southern District, at Ardmore, Book A Page 126

H. C. Mabeey  
Minister of Gospel

NOTE A. This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in  
the Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the License was  
issued will be liable in the amount of One Hundred Dollars, \$100.  
NOTE B. No person is authorized to perform the Marriage Ceremony in the Southern District, unless the proper creden-  
tials have first been recorded in the Clerk's office.

Muskogee, Indian Territory, April 10, 1900.

Mr. W. C. Dunn,

Bradley, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of April 4, desiring to be informed as to the enrollment of your youngest son, James Dunn, and there is inclosed you herewith a blank application for the enrollment of infant children, upon which may be given all the necessary information for the enrollment of your child. In filling out the same, be careful to see that all names are written in full and the mother and attending physician or nurse must make affidavit as to the child's birth. In the event either signature is by mark, it must be attested by two disinterested parties as witnesses, and the Notary Public taking these affidavits must attach his name and seal to each affidavit. The question as to the enrollment of your youngest son when your wife and other children were listed for enrollment in December last, arose from a doubt as to the Commission's authority to enroll children whose names did not appear in the original application to the Daves Commission in 1896. The Department has since ruled that children born subsequent to the date of the filing of the original application before this Commission for citizenship in 1896 are duly entitled to be listed for enrollment.

Yours truly,

In replying to this letter,  
please refer to Cheotaw 4964

Acting Chairman,



Muskogee, Indian Territory, May 28, 1900.

Mr. William G. Dunn,

Bradley, Indian Territory,

Dear Sir:

When you appeared at Muskogee, as an applicant for the enrollment of your wife and children, the Commission listed your wife and two children for enrollment, but refused your child, Jimmie Dunn, because he was born prior to your wife's admission to citizenship by judgment of the United States Court, and was not included in the decree admitting her. The Commission, however, has ruled recently, that children of parties admitted to citizenship in the Choctaw Nation by judgment of the United States Court, are entitled to be listed for enrollment, when born subsequent to the date of the filing of the original application to this Commission, under the act of June 10th, 1896. Your child, Jimmie Dunn, having been born subsequent to the date of the filing of the application for citizenship of the mother with this Commission, will be listed for enrollment upon the presentation of the proper birth affidavits. There is inclosed you herewith a blank birth certificate. In having same executed, please see that all blanks are filled out, all names written plainly, and that both affidavits provided for thereon are acknowledged before a Notary Public, and the Notary's name and seal attached to each affidavit. Signatures by mark, if any, must be attested by two witnesses. Upon

W.C.D. 8.

receipt of the birth certificate in proper form, the matter of the application for enrollment of Annie Barn will receive proper consideration.

Yours truly,

Acting Chairman.

In reply to this letter,  
please refer to 7-R 393

B.C.

Choctaw 4954

Muskogee, Indian Territory, June 30, 1902.

Hal Nix,

Bradley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of John Henry Nix, the infant son of Hal and Ella Nix, born February 3, 1902, and the same being in proper form has been duly filed with the records of this office and the child listed for enrollment as a citizen of the Choctaw Nation.

You are requested to forward either the original or certified copy of the marriage license and certificate between you and Ella Smith, as authority for the changing of her name upon our records from her maiden name to her present married name. Please give this matter your prompt attention.

Yours truly,

Commissioner in Charge.

Choctaw 4984

Muskogee, Indian Territory, July 16, 1902.

Hal Nix,

Bradley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, enclosing marriage license and certificate between Hal Nix and Miss Ella Smith, and requesting that the same be returned to you.

The evidence of marriage enclosed in your letter has been duly filed with the records of this office and we cannot at this time comply with your request to return the same. If you desire a certified copy of the marriage license and certificate, the same will be furnished you upon request.

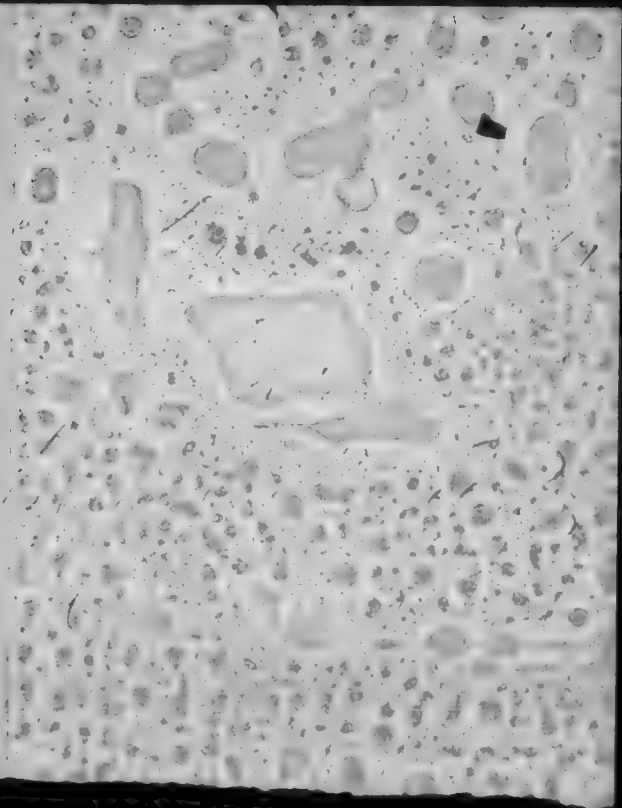
Yours truly,

Acting Chairman.

Choc 4955 Sarah Shields

4955

Handwritten text, possibly a list or notes, located on the left side of the page. The text is faint and difficult to read, but appears to consist of several lines of cursive writing.





Atoka, Indian Territory, June 6, 1900.

J. W. Cherryhomes, Esq.,  
Attorney at Law,  
Parcell, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 4th instant in the matter of the application for enrollment as a citizen of the Choctaw Nation of Sarah Shields, and in which you desire to be informed if it will be necessary for Mrs. Shields to appear in person before the Commission as an applicant for enrollment. You state that William C. Dunn appeared before the Commission on December 16th, 1899, and that the Commission then stated through Commissioner McKennon, that Mrs. Shields would be enrolled, for the reason that she was not able to appear before the Commission in person, and that a certificate of a practicing physician was exhibited to that effect. You are informed that the records of this Commission show that Sarah Shields, 78 years old, was listed for enrollment by this Commission as a Choctaw on December 16th, 1899, in pursuance of a judgment rendered by the United States Court for the Southern District, Indian Territory, at Ardmore, December 16th, 1899. She, having been listed for enrollment, it is not necessary that you now take any steps looking to her rights, but as she did

J. W. C. -2-

not appear in person at the time she was enrolled it would be well that the certificate which Mr. Dunn exhibited at the time he appeared be forwarded to the Commission and filed with the records in this case.

Yours truly,

In replying to this letter  
please refer to 7-4955.

Acting Chairman.

Colbert, Indian Territory, June 12, 1900.

J. W. Cherryhous, Attorney,  
Pursell, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of June 8th, with which you inclose the certificate of the physician as to the condition of Mrs. Shields, and the same has been filed with the records of the Commission. Sarah Shields is listed for enrollment on Choctaw card 4955.

Yours truly,

Acting Chairman.

Choc 4956 Charles Goodall

#2 Dismissed Nov 12, 1904

4956

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
as a citizen by intermarriage of the Choctaw Nation.

MARY GOODALL:

7-4956.

Choctaw Court Card C.1.

IN RE application of Charles Goodall and others.

Sworn by Commissioner McKennon,

Charles Goodall says:

I made application for enrollment of myself and family to the Daves Commission at Vinita. I reckon I made application for all my family. That application was denied and I appealed to the United States Court at Ardmore. I filed my appeal in this Court because I lived there. I then lived 10 miles from Davis in the Chickasaw Nation. I have been living here 19 years in November.

About 8 or 9 years ago I made application to the Choctaw Council for admission for myself and family then living, and they did not give me a trial.

Four of my children have been living here ever since I have.

They are:

Richard and his family; William and his family; John and Jane Arms.

Amanda Hill has been living in Texas and moved here with her family during the last month. I think it was about the middle of the month.

The other one Harriet Hill and her family lived here 8 or 9 years ago. She came here in the fall and went back in the Spring. She and her family returned to the Chickasaw Nation about the middle of last month at the same time my other daughter returned.

I am 73 years old. Richard is 47. William is 45. Amanda Hill is 38. Harriet Hill is 35; John is 31. Jane Arms is 36. I and my children live in Pontotoc County, Chickasaw Nation.

Stonewall, Sept. 1 1898.

Charles Goodall  
Mary Goodall

enrolled.



7-4956.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Mary Goodall for enrollment as a citizen by intermarriage of the Choctaw Nation.

The applicant, Mary Goodall, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to Charles Goodall (or Chas. Goodall).

The right of the applicant's husband, Charles Goodall (or Chas. Goodall) to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on September 19, 1904, in case No. 52 upon the Tishomingo Docket of said court, it is hereby ordered that the application of Mary Goodall for enrollment as a citizen by intermarriage of the Choctaw Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

  
Chairman.

NOV 1 1904

7-4956

COPY:

Muskogee, Indian Territory, November 12, 1904.

Mary Goodall,

Iona, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing your application for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

(SIGNED)

Chairman.

Registered.

Incl. 7-4956.

COPY.

7-4956

copy.

Muskogee, Indian Territory, November 12, 1904.

Mansfield, McMurray, and Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated November 12, 1904, dismissing the application for the enrollment of Mary Goodall as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

*James D. Dwyer*

Chairman.

Incl. 7-4956.

COMMISSIONER  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AWLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 2, 1900.

Mary Goodall,

Iona, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 2nd instant in which you state that you are the wife of Charles Goodall and were put on the doubtful list of citizens of the Choctaw Nation at Stonewall and have not heard of your claim since.

*She is not on the list as a doubtful citizen*  
You are informed that the records of this Commission show that Mary Goodall, aged 29 years, of Iona, Indian Territory is listed for enrollment as a doubtful citizen of the Chickasaw Nation. On August 18th, 1900 you were informed that the Chickasaw Nation through its attorneys, had filed a protest to your final enrollment as a citizen of the Chickasaw Nation. Subsequent thereto the protest was withdrawn and the Commission so advised you on September 18th, 1900. Therefore, your status remains the same as before the protest was filed, namely that you are listed for enrollment as a doubtful citizen of the Chickasaw Nation.

*Done*

Yours truly,

*Tamm Bixby*  
Acting Chairman

9-D-12

Muskogee, Indian Territory, November 2, 1900.

Mrs. Charles Goodall,

Iona, Indian Territory.

Dear Madam:

The Commission in receipt of your letter of the 15th of October, in which you state that you are the wife of Charles Goodall who was a Chickasaw Indian, not a Choctaw, and that you are 49 years old. That you claim enrollment as a Chickasaw by reason of your marriage to Charles Goodall and a decree of the United States Court for the Southern District of the Indian Territory. You request to be informed relative to your enrollment as a citizen of the Choctaw Nation.

You are informed that the records of this Commission show that Charles Goodall 73 years of age, and his wife, Mary Goodall, 49 years of age, of Iona, Indian Territory, were listed for enrollment as citizens of the Choctaw Nation, September 6th, 1898, in pursuance of a judgment of the United States Court for the Southern District of the Indian Territory in court case No. 103, Charles Goodall et. al versus the Choctaw Nation. The original judgment in this case was rendered by the court on the 10th day of May, 1898, and among those admitted to citizenship in the Choctaw Nation appear the names of Charles Goodall and his wife, Mary Goodall.

It further appears, however, that the United States Court for the Indian Territory on March 3rd, 1899, rendered a nunc pro tunc judgment as of May 10th, 1898, correcting the judgment hereto-

fore rendered in the case of Charles Goodall et. al versus the Choctaw Nation and striking from said original judgment the names of a number of parties for the reason that they were not parties to the original application made to this Commission by Charles Goodall under the act of Congress of June 10th, 1896. Included in this list is the name of Mary Goodall, the wife of Charles Goodall, and in pursuance of the order of court above referred to her name has been stricken from the rolls of citizens of the Choctaw Nation being prepared by this Commission.

The only right of Mary Goodall to enrollment as a citizen of the Choctaw Nation, being in pursuance of the judgment of court above referred to, and that judgment having been annulled as to her right, this Commission is now without authority to ~~act~~ for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman



Muskogee, Indian Territory, May 16, 1905.

Charles Goodall,  
Hickory, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 8, 1905, addressed to the Indian Inspector has been by him referred to this Commission for appropriate action as to that portion in which you refer to the right of your wife to enrollment.

In reply to your letter you are advised that it appears from our records that on September 19, 1904, the Choctaw and Chickasaw Citizenship Court denied your citizenship in the Choctaw Nation and on November 12, 1904, the Commission to the Five Civilized Tribes dismissed the application of your wife Mary Goodall for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 10, 1905.

Mary A. Goodall,

Hickory, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 22, 1905, addressed to the Secretary of the Interior which has been by him referred to this Commission for consideration and appropriate action. Therein you ask if you have a right as an Indian citizen and state that you married your husband in accordance with the Indian laws.

In reply to your letter you are advised it appears from our records that on September 19, 1904, the Choctaw and Chickasaw Citizenship Court denied the citizenship in the Choctaw Nation of your husband Charles Goodall and on November 22, 1904, the Commission to the Five Civilized Tribes dismissed your application for enrollment as an intermarried citizen of said Nation.

Respectfully,

Chairman.

7-4956

Muskogee, Indian Territory, September 21, 1906.

B. F. Corry,

Hickory, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 11, 1906, in which you state that Charles Goodall, a very old man who says he is a court claimant, has been allowed to file contest on land which he has in his possession and he has some more land which he wishes set aside for him pending the final disposition of his case.

In reply to your letter you are advised that Charles Goodall on December 2, 1905, at the Chickasaw Land Office made application to institute contest on certain lands therefor selected in allotment by John Paul and Blonzo Shico, but this application to institute contest was on June 1, 1906, dismissed by the Commissioner to the Five Civilized Tribes for the reason that no petition had been filed by Mr. Goodall for citizenship under recent Departmental rulings. Mr. Goodall could not therefore be permitted to make application to institute contest at this time.

Respectfully,

Commissioner.

COPY.

Muskogee, Indian Territory, January 31, 1906.

The Honorable,  
The Secretary of the Interior.

Sir:

The Department under date of January 11, 1906 (I T D 81-1906), transmitted to the Commissioner to the Five Civilized Tribes a letter dated December 26, 1905, from Charles and Mary Goodall relative to the matter of their enrollment as citizens of the Choctaw Nation.

The Department states that it appears from said letter that the applicants were denied enrollment by a decree of the citizenship court, but they allege that their children have been enrolled as citizens. In view of this allegation a report is requested in the matter showing particularly what recognition, if any, these applicants enjoyed prior to the Act of June 10, 1896, as citizens of the nation in which they claim the right to enrollment.

With the return of the letter I have the honor to report that Charles Goodall, evidently one of the writers of the letter, was denied admission to citizenship in the Choctaw Nation by a decree of the Choctaw and Chickasaw citizenship court of September 19, 1904 (Tishomingo case No. 52), entitled "Charles Goodall, et

al. vs the Choctaw and Chickasaw Nations." The citizenship court dismissed the petition of his wife, Mary Goodall, for enrollment as a citizen of the Choctaw Nation, for want of jurisdiction.

Mr. and Mrs. Goodall are in error in alleging that their children have been enrolled as citizens of the Choctaw Nation, and their statement to that effect is undoubtedly based upon the fact that several of their children have, under the proceedings adopted by the Commissioner on November 10, 1905, made application to institute contests for allotment selections in the Chickasaw Nation.

Under the provisions of the Act of Congress approved June 10, 1896, there was filed with the Commission to the Five Civilized Tribes a petition praying for the admission of Charles Goodall, William Goodall, Richard Goodall, Ananda Hill, Nancy J. Arms, Harriet Hill and John Goodall as citizens of the Choctaw Nation (1896 Choctaw citizenship case No. 258).

The petition was denied by the Commission to the Five Civilized Tribes from which decision an appeal was taken to the United States Court for the Southern District of the Indian Territory. In the petition for appeal, in addition to the petitioners who were mentioned in the original application made to the Commission to the Five Civilized Tribes, there were included the names of 34 other persons, being the children and grandchildren of the said Charles Goodall, with such white persons as had intermarried

with such descendants.

The United States Court for the Southern District of the Indian Territory, on May 10, 1898, rendered a judgment reversing the decision of the Commission to the Five Civilized Tribes and admitted to citizenship in the Choctaw Nation the applicants named in the petition filed with the Commission to the Five Civilized Tribes, together with the other persons whose names were interpolated in the petition for appeal.

On March 3, 1899, the United States Court for the Southern District of the Indian Territory, corrected the judgment theretofore rendered in said cause by eliminating therefrom the names of the persons who were not included in the original application made to the Commission to the Five Civilized Tribes.

The judgment of the United States Court of May 10, 1898, was subsequently set aside, vacated, and held for naught, by a decree of the Choctaw and Chickasaw citizenship court of December 17, 1902, and the cause was subsequently certified to the citizenship court for a trial de novo. The applicants whose names were eliminated from the judgment of the United States Court for the Southern District of the Indian Territory, by the order of March 3, 1899, sought to have themselves made parties in the trial of the cause by the citizenship court.

The decree of the citizenship court which was rendered on September 19, 1904, denied the petition of the applicants, Charles



Goodall, William Goodall, Richard Goodall, Amanda Hill, Nancy J. Arms, Harriet Hill and John Goodall, who were the original petitioners to the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, and dismissed the petition as to the other applicants for want of jurisdiction.

The opinion of the Choctaw and Chickasaw citizenship court in the case was rendered by Chief Judge Adams and concurred in by Associate Judges Weaver and Foots. This office has heretofore furnished the Department with certified copies of the decree and opinion of the citizenship court in the case of Charles Goodall, et al. vs the Choctaw and Chickasaw Nations.

I have further to report that the names of Charles Goodall, his wife Mary Goodall, or any of their children or descendants, are not found upon any of the tribal rolls of the Choctaw or Chickasaw Nations in the possession of this office, nor does it appear that they were in any manner ever recognized by the tribal authorities of either of said nations as citizens thereof prior to the approval of the Act of Congress of June 10, 1896.

It appears from the record of the citizenship court in the case of Charles Goodall, et al. vs the Choctaw and Chickasaw Nations, that these persons claim their right to enrollment as citizens of the Choctaw Nation by reason of being the descendants of one Betsy Phelps, an alleged Choctaw Indian woman who was the mother of the principal petitioner Charles Goodall. Betsy Phelps

(6)

appears to have died in the State of Illinois about the year 1837 or 1838, where Charles Goodall was born. He subsequently removed to the State of Tennessee, later to Missouri, from there to Texas, and then about the year 1880 to the Chickasaw Nation, Indian Territory, where he has since resided. His wife, Mary Goodall, claims her right as an intermarried citizen of the Choctaw Nation by reason of her marriage to Charles Goodall. The other applicants claim through the principal petitioner, Charles Goodall.

It does not appear that the persons in this case are entitled to a hearing or further consideration of their application for citizenship in the Choctaw Nation, under the opinion of the Assistant Attorney General for the Department of the Interior of December 8, 1905, in the Choctaw enrollment case of Loula West, et al.

Respectfully,

SIGNEE

Acting Commissioner.

Through the Commissioner  
of Indian Affairs.

MoM 30/2

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JF Jr.  
LLB

I.T.D. 81,5134-1906.  
D.C. 14, 234-1906.

April 17, 1906.

LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On January 31, 1906, you transmitted a report in the matter of the enrollment as citizens of the Choctaw Nation of Charles and Mary Goodall, of Hickok, Ind. T.

You state that it does not appear that the parties to this application are entitled to a hearing or further consideration.

Reporting March 27, 1906, the Indian Office concurs in your belief.

Charles and Mary Goodall have been this day advised in accordance with your report, which is hereby approved.

Respectfully,

(Signed) Thos Ryan,

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JF Jr.  
LLB

I.T.D. 81,5134-1906.  
D.C. 14, 234-1906.

April 17, 1906.

LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On January 31, 1906, you transmitted a report in the matter of the enrollment as citizens of the Chectaw Nation of Charles and Mary Goodall, of Hickor, Ind. T.

You state that it does not appear that the parties to this application are entitled to a hearing or further consideration.

Reporting March 27, 1906, the Indian Office concurs in your belief.

Charles and Mary Goodall have been this day advised in accordance with your report, which is hereby approved.

Respectfully,

(Signed) Thos Ryan,

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

Choc 4957

~~Caciline Miller~~  
Richard Goodall

4957

see case # 18 Choctaw refused under  
ACT OF May 31, 1900

# 2, 3, 4, 5, 6 Dismissed Nov 12, 1904

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the applications of Andy Good-  
all, Menae Goodall, George Goodall, and Wollie Goodall for  
enrollment as citizens of the Choctaw Nation, and of  
Bettie Goodall as a citizen by intermarriage of the Choctaw  
Nation.

7-4957



Richard Goodall and others.

Richard Goodall says:

I am 47. I live 10 miles east of Davis, Pontotoc County, Chickasaw Nation. I made application to the Dawes Commission for enrollment as a Choctaw citizen at the same time my father applied. We all applied together. I have been in the Chickasaw Nation 19 years. I have lived for 11 years where I now reside. My mother who was a white woman, is dead. My father was married in 1872 to his second and present wife. She is a white woman.

I also married in 1872. My wife is a white woman. I have 5 children by my wife. Bettie above mentioned. My father has no children by his present wife. Her name is Mary.

My brother William was married in 1874 in Scott county, Missouri. His wife is a white woman and all his children are by her.

Amanda was married in 1876 to George Hill in Texas. He is a white man and the father of her children.

Jane was married to Tom Arms in 1877 in Parker county Texas. He is a white man and the father of her children. He is now dead.

Barriet Hill was married to Sam Hill in Stephens county Texas. He is a white man and the father of her children.

John Goodall was married in 1891 in Pontotoc County, Chickasaw Nation to Mary Thomas who had formerly married a Chickasaw Indian who was then dead. She is the mother of all his children.

I have a son: Thomas Goodall, who was married in Pontotoc County, Chickasaw Nation on the 31st of June 1898 to a white woman.

My brother William has a son: Charles E. Goodall who married in

2.

December 1895 in Pontotoc County, Chickasaw Nation to a white woman  
by whom he has 2 children.

Stonewall, Sept. 6 1898.

Richard Goodall  
Bettie Goodall  
Andy Goodall  
Monroe Goodall  
George Goodall  
Mollie Goodall

enrolled.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. July 30, 1900.

MEMORANDUM

In the matter of the application of Richard Goodall for enrollment as citizens by blood of the Choctaw Nation of her four minor children, Andy, Monroe, George and Mollie Goodall. Richard Goodall being duly sworn and examined by the Commission, testified as follows:

- Q Please state your name? A Richard Goodall.
- Q How old are you? A I will soon be fifty years old, 49 past.
- Q What is your post-office address? A Iona, Chickasaw Nation.
- Q Yes sir Chickasaw Nation.
- Q You make application for the enrollment of your four minor children, Andy, Monroe, George and Mollie as citizens by blood of the Choctaw Nation? A Yes sir.
- Q What are the ages of these children, respectively? A Andy eighteen; Monroe, sixteen; George, fourteen, Mollie ten.
- Q These children all live with you? A Yes sir.
- Q Have any of your minor children for whom you make application at this time ever been recognized by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.
- Q Have any of these minor children for whom you make application at this time ever been enrolled by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.
- Q Do the names of any of these minor children for whom you make application at this time appear upon the Choctaw tribal rolls? A No sir.
- Tribal rolls of citizens of the Choctaw Nation, prepared by the tribal authorities of that Nation in the year 1896, examined and the names of none of the applicants are found thereon.
- Q Were any of these children for whom you make application at this time admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the act of Congress approved June 10th, 1896? A No sir.

Record of applicants admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in the year 1896, acting under the act of Congress approved June 10th 1896, is examined and the names of none of the applicants found thereon.

- Q Were any of these minor children for whom you make application at this time, admitted to citizenship in the Choctaw Nation by the United States Court for the Indian Territory on appeal from the decision of the Choctaw tribal authorities or from a decision of the Commission to the Five Civilized Tribes acting under the act of Congress approved June 10th, 1896? A Yes sir.

Q What was the style of the case? A Charles Goodall against the Choctaw Nation.

The records of applications made to the Commission to the five Civilized Tribes in the year 1896 for citizenship in the Choctaw Nation, examined and on

Richard Goodall 2-----

page 243 thereof appears the case of Charles Goodall et al against the Choctaw Nation, being No. 258. Filed September 7th, 1896. Answer filed. Application denied December 2nd, 1896. Case appealed to the United States Court for the Southern Judicial District of the Indian Territory and on May, 10th, 1898, a decree was entered by said court in said case reversing the decision of the Commission to the Five Civilized Tribes, rendered December 2nd, 1896, and admitting to citizenship in the Choctaw Nation, fifty persons among whom are the applicants, Andy, Monroe and Mollie Goodall. By a nunc pro tunc decree entered by said court in said cause on March 3rd, 1899, the names of Andy, Monroe and Mollie Goodall were stricken from the decree entered on May 10th, 1898 admitting such persons to citizenship in the Choctaw Nation. In the recitation in the original decree of May 10th, 1898, in which the names of those who are declared by the court entitled to citizenship in the Choctaw Nation the name George Goodall appears with the other names of the family of Richard Goodall between the names Monroe Goodall and Mollie Goodall, while in the conclusion of the said decree the name Charles Goodall appears amongst the names of the family of Richard Goodall between the names, Monroe Goodall and Mollie Goodall. In the nunc pro tunc decree entered March 3rd, 1899, the said name, Charles Goodall, appears among the names of the family of Richard Goodall between the names of Monroe Goodall and Mollie Goodall.

Q You have never appeared for these minor children before?

A No sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application for enrollment of your four minor children as citizens by blood of the Choctaw Nation, mailed to you at your proper post-office address.

The Commission will transmit such memorandum of this application as has been taken at this time together with the decision of the Commission with reference to the said application, to the Honorable Secretary of the Interior when the final rolls of citizens of the Choctaw Nation are sent to him for consideration and approval.

Myra Young, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above case and that the foregoing is a true, full and correct transcript of her stenographic notes taken in the said case.

*Myra Young*

Sworn to and subscribed in my presence this 14 day of August 1900

*[Signature]*  
Acting Chairman.

1-4957.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications of Andy Goodall, Monroe Goodall, George Goodall, and Mollie Goodall for enrollment as citizens by blood, and of Pettie Goodall as a citizen by intermarriage of the Choctaw Nation.

The applicants, Andy Goodall, Monroe Goodall, George Goodall, and Mollie Goodall, claim the right to enrollment as citizens by blood of the Choctaw Nation through their father, Richard Goodall, and the applicant, Pettie Goodall, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to the said Richard Goodall.

The right of the said Richard Goodall to enrollment as a citizen by blood of the Choctaw Nation, having been adversely determined by a decree of the Choctaw- Chickasaw Citizenship Court on September 17, 1904, in case numbered 52 upon the Tisoolingo Docket of said Court, it is hereby ordered that the applications of Andy Goodall, Monroe Goodall, George Goodall, and Mollie Goodall, for enrollment as citizens by blood of the Choctaw Nation, and of Pettie Goodall, for enrollment as a citizen by intermarriage of said Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory,

NOV 17 1904



COPY.

7-4957

Muskogee, Indian Territory, November 12, 1904,

Richard Goodall,

Iona, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing the application for the enrollment of your wife, Beatie Goodall, as a citizen by intermarriage, and of your children, Andy Goodall, Monroe Goodall, George Goodall and Mollie Goodall as citizens by blood of the Choctaw Nation.

Respectfully,

BEIGNED

*Wm. D. ...*  
Chairman.

Registered.

Incl. 7-4957.



7-4957

COPY.

Muskogee, Indian Territory, November 12, 1904.

Wansfield, McMurray and Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated November 12, 1904, dismissing the application for the enrollment of Andy Goodall, Monroe Goodall, George Goodall and Mollie Goodall as citizens by blood, and of Bettie Goodall, as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

*Tamie Dixon*  
Chairman.

Incl. 7-4957.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. July 30, 1900.

MEMORANDUM

In the matter of the application of Richard Goodall for enrollment as citizens by blood of the Choctaw Nation of her four minor children, Andy, Monroe, George and Mollie Goodall. Richard Goodall being duly sworn and examined by the Commission, testified as follows:

Q Please state your name? A Richard Goodall.

Q How old are you? A I will soon be fifty years old. 49 past.

Q What is your post-office address? A Iona.

Q Chickasaw Nation? A Yes sir Chickasaw Nation.

Q You make application for the enrollment of your four minor children, Andy, Monroe, George and Mollie as citizens by blood of the Choctaw Nation? A Yes sir.

Q What are the ages of these children, respectively? A Andy eighteen; Monroe, sixteen; George, fourteen, Mollie ten.

Q These children all live with you? A Yes sir.

Q Have any of your minor children for whom you make application at this time ever been recognized by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.

Q Have any of these minor children for whom you make application at this time ever been enrolled by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.

Q Do the names of any of these minor children for whom you make application at this time, appear upon the Choctaw tribal rolls?

A No sir.

Tribal rolls of citizens of the Choctaw Nation, prepared by the tribal authorities of that Nation in the year 1896, examined and the names of none of the applicants are found thereon.

Q Were any of these children for whom you make application at this time admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the act of Congress approved June 10th, 1896? A No sir.

Record of applicants admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in the year 1896, acting under the act of Congress approved June 10th, 1896, is examined and the names of none of the applicants found thereon.

Q Were any of these minor children for whom you make application at this time, admitted to citizenship in the Choctaw Nation by the United States Court for the Indian Territory on appeal from the decision of the Choctaw tribal authorities or from a decision of the Commission to the Five Civilized Tribes acting under the act of Congress approved June 10th, 1896? A Yes sir.

Q What was the style of the case? A Charles Goodall against the Choctaw Nation.

The records of applications made to the Commission to the five Civilized Tribes in the year 1896 for citizenship in the Choctaw Nation, examined and on

Richard Goodall 2-----

page 243 thereof appears the case of Charles Goodall et al against the Choctaw Nation, being No. 258. Filed September 7th, 1896. Answer filed. Application denied December 2nd, 1896. Case appealed to the United States Court for the Southern Judicial District of the Indian Territory and on May, 10th, 1898, a decree was entered by said court in said case reversing the decision of the Commission to the Five Civilized Tribes, rendered December 2nd, 1896, and admitting to citizenship in the Choctaw Nation, fifty persons among whom are the applicants; Andy, Monroe and Mollie Goodall. By a nunc pro tunc decree entered by said court in said cause on March 3rd, 1899, the names of Andy, Monroe and Mollie Goodall were stricken from the decree entered on May 10th, 1898 admitting such persons to citizenship in the Choctaw Nation. In the recitation in the original decree of May 10th, 1898, in which the names of those who are declared by the court entitled to citizenship in the Choctaw Nation the name George Goodall appears with the other names of the family of Richard Goodall between the names Monroe Goodall and Mollie Goodall, while in the conclusion of the said decree the name Charles Goodall appears amongst the names of the family of Richard Goodall between the names, Monroe Goodall and Mollie Goodall. In the nunc pro tunc decree entered March 3rd, 1899, the said name, Charles Goodall, appears among the names of the family of Richard Goodall between the names of Monroe Goodall and Mollie Goodall.

Q You have never appeared for these minor children before?

A No sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application for enrollment of your four minor children as citizens by blood of the Choctaw Nation, mailed to you at your proper post-office address.

The Commission will transmit such memorandum of this application as has been taken at this time together with the decision of the Commission with reference to the said application, to the Honorable Secretary of the Interior when the final rolls of citizens of the Choctaw Nation are sent to him for consideration and approval.

Myra Young, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above case and that the foregoing is a true, full and correct transcript of her stenographic notes taken in the said case.

*Myra Young*

Sworn to and subscribed in my presence this

14 day of Aug. 1900

*[Signature]*  
Acting Chairman.

Department of the Interior,  
Commission to the Five Civilized Tribes  
Ada, I. T., November 10, 1902.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Bettie L. Goodall.

Bettie L. Goodall being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Bettie L. Goodall.
- Q What is your age? A 45.
- Q What is your post office address? A Iona
- Q That in the Chickasaw Nation? A Yes sir.
- Q How long have you lived in the Chickasaw Nation? A Been here 26 years.
- Q Lived here continuously for the past 26 years? A Yes sir.
- Q Are you an applicant for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
- Q What is the name of your Indian husband? A Richard Goodall.
- Q Is he a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
- Q His rights have never been questioned? A No sir, not as I ever knowed of.
- Q When were you married to Richard Goodall? A I was married in '72.
- Q Where did this marriage take place? A Missouri.
- Q Were you married under the laws of the state of Missouri? A Yes sir.
- Q When did you remove to the Chickasaw Nation? A 26 years ago.
- Q Soon after your marriage? A Yes sir, and have never been out of it.
- Q Was your husband an applicant before the Commission in 1896 for enrollment as a Choctaw by blood? A Yes sir.
- Q His case was appealed to the United States Court? A Yes sir.
- Q Were you an applicant at that time with him? A Yes sir, I was married in '72.
- Q Were you included in his petition? A Yes sir, I was.
- Q What did the court do with your case at that time? A They decided it in our favor.
- Q In your particular case did they admit you as an intermarried citizen? A Yes sir.
- Q Do you know that? A Yes sir, that is what they told us anyhow.
- Q Since that time have you been married again to your husband? A Since I married—
- Q Since this first marriage? A Yes sir, at Stonewall.
- Q When were you married the second time? A In 1899.
- Q Married in accordance with the Chickasaw law? A Choctaw law.
- Q Did you obtain a Choctaw license? A Yes sir.
- Q Were you living in the Choctaw Nation at that time? A No, right here, where we are living now.
- Q You went over into the Choctaw Nation and procured a Choctaw license? A No, we were married at Stonewall.
- Q You obtained a Chickasaw license did you not? A No, we taken out a Choctaw license; thats what they said anyhow.
- Q Who issued that license do you know? A Judge Wolf.
- Q He was judge of Pontotoc county at that time was he not? A I couldn't tell you.
- Q How much did you pay for that license? A Fifty dollars.
- Q Both you and your husband were living in the Chickasaw Nation at that time? A Yes sir, been living right here for 26 years.

Bettie L Goodall-- 2

- Q Were you ever married before your marriage to Goodall in 1872?  
A No sirc, I was not.
- Q Since that time have you been living together as husband and wife continuously? A Yes sir.
- Q There has been no separation, abandonment or divorce? A No sir.
- Q At the present time you are a bona fide resident of the Chickasaw Nation? A Yes sir.
- Q You intend to make it your permanent home? A Yes sir.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 10th day of November, 1902, at Ada, I. T., and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

*W H Martin*

Subscribed and sworn to before me this 13 day of November, 1902.

*Charles H Sawyer*

Notary Public.

*Next*



Commission to the Five Civilized Tribes,  
South McAlester, Indian Ter.

In the enrollment of Bettie L. Goodall as an intermarried Choctaw; Richard Goodall being sworn and examined by Com'r McKennon testifies as follows:

- Q What is your name? A ~~Bettie L. Goodall~~ Richard Goodall.
- Q How old are you? A Forty-nine.
- Q You present here a license issued by the county and Probate Judge of Pontotoc county, Chickasaw Nation, dated September 5th 1892, for the marriage of Liddy Brown to Richard Goodall, were you married to this woman before? A Yes sir.
- Q When? A November 26th, 1872.
- Q Were you separated or divorced from her? A No sir.
- Q She was your wife then at the time you married her? A Yes sir.
- Q Her name was not Liddy Brown then but Liddy Goodall? A Yes sir.
- Q This was a second marriage? A Yes sir.
- Q You were admitted by the United States court at Ardmore May 10th 1898, court case #103? A Yes sir.

Department of the Interior,

Commissioner of the Five Civilized Tribes.  
I, *[Signature]*, Stenographer in my office, do hereby certify as stenographer of the above named Commission, that this transcript is a true and correct translation of my stenographic notes.

*[Signature]*



72464  
This is to certify the foregoing  
marriage license and marriage certificate  
of Richard Goodall and Lizzie  
Brown being recorded that the  
in marriage record book C on  
page 82 this the 6th day of September  
A.D. 1877

Attest Sam Smith Clerk  
Pondotoc County Mich / Cass  
Katon  
J. J.

When you write to me  
I shall be glad to hear  
from you and to hear  
of all the news that  
concerns you and your  
family. I am very  
affectionately yours  
Yours truly  
Simon 1751

To Whome it may concern  
I do hereby certify that on the 5th day of  
September 1899 I did duly and  
according to law record the files  
of matrimony between  
Laddell and [unclear] by  
authority of the County Probate Judge  
of [unclear] [unclear] (also  
and [unclear] in my hand

this the 5 day of September A.D. 1899  
at [unclear] [unclear] [unclear]

My credentials are recorded in  
the [unclear] [unclear] District of  
the [unclear] [unclear] [unclear]

Witness  
[unclear]

MEMORANDA.

(Date) ..... 1899.

Name .....

Choctaw? County ..... Year ..... No. ....

Chickasaw? County ..... Year ..... Page .....

Citizen by blood? Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, .....

*we*  
*41* Wife's name, *Bethie L.* .....

Choctaw? County ..... Year ..... No. ....

Chickasaw? County ..... Year ..... Page .....

Citizen by blood? Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

County ..... Year ..... Page ..... No. ....

*T. H. G. H.*

Muscogee, Indian Territory,

August 18th, 1900.

Bettie ...

... Indian Territory

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. Cannon, ... filed in this Territorial office of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, ... will hold a session ... at that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and a hearing will be held.

Yours

Acting Chairman.

7-D-47.

Muskogee, Indian Territory, September 18, 1900.

Bettie L. Woodall,

Iona, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is to your right to enrollment under your second marriage.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to January 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.



Choc 4958 Wm Goodall

see case #19 Choctaw refused under act of  
May 31, 1900

No 2 is a duplicate of No 1 on Choctaw D# 463

#2, 3, 4, 5, 6, 7, 8, 9, 10 Dismissed Nov 12, 1904

4958  
856h

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the applications of Mary J. (Mary Jane) Goodall, Lizzie Goodall, Rosa J. (Posie Lee) Goodall, Maud E. (Nannie E. or Sarah S.) Goodall, Annie (Annie P.) Goodall, Fannie M. (William M. or Willie M.) Goodall, Floy L. Goodall, and Effie Goodall for enrollment as citizens by blood of the Choctaw Nation, and of Elizabeth Goodall for enrollment as a citizen by intermarriage of said Nation.

7-4958.

William Goodall and others.

William Goodall says:

I am 45. I live in Pontotoc County Chickasaw Nation and have been living on the place where I now reside, 9 miles east of Davis, for 7 years. I have lived in the Chickasaw Nation 19 years. I have heard the testimony of my father and brother and confirm all they have said.

My son Charles E. Goodall has 2 children, one born in October 1896 and the other one in March 1898. Both of these children are admitted in the Judgment of the United States Court at Ardmore rendered May 10th 1898.

Stonewall, Sept. 6, 1898.

William Goodall  
Elozabeth Goodall  
Mary J. Goodall  
Dixie Goodall  
Rosa L. Goodall  
Maud P. Goodall  
Annie Goodall  
William M. Goodall

enrolled.

Department of the Interior  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory  
July 30, 1900.

MEMORANDUM.

In the matter of the application of Wm. Goodall for the enrollment of his minor children, Mary Jane, Dixie, Posie Lee, Maudie P., Annie P., and Willie K. Goodall as citizens of the Choctaw Nation, William Goodall being duly sworn and examined by the Commission, testified as follows:

Q Please state your name? A W. M. Goodall.

Q How old are you? A 47.

Q What is your post-office address? A Hickory.

Q You make application for the enrollment of your six minor children, Mary Jane, aged eighteen, Dixie, aged fourteen, Rosa L. aged eleven, Maud S. aged nine, Annie P. aged seven and Willie May aged four. Is that correct? A Yes sir.

Q Have any of these children for whom you make this application ever been recognized by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.

Q Have any of these minor children for whom you make application at this time, ever been enrolled by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.

Q Are the names of any of these children for whom you make application at this time, to be found upon the Choctaw tribal rolls? A No sir.

Q Tribal rolls of citizens of the Choctaw Nation prepared by the Choctaw tribal authorities in the year 1896, is examined and the names of none of the applicants are found thereon.

Q Were any of these children for whom you make application at this time, admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes commonly known as the Daves Commission in the year 1896, acting under the act of Congress approved June 10th, 1896? A No sir.

Record of applicants admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in the year 1896 acting under the act of Congress approved June 10th, 1896, is examined and the names of none of the applicants found thereon.

Q Were any of these children for whom you make application at this time, admitted to citizenship in the Choctaw Nation by a decree of the United States Court in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or appeal from the Commission to the Five Civilized Tribes? A They was admitted by the court at Ardmore and because their names did not appear before the Daves Commission, the judgment was corrected and their names stricken from the judgment.

Q Then you made application yourself? A Yes sir.

Q In the year 1896 to the Commission to the Five Civilized Tribes? A Yes sir.

Q For citizenship in the Choctaw Nation? A Yes sir.

Q And were denied by the Commission? A Yes sir.

Q And appealed the case to the United States Court? A Yes sir.

Wm. Goodall 2---

Q On the first judgment of that court, these children for whom you now make application were admitted to citizenship? A Yes sir.

Q But by a later decree of the court their names were stricken from the original decree? A Yes sir.

Q What is the style of the case? A Charles Goodall.

Record of applicants for citizenship in the Choctaw Nation made to the Commission to the Five Civilized Tribes in the year 1896 is examined and on page 243 thereof, is found the case of Charles Goodall et al versus the Choctaw Nation, being No. 258, filed September 7, 1896. Answer filed. Application denied December 2nd, 1896. Case appealed to the United States Court for the Indian Territory, Southern District and by a decree of the said court entered on May 10th, 1898, the judgment of the Commission to the Five Civilized Tribes was reversed and fifty persons were admitted to citizenship in the Choctaw Nation, among whom were each of the applicants in this case. By a nunc pro tunc decree entered in said cause on March 3rd, 1899, the names of forty three persons admitted to citizenship in the Choctaw Nation by said decree of May 10th, 1898, were stricken from the said original decree among the rest of the names stricken from the original decree appear the names of Mary Jane, Dixie, Rosa L. Maud S., Annie G. and Willie May Goodall, the applicants herein.

Q You have never appeared for these minor children before?

A No sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your six minor children as citizens of the Choctaw Nation, mailed to you at your proper post-office address. The Commission will transmit such memorandum of the application made by you at this time for the enrollment of your minor children as citizens by blood of the Choctaw Nation together with a copy of its decision with reference to such application to the Honorable Secretary of the Interior when the final rolls of citizens of the Choctaw Nation are sent to him for consideration and approval.

Myra Young, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above case and that the foregoing is a true, full and correct transcript of her stenographic notes taken in said case.

*Myra Young*

Sworn to and subscribed in my presence this 14 day July, 1900.

  
Acting Chairman.

IN RE

Application for Enrollment of  
INFANT CHILD.

*At my residence*  
As a citizen of the

*United States*  
Nation.

Approved

*[Signature]*  
Commissioner.

7-4958



## Department of the Interior,

## COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
 of *Floyd L. Goodall*, born on the *26* day of *December*, *1898*.  
 Name of father: *William Goodall*, a citizen of the *Choctaw* Nation.  
 Name of mother: *Mary E. Goodall*, a citizen of the *Choctaw* Nation.  
 Post Office: *Palmer Ind Ter*

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
*Southern* District.

I, *Mary E. Goodall*, on oath, state that I am *40* years of age and a  
 citizen by *Marriage* of the *Choctaw* Nation; that I am the  
 lawful wife of *William Goodall* who is a citizen, by *Blood* of the  
*Choctaw* Nation; that a *Girl* child was born to me on the *26<sup>th</sup>* day  
 of *December*, *1898*; that said child has been named *Floyd L. Goodall*  
 and is now living.

Subscribed and sworn to before me this

*14<sup>th</sup>* day of *November*, *1899*

*A. A. House*  
 Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
*Southern* District.

I, *W. H. Powell*, a *Physician* on oath, state that I  
 attended on Mrs. *Mary E. Goodall*, wife of *Wm. Goodall*  
 on the *26* day of *December*, *1898*; that there was born to her on said date a *Girl* child;  
 that said child is now living and is said to have been named *Floyd L. Goodall*.

Subscribed and sworn to before me this

*14<sup>th</sup>* day of *November*, *1899*

*A. A. House*  
 Notary Public.

CHOCTAW.

*Applications  
for  
Enrollment  
of  
Offspring*

*Approved*

DEC -7 1901

*[Signature]*

*Commissioner*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEC 7 1901

*[Signature]*  
ACTING CHAIRMAN

CHOCTAW.

4458

Application for Enrollment.

In Re Application for the enrollment of *Effie Goodall* as a Cheektaw Citizen, born *6<sup>th</sup>* day of December, 1901. Father, William Goodall, a Cheektaw citizen by blood. Mother, Mary E. Goodall, Cheektaw citizen by intermarriage. Post Office, Cherokee Nation, Indian Territory.

Southern District,  
Indian Territory.

I, J. F. Newcomb, a physician, of Oklahoma state, that I attended Mrs. Mary E. Goodall on the sixth day of December, 1901, and that on that date a female child was born to her, which child is said to have been named *Effie* and that said child is now living.

Witness my hand this 6th day of Dec., 1901.

*J. F. Newcomb, M.D.*

Subscribed and sworn to before me, the undersigned Notary Public, on this the sixth day of December, 1901. *Witness my hand and seal of office.* *C. O. C. C.*  
Notary Public.

Southern District,  
Indian Territory.

I, Mary E. Goodall, in oath state, that I am a citizen of the Cheektaw tribe Nation by intermarriage, and that on the sixth day of December, 1901, a female child was born to me and has been named *Effie* and that said child is now living.

Witness my hand at this place on this day of December, 1901.

*Witness my hand*  
*G. M. Lafferty*  
*W. J. ...*

*Mary E. Goodall*

Subscribed and sworn to before me, the undersigned Notary Public, on this the sixth day of December, 1901.

Witness my hand and seal of office, this sixth day of Dec., 1901.

*C. O. C. C.*

Commission Expires Jan. 20, 1904.

Notary Public.

---

*IN RE*  
*Application for Enrollment of*  
*INFANT CHILD*  
*as a citizen of the*

*Nation.*

---

*Approved*

*190*

*Commissioner.*

---

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the \_\_\_\_\_ Nation,  
 of \_\_\_\_\_, born on the \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_,  
 Name of Father: \_\_\_\_\_, a citizen of the \_\_\_\_\_ Nation,  
 Name of Mother: \_\_\_\_\_, a citizen of the \_\_\_\_\_ Nation,  
 Post-Office: \_\_\_\_\_

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
 \_\_\_\_\_ District.)

I, \_\_\_\_\_, on oath state that I am \_\_\_\_\_  
 years of age and a citizen by \_\_\_\_\_ of the \_\_\_\_\_ Nation;  
 that I am the lawful wife of \_\_\_\_\_, who is a citizen, by \_\_\_\_\_  
 of the \_\_\_\_\_ Nation, that a \_\_\_\_\_ child was  
 born to me on the \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_; that said child has been  
 named \_\_\_\_\_, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
 Southern District.)

I, J. F. Newcomb, a Physician, on oath state that I  
 attended on Mrs. Elizabeth Goodall, wife of Wm. Goodall,  
 on the 6 day of December, 1901; that there was born to her on said  
 date a Girl child; that said child is now living and is said to have been  
 named E. F. Goodall

WITNESSES TO MARK

(Must be Two Witnesses)

J. F. Newcomb, M.D.

Subscribed and sworn to before me this 12 day of December, 1902

Notary Public.

CHOCTAW

INDEX

IN RE

Application for Enrollment of  
INFANT CHILD

*Effie Goodall*  
as a citizen of the

*Choctaw* Nation

Approved: \_\_\_\_\_ 190

Commissioner

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

*[Signature]*

ACTING CHAIRMAN

CHOCTAW. 4958  
~~8-1-03~~



DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the *Choctaw* Nation,  
 of *Effie Goodall*, born on the *6th* day of *December*, 190*1*  
(Do not insert name of child.)  
 Name of Father: *William Goodall*, a citizen of the *Choctaw* Nation.  
 Name of Mother: *Elizabeth Goodall*, a citizen of the *Choctaw* Nation.  
 Post-Office: *Wichita, Ind. Terr.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

*Southern* District.

I, *Elizabeth Goodall*, on oath state that I am *43*  
 years of age and a citizen, by *inter-marriage* of the *Choctaw* Nation;  
 that I am the lawful wife of *William Goodall*, who is a citizen, by  
*blood*, of the *Choctaw* Nation, that a *female* child was  
(Male or female.)  
 born to me on the *6th* day of *December*, 190*1*; that said child has been  
 named *Effie Goodall*, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

*Elizabeth Goodall* here mark  
*Wm. Brown*  
*W. H. Martin*

Subscribed and sworn to before me this

*10th* day of *November*, 190*2*

*R. B. Jackson*  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

District.

I, \_\_\_\_\_, a \_\_\_\_\_, on oath state that I  
 attended on Mrs. \_\_\_\_\_, wife of \_\_\_\_\_,  
 on the \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_; that there was born to her on said  
 date a \_\_\_\_\_ child; that said child is now living and is said to have been  
(Male or female.)  
 named \_\_\_\_\_.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

190\_\_\_\_

Notary Public.

Commission to the Five Civilized Tribes,  
South McAlester, Indian Ter.

In the enrollment of Elizabeth Goodall as an intermarried  
Choctaw, William Goodall being sworn and examined by com'r McKenna  
testifies as follows:

- Q What is your name? A William Goodall.  
Q How old are you? A Forty-six.  
Q Elizabeth Goodall is your wife? A Yes sir.  
Q Where were you first married to her? A In Scott county,  
Missouri, by a Justice of the Peace.  
Q When? A The 8th day of October, 1874.  
Q Have you any record of that marriage? A No sir.  
Q You have got nothing further to show than your statement?  
A That is all.

Richard Goodall being sworn and examined states:

- Q What is your name? A Richard Goodall.  
Q How old are you? A Forty-nine.  
Q Are you a brother of William Goodall? A Yes sir.  
Q Do you know anything about his marriage? A Yes sir.  
Q Were you present? A No sir.  
Q Do you know that they lived together as husband and wife in  
Missouri? A Yes sir.  
Q How long? A They have been living together about twenty-  
four years.  
Q He was married though the other day again wasn't he?  
A Yes sir.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
I hereby certify that my official oath as  
Commissioner to the Five Civilized Tribes  
has been duly taken and that the  
transcript of the foregoing is a true and  
correct translation of  
my stenographic notes.

M. J. McKenna

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of Elizabeth Goodall as an intermarried Choctaw, William Goodall being sworn and examined by Com'g McKennon testifies as follows:

Q What is your name? A William Goodall.

Q How old are you? A Forty-six.

Q You present here a license issued by the county and Probate Judge of Pontotoc County, Chickasaw Nation, dated September 5th 1899, to Elizabeth Evans, to marry William Goodall, is William Goodall your name? A Yes sir.

Q Were you married to this woman before? A Yes sir.

Q When? A On the 8th of October 1874.

Q Where? A In Missouri.

Q Were you separated or divorced from her? A No sir.

Q This is a second marriage then? A Yes sir.

Q When did you come to the Chickasaw Nation? A I think this November will be twenty years ago, to the best of my knowledge.

Q You have a child? A Yes sir.

Q What is the date of its birth? A December 26th 1898

Q That is the correct date of its birth? A Yes sir.

Q What is its name? A Floy L. Goodall.

Q That your child? A Yes sir.

Q That child was born before your second marriage? A Yessir.

Examined by Choc Com'r Lewis Q Did you marry your wife in order to comply with the Chickasaw law? A Yes sir.

-----  
Department of the Interior,

Commission to the Five Civilized Tribes.

I have compared the official book as stenographer of the named Commission that this transcript is a true and correct translation of my stenograph.

W. D. Green

10462

This is to certify that the foregoing  
marriage license and marriage certificate  
of William Goodall and Elizabeth  
Evans being recorded by me  
in marriage record book C on Page  
83 this 6th day of September A.D. 1899  
Attest I am Justiciary by x Proclerk  
Pontotoc County G. N.



To whom it may concern greeting  
This is to certify that I Just. Whitley  
Minister of the G. P. C. did duly and  
accordingly to law solemnize the rites of  
matrimony between William Goodell and  
Elizabeth [unclear] by authority of the  
Said Probate Judge of Guilford Co., [unclear]  
[unclear]

Witness my hand this 6<sup>th</sup> day  
of Sept. A. D. 1879.  
Just. Whitley, Minister  
of the Gospel, as recorded in the Book of  
the [unclear] District [unclear]  
[unclear] 4, 1879.

Whitley  
[unclear]



17/11/37

IN RE

Application for Enrollment of

INFANT CHILD

*Joseph J. Gurdall*

As a citizen of the

*Province of*

Nation.

Approved

Commissioner.

Department of the Interior,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Floy L. Goodall born on the 26 day of Dec 1898, ~~1899~~  
Name of father: Mrs M. Goodall a citizen of the Choctaw Nation.  
Name of mother: Elizabeth Goodall a citizen of the United States  
Post Office: Palmer, Chickasaw Nation

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
South District.

I, Elizabeth Goodall, on oath state that I am 40 years of age and a  
citizen of the United States Nation; that I am the  
lawful wife of Mrs M. Goodall who is a citizen, by blood, of the  
Choctaw Nation; that a female child was born to me on the 26<sup>th</sup> day  
of Dec 1898, ~~1899~~; that said child has been named Floy L. Goodall  
and is now living.

Subscribed and sworn to before me this 31 day of August, 1899

J. J. Mullen  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
South District.

I, W. H. Powell, physician, on oath, state that I  
attended on Mrs. Elizabeth Goodall, wife of Mrs M. Goodall  
on the 26 day of Dec, 1898; that there was born to her on said date a female child;  
that said child is now living and is said to have been named Floy L. Goodall.

Subscribed and sworn to before me this 1 day of September, 1899

A. A. Horner  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 12, 1902.

.....  
In the matter of the application of  
Elizabeth Goodall for the enrollment  
of herself as a citizen by intermar-  
riage of the Choctaw Nation, and for  
the enrollment of her minor child,  
Floyd L. Goodall, as a citizen by  
blood of the Choctaw Nation.  
.....

D-463.

On the 4th day of March, 1902, the applicants were notified, by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Elizabeth Goodall for the enrollment of herself and her minor child as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicants being called, failed to appear, either in person or by attorney.

-----  
Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 12 day of April, 1902.

*Carmita F. Wood*  
Notary Public.

Choctaw, D. 463.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Ada, I. T., November 10, 1902.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Elizabeth Goodall.

Elizabeth Goodall being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Elizabeth Goodall.  
Q What is your age? A 43.  
Q What is your post office address? A Hickory.  
Q Is that in the Chickasaw Nation? A Yes sir.  
Q How long have you resided in the Chickasaw Nation? A About 25 years, or 26.  
Q Lived here continuously for the past 26 years? A Yes sir.  
Q Are you an applicant for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.  
Q Through whom do you claim intermarried rights? A William Goodall.  
Q Is he recognized and enrolled citizen of the Choctaw Nation? A Yes sir.  
Q Have his rights ever been questioned? A Yes sir, I reckon they have.  
Q Have the tribal authorities ever objected to him? A No sir.  
Q His rights have never been questioned by the tribal authorities? A Well—  
Q Did they ever say he was not a citizen of the Choctaw Nation? A No sir, they never said he was not a Choctaw.  
Q When were you married to William Goodall? A We married in 1899.  
Q Was that the first time? A No sir.  
Q When were you first married to him? A In '74.  
Q Where did this marriage take place? A In Missouri.  
Q You were married under the laws of the state of Missouri? A Yes sir, first.  
Q Were you a resident of Missouri at that time? A Yes sir.  
Q Have you been married to William Goodall since then? A Yes sir.  
Q When was this second marriage? A In 1899.  
Q What month do you know? A In September, between the first and the 10th of September.  
Q Were you married in accordance with the tribal laws of the Choctaw Nation? A Chickasaw Nation.  
Q From whom did you procure that license? A Mr. Wolf, Judge Wolf.  
Q Who performed the marriage ceremony? A Mr. Whitley.  
Q A minister of the gospel? A Yes sir.  
Q Were you ever married before your marriage to William Goodall? A No sir.  
Q Was he ever married before his marriage to you? A No sir.  
Q Since your first marriage in 1874 have you been living together continuously as husband and wife? A Yes sir.  
Q Never been any separation, abandonment or divorce? A No sir.  
Q Are you and he now living together as husband and wife in the Chickasaw Nation? A Yes sir.  
Q Bona fide residents of this Nation? A Yes sir.

Elizabeth Goodall \_\_\_\_\_ 2

Q You intend to make this your permanent home? A Yes sir.

By S E Lewis, Choctaw Commissioner:

Q Your husband claims his right through a Court judgment? A Yes sir.

Q That judgment has been granted once and a good many of those Goodalls has been cut off: is he still on that? A Yes sir.

By the Commission:

Q Have you any children by William Goodall? A Yes sir.

Q How many? A Nine.

Q Were any of these children included in the judgment of the court admitting your husband? A Well, — I dont know.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Ada, I. T., on the 10th day of November, 1902, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 23 day of November, 1902.

*Charles H. Sawyer*

Notary Public.

*Wick*



COMMISSIONERS  
HENRY L. DAWES  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLIBON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Choctaw D-463.

Muskogee, Indian Territory, March 4, 1902.

Elizabeth Goodall,

Palmer, Indian Territory.

You are hereby notified that the application of yourself and your minor child, Floy L. Goodall for enrollment as citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

Commissioner in Charge.



6327

THE GLOBE LEGAL WRAPPER. Patented Feb. 11, 1890. SECOND QUALITY.

Copy of Record  
of  
Marriage

William Goodall

To -

Mrs Mary Ann  
Elizabeth Evens.

11-4958

203

Curtice  
"to"  
Pratt

Married October 4<sup>th</sup> 1874  
William Curtice to Miss Mary E Pratt

Goodall  
"to"  
Evens

Married October 8<sup>th</sup> 1874  
William Goodall to Miss Mary Ann  
Elizabeth Evens. All of the County  
State of Missouri  
County of Scott

I, John M. Bride a  
justice of the Township, County and State  
aforesaid do certify that the above  
marriages were solemnized by  
me on the dates there too appeared

John M. Bride

Justice of the Peace

Nov 6<sup>th</sup> 1874

Then filed & recorded the above &  
foregoing Marriage Certificate

George W. Arnold Recorder  
By J. A. McPheters Deputy

State of Missouri  
County of Scott

I, H. L. Harris

Recorder of Deeds within and for  
the County of Scott aforesaid; Do  
hereby certify that the above and  
foregoing is a full true and com-  
plete copy of the record relating  
to the Marriage of William Goodall  
to Miss Mary Ann Elizabeth Evens.

As the same appears of Record  
in my said office in Record of  
Marriages No 2 at page 271

In Testimony Whereof I have  
hereunto set my hand and affixed  
my official seal. Done at office  
in Benton Mo this September  
22nd A.D. 1899

L. P. Harris Recorder of Deeds  
Scott County Missouri

CAP  
x 11

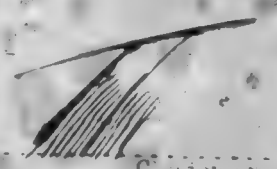
7-4914  
COMMISSIONERS OF THE TERRITORY OF INDIAN TERRITORY

Applications of Mary J. (Mary Jane) Goodall, Dixie Goodall, Rosa L. (Pogie Lee) Goodall, and E. (Candie E. or S.) Goodall, Annie (Annie P.) Goodall, Willie M. (William M. or Willie M.) Goodall, Floy L. Goodall, and Effie Goodall for enrollment as citizens of the United States, and of Elizabeth Goodall for enrollment as a citizen by intermarriage of the Choctaw Nation.

Mary J. (Mary Jane) Goodall, Dixie Goodall, Rosa L. (Pogie Lee) Goodall, E. (Candie E. or S.) Goodall, Annie (Annie P.) Goodall, Willie M. (William M. or Willie M.) Goodall, Floy L. Goodall, and Effie Goodall, all of whom claim descent and citizenship from the Choctaw Nation through their father, William Goodall; and the petitioner, Elizabeth Goodall, claims the right to enrollment as a citizen by intermarriage of said Nation on reason of her marriage to the said William Goodall.

The right of the said William Goodall, as a citizen in blood of the Choctaw Nation, having been adversely determined by a decree of the Choctaw-Chickasaw Citizenship Court of September 13, 1904, in case numbered 52 on the Tisho into Pocket of said Court, it is hereby ordered that the applications of Mary J. (Mary Jane) Goodall, Dixie Goodall, Rosa L. (Pogie Lee) Goodall, and E. (Candie E. or S.) Goodall, Annie (Annie P.) Goodall, Willie M. (William M. or Willie M.) Goodall, Floy L. Goodall, and Effie Goodall, for enrollment as citizens by blood of the Choctaw Nation, and of Elizabeth Goodall, as a citizen by intermarriage of the Choctaw Nation, be dismissed.

COMMISSIONERS OF THE TERRITORY OF INDIAN TERRITORY



Chairman.

Washington, Indian Territory,  
NOV 12 1904

7-4958

Muskogee, Indian Territory, November 12, 1904.

William Goodall,

Hickory, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing the application for the enrollment of your wife, Elizabeth Goodall, as a citizen by intermarriage, and of your children, Mary J. (Mary Jane) Goodall, Dixie Goodall, Rosa L. (Posie Lee) Goodall, Maud E. (Maudie F. or Maud S.) Goodall, Annie P. Goodall, Willie M. (William M. or Willie May) Goodall, Floy L. Goodall and Effie Goodall, as citizens by blood of the Choctaw Nation.

Respectfully,

Chairman.

Registered.

Incl. 7-4958.

7-4958

McIntosh, Indian Territory, November 12, 1904.

J. B. Wilson,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing the application for the enrollment of Mary J. (Mary Jane) Goodall, Dixie Goodall, Rosa L. (Posie Lee) Goodall, Maud F. (Vaudie E. or Maud S.) Goodall, Annie (Annie F.) Goodall, Willie M. (William M. or Willie May) Goodall, Floy L. Goodall and Effie Goodall as citizens by blood, and of Elisabeth Goodall as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(Signature)

Chairman.

Registered.

Incl. 7-4958.



7-4958

COPY.

Muskogee, Indian Territory, November 12, 1904.

Manfield, McFerran and Cornish,

Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated November 12, 1904, dismissing the application for the enrollment of Mary J. (Mary Jane) Goodall, Dixie Goodall, Rosa L. (Posie Lee) Goodall, Maud F. (Maudie F. or Maud S.) Goodall, Annie (Annie P.) Goodall, Willie M. (William M. or Willie May) Goodall, Floy L. Goodall and Effie Goodall, as citizens by blood, and of Elizabeth Goodall as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED:

James H. Hester

Chairman.

Incl. 7-4958.

MEMORANDA.

(Date) ..... 1899

Name .....

Choctaw? ..... County ..... Year ..... No. ....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day? .....

*we*  
*40* Wife's name .....

Choctaw? ..... County ..... Year ..... No. ....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship *Ali* .....

Intermarried citizen? .....

Married under what law? *back* .....

License filed this day? .....

*we* Names of children: .....

<i>9 mo x</i>	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

*Testimony of*

*William ...*  
*x Proof ...*

5463

Muskogee, Indian Territory, April 3, 1900.

Mr. J. P. Mullen,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 22, in which you state that there has been forwarded by registered mail a number of petitions, etc. in the matter of Choctaw family of Charles Goodall, et al. and the Commission desires also to acknowledge receipt of March 29 of the petitions referred to, by registered mail.

In the matter of the petition of William Goodall, a Choctaw Indian, on behalf of his minor children, Charles Edward, Mary Jane, Dixie, Edna Lee, Maude Florence, Annie, Willie May and Flora Laura Goodall, for enrollment in the Choctaw Nation, the same is returned to you herewith for the reason that this Commission has now no jurisdiction in this case. These parties were admitted to citizenship in the Choctaw Nation in pursuance of a judgment rendered by the United States Court for the Southern District of the Indian Territory at Ardmore in Court case number 103, and in pursuance of said judgment appeared before this Commission as applicants for enrollment September 6, 1898 and were duly listed for enrollment. Subsequently, however, the United States Court for the Southern District of the Indian Territory issued an order, striking from the original judgment entered in this cause the name of his wife, Elizabeth, and their

J.P.M. 2.

children, Mary J. Dixie, Rosa J., Maude P., Annie, Willie W. Charles E. Goodall, the oldest son of William Goodall, together with his wife Sephorah and their children, Alfred T. and Mary E. Goodall, were admitted to citizenship by the judgment of the court rendered in this cause and by the aforesaid order, correcting the original judgment, their names were stricken from the original judgment. There is no record of William Goodall, the youngest son of Charles Edward and Sephorah ever having appeared in the judgment rendered by the court in this cause, nor does it appear that application was ever made for him to be listed for enrollment by this Commission. As far as the members of this family are concerned, the only member of this family entitled to recognition for enrollment is William Goodall, whose name appeared in the original application to the Commission and in the judgment rendered by the court admitting these parties to citizenship, all the other names having been interpolated after the appeal was taken from the decision of the Dawes Commission to the United States Court for the Southern District of the Indian Territory, the Court held that as these parties were not in the original application to this Commission, the said Court was without jurisdiction as to these parties. The infant children of William Goodall, however, born subsequent to the date of the filing of the original application to this Commission, would be entitled to recognition for enrollment, upon proper birth certificates being forwarded this Commission together with the evidence of the marriage of William and Elizabeth

Goodall.

As to the petition of Thomas Goodall on behalf of himself and his minor child, Lydia Goodall, the name of Thomas Goodall, not having appeared upon the original application to this Commission, was stricken from the original judgment rendered in the above cause and his wife Alice having been listed for enrollment by this Commission as an intermarried citizen, through his rights, pursuant to the judgment of the court rendered herein, they would not be entitled to recognition for enrollment, neither would their children born subsequent to that date be entitled to be considered.

As to the application and petition of Richard Goodall, a Choctaw Indian, on behalf of his minor children, Thomas, Andy, Monroe and Hollie Goodall, the records of this Commission show that Richard Goodall, together with his wife Betty, and their four children, Andy, Monroe, George and Hollie Goodall, were duly listed for enrollment by this Commission, September 6, 1898, pursuant to a judgment rendered by the United States Court for the Southern District of the Indian Territory in the case above referred to, and by the order of the court above recited, correcting said judgment, the names of all these parties were stricken from the original judgment with the exception of Richard Goodall, the father. Thomas Goodall, the son of Richard Goodall, together with his wife, Alice, and his infant child, were disposed of in the above paragraph. Therefore, in the case of Richard Goodall, his name having appeared in the original application



J. P.

to this Commission, he himself is duly entitled to be listed for enrollment, and in addition thereto, any of his minor children born subsequent to the date of the filing of the original application to the Dawes Commission, upon forwarding to this Commission the necessary birth affidavits and the original or a certified copy of the marriage license and certificate between himself and his wife, Betty Goodall.

In the petition and application of John Goodall, a Choctaw, in behalf of his minor child, Henry Goodall, the record in his case shows that he was admitted to citizenship by the judgment of the court, recitals recited, together with his two children, John B. and Charles B. Goodall, but the two last named, not having appeared in the original application to this Commission, their names were, by order of the United States Court for the Southern District of the Indian Territory, stricken from the original judgment entered by the court in this cause. If Henry Goodall is either one of the children above referred to, he would not be entitled to recognition by this Commission, but if born subsequent to the date of the filing of the original application to this Commission, upon receipt by this Commission of the proper birth affidavits, together with either the original or a certified copy of the marriage license of John and Mary R. Goodall, the father and mother of such child, he would be duly entitled to recognition for enrollment.

As to the petition and application of Jane Gairn, nee Arms



J. P. K. 3.

nee Goodall, in behalf of her minor children, James, Owen, Amos, Charles, Nicholas, Lora, Hance and Laura T. Arms, the records of this Commission show that all of said children named not having appeared in the original application made to this Commission, but their names having been interpolated in the appeal taken to the United States Court for the Southern District of the Indian Territory, and admitted by a judgment rendered by that court in this cause, and an order correcting said judgment having been issued by that court, striking from the original judgment entered therein the names of all these children, they would not be entitled to recognition for enrollment by this Commission.

In conclusion, the status of these people is as follows: The names of the persons appearing in the original application to the Commission in 1896, and admitted to citizenship by the judgment of the United States Court for the Southern District of the Indian Territory, rendered upon the appeal to said court, are entitled to enrollment, and having appeared before this Commission, have been duly listed for enrollment. The names of the children not in the original application to the Dawes Commission, though then living, and interpolated in the appeal taken from the judgment of this Commission to the United States Court for the Southern District of the Indian Territory, and admitted as citizens of the Choctaw Nation by the judgment of that court, but now stricken from the original judgment because their names did not appear in the original application to

J. P. W. 6.

this Commission, are not entitled to enrollment. These parties stand in the light of never having appeared before this Commission as applicants for citizenship in 1896.

Children born subsequent to the time in which this Commission was authorized to receive applications for citizenship are entitled to enrollment, in case their parents have been regularly admitted to citizenship by the Court on appeal from the judgment of this Commission. In such cases birth certificates must be furnished the Commission, together with the marriage license and certificate of the parents.

The order of the Court correcting the judgment in this case states, with reference to those names which were interpolated in the petition for appeal, that it has no jurisdiction, said names not having been included in the original application to the Daves Commission. This Commission is now without jurisdiction to hear original applications for citizenship, and if the parties affected by the order of the court rendered in this cause desire to make further claims for enrollment, it will be necessary for them to appear in person before this Commission, when they will be granted a hearing and be allowed to file any written affidavits or statements they may desire. All the papers in this matter are herewith returned to you.

Yours truly,

Muskogee, Indian Territory,

August 18th, 1903.

Elizabeth Randall,

Palmer, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorney, Messrs. Mansfield, Clary, & Corbin, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

A hearing is being held on December 3rd, 1903, will not be held at Muskogee, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and affidavits in this case, and this hearing will be final.

Very truly,

Acting Chairman.

7-D-463.

Muskogee, Indian Territory, September 18, 1900.

Elizabeth Goodall,

Palmer, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is to your right to enrollment under your second marriage.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-4958.

Muskogee, Indian Territory, December 22, 1902.

William Goodall,

Hickory, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Effie Goodall, infant daughter of William and Elizabeth Goodall, born December 26, 1901; and the same being in proper form has been duly filed with the records of the Commission as evidence of birth of the above named child.

Respectfully,

Acting Chairman.

Choctaw 4254.

Muskogee, Indian Territory, March 11, 1903

William Cobell,

Nichols, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 15, asking if Mrs. Little Cooper, her sons, Pete Cooper and Charles Cooper, and her brother, Frank Wells, have been listed for enrollment at Choctaw by this Commission.

In reply to your letter you are advised that it does not appear from our records that any persons bearing the names given above have been listed for enrollment as citizens of the Choctaw Nation, or have made application to this Commission for identification as Mississippi Choctaws.

Respectfully,

Chairman.



Choc 4959 Amanda Hill

Nos 2-3-4-5-6-7-8-9-10 Dismissed Nov 12, 1904

4959  
656h

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
as citizens by blood of the Choctaw Nation of-

JOHN V. HILL, ET AL.

7-4959.

Amanda Hill and others.

(See testimony of Charles, Richard and William Goodall, Choctaw  
Court Cards C.1, C.2, and C. 3)

Amanda Hill

John W. Hill

Sam Hill

Ollie Hill

Laura Hill

Mollie Hill

Bradley T. Hill

Ada Hill

Georgia H. Hill

James R. Hill

enrolled.

IN RE

Application for Enrollment of  
INFANT CHILD

*James Roy Hill*  
As a citizen of the

*Choctaw* Nation

DEC 13 1899

Approved

*A. S. Mendenhall*  
Commissioner

7-4907

U A

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment as a citizen of the Choctaw Nation,  
of James Roy Hill, born on the 14 day of Nov, 1877.  
Name of father: George W. Hill, a citizen of the U. S. Nation.  
Name of mother: Amanda Hill, a citizen of the Choctaw Nation.  
Post Office: Grady, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

Seethers District.

I, Amanda Hill, on oath, state that I am 41 years of age and a  
citizen, by blood, of the Choctaw Nation; that I am the  
lawful wife of George W. Hill, who is a citizen, of the U. S., ~~of the~~  
~~Nation~~; that a Male child was born to me on the 14 day  
of Nov, 1877; that said child has been named James Roy Hill  
and is now living.

Subscribed and sworn to before me this 7th day of Nov, 1879.

M. A. Ordie

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

Seethers District.

I, Amanda Hill, midwife, on oath, state that I  
attended on Mrs. Amanda Hill, wife of George W. Hill,  
on the 14 day of Nov, 1877; that there was born to her on said date a Male child;  
that said child is now living and is said to have been named James Roy Hill.

Amanda Hill

Subscribed and sworn to before me this 7th day of Nov, 1879.

M. A. Ordie

Notary Public.

7-4959.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications of John W. Hill, Sam Hill, Ollie Hill, Laura Hill, Mollie Hill, Bradley T. Hill, Ada Hill, Georgia H. Hill and James Roy Hill (James R. Hill) for enrollment as citizens by blood of the Choctaw Nation.

The applicants, John W. Hill, Sam Hill, Ollie Hill, Laura Hill, Mollie Hill, Bradley T. Hill, Ada Hill, Georgia H. Hill and James Roy Hill (James R. Hill), claim the right to enrollment as citizens by blood of the Choctaw Nation through their mother Amanda Hill.

The right of the applicants' mother, Amanda Hill, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on September 19, 1904, in case number 52 upon the Tishomingo docket of said court, it is hereby ordered that the applications of John W. Hill, Sam Hill, Ollie Hill, Laura Hill, Mollie Hill, Bradley T. Hill, Ada Hill, Georgia H. Hill and James Roy Hill (James R. Hill) for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

Muskogee, Indian Territory.

NOV 12 1904



Y. 7-4959

Muskogee, Indian Territory, November 12, 1904.

George Hill,

Palmer, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904 dismissing the application for the enrollment of your children, John W. Hill, Sam Hill, Ollie Hill, Laura Hill, Mollie Hill, Bradley T. Hill, Ada Hill, Georgia H. Hill and James Roy Hill (James R. Hill), as citizens by blood of the Choctaw Nation.

Respectfully,

Chairman.

Registered.

Incl. 7-4959.

7-4959

COPY

Muskogee, Indian Territory, November 12, 1904.

Mansfield, McMurray and Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated November 12, 1904, dismissing the application for the enrollment of John E. Hill, Sam Hill, Ollie Hill, Laura Hill, Mollie Hill, Bradley T. Hill, Ada Hill, Georgia H. Hill and James Roy Hill (James R. Hill), as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

James D. Doby

Chairman.

Incl. 7-4959.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

7-4959

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 12, 1904.

George Hill,

Palmer, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904 dismissing the application for the enrollment of your children, John W. Hill, Sam Hill, Ollie Hill, Laura Hill, Mollie Hill, Bradley T. Hill, Ada Hill, Georgia H. Hill and James Roy Hill (James R. Hill), as citizens by blood of the Choctaw Nation.

Respectfully,



Chairman.

Registered.

Incl. 7-4959.

Clac 4960

Harnet Hill

# 2-3-4-5-6-7-8-9-10 Dismissed Nov 12, 1904

4960

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
as citizens by blood of the Choctaw Nation of-

GEORGE T. HILL, ET AL.

7-4960.

Harriett Hill and others.

(See testimony of Charles, Richard and William Goodall, Choctaw

Court Cards C.1, C.2, C.3)

Harriett Hill  
George T. Hill  
James Hill  
Rosa Hill  
Silas Hill  
John Hill  
Amos Hill  
Cora E. Hill  
Jesse H. Hill

enrolled.



6

IN RE

Application for Enrollment of  
INFANT CHILD.

*[Handwritten signature]*

As a citizen of the

Nation.

Approved

1

Commissioner.

7-4960

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, of a citizen of the Cherokee Nation,  
of John H. Hill, a male Cherokee, born on the 16 day of August, 1897  
Name of father: John H. Hill, a citizen of the U.S.  
Name of mother: Harriett Hill, a citizen of the Cherokee Nation.  
Post Office: ...

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
... District.

Harriett Hill, on oath, state that I am 36 years of age and a  
citizen, by ... of the Cherokee Nation; that I am the  
lawful wife of John H. Hill who is a citizen, by ... of the  
... Nation; that ... child was born to me on the ... day  
of ...; that said child has been named Asie  
and is now living.

Subscribed and sworn to before me this 11 day of August, 1899.  
W.C. Saffington  
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
... District.

I, ..., on oath, state that I  
attended on Mr. Harriett Hill, wife of ...  
on the 16 day of ..., 1897; that there was born to her on said date ... child,  
that said child is now living and is said to have been named ...

Subscribed and sworn to before me this 11 day of August, 1899.  
Amanda Hill  
W.C. Saffington  
Notary Public.

12420

IN RE

Application for Enrollment of  
Infant Child.

Loyd Monroe Hill

is a citizen of the

*Chester* Nation.

Approved AUG 27 1901 190

*[Signature]*  
COMMISSIONER.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED

AUG 27 1901

*[Signature]*  
ACTING CHAIRMAN.

4960

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation, of Loyd Monroe Hill, born on the 19th day of July, 1901. Name of Father: Samuel W. Hill, a citizen of the United States Nation. Name of Mother: Harriet Hill, a citizen of the Choctaw Nation. Postoffice, Eligsville, Texas

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY

State of Texas,

District.

County of Young

I, Harriet Hill,

on oath state that I am 38

years of age and a citizen, by birth, of the Choctaw Nation;

that I am the lawful wife of Samuel W. Hill, who is a citizen, by

birth, of the United States Nation; that a male child was born to me on the 19th day of July, 1901; that said child has been named

Loyd Monroe Hill, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Julia Applegate, Amanda Hill

Subscribed and sworn to before me this 10th day of August, 1901.

H. P. Shuman, Notary Public, Young Co. Texas

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY

State of Texas,

District.

County of Young

I, Mary E. Hammack,

on oath state that I

attended on Mrs. Harriet Hill, wife of Samuel W. Hill,

on the 19th day of July, 1901; that there was born to her on said

date a male child; that said child is now living and is said to have been named

Loyd Monroe Hill

WITNESSES TO MARK:

(Must be Two Witnesses.)

Julia Applegate, Amanda Hill

Subscribed and sworn to before me this 10th day of August, 1901.

H. P. Shuman, Notary Public, Young Co. Texas

7-490.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications of George T. Hill (George Hill), James Hill, Rosa Hill (Rosa Rebecca Hill), Silas Hill, John Hill (John R. Hill), Amos Hill, Cora F. Hill (Cora Hill), Jesse H. Hill and Loyd Monroe Hill as citizens by blood of the Choctaw Nation.

The applicants, George T. Hill (George Hill), James Hill, Rosa Hill (Rosa Rebecca Hill), Silas Hill, John Hill (John R. Hill), Amos Hill, Cora F. Hill (Cora Hill), Jesse H. Hill and Loyd Monroe Hill, claim the right to enrollment as citizens by blood of the Choctaw Nation through their mother Harriett Hill.

The right of the applicants' mother, Harriett Hill, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on September 19, 1904, in case number 52 upon the Wiscomingo docket of said court, it is hereby ordered that the applications of George T. Hill (George Hill), James Hill, Rosa Hill (Rosa Rebecca Hill), Silas Hill, John Hill (John R. Hill), Amos Hill, Cora F. Hill (Cora Hill), Jesse H. Hill and Loyd Monroe Hill for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

Muskogee, Indian Territory,  
NOV 17 1904

7-4960

Muskogee, Indian Territory, November 12, 1904.

Harriett Hill,

Iona, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing the application for the enrollment of your children, George T. Hill (George Hill), James Hill, Rosa Hill (Rosa Rebecca Hill), Silas Hill, John Hill (John R. Hill), Amos Hill, Cora F. Hill (Cora Hill), Jesse H. Hill and Loyd Monroe Hill as citizens by blood of the Choctaw Nation.

Respectfully,

Chairman.

Registered.

Incl. 7-4960.



7-4960

Muskogee, Indian Territory, November 12, 1904.

Joseph P. Mullen,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing the application for the enrollment of George T. Hill (George Hill), James Hill, Rosa Hill (Rosa Rebecca Hill), Silas Hill, John Hill, (John R. Hill), Amos Hill, Cora F. Hill (Cora Hill), Jesse H. Hill and Loyd Monroe Hill as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

Chairman.

Registered.

Incl. 7-4960.

7-4960

COPY.

Muskogee, Indian Territory, November 12, 1904.

Mansfield, McMurray and Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated November 12, 1904, dismissing the application for the enrollment of George T. Hill (George Hill), James Hill, Rosa Hill (Rosa Rebecca Hill), Silas Hill, John Hill (John R. Hill), Amos Hill, Cora F. Hill (Cora Hill), Jesse H. Hill and Loyd Monroe Hill as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

James D. Hill  
Chairman.

Incl. 7-4960.

Muskogee, Indian Territory, August 28, 1901.

Mr. Joseph P. Mullen,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant enclosing the application for enrollment as a citizen of the Choctaw Nation of Loyd Monroe Hill, the infant son of Samuel H. and Harriett Hill, born July 19, 1901 and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in charge.

Choc 4961 Nancy J. Arms

see case #13 and #16 Chocraw refused  
under Act of May 31, 1900

# 2-3-4-5-6-7-8-9 Dismissed Nov 12, 1904

4961

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
as citizens by blood of the Choctaw Nation of

JAMES A. ARMS, ET AL. 7-4961.

Nancy J. Arms and others.

(See testimony of Charles, Richard and William Goodall, Choctaw  
Court Cards C.1, C.2, and C.3.)

Nancy J. Arms  
James A. Arms  
Oran J. Arms  
Amos L. Arms  
Charles Arms  
Nicholas Arms  
Lorin Arms  
Eunice Arms  
Laura T. Arms

enrolled.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. July 30, 1900.

MEMORANDUM.

In the matter of the application of James A. Arms for enrollment as a citizen by blood of the Choctaw Nation? James A. Arms being duly sworn and examined by the Commission, testified as follows:

- Q Please state your name? A James A. Arms.  
Q How old are you? A 21.  
Q What is your post-office address? A Hickory, Chickasaw Nation.  
Q You apply for enrollment as a Choctaw Indian by blood do you? A Yes sir.  
Q Have you ever been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.  
Q Have you ever been enrolled by the Choctaw tribal authorities as a citizen of that Nation? A No sir.  
Q Does your name appear upon any of the Choctaw tribal rolls? A No sir.

Tribal rolls of citizens of the Choctaw Nation, prepared by the tribal authorities of the Choctaw Nation in 1896, examined and the name of the applicant not found thereon.

- Q Were you admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in the year 1896?  
A No sir.

Record of persons admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in the year 1896, examined and the name of the applicant is not found thereon.

- Q Were you ever admitted to citizenship in the Choctaw Nation by a decree of the United States Court for the Indian Territory?  
A Yes sir.  
Q What is the style of the case in which you were admitted?  
A Charles Goodall case.

Record of applications made to the Commission to the Five Civilized Tribes in the year 1896 for citizenship in the Choctaw Nation, is examined and on page 243 thereof, appears the case of Charles Goodall et al versus the Choctaw Nation, being No. 258. Filed September 7th, 1896, answer filed. Application denied December 2nd 1896. Appealed to the United States Court for the Southern Judicial District of the Indian Territory and on May 10th, 1898, a decree was entered in this case admitting fifty persons to citizenship in the Choctaw Nation, among whom is the applicant, James A. Arms. On March 3rd, 1899, a nunc pro tunc decree was entered in this case by said court striking from the original decree entered May 10, 1898, the names of forty three persons, among whom is the name of the said applicant.

Jamba, A. Arms 2--

You will be furnished at a later date with a copy of the decision of the Commission with reference to your application made at this time for enrollment as a citizen by blood of the Cherokee Nation, mailed to you at your proper post-office address.

The Commission will transmit such memoranda as has been made at this time of your application, together with a copy of its decision with reference to the same to the Honorable Secretary of the Interior when the final rolls of the citizens of the Cherokee Nation are forwarded to him for consideration and approval.

Myra Young being duly sworn, states as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that the foregoing is a true, full and correct transcript of her stenographic notes taken in said case.

Myra Young

Sworn to and subscribed in my presence this 14 day of Aug 1900.

[Signature]  
Acting Chairman.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T., July 30, 1900.

MEMORANDUM.

In the matter of the application of Nancy J. Osbirn for the enrollment of her seven minor children, Owen, Amos, Charley, Nicholas, Lora, Unus and Laura T. Amos, as citizens by blood of the Choctaw Nation, Nancy J. Osbirn being duly sworn and examined by the Commission testified as follows:

- Q Please state your name? A Nancy J. Osbirn.  
Q Have you been married more than once? A Yes sir.  
Q What was your name before you were married the last time?  
A Nancy J. Amos.  
Q How old are you? A 38.  
Q What is your post-office address? A Palmer, Indian Territory.  
Q You apply for the enrollment of your seven minor children as citizens by blood of the Choctaw Nation, do you? A Yes sir.  
Q Please give their names and ages. A Owen, eighteen. Amos, 16. Charley, 14. Nicholas, 14. Charley and Nicholas are twins. Lora 10. Unus, 8 and Laura T. 6.  
Q Is that all? A Yes sir.  
Q These children are living with you? A Yes sir.  
Q Have any of these minor children for whom you make application at this time ever been recognized by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.  
Q Have they ever been enrolled by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.  
Q Are the names of any of these minor children for whom you make application at this time to be found on the Choctaw tribal rolls? A No sir.

Tribal rolls of citizens of the Choctaw Nation, prepared by the Choctaw tribal authorities in the year 1896, examined and the names of none of the applicants are found thereon.

- Q Were any of these minor children for whom you make application at this time, admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in the year 1896, acting under the act of Congress approved June 30, 1896? A No sir.

Record of applicants admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in the year 1896, is examined and the name of none of the applicants found thereon.

- Q Were any of these minor children for whom you make application at this time, admitted to citizenship in the Choctaw Nation by a decree of the United States court? A Yes sir, I guess so.  
Q What is the style of the case in which they were admitted?  
A Charles Goodall.  
Q Against the Choctaw Nation? A Yes sir.

Record of applications for citizenship in the Choctaw Nation made to the Commission to the Five Civilized Tribes in the year 1896 under the act of Congress approved June 10th, 1896, is examined and on page 24 thereof appears the case of Charles Goodall et al

Nancy J. Osbirn 2---

vs the Choctaw Nation, being No. 258. Filed September 7th, 1896. Answer filed. Application denied, December 2nd, 1896. Case appealed to the United States Court for the Southern Judicial District of the Indian Territory and on May 10th, 1898 by a decree of the said court entered in said case, the judgment of the Commission to the Five Civilized Tribes entered December 2 d, 1896, was reversed and fifty persons were admitted to citizenship in the Choctaw Nation, among whom are Owen Arms, Amos Arms, Charles Arms, Nicholas Arms, Lora Arms, Unus Arms and Laura T. Arms. By a nunc pro tunc decree entered in said cause on March 3rd, 1899, the names of forty three persons admitted to citizenship by the decree entered in this case on May 10th, 1898, were stricken from the original decree. Among the list of those stricken from the original decree appear the names of Owen Arms, Amos Arms, Charles Arms, Nicholas Arms, Lora Arms, Unus Arms and Laura T. Arms.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your seven minor children hereinabove named, as citizens by blood of the Choctaw Nation, mailed to you at your proper post-office address.

The Commission will transmit such memorandum of the application made by you at this time as has been taken at this time together with a copy of its decision with reference to the application made by you for the enrollment of your seven minor children hereinabove named as citizens by blood of the Choctaw Nation, to the Honorable Secretary of the Interior when the final rolls of citizens of the Choctaw Nation are forwarded to him for consideration and approval.

Myra Young, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above case and that the foregoing is a true, full and correct transcript of her stenographic notes taken in said case.

*Myra Young*

Sworn to and subscribed in my presence this 14 day of July 1900.

*[Signature]*  
Acting Chairman

7-491.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James A. Arms (James Arms), Oran J. Arms (Owen Arms), Amos I. Arms (Amos Arms), Charles Arms (Charley Arms), Nicholas Arms, Lorin Arms (Lora Arms), Eunice Arms (Unus Arms) and Laura T. Arms for enrollment as citizens by blood of the Choctaw Nation.

-----000-----

The applicants, James A. Arms (James Arms), Oran J. Arms (Owen Arms), Amos I. Arms (Amos Arms), Charles Arms (Charley Arms), Nicholas Arms, Lorin Arms (Lora Arms), Eunice Arms (Unus Arms) and Laura T. Arms, claim their right to enrollment as citizens by blood of the Choctaw Nation through their mother Nancy J. Ozburn (nee Arms) or Nancy J. Arms.

The right of the applicants' mother, Nancy J. Ozburn (nee Arms) or Nancy J. Arms, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on September 19, 1904, in case number 52 upon the Tishomingo docket of said court, it is hereby ordered that the application of James A. Arms (James Arms), Oran J. Arms (Owen Arms), Amos I. Arms (Amos Arms), Charles Arms (Charley Arms), Nicholas Arms, Lorin Arms (Lora Arms), Eunice Arms (Unus Arms) and Laura T. Arms for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

Muskogee, Indian Territory,

NOV 12 1904



7-4961

COPY.

Muskogee, Indian Territory, November 12, 1904.

Nancy J. Arms,

Muskogee, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing the application for the enrollment of your children, James A. Arms, (James Arms), Oran J. Arms (Owen Arms), Amos L. Arms (Amos Arms) Charles Arms (Charley Arms), Nicholas Arms, Lorin Arms (Lora Arms), Eunice Arms (Unus Arms) and Laura T. Arms as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

James D. King

Chairman.

Registered.

Incl. 7-4961.



7-4961

COPY.

Mustogee, Indian Territory, November 12, 1904.

Mansfield, McMurray and Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated November 12, 1904, dismissing the application for the enrollment of James A. Arms (James Arms), Gran J. Arms (Owen Arms), Amos L. Arms (Amos Arms), Charles Arms (Charley Arms), Nicholas Arms, Lorin Arms (Lora Arms), Eunice Arms (Unus Arms) and Laura T. Arms as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

James Dancy

Chairman.

Incl. 7-4961.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James A. Arms for enrollment as a citizen by blood of the Choctaw Nation.

.....  
D E C I S I O N .

It appears from the evidence in this case that on July 30, 1900, the applicant, James A. Arms, appeared before the Commission at Muskogee, and made application for enrollment as a citizen by blood of the Choctaw Nation; it further appears that the applicant has never been enrolled by the tribal authorities of the Choctaw Nation; that his name does not appear upon any of the rolls of the Choctaw Nation now in the possession of the Commission; that he has never been admitted to citizenship in the Choctaw Nation by this Commission or by the legally constituted authorities of the Choctaw Nation, acting under the Act of Congress approved June 1, 1896, or by the judgment of the United States Court for the Territory on appeal.

The Act of Congress of May 23d, 1900, provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or take any record of any application of any person for enrollment as a citizen by blood of any tribe in the Indian Territory, nor shall it recognize citizenship thereof, and shall not enroll or admit as such, and its refusal of such application shall be final and not subject to review by the Secretary of the Interior."

It is therefore the judgment of the Commission that the application for enrollment of James A. Arms as a citizen by blood of the Choctaw Nation, be, and the same is hereby, refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 1900.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Nancy J. Ozbirn on behalf of her seven minor children, Owen, Amos, Charley, Nicholas, Lora, Unus and Laura T. Arms.

\* \* \* \* \*

D E C I S I O N .

It appears from the evidence in this case that on July 30, 1900, the applicant, Nancy J. Ozbirn, appeared before the Commission at Muskogee, and made application for the enrollment of her seven minor children as citizens by blood of the Choctaw Nation; it further appears that none of the applicants named herein have ever been enrolled by the tribal authorities of the Choctaw Nation; that their names do not appear upon any of the tribal rolls of the Choctaw Nation now in the possession of the Commission; that they were never admitted to citizenship in the Choctaw Nation by this Commission, or by the legally constituted authorities of the Choctaw Nation, acting under the Act of Congress approved June 10, 1896; that on May 10, 1898, a decree was entered by the United States Court for the Southern District of the Indian Territory, admitting fifty persons to citizenship in the Choctaw Nation among whom are Owen Arms, Amos Arms, Charles Arms, Nicholas Arms, Lora Arms, Unus Arms and Laura T. Arms; that on March 3, 1899, a nunc pro tunc decree was entered, striking the names of forty-three persons from the original decree. Among the list of those stricken from the original decree appear the names of Owen Arms, Amos Arms, Charles Arms, Nicholas Arms, Lora Arms, Unus Arms, and Laura T. Arms.

The Act of Congress of May 31st, 1900, provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior."

It is, therefore, the judgment of the Commission that the application for enrollment of Nancy J. Ozbirn, on behalf of her seven minor children, Owen, Amos, Charley, Nicholas, Lora, Unus and Laura T. Arms, as citizens by blood of the Choctaw Nation, be, and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 1900.

Choctaw 4961.

Muskogee, Indian Territory, November 30, 1904.

Nanny Osbon,

Langston, Oklahoma,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 25, asking what has been in your case, and in reply you are advised that on September 19, 1904, the Choctaw and Chickasaw Citizenship Court denied the citizenship in the Choctaw Nation of Nancy J. Osborn or Nancy J. Arms. If you are not the person referred to as Nancy J. Osborn or Nancy J. Arms, and will give further information relative to the time and place you made application for enrollment, the names of your parents and your children, if any, the matter of your inquiry will receive consideration.

Respectfully,

Commissioner in Charge.

7-4961

Muskogee, Indian Territory, March 13, 1906.

Nancy J. Ozburn,  
Palmer, Indian Territory.

Dear Madam:

Your letter of February 22, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you state that you have only twenty acres of land left which has not been filed on by other persons and you ask if you cannot have the same set aside pending the determination of your citizenship case.

In reply to your letter you are advised that this office cannot make reservation of land in the Choctaw and Chickasaw Nations but if other persons have filed on land containing improvements owned by you, you will be permitted to appear at the land office for the nation in which such land is located and make application to institute contest therefor and the matter will be referred to the general office for determination.

Respectfully,

Acting Commissioner.



COMMISSIONERS:  
TAMM DIXIE,  
THOMAS B. NEEDLES,  
C. B. BRACKENRIDGE,  
WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING:  
7-4961

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 12, 1904.

Nancy J. Arms,  
Hickory, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing the application for the enrollment of your children, James A. Arms, (James Arms), Oran J. Arms. (Owen Arms), Amos L. Arms (Amos Arms), Charles Arms (Charley Arms), Nicholas Arms, Lorin Arms (Lora Arms), Eunice Arms (Unus Arms) and Laura T. Arms as citizens by blood of the Choctaw Nation.

Respectfully,

  
Chairman.

Registered.

Incl. 7-4961.

Choc 4962 Chas E. Goodall

Names of all parties

Spec case #15 Choctaw refused under Act of  
May 31, 1900

#1-2-3-4-5 Dismissed Nov 12, 1904

Nothing in case #15 - transferred back to this  
Jacket #4962

4962

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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Record in the matter of the applications of Charles E. Goodall, Alfred T. Goodall, Mary E. Goodall, and James Luther Goodall, for enrollment as citizens by blood of the Choctaw Nation, and of Saphrona (Sophronia) Goodall for enrollment as a citizen by intermarriage of the Choctaw Nation.

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7-4962.

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Charles M. Goodall and others.

(See testimony of Charles, Richard and William Goodall, Choctaw  
Court Cards, C.1, C.2, and C.3.)

Charles E. Goodall  
Sephronia Goodall  
Alfred T. Goodall  
Mary E. Goodall

enrolled.

Department of the Interior,  
Commission to the Five Civilized Tribes;  
Muskegee, I. T. July 30, 1900.

MEMORANDUM.

In the matter of the application of Charles E. Goodall for the enrollment of himself and his minor children, Alfred T., Mary E. and James Luther Goodall as citizens by blood of the Choctaw Nation and of his wife, Sophronia Goodall as an intermarried citizen of the Choctaw Nation. Charles E. Goodall being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Charles E. Goodall.
- Q What is your age? A 22.
- Q What is your post-office address? A Palmer.
- Q Chickasaw Nation, Indian Territory? A Yes sir.
- Q You make application for the enrollment of yourself and your minor children as citizens by blood of the Choctaw Nation and your wife as a citizen by intermarriage of the Choctaw Nation, do you?
- A Yes sir.
- Q What is the name of your wife and her age? A Sophronia Goodall, aged 21.
- Q What are the names of your children? A Alfred T., Mary E. and James Luther Goodall.
- Q Have you, your wife, or your minor children for whom you make this application, ever been recognized by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.
- Q Have you, your wife or your minor children for whom you now make application ever been enrolled by the Choctaw tribal authorities as citizens by blood of the Choctaw Nation? A No sir.
- Q Are the names of yourself, your wife or any of your minor children for whom you make this application to be found on the tribal rolls of the Choctaw Nation? A No sir.

Tribal rolls of citizens of the Choctaw Nation prepared by the Choctaw tribal authorities in the year 1896, examined and names of ~~the~~ the name of the applicants are found thereon.

Q Were you or your wife admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in the year 1896, acting under the act of Congress approved June 10th, 1896?

A No sir.

Record of applicants admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in the year 1896, acting under the act of Congress approved June 10th, 1896, is examined and the names of none of the applicants found thereon.

Q Were you, your wife or any of your minor children ever admitted to citizenship in the Choctaw Nation by a decree of the United States Court in the Indian Territory? A Yes sir.

Q What is the style of the case in which your names appear?  
A Charles Goodall case.

Record of applications made to the Commission to the Five Civilized Tribes in the year 1896 for citizenship in the Choctaw Nation is examined and on page 243 thereof appears the case of Charles Goodall versus the Choctaw Nation, same being No. 258. Filed September 7th, 1896. Answer filed. Application denied December



Charles E. Goodall 2--

2nd, 1896. Case appealed to the United States Court for the Southern Judicial District of the Indian Territory and on May 10th, 1896, a decree was entered in said case, admitting fifty persons to citizenship in the Choctaw Nation among whom are Charles E. Goodall, Sophronia Goodall, Alfred T. Goodall and Mary E. Goodall. On March 3, 1899, a nunc pro tunc decree was entered in said cause striking the names of Charles E. Goodall, Sophronia Goodall, Alfred T. Goodall and Mary E. Goodall from said original decree entered in said case on May 10th, 1896.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you for the enrollment of yourself and your minor children as citizens by blood of the Choctaw Nation and of your wife, Sophronia Goodall as a citizen by intermarriage of the Choctaw Nation, mailed to you at your present post-office address.

The Commission will transmit such memorandum as has been made of this application together with a copy of the decision with reference to this application made by you at this time for the enrollment of yourself and minor children as citizens by blood of the Choctaw Nation and your wife as an intermarried citizen of the Choctaw Nation, to the honorable Secretary of the Interior when the final rolls of citizens of the Choctaw Nation are forwarded to him for consideration and approval.

Myra Young, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above case and that the foregoing is a true, full and correct transcript of her stenographic notes taken in said case.

*Myra Young*

Sworn to and subscribed in my presence this 14 day of Aug 1900.

*[Signature]*  
Acting Chairman.



7-4982.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the applications of Charles E. Goodall, Alfred T. Goodall, Mary E. Goodall, and James Luther Goodall, for enrollment as citizens by blood of the Choctaw Nation, and of Sephrona (Sophronia) Goodall for enrollment as a citizen by intermarriage of said Nation.

-----

The applicant, Charles E. Goodall, claims the right to enrollment as a citizen by blood of the Choctaw Nation through his father, William Goodall, and the applicants, Alfred T. Goodall, Mary E. Goodall and James Luther Goodall, claim the right to enrollment as citizens by blood of the Choctaw Nation through their father, the said Charles E. Goodall; and the said Sephrona (Sophronia) Goodall claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to the said Charles E. Goodall.

The right of William Goodall, the father of the said Charles E. Goodall, to enrollment as a citizen by blood of the Choctaw Nation, having been adversely determined by a decree of the Choctaw-Chickasaw Citizenship Court of September 19, 1904, in case numbered 52 upon the Tishomingo Docket of said Court, it is hereby ordered that the applications of Charles E. Goodall, Alfred T. Goodall, Mary E. Goodall, and James Luther Goodall, for enrollment as citizens by blood of the Choctaw Nation, and of Sephrona (Sophronia) Goodall, for enrollment as a citizen by intermarriage of said Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
-----  
Chairman.

Mustang, Indian Territory,

NOV 12 1904

7-4962

P.Y.

Muskogee, Indian Territory, November 12, 1904.

Charles E. Goodall,  
Palmer, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing the application for the enrollment of yourself, and minor children, Alfred T. Goodall, Mary E. Goodall and James Luther Goodall as citizens by blood, and of your wife, Sephrona (Sephronia) Goodall as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

*La. B. B.*

Chairman.

Registered.

Incl. 7-4962.

7-4962

COPY.

Muskogee, Indian Territory, November 12, 1904.

Mansfield, McMurray and Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated November 12, 1904, dismissing the application for the enrollment of Charles E. Goodall, Alfred T. Goodall, Mary E. Goodall, and James Luther Goodall as citizens by blood, and of Sephrona (Sophronia) Goodall, as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

*James D. ...*

Chairman.

Incl. 7-4962...

Choc 4963 John Goodall

see case #17 Choctaw refused under Act of  
May 31, 1900

see 25-329 for decision

4963

Indian Territory  
I have filed in the United  
States Court in said Territory  
and several divisions do hereby certify that the above  
mentioned and legitimated marriage of John C. Hall  
and Mrs. Mary Thomas was on the 20th day of  
November filed in my office and that the same  
is also recorded in Book 10, page 107  
of the marriage records of  
my office my hand and official seal this 6th  
day of November A.D. 1890

Wm. Nelson Clerk  
By A. D. Matthews  
Deputy

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV. 9 1901

ACTING CHARMAN.

7-11065

# MARRIAGE LICENSE



United States of America,  
INDIAN TERRITORY,  
*Third* Judicial Division.

To any Person authorized by Law to  
Solemnize Marriage Greeting:

You are hereby Commanded, to solemnize the Rite and publish the Banns of  
Matrimony between Mr. *John Thomas* of  
*Wichita P.O.* in the *Chickasaw* *County* aged  
*twenty five* years, and M. *W. John Thomas*  
of *Wichita P.O.* in the *Chickasaw* *County*  
aged *twenty* years, according to law, and do you officially sign and return this  
License to the parties therein named.

Witness my hand and Official Seal, this *twenty* *seventh*  
day of *August* A. D. 189 *0*

*John Thomas*  
Clerk of the U. S. Court.

By *A. D. Matthews* Deputy.

## CERTIFICATE OF MARRIAGE.

United States of America,  
INDIAN TERRITORY,  
*Third* Judicial Division.

I, *R. N. Davis* a  
*Winnwood, P. O. Chickasaw* *County*

Do hereby Certify, that on the *fourth* day of *September*  
A. D. 189 *0*, I did duly, and according to law, as commanded in the foregoing License,  
solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this *fourth* day of *September* A. D. 1890  
My records are recorded in the Office of the Clerk of the United States Court, Indian Territory,  
*Third* Judicial Division, Book *96* Page *96*

*R. N. Davis*  
*Winnwood, P. O. Chickasaw* *County*

NOTE: This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court, in the Indian Territory,  
to whom it was issued, within a certain time from the date thereof if the party to whom the License was issued will be liable in the amount of One  
Hundred Dollars Fine.



IN RE

Application for Enrollment of  
INFANT CHILD

*John H. Goodall*  
as a citizen of  
*Chickasaw* Nation.

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED  
NOV 11 1900



COMMISSIONER

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chickasaw Nation,  
of John H. Goodall, born on the 24th day of January, 1894  
(Here insert name of child)  
Name of Father: John Goodall a citizen of the \_\_\_\_\_ Nation.  
Name of Mother: Mary Goodall a citizen of the Chickasaw Nation.  
Postoffice Iona Chickassaw Nation

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Southern DISTRICT. }

I, Mary Goodall, on oath state that I am 37  
years of age and a citizen by marriage of the Chickasaw Nation;  
that I am the lawful wife of John Goodall, who is a citizen, by  
\_\_\_\_\_ of the \_\_\_\_\_ Nation; that a male child was  
(Male or Female.)  
born to me on 24th day of January, 1894; that said child has been named

John H. Goodall, and was living March 4, 1905 is now living.  
X John Goodall

WITNESSES TO MARK:

(Must be Two Witnesses) }

Subscribed and sworn to before me this 7th day of November, 1905.

W. J. Jones

Notary Public.

My com. expn. April 14th 1909

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
DISTRICT. }

I, Pettie L. Goodall, a Physician, on oath state that I  
attended on Mrs. Mary Goodall, wife of John Goodall  
on the 24th day of January, 1894; that there was born to her on said date a male  
is now child; that said child ~~is~~ living March 4, 1905, and is said to have been named John H. Goodall  
(Male or Female.)

WITNESSES TO MARK:

(Must be Two Witnesses) }

Subscribed and sworn to before me this 7th day of November, 1905.

W. J. Jones

Notary Public.

My com. expn. April 14th 1909

CHOCTAW  
13288

INDEXED

20

IN RE

Application for Enrollment of

INFANT CHILD

*Chas. B. Goodall*

as a citizen of

*Choctaw* Nation.

Approved,

NOV 19 1901

190

*[Signature]*  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 19 1901

*[Signature]*  
ACTING CHAIRMAN.

CHOCTAW

47113

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the **Choctaw** Nation.  
of **Charles B. Goodall**, born on the **13** day of **February, 1897**.  
(Here insert name of child)  
Name of Father: **John Goodall**, a citizen of the **Choctaw** Nation.  
Name of Mother: **Mary Rooth Goodall**, a citizen of the **Chickasaw** Nation.  
Post-office, **Iona, I.T.**

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
**Southern** District.

I, **Mary Rooth Goodall**, on oath state that I am **32**  
years of age and a citizen, by **Intermarriage**, of the **Chickasaw** Nation;  
that I am the lawful wife of **John Goodall**, who is a citizen, by  
**blood** of the **Choctaw** Nation; that a **male** child was  
(male or female)  
born to me on the **13** day of **February, 1897**; that said child has been  
named **Charles B. Goodall**, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

*Mary Rooth Goodall*

Subscribed and sworn to before me this **5<sup>th</sup>** day of **September** 190**1**.

*Harry W. Fielding*  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
**Southern** District.

I, **Lydia Goodall**, a **Chickasaw** nurse,  
attended on Mrs. **Mary Rooth Goodall**, wife of **John Goodall**  
on the **13** day of **February, 1897**; that there was born to her on  
said date a **male** child; that said child is now living and is said to have been  
(male or female)  
named **Charles B. Goodall**,

WITNESSES TO MARK

(Must be Two Witnesses)

*Lydia Goodall*  
nurse  
mark

*W. H. Lewis*  
*J. W. Ledford*

Subscribed and sworn to before me this **5<sup>th</sup>** day of **September** 190**1**.

*Harry W. Fielding*  
NOTARY PUBLIC

John Goodall and others.

(See testimony of Charles, Richard and William Goodall, Choctaw  
Court Cards C.1, C.2. and C. 3).

John Goodall  
John H. Goodall  
Charles B. Goodall

enrolled.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. July 30, 1900.

-----  
M E M O R A N D U M .  
-----

In the matter of the application of John Goodall for enrollment as a citizen by blood of the Choctaw Nation of his minor child, John Henry Goodall. John Goodall being duly sworn and examined by the Commission, testified as follows:

- Q Please state your name? A John Goodall.  
Q What is your age? A 34.  
Q Where do you live? A Chickasaw Nation.  
Q What is your post-office address? A Iona.  
Q You make application for enrollment of your minor son, John Henry Goodall as a citizen by blood of the Choctaw Nation?  
A Yes sir.  
Q How old is John Henry Goodall? A Six Years.  
Q Has he ever been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.  
Q Has he ever been enrolled by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.  
Q Does his name appear upon any of the Choctaw tribal rolls?  
A No sir.

Tribal rolls of citizens of the Choctaw Nation, prepared by the Choctaw tribal authorities in the year 1896, is examined and the name of John Henry Goodall is not found thereon.

- Q Was your minor son for whom you make this application, John Henry Goodall, admitted to citizenship in the Choctaw Nation in the year 1896 by the Commission to the Five Civilized Tribes acting under the act of Congress approved June 10th, 1896? A No sir.

List of applicants admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in the year 1896, is examined and the name of the applicant, is not found thereon.

- Q Was your minor son, John Henry Goodall, admitted to citizenship in the Choctaw Nation by a decree of the United States Court for the Indian Territory? A Yes sir.  
Q What is the style of the case in which his name appears?  
A Charles Goodall case.  
Q Against the Choctaw Nation? A Yes sir.

Record of applications made to the Commission to the Five Civilized Tribes in the year 1896 for citizenship in the Choctaw Nation examined and on page 243 thereof appears the case of Charles Goodall et al vs the Choctaw Nation, being No. 258. Filed September 7th 1896. Answer filed. Application denied December 2nd, 1896. Case appealed to the United States Court for the Southern Judicial District of the Indian Territory. By a decree of the said court entered in said cause on May the 10th, 1898, fifty persons were admitted to citizenship in the Choctaw Nation, among is the applicant, John Henry Goodall. By a subsequent decree entered in said cause, on March, 3rd, 1899, the name of the applicant, John Henry Goodall,



John Goodall 2-----

was stricken from the list of persons admitted to citizenship in the Choctaw Nation by said decree entered in said cause on May 10th, 1898.

Q This is the first appearance you have made for this minor child? A Yes sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your minor son, John Henry Goodall, mailed to you at your proper post-office address.

The Commission will transmit such memorandum of the application made by you at this time for your son, as has been taken at this time, together with a copy of the decision of the Commission with reference to the application made by you for the enrollment of your minor son, John Henry Goodall, as a citizen by blood of the Choctaw Nation, to the Honorable Secretary of the Interior when the final rolls of the citizens of the Choctaw Nation are sent to him for consideration and approval.

Myra Young, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above case and that the foregoing is a true, full and correct transcript of her stenographic notes taken in said case.

Myra Young

Sworn to and subscribed in my presence this 14 day of Aug 1900.

[Signature]  
Notary Chairman.

12674

INDEXED

enc N.

CHOCTAW

20

IN RE

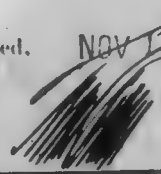
Application for Enrollment of

INFANT CHILD

*Jason Vestin G. Hall*  
as a citizen of

*Choctaw* Nation.

Approved. *NOV 19 1901* 1901

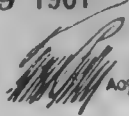


Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 19 1901



ACTING CHAIRMAN

CHOCTAW.

4963

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*IN RE* Application for Enrollment, as a citizen of the *Chickasaw* Nation,  
of *Joseph Vester Goddall*, born on the *12* day of *February*, 1901  
(here insert name of child)  
Name of Father: *John Goddall*, a citizen of the *Chickasaw* Nation.  
Name of Mother: *Mary Ruth Goddall*, a citizen of the *Chickasaw* Nation.  
Post-office, *Dona, Indian Territory*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.  
*Southern District* District.

I, *Mary Ruth Goddall*, do hereby state that I am *32*  
years of age and a citizen, by *intermarriage* of the *Chickasaw* Nation;  
that I am the lawful wife of *John Goddall*, who is a citizen, by  
*blood*, of the *Chickasaw* Nation, that a *male* child was  
born to me on the *12* day of *February*, 1901; that said child has been  
named *Joseph Vester Goddall*, and is now living.

WITNESSES TO MARK: *Mary Ruth Goddall*

(Must be Two Witnesses)

Subscribed and sworn to before me this *13* day of *May*, 1901.  
*[Signature]*  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.  
*Southern District* District.

I, *W. S. Powell*, a *Physician*, do hereby state that I  
attended on Mrs. *Mary Ruth Goddall*, wife of *John Goddall*,  
on the *12* day of *February*, 1901; that there was born to her on  
said date a *male* child; that said child is now living and is said to have been  
named *Joseph Vester Goddall*.

WITNESSES TO MARK: *W. S. Powell, M.D.*

(Must be Two Witnesses)

Subscribed and sworn to before me this *24* day of *May*, 1901.  
*[Signature]*  
NOTARY PUBLIC

7-4963.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of Joseph Vester Goodall as a citizen by blood of the Choctaw  
Nation.

-----000-----

The applicant, Joseph Vester Goodall, claims the  
right to enrollment as a citizen by blood of the Choctaw Na-  
tion through his father John Goodall.

The right of the applicant's father, John Goodall,  
to citizenship in the Choctaw Nation having been adversely  
determined by a decree of the Choctaw and Chickasaw Citizen-  
ship Court, of September 1, 1904, in case No. 52 upon the  
Tishomingo docket of said court, it is hereby ordered that  
the application of Joseph Vester Goodall for enrollment as a  
citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

---

Chairman.

Muskogee, Indian Territory,

---

Kuskogee, Indian Territory, June 5, 1901.

John Goodall,

Iena, Indian Territory.

Dear Sir:

The Commission is in receipt of the application for enrollment as a citizen of the Choctaw Nation of Joseph Vester Goodall, the infant son of John and Mary Rooth Goodall, born February 12, 1901. The same is returned to you herewith together with your reply to the Commission's letter of April 22, 1901 and the certified copy of the marriage license and certificate of John Goodall and Mrs. Mary Thomas.

The Commission desires additional information as to the mother of this child. You state in your reply to our communication of April 22nd that "Mrs. Mary Rooth Goodall, mother of said infant was married to William Thomas, a Chickasaw, previous to her marriage with said John Goodall, which certificate of said marriage you have on file in your office."

It is also stated in the application for the enrollment of your child, Joseph Vester Goodall, that the mother, Mary Goodall is a citizen by intermarriage of the Chickasaw Nation.

We are unable to find any person by the name of Mary Thomas as having been listed for enrollment by this Commission as a citizen by intermarriage of the Chickasaw Nation. It will therefore be necessary in the matter of the application for the enrollment of your child that we have full information relative to

John Goodall 2

the enrollment of the mother. If she has made application for enrollment to this Commission, state the time and place that she made such application, the name that she was known by at the time of the application.

The certified copy of the marriage license and certificate is not sufficient evidence to be accepted by the Commission as the same is a certified copy of a certified copy of a record and is not acceptable evidence.

You can undoubtedly obtain a certified copy of such marriage license and certificate from the clerk of the United States Court in whose district the license was issued.

Upon receipt of the information requested, the identification of the mother as having been listed for enrollment as an inter-married citizen of the Chickasaw Nation and of the certified copy of the marriage license and certificate requested, the matter will receive proper consideration.

Yours truly,

Acting Chairman.

7-4963

Enc 7



Muskogee, Indian Territory, June 5, 1901.

John Goodall,

Iona, Indian Territory.

Dear Sir:

On September 6, 1898, you appeared before this Commission and made application for the enrollment of yourself and your two children John Henry and Charles B. Goodall as citizens by blood of the Choctaw Nation, claiming such right under virtue of a judgment rendered by the United States Court for the Southern District of the Indian Territory at Ardmore, Indian Territory, May 10, 1898, in the case of Charles Goodall et. al vs the Choctaw Nation.

The said judgment of court above referred to admitted to citizenship in the Choctaw Nation "John Goodall and his minor children John H. Goodall and Charles B. Goodall". The judgment further recites "the wife of the said John Goodall being a citizen of the Chickasaw Nation,". On March 3, 1899, the United States Court for the Southern District of the Indian Territory, entered a judgment *nunc pro tunc* May 10, 1898, which is in words as follows:

"On this 3rd day of March, 1899 came on to be heard the motion this day filed by appellants to correct the judgment herein; and appellants appear by their attorney J. P. Mullen and appellee appears by its attorneys Stewart, Lewis & Gordon and the court having heard said motion and being well and fully advised in the premises doth sustain the same and it is by the court considered, ordered and adjudged that the judgment heretofore entered in this cause be and the same is hereby corrected and reformed and the following parties and their names are hereby stricken out of the said judgment to-wit:"

Then follows a list of names stricken from the original judgment, including those of your two children John H. and Charles

J 0 8

B. Goodall.

In accordance with such order of court, this Commission struck from the rolls of citizens of the Choctaw Nation as being prepared, the names of your two children, John Henry and Charles B. Goodall as their only rights to such enrollment are by virtue of that judgment, they never having been recognized or enrolled by the Choctaw tribal authorities as citizens of that Nation.

It then appears that on July 30, 1900, you appeared before this Commission and made application for the enrollment of your son John Henry Goodall, as a citizen of the Choctaw Nation but it appearing that he was born prior to the filing of the application in which you were included for citizenship in the Choctaw Nation and not being a party to such application, the Commission is of the opinion that it has no jurisdiction to enroll this child.

As to your second child, Charles B. Goodall, born February 13, 1897, and subsequent to the date of the filing of the original application under the act of Congress of June 10, 1896, the Commission will accept an application on behalf of this child for enrollment as a citizen of the Choctaw Nation in pursuance of the judgment admitting you to citizenship in such Nation. For this purpose there is enclosed you herewith a blank application for the enrollment of infant children which when filled out in proper form and returned to this Commission will receive consideration.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 21, 1901.

Joseph P. Mullen,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Referring to your letters of August 25, and September 7, 1901, with which were forwarded to this Commission, the applications for the enrollment of Charles B. Goodall, born February 13, 1897, and Joseph Vester Goodall, born February 12, 1901, the Commission has to invite your attention to the following conditions existing relative to John Goodall and Mary Rooth Goodall, the parents of the two children for whom application is now made for enrollment as citizens of the Choctaw Nation.

It appears that on September 6, 1898, John Goodall made application to this Commission for the enrollment of himself and his two minor children, John H. and Charles B. Goodall, as citizens by blood of the Choctaw Nation and presented in evidence at that time, a judgment of the United States Court for the Southern District of the Indian Territory, in citizenship case No. 103. At that time, the three persons for whom the application was made, were duly listed for enrollment.

It appears, however, that the wife of John Goodall and

J P M 2

the mother of the two children, was stated to be Mary R. Goodall, a Chickasaw. On March 3, 1899, the United States Court for the Southern District of the Indian Territory, by a nunc pro tunc decree among other names eliminated from the judgment admitting John Goodall and his children to citizenship in the Choctaw Nation, John Henry Goodall and Charles B. Goodall for the reason that their names were interpolated in the ~~judgment~~ taken from the Southern District of the United States Court in Indian Territory after rendition of the judgment of the Commission to the Five Civilized Tribes. It is supposed that the application for the enrollment of Charles B. Goodall submitted in your letter of September 7, 1901, is for the purpose of having this child listed for enrollment and as he was born February 13, 1897, subsequent to the date of filing of the original application in the case by which his father was admitted to citizenship in the Choctaw Nation, the Commission will entertain such an application.

Your letter of August 25, 1901, would indicate that Mary Rooth Goodall is a white woman who had, prior to her marriage to John Goodall, married William Thomas, a Chickasaw Indian but it does not appear that any application has ever been made to this Commission for the enrollment of Mary Rooth Goodall or Mary Rooth Thomas as a citizen by intermarriage of the Chickasaw Nation. Mary Rooth Goodall being a white woman and John Goodall, the father of the children for whom the applications are submitted, having been adjudged by the United States Court a citizen of the Choctaw Nation,

J P M 5-

the applications for the enrollment of the two children are returned to you herewith for the reason that there is not on file among our records any evidence of the marriage of John Goodall to Mary Rooth Thomas. Upon the return of the applications for the enrollment of the two children and either the original or certified copy of the marriage license and certificate between John Goodall and Mary Rooth Thomas, the matter of the enrollment of the two children will receive further consideration.

Your letter of August 25, 1901, would further indicate that it is the desire of Mrs. Goodall to make application for enrollment as a citizen by intermarriage of the Chickasaw Nation by reason of her former marriage to William Thomas. If it is her intention to make such an application, it will be necessary for her to present herself in person before the Commission at its office in Muskogee, Indian Territory, when her testimony will be heard and such evidence of her marriage to her Chickasaw husband will be accepted and made a part of such application.

Yours truly,

Acting Chairman.

7-4963

Enc Y 73

Muskogee, Indian Territory, October 21, 1901.

John Goodall,

Iona, Indian Territory,

Dear Sir:

The Commission has today returned to Joseph P. Mullen, Attorney at Law, Ardmore, Indian Territory, applications submitted by him for the enrollment of your two children Charles B. and Joseph Vester Goodall, with the information that it would be necessary that the Commission be supplied with either the original or certified copy of the marriage license and certificate between yourself and your wife.

Mr. Mullen has been informed that upon receipt of either the original or certified copy of the marriage license and certificate between yourself and your wife, that the matter of the enrollment of your two children will receive further consideration.

It is also intimated in Mr. Mullen's letter that it is the desire of Mary Booth Goodall to make application to this Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation by reason of her former marriage to William Thomas, a citizen by blood of the Chickasaw Nation. If Mrs. Goodall intends making such an application it will be necessary that she present



J. G. 2

herself in person before the Commission at its office at Muskogee, Indian Territory, at which time she will be allowed to introduce any testimony she desires in support of her application and the Commission will also accept for consideration such evidence as she may have, of her marriage to her Chickasaw husband.

Yours truly,

Acting Chairman.

7-4963

Choc 4964 Thomas Goodall

see case #14 Choctaw refused under Act of  
May 31, 1900

#1-2-3 Dismissed Nov 12, 1904

4964

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----  
Record in the matter of the applications of Thomas  
Goodall and Violet Goodall for enrollment as citizens by blood  
of the Choctaw Nation, and of Alice Goodall for enrollment as a  
citizen by intermarriage of said Nation.

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7-D-4964.  
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9  
Thomas Goodall and others.

(See testimony of Charles, Richard and William Goodall, Choctaw  
Court Cards C.1, C.2 ., and C. 3.)

Thomas Goodall  
Alice Goodall

enrolled.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. July 30, 1900.

-----  
M E M O R A N D U M.

In the matter of the application on Thomas Goodall for enrollment of himself and minor child, Violet Goodall, as citizens by blood of the Choctaw Nation. Thomas Goodall being duly sworn and examined by the Commission, testified as follows:

- Q Please state your name? A Thomas Goodall.  
Q What is your age? A 21.  
Q What is your post-office address? A Iona.  
Q You apply for the enrollment of yourself and your minor child, Violet Goodall as citizens by blood of the Choctaw Nation?  
A Yes sir.  
Q How old is Violet Goodall? A One year old.  
Q What month was she born in? A July 12th, 1899.  
Q Have either you or your minor child for whom you make application, ever been recognized by the tribal authorities of the Choctaw Nation as citizens of the Choctaw Nation? A No sir.  
Q Have either you or your minor child ever been enrolled by the Choctaw tribal authorities as citizens of the Choctaw Nation?  
A No sir.  
Q Are the names of yourself or your minor child, Violet Goodall, to be found on the Choctaw tribal rolls? A No sir.

Tribal rolls of citizens of the Choctaw Nation prepared by the tribal authorities of that Nation in the year 1896, examined and neither of the applicants found thereon.

- Q Were you admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in the year 1896?  
A No sir.

Record of persons admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in the year 1896, acting under the act of Congress approved June 10, 1896, examined and the name of the applicant not found thereon.

- Q Were you ever admitted to citizenship in the Choctaw Nation by decree of the United States Court for the Indian Territory?  
A Yes sir.  
Q What is the style of the case?  
A The Charles Goodall case.

Record of applications made to the Commission to the Five Civilized Tribes in the year 1896 for citizenship in the Choctaw Nation, is examined and on page 243 thereof is found the case of Charles Goodall et al vs the Choctaw Nation being No. 288 thereof. Filed September 7th, 1896. Answer filed. Application denied December 2nd, 1896. Case appealed to the United States Court for the Southern Judicial District of the Indian Territory and on May 10th, 1898, a decree was entered in said cause admitting fifty persons to citizenship in the Choctaw Nation, among whom is the applicant, Thomas Goodall. On March 3rd 1899, a nunc pro tunc decree was entered in said cause striking the names of forty three persons from the

Thomas Goodall 2--

the original decree of May 10th, 1898, admitting fifty persons to citizenship in the Choctaw Nation and the name of the applicant, Thomas Goodall, is found among said list of forty three persons.

Q Is your wife a white woman? A Yes sir.  
Q Then the claim of your child is based upon its Indian blood through you? A Yes sir.  
Q When and where were you married to her? A Iona, Chickasaw Nation.  
Q When? A In 1898.  
Q What month? A July 31st.

You will be furnished at a later date with a copy of the Commission with reference to the application made by you at this time for the enrollment of yourself and your minor child, Violet Goodall, as citizens by blood of the Choctaw Nation, mailed to you at your proper post-office address.

The Commission will transmit such memorandum as had been made of this application, together with a copy of its decision with reference to the application made by you at this time for the enrollment of yourself and your minor child, Violet Goodall, to the Honorable Secretary of the Interior when the final rolls of the citizens of the Choctaw Nation are forwarded to him for consideration and approval.

Myra Young, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above case and that the foregoing is a true, full and correct transcript of her stenographic notes in said case.

*Myra Young*

Sworn to and subscribed in my presence this 14 day of July 1900.

*[Signature]*  
Acting Chairman.



(117)  
7-D-4964.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the applications of Thomas Goodall and Violet Goodall for enrollment as citizens by blood of the Choctaw Nation, and of Alice Goodall for enrollment as a citizen by intermarriage of said Nation.

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The applicant, Thomas Goodall, claims the right to enrollment as a citizen by blood of the Choctaw Nation through his father, Richard Goodall, and the applicant, Violet Goodall, claims the right to enrollment as a citizen by blood of said Nation through her father, the said Thomas Goodall, and the applicant, Alice Goodall, claims the right to enrollment as a citizen by intermarriage of said Nation by reason of her marriage to the said Thomas Goodall.

The right of the said Richard Goodall, the father of the said Thomas Goodall, to enrollment as a citizen by blood of the Choctaw Nation, having been adversely determined by a decree of the Choctaw-Chickasaw Citizenship Court of September 19, 1904, in case numbered 52 upon the Tishomingo Docket of said Court, it is hereby ordered that the applications of Thomas Goodall and Violet Goodall, for enrollment as citizens by blood of the Choctaw Nation, and of Alice Goodall, for enrollment as a citizen by intermarriage of the said Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

Mustee, Indian Territory,

NOV 12 1904

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Choctaw 4964

COPY.

Muskogee, Indian Territory, November 12, 1904.

Thomas Goodall,

Iona, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing the application for the enrollment of yourself and Violet Goodall as citizens by blood, and Alice Goodall as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED)

*James D. Doby*

Chairman.

Registered.

Incl. 7-4964.

Choctaw 4964.

Muskogee, Indian Territory, November 12, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated November 12, 1904, dismissing the application for the enrollment of Thomas Goodall and Violet Goodall as citizens by blood, and Alice Goodall as a citizen by intermarriage, of the Choctaw Nation.

Respectfully,

(SIGNED)

Chairman.

Incl. 7-4964.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas Goodall for the enrollment of himself and minor child, Violet Goodall, as citizens by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the evidence in the case that on July 30, 1900, the applicant, Thomas Goodall, appeared before the Commission at Muskogee and made application for the enrollment of himself and minor child, Violet Goodall, as citizens by blood of the Choctaw Nation; It further appears that the applicants have never been enrolled by the tribal authorities of the Choctaw Nation; that their names do not appear upon any of the rolls of the Choctaw Nation now in the possession of the Commission; that they were never admitted to citizenship in the Choctaw Nation by this Commission, or by the legally constituted authorities acting under the act of congress approved June 10, 1896; that on May 10, 1898 a decree was entered by the United States Court for the Southern District of the Indian Territory, admitting fifty persons to citizenship in the Choctaw Nation, among whom was the applicant, Thomas Goodall, and on March 3, 1899, a nunc pro tunc decree was entered striking the names of forty-three persons from the original decree, and the name of the applicant, Thomas Goodall is found upon said list of forty-three persons.

The Act of Congress of May 31st, 1900, provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior."

It is therefore the judgment of the Commission that the application for enrollment of Thomas Goodall and his minor child, Violet Goodall, as citizens by blood of the Choctaw Nation, be, and the same is hereby, refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Dated this \_\_\_\_ day of \_\_\_\_ 1900.

EMPTY



Choc 4966

Robert L Dillard

4966

Robert L. Dillard.

Robert L. Dillard says:

I was admitted to Choctaw citizenship  
by the United States Court for the Central District, case 63.  
I am son of Edward L. and Sarah A. Dillard. I reside near Coalgate  
Atoka County, Choctaw Nation. I came here from Texas in December 1893.  
I remained here until 1894 when I returned to Texas. I remained there  
until September 1896 when I again returned to the Territory and have  
resided here since., with my people. I have been living this year  
with J.A. Sanders.

Stonewall, Sept. . . . 1898.

Robert L. Dillard

enrolled.

Choc 4967 Bille Ross

#3 Dismissed Dec 12, 1904

4967

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

Record in the matter of the application for enrollment  
as a citizen by blood of the Choctaw Nation of  
Della May Ross, 7-4967.

IN RE

Application for Enrollment of  
INFANT CHILD.

*Della May Ross*

As a citizen of the

*Choctaw*

Nation.

Approved

1

Commissioner.

7-4967

Department of the Interior,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Della May Rose, born on the 17 day of Dec, 1898.  
Name of father: J. R. Rose, a citizen of the U.S. Nation.  
Name of mother: Belle Rose, a citizen of the Choctaw Nation.  
Post Office: Elk, Chickasaw Nation

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, Belle Rose, on oath, state that I am 20 years of age and a  
citizen, by blood, of the Choctaw Nation; that I am the  
lawful wife of J. R. Rose, who is a citizen, by of the U.S., of the  
Nation; that a female child was born to me on the 17 day  
of Dec, 1898; that said child has been named Della May Rose  
and is now living.

Subscribed and sworn to before me this 7 day of Sept, 1899.  
Belle Rose  
J. A. Muller Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, G. A. Poole, a midwife, on oath, state that I  
attended on Mrs. Belle Rose, wife of J. R. Rose,  
on the 17 day of Dec, 1898; that there was born to her on said date a female child;  
that said child is now living and is said to have been named Della May Rose.

Subscribed and sworn to before me this 1 day of Sept, 1899.  
G. A. Poole  
J. A. Muller Notary Public.



*WJ*  
*100*

7-4987.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

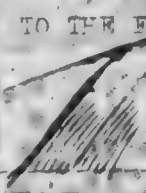
In the matter of the application of Della May Ross for enrollment as a citizen by blood of the Choctaw Nation.

---oOo---

The applicant, Della May Ross, claims the right to enrollment as a citizen by blood of the Choctaw Nation through her mother, Belle Ross, who died May 20, 1901.

The right of Elmore Ross (as John E. Ross), a brother of the applicant herein, (and who claimed the right to enrollment as a citizen by blood of the Choctaw Nation through his mother, the said Belle Ross) to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of January 20, 1904, in case number 43 upon the South McAlester docket of said court, it is hereby ordered that the application of Della May Ross for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory,

1904

COPY:

7-4967

Muskogee, Indian Territory, December 13, 1904.

James Ross,

Belton, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated December 12, 1904, dismissing the application for the enrollment of your minor daughter Della May Ross as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED:

Chairman.

Registered.

Incl. 7-4967.

7-4967

COPY:

Muskogee, Indian Territory, December 13, 1904.

Mansfield, McMurray and Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated December 12, 1904, dismissing the application for the enrollment of Della May Ross as a citizen by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

*John A. ...*  
Chairman.

Incl. 7-4967.

(See testimony of James A. Sanders, Choctaw Court Card C.15 .)

Belle Ross  
Elmore Ross

enrolled.

CHOCOTAW

INDEXED

IN RE

Application for Enrollment of  
Infant Child,

*Mary Belle Rose*

as a citizen of the

*Choctaw*

Nation

Approved, **MAY 20 1901**

COMMISSIONER.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

MAY 20 1901

ACTING CHAIRMAN

*Choctaw*

*Choctaw*

*Choctaw*

CHOCOTAW

4467

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation.  
 of Mary Belle Ross, born on the 28 day of March, 1901  
Here insert name of child.  
 Name of Father: James P. Ross, a citizen of the Choctaw Nation Nation.  
 Name of Mother: Belle Ross, a citizen of the Choctaw Nation Nation.  
 Postoffice: Elk, Chickasaw Nation,  
Indian Territory.

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, }  
 INDIAN TERRITORY, }  
 Southern District. }

I, Belle Ross, on oath state that I am 21  
 years of age and a citizen, by blood, of the Choctaw Nation;  
 that I am the lawful wife of James R. Ross, who is a citizen, by  
intermarriage, of the Choctaw Nation Nation; that a female child was  
 born to me on the 28 day of March, 1901; that said child has been named  
Mary Belle Ross, and is now living.

WITNESSES TO MARK:

Belle Ross

(Must be Two Witnesses.)

Subscribed and sworn to before me this

11 day of May, 1901  
J. Smiley  
 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
 INDIAN TERRITORY }  
 Southern District. }

I, \_\_\_\_\_, a physician, on oath state that I  
 attended on Mrs. Belle Ross, wife of James R. Ross  
 on the 28 day of March, 1901; that there was born to her on said  
 date a female child; that said child is now living and is said to have been named

Mary Belle Ross

WITNESSES TO MARK

A. Chapman

(Must be Two Witnesses.)

Subscribed and sworn to before me this

11 day of May, 1901  
J. Smiley  
 NOTARY PUBLIC.



IN RE  
THE DEATH OF

*Belle Ross*

citizen of the  
*Cherokee* Nation.

Approved: APR 25 1902

*[Signature]*  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 25 1902

*[Signature]*  
ACTING CHAIRMAN.

4467

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Belle Ross
a citizen of the Choctaw Nation, who formerly resided at or near Elk, Ind. Ter., and died on the about 20 day of May, 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, James R. Ross on oath state that I am 45 years of age and a citizen, by intermarriage of the Choctaw Nation; that my post office address is Belton, Ind. Ter.; that I am husband of Belle Ross (State relationship, as: the father, an uncle, a cousin, etc.) who was a citizen, by blood of the Choctaw Nation; and that said Belle Ross died about 20 day of May, 1901.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 22 day of April, 1902.

[Signature] Notary Public

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, J. S. Mullen on oath state that I am 25 years of age, and a citizen, by intermarriage of the Choctaw Nation; that my post office address is Ardmore, Ind. Ter.; that I was personally acquainted with Belle ROSS (Here insert name of deceased) who was a citizen, by blood of the Choctaw Nation; and that said Belle ROSS died about 20 day of May, 1901.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 22 day of April, 1902.

[Signature] Notary Public

IN RE  
THE DEATH OF

Mary Belle Ross

a citizen of the

Choctaw Nation.

Approved APR 25 1902

*[Handwritten signature]*  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 25 1902

*[Handwritten signature]*  
ACTING CHAIRMAN.

4967

# DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of **Mary Belle Ross**  
(Here insert name of deceased.)  
 a citizen of the **Choctaw** Nation, who formerly resided at or near  
**Elk,** about **Ind. Ter.,** and died on the **14** day of **December**  
(Here insert name of post office.) **1901.**  
~~xxxxxxx~~  
*Nov*

### AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY,  
 Southern District. )

I, **James R. Ross** on oath state that I am **45**  
 years of age and a citizen, by **intermarriage** of the **Choctaw** Nation;  
 that my post office address is **Belton,** Ind. Ter.; that I am  
(Here insert name of post office.)  
**father** of **Mary Belle Ross**  
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)  
 who was a citizen, by **blood** of the **Choctaw** Nation;  
 and that said **Mary Belle Ross** died on the **14** day of  
**December**, 1901. **1**  
(Here insert name of deceased.)

WITNESSES TO MARK

*J. R. Ross*

(Must be Two Witnesses)

Subscribed and sworn to before me this 22 day of April, 1902.

*J. Mullen*  
 Notary Public.

### AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY,  
 Southern District. )

I, **J. S. Mullen** on oath state that I am **23**  
 years of age, and a citizen, by **intermarriage** of the **Choctaw** Nation;  
 that my post office address is **Ardmore,** Ind. Ter.;  
(Here insert name of post office.)  
 that I was personally acquainted with **Mary Belle Ross**  
(Here insert name of deceased.)  
 who was a citizen, by **blood** of the **Choctaw** Nation;  
 and that said **Mary Belle Ross** died on the **14** day of  
**December**, 1901. **1**  
(Here insert name of deceased.)

WITNESSES TO MARK

(Must be Two Witnesses) *J. S. Mullen*

*J. Mullen*

Subscribed and sworn to before me this 22 day of April, 1902.

*J. S. Mullen*  
 Notary Public.

Muskogee, Indian Territory, May 20, 1901.

Mr. Joseph P. Mullen,

Ardmore, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 15th inst., enclosing an application for enrollment as a citizen of the Choctaw Nation of Mary Belle Ross, the infant daughter of James R. and Belle Ross, born March 28, 1901, and the same being in proper form has been duly filed with the records of the Commission, and the child listed for enrollment as a citizen of the Choctaw Nation.

You also enclose letter from Belle Ross in reply to a communication written by the Commission to her under date of February 25, 1901, relative to her infant son, John E. Ross, in which it is stated that John E. Ross, was listed for enrollment by the Commission at Stonewall, Indian Territory, in 1898, under the name of Elmore Ross, and that he is still living with his parents in Elk, Chickasaw Nation, Indian Territory.

Yours truly,

7-4967.  
Choc. Ct. Case  
Cent. Dist. 65.

Acting Chairman.

7-4967

Muskogee, Indian Territory, April 8, 1902.

James R. Ross,  
Belton, Indian Territory.

Dear Sir:

The Commission has received information that your wife, Belle Ross, and your minor child, Della Kay Ross, have died since the time they were listed for enrollment as citizens of the Choctaw Nation.

For the purpose of making their deaths a matter of record there is enclosed you herewith two blanks for proof of death which you are kindly requested to have properly executed at your earliest convenience and return in the enclosed envelope which requires no postage.

You will notice that there is an affidavit for a relative and an acquaintance; in having the same executed be careful to see that all blanks are properly filled, all names written in full, and in event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark that such signatures be attested by two disinterested parties witnesses thereto.



The notary public before whom the affidavits  
are acknowledged must affix his notarial jurat and seal  
to each separate affidavit.

Yours truly,

Env.

Commissioner in Charge.

D. C. 2

Muskogee, Indian Territory, April 25, 1902.

J. R. Ross,

Belton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your affidavit and that of J. S. Mullen, relative to the death of your wife, Belle Ross, which occurred about May 20, 1901, and the same being in proper form have been duly filed with the records of the Commission.

Receipt is also acknowledged of your affidavit and that of J. S. Mullen, relative to the death of your daughter Mary Belle Ross, which occurred about November 14, 1901, and the same being in proper form have been duly filed with the records of the Commission.

Yours truly,

Commissioner in Charge.

Choc 4968 Sarah L. Sanders

1, 7, 8 Dismissed Jan 26, 1905

4968

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Record in the matter of the application for enrollment  
as citizens of the Choctaw Nation of:

FANNY V. SANDERS, ET AL.,

7-4968

INDEXED

*IN RE*

Application for Enrollment of  
Infant Child.

*Char. Edward Lauder*

as a citizen of the

*Choctaw* Nation.

Approved, \_\_\_\_\_ 190

*C. R. Beckwith*

4968

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation, of Charles Edward Sanders, born on the 1 day of February, 1902, Name of Father: Charles B. Sanders, a citizen of the United States, Name of Mother: Sarah L. Sanders, a citizen of the Choctaw Nation. Postoffice, Weaverton, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, Sarah L. Sanders, on oath state that I am 32 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of Charles B. Sanders, who is a citizen, by of the United States the Nation; that a male child was born to me on the 1 day of February, 1902; that said child has been named Charles Edward Sanders, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 1st day of Feb., 1902.

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, J. E. Pate, a physician, on oath state that I attended on Mrs. Sarah L. Sanders, wife of Charles B. Sanders, on the 1 day of Feb., 1902; that there was born to her on said date a male child; that said child is now living and is said to have been named Charles Edward Sanders.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 28 day of Feb., 1902.

NOTARY PUBLIC.



IN RE  
Application for Enrollment of  
INFANT CHILD.

*Thomas J. ...*  
As a citizen of the

*United States* Nation.

Approved: **MAY 24 1900**  
*[Signature]*  
Commissioner.

RECORDED  
MAY 24 1900  
U.S. DEPARTMENT OF THE INTERIOR

*2-3*

*7-11-96*

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Fanny V Sanders, born on the 18<sup>th</sup> day of December, 1899.  
Name of father: C B Sanders, a citizen of the United States Nation.  
Name of mother: Sarah I Sanders, a citizen of the Choctaw Nation.

Post Office: Oakland  
Chickasaw Nation Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, Sarah I Sanders, on oath, state that I am 28 years of age and a  
citizen, by blood ~~but according to the~~ Choctaw ~~Chickasaw Nation~~ Nation; that I am the  
lawful wife of C B Sanders who is a citizen, by law, of the  
United States; that a female child was born to me on the 18<sup>th</sup> day  
of December, 1899; that said child has been named Fanny V Sanders  
and is now living.

Subscribed and sworn to before me this 16 day of July, 1900.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, Dr. J. M. [unclear], Physician, on oath, state that I  
attended on Mrs. Sarah I Sanders wife of C B Sanders  
on the 18<sup>th</sup> day of December, 1899; that there was born to her on said date a female child;  
that said child is now living and is said to have been named Fanny V Sanders.

Subscribed and sworn to before me this 16 day of July, 1900.

Notary Public.

7-4968.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of Fanny V. Sanders and Charles Edward Sanders as citizens  
of the Choctaw Nation.

-----oOo-----

The applicants, Fanny V. Sanders and Charles Edward Sanders, claim the right to enrollment as citizens of the Choctaw Nation through their mother Sarah L. Sanders.

The right to enrollment as citizens of the Choctaw Nation of the applicants' full brothers and sister, Samuel M. Sanders (as Samuel Sanders), Arthur D. Sanders (as Arthur Sanders), Carl H. Sanders (as Hartie Sanders), Lessie R. Sanders (as Lessie Sanders) and William O. Sanders, who also claim the right to enrollment through their mother, the said Sarah L. Sanders, and whose right to enrollment is identical with the right of the applicants herein, having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of January 20, 1904, in case number 43 upon the South McAlester docket of said court, it is hereby ordered that the application for the enrollment of Fanny V. Sanders and Charles Edward Sanders as citizens of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN

Choctaw 1908

COPY.

Muskogee, Indian Territory, January 26, 1905.

Sarah L. Sanders,  
Weaverton, Indian Territory,

Dear Madam:

Inclosed herewith you will find copies of the orders of this Commission dated January 26, 1905, dismissing the applications for the enrollment of yourself, as a citizen by blood, and of your two children, Fanny V. Sanders and Charles Edward Sanders, as citizens, of the Choctaw Nation.

Respectfully,

(SIGNED).

*James Dixon*

Chairman.

Registered.

2 Incl. 7-4968

Choctaw 4968

COPY.

Muskogee, Indian Territory, January 26, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find copies of the orders of this Commission dated January 26, 1905, dismissing the applications for the enrollment of Sarah J. Sanders, as a citizen by blood, and of Fanny V. Sanders and Charles Edward Sanders, as citizens of the Choctaw Nation.

Respectfully,

(SIGNED)

*Tamc D...*  
Chairman.

2 Incl. 7-4968

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of:

Sarah J. Sanders

7-4968.



Sarah L. Sanders and others.

Charles B. Sanders says:

I am husband of Sarah L. and the father of Samuel, M. Arthur D., Carl H. Lessie R., and William O. Sanders.

They were admitted to Choctaw citizenship by the U.S. Court for the Central District Case 63. All of these children were embraced in the decree.

William O. was born April 19th 1897. Their names and ages are correctly stated as they appear in the decree, as nearly as I can give them. I reside near Coalgate, Atoka County, Choctaw Nation.

I have lived there something over 4 years. I moved from Texas, December 1893. I had lived in the Chickasaw Nation about 2 years some 10 years ago. The remainder of the time I have lived in Texas. I had never been recognized or had any rights as a Choctaw citizen until I was admitted by the United States court, nor had my family.

Sarah L. Sanders  
Samuel M. Sanders  
Arthur D. Sanders  
Carl H. Sanders  
Lessie R. Sanders  
William O. Sanders

Storewall, Sept 7 1898.

enrolled.

7-4976.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah L. Sanders as a citizen by blood of the Choctaw Nation.

-----ojo-----

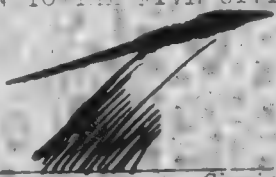
It appears from the records in the possession of the Commission that on September 7, 1896, in the case entitled "Sarah L. Sanders vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 535), original application was made to this Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for the admission of the applicant, Sarah L. Sanders, as a citizen by blood of the Choctaw Nation, and on December 4, 1896 said applicant was by this Commission denied admission as a citizen by blood of the Choctaw Nation. From this decision of the Commission an appeal was taken to the United States Court for the Central District of Indian Territory, which court on September 9, 1897, in the case entitled "Mary A. Sanders et al. vs Choctaw Nation" (Citizenship Case, number 63), reversed the decision of the Commission denying the said Sarah L. Sanders admission to citizenship in the Choctaw Nation and admitted said applicant to citizenship in the Choctaw Nation.

It further appears from the records in the possession of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created by the provisions of the act of Congress approved July 2, 1898 (30 Stat., 511), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of Indian Territory. Said case, as to the applicant herein, has not been appealed or certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the provisions of said act of Congress approved July 2, 1898.

In accordance with the opinion of the Acting Attorney General dated May 9, 1904 (O. G. O. 3-14-1904) and the opinion of the Assistant Attorney General for the Department

of the Interior dated July 30, 1904 (I.T.O. 5246-1904) the Commission to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of Sarah L. Sanders as a citizen by blood of the Choctaw Nation, and it is, therefore, hereby ordered that the application of Sarah L. Sanders for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN 2 1905

Choctaw 4968

Muskogee, Indian Territory, January 26, 1905.

Sarah L. Sanders,  
Weaverton, Indian Territory,

Dear Madam:

Inclosed herewith you will find copies of the orders of this Commission dated January 26, 1905, dismissing the applications for the enrollment of yourself, as a citizen by blood, and of your two children, Fanny V. Sanders and Charles Edward Sanders, as citizens, of the Choctaw Nation.

Respectfully,

W. B. L. L. L.

*W. B. L. L. L.*

Chairman.

Registered.

2 Incl. 7-4968

Choctaw 4968

Muskogee, Indian Territory, January 26, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find copies of the orders of this Commission dated January 26, 1905, dismissing the applications for the enrollment of Sarah J. Sanders, as a citizen by blood, and of Fanny V. Sanders and Charles Edward Sanders, as citizens of the Choctaw Nation.

Respectfully,

SIGNED

*W. L. Dancy*

2 Incl. 7-4968

Chairman.

been duly filed.

Yours truly,

Muskogee, Indian Territory, March 30, 1900.

Sarah L. Sanders,

Acting Chairman.

In replying to this letter, please refer to Choctaw 4968

Dear Madam:

The Commission is in receipt of your letter of March 26, in which you state that some time in the month of February, you forwarded this Commission a birth certificate and up to this time you have had no receipt of the delivery of the same, and request to be informed if same has been received by this Commission.

You are informed that the records of this Commission show that an application for the enrollment as a citizen of the Choctaw Nation of Fannie V. Sanders, the infant daughter of C. B. and Sarah L. Sanders has been received by this Commission and the same has been duly filed.

Yours truly,

Acting Chairman.

In replying to this letter, please refer to Choctaw 4968



Muskogee, Indian Territory, October 27, 1900.

F. M. Snider,

Ardmore, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 19th instant in which you state that there has been much disturbance in your community as to non-citizens holding and controlling lands in your neighborhood. That there is a certain tract of land there held by one, Sarah L. Sanders, who has never appeared in person in that community and you now desire to be informed if she is on the roll of the Choctaw Nation or if any such party has ever appeared before this Commission for identification as a Mississippi Choctaw.

You are informed that the records of this Commission show that Sarah L. Sanders, 27 years of age, together with her six minor children, Samuel M., Arthur D., Carl M., Lessie R., William O. and Fannie V. Sanders have been listed for enrollment by this Commission as citizens of the Choctaw Nation pursuant to a judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, Indian Territory, in court case No. 63.

As to your rights to hold land in the Choctaw or Chickasaw Nation, you are informed that the records of this Commission do not show that you have ever been listed for enrollment as a citizen of either the Choctaw or Chickasaw Nations.

It does appear, however, that you appeared before the Commission on June 18th, 1900 at Colbert, Indian Territory and there

PK S 2

made application for the identification of yourself and your three children, Roda, Andrew J. and Elmer Snider as Mississippi Choctaws.

The Commission has not up to this time rendered any decision as to your application but contemplates doing so in the near future when you will be furnished with a copy of the Commission's decision, stating its reason for any action that it may take in the matter of such application.

Yours truly,

Acting Chairman.

H. C. R-248

7-4960

7--4968.

Muskogee, Indian Territory, April 2, 1902.

Charles B. Sanders,  
Weaverton, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Charles Edward Sanders, infant son of Charles B., and Sarah L. Sanders, born February 1, 1902, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Choctaw 4968

Muskogee, Indian Territory, December 6, 1902.

J. B. McCain,

Wagoner, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 13, in which you state that you and other renters on the farm of Sarah L. Sanders, a court claimant, wish to be advised if you will be safe in renting from J. P. Mullen, an attorney of Ardmore, Indian Territory, and the administrator of the estate of the said Sarah L. Sanders.

In reply to your letter you are informed that the Commission cannot render you any advice in this matter. It appears from our records that Sarah L. Sanders and her seven minor children were on September 7, 1898, listed for enrollment as citizens of the Choctaw Nation, pursuant to a judgment of the United States Court for the Central District of the Indian Territory, at South McAlester, and no information has heretofore reached the Commission relative to her death.

Respectfully,

Acting Chairman.

7-4968.

Muskogee, Indian Territory, December 8, 1902.

Charles B. Sanders,  
Beaverton, Indian Territory.

Dear Sir:

Information has been received at this office that your wife, Sarah L. Sanders, has died since the time she was listed for enrollment as a citizen of the Choctaw Nation.

If this is correct, you are requested to furnish proof of her death, a blank for which purpose is herewith enclosed you, together with envelope for return of same when properly executed.

You will note there is an affidavit for a relative and an acquaintance. In having same executed, be careful to see that all blanks are properly filled, all names written in full, and in event either of the persons whose names are to be affixed to the affidavits are unable to write, and their signatures are by mark, that such signatures are properly attested by two disinterested parties, witnesses thereto.

The notary public before whom the same are acknowledged must affix his notarial jurat and seal to each separate affidavit.

Respectfully,

Env. D.O.

Acting Chairman.

Choctaw 4968.

Muskogee, Indian Territory, March 20, 1903.

E. C. Grubbs,

Hickory, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 10, asking whether Sarah L. Sanders is enrolled, and if so you wish to be informed as to her residence.

In reply to your letter you are advised that it appears from our records that Sarah L. Sanders, of Weaverton, Indian Territory, was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, at South McAlester, in court case, citizenship docket, Number 63.

On December 17, 1902, the Choctaw-Chickasaw Citizenship Court, created under the provisions of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, vacated and set aside all judgments of the United States Courts in Indian Territory, admitting persons to citizenship in the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.



Choc 4969

#8,9 Dismissed Nov 17, 1904

#7 Dismissed Jan 26, 1905

4969

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of

Elzy A. Poole

7-4969.

Choctaw Court Card No. 15

Georgia A. Poole and others.

IN RE application of

Sworn by Commissioner McKennon

Elzy R. Poole says:

I am husband of Georgia A. and father of Charles W., Thomas F., Edward S., Myrtle M., Montie R., Elzy, and Maggie May Poole. They were admitted by the U. S. Court for the Central District, Case 63. All of these are embraced in the decree except Maggie May who was born January 14th 1890.

I now reside near Coalate, in the Choctaw Nation.

I have been residing there about 5 years. I had been residing there when I made application to the Dawes Commission for my family.

I had then just moved from Texas where I had resided with my family for about 20 years. I had never lived in the Territory before. The names and ages of my children were correctly given to the Commission, as they appear in the decree, to the best of my knowledge.

Mary L. wife of John McCarty, is my daughter. Her name appears in the decree as Mary L. Poole. She was married December 6th 1896. She also lives near Coalate. She came to the Territory with my family.

Georgia A. Poole  
Charles W. Poole  
Thomas F. Poole  
Edward S. Poole  
Myrtle M. Poole  
Montie R. Poole  
Elzy A. Poole  
Maggie May Poole

Stonewall, Sept. 7, 1896.

Enrolled.

7-4-03.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Elzy A. Poole as a citizen by blood of the Choctaw Nation.

-----o-----

It appears from the records in the possession of the Commission that on September 7, 1896, in the case entitled "George Ann Poole vs. Choctaw Nation" (1896, Choctaw citizenship case No. 571) original application was made to this Commission, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321), for the admission (among others), of the applicant Elzy A. Poole, as a citizen by blood of the Choctaw Nation, and on December 2, 1896, this Commission rendered its decision denying said application. From this decision of the Commission an appeal was taken to the United States Court for the Central District of the Indian Territory, which Court on September 7, 1897, in the case entitled "Mary A. Sanders, et al. vs. Choctaw Nation" (Citizenship case No. 63), rendered a judgment reversing the decision of this Commission and admitting the applicant herein to citizenship in the Choctaw Nation.

It further appears from the records of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court created by the Act of Congress approved July 1, 1902, (32 Stat., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of Indian Territory, admitting the applicant herein to citizenship in the Choctaw Nation. Said cause as to the applicant herein has not been appealed or certified to said Choctaw and Chickasaw Citizenship Court, for a trial de novo, within the time limited by the provisions of said Act of Congress approved July 1, 1902, (32 Stat., 641).

In accordance with the opinion of the Acting Attorney General dated May 2, 1904, (I.T.D. 3094-1904), and the opinion of the Assistant Attorney General for the Department of the Interior dated June 30, 1904, (I.T.D. 3243-1904), the Commission to the Five Civilized Tribes is without authority to take any action of any character regarding the enrollment of the applicant herein Elzy A. Poole, as a citizen by blood of the Choctaw Nation, and it is, therefore, hereby ordered, that the application for the enrollment of Elzy A. Poole as a citizen by blood of the Choctaw Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

JAN 26 1907

  
Chairman.

Choctaw 4968.

COPY

Muskogee, Indian Territory January 26, 1905.

Elzy R. Poole,

Elk, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of your child, Elzy A. Poole, as a citizen by blood of the Choctaw Nation.

Respectfully,

W. G. NEASE

Chairman.

Registered.

Incl. 7-4969.

Choctaw 4969.

COPY.

Muskogee, Indian Territory, January 26, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 26, 1905, dismissing the application for the enrollment of Elzy A. Poole as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

*Wm. H. ...*  
Chairman.

Incl. 7-4969.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
as citizens by blood of the Choctaw Nation of--

MAGGIE MAY POOLE, ET AL.

7-4969.

Georgia A. Poole and others.

Elzy R. Poole says:

I am husband of Georgia A. and father of Charles W., Thomas F., Edward S., Myrtie M., Montie R., Elzy, and Maggie May Poole. They were admitted by the U.C. Court for the Central District, Case 63. All of these are embraced in the decree except Maggie May who was born January 13th 1898.

I now reside near Coalgate, in the Choctaw Nation.

I have been residing there about 3 years. I had been residing there when I made application to the Dawes Commission for my family.

I had then just moved from Texas where I had resided with my family for about 20 years. I had never lived in the Territory before. The names and ages of my children were correctly given to the Commission, as they appear in the decree, to the best of my knowledge.

Mary L. wife of John McCarty, is my daughter. Her name appears in the decree as Mary L. Poole. She was married December 6th 1896. She also lives near Coalgate. She came to the Territory with my family.

Georgia A. Poole  
Charles W. Poole  
Thomas F. Poole  
Edward S. Poole  
Myrtie M. Poole  
Montie R. Poole  
Elzy A. Poole  
Maggie May Poole

Stonewall, Sept. 7, 1898.

enrolled.

CHOCTAW.

718

IN RE

Application for Enrollment of  
Infant Child.

*John Everett Poole.*

is a citizen of the

CHOCTAW, Nation.

Approved, MAR 14 1901

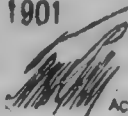


COMMISSIONER.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

MAR 14 1901



ACTING CHAIRMAN

CHOCTAW.

7767

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE: Application for Enrollment, as a citizen of the Choctaw Nation, of John Everett Poole, born on the 31st day of January, 1901. Name of Father: Elly Poole, a citizen of the Choctaw Nation. Name of Mother: George Poole, a citizen of the Choctaw Nation. Postoffice: Elk

AFFIDAVIT OF ~~MOTHER~~ father The mother dead

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, E R Poole, on oath state that I am 42

years of age and a citizen, by intestamentary of the Choctaw Nation; that I ~~was the lawful wife of~~ was the husband of the late George Am Poole who was a citizen, by blood at the time of his death which occurred on the 16th Feb 1901. of the Choctaw Nation; that a male child was born to The said George Am Poole on the 31st day of January 1901; that said child has been named John Everett Poole and is now living.

WITNESSES TO MARK:

E R Poole

(Must be Two Witnesses)

Subscribed and sworn to before me this 6th day of March, 1901

A. B. M... NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, J. J. Chapman, a Physician, on oath state that I attended on Mrs. George Poole wife of Elly Poole on the 31st day of January, 1901; that there was born to her on said date a male child; that said child is now living and is said to have been named John Everett Poole

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 6th day of March, 1901

J. J. Chapman M.D. NOTARY PUBLIC

NY  
250

7-4989.

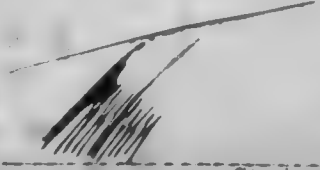
UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

In the matter of the application for the enrollment  
of Marie May Poole and John Everett Poole as citizens by blood  
of the Cherokee Nation.

-----

The applicants, Marie May Poole and John Everett  
Poole, are the children of Georgia A. Poole, deceased, an  
allotted Cherokee by blood, and Elzey N. Poole, a white man having  
no claim of Cherokee citizenship by blood. The rights of  
citizenship by blood of the Cherokee Nation of Camp. T. Poole, in s.  
T. Poole, Edward J. Poole, Mattie J. Poole and Nellie A. Poole,  
also children of said Georgia A. Poole, deceased, and said  
Elzey N. Poole, as respects to citizenship in the Cherokee  
Nation is identical with the rights of said applicants herein,  
having been already determined by a decree of the Cherokee and  
Chickasaw Citizenship Court on January 30, 1904 in case number  
100 of the said court. On the said date, said court, in its decree,  
ordered that the application for the enrollment of Marie May  
Poole and John Everett Poole as citizens by blood of the  
Cherokee Nation be dismissed.

UNITED STATES DEPARTMENT OF THE INTERIOR

  
-----  
C. W. ...

Wahkiaca, Indian Territory,

No. \_\_\_\_\_

COPY.

7-4969

Muskogee, Indian Territory, November 17, 1904.

Elsay R. Poole,

Elk, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 17, 1904, dismissing the application for the enrollment of your minor children, Maggie May Poole and John Everett Poole as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNATURE

*James Dixey*

Chairman.

Registered.

Incl. 7-4969.



COPY.

7-4969

Muskogee, Indian Territory, November 17, 1904.

J.P.Mullen,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 17, 1904, dismissing the application for the enrollment of Maggie May Poole and John Everett Poole as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

*Sam Dixey*

Chairman.

Registered.

Incl. 7-4969.

7-4969

COPY.

Muskogee, Indian Territory, November 17, 1904.

Mansfield, McMurray and Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated November 17, 1904, dismissing the application for the enrollment of Maggie May Poole and John Everett Poole as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

*James Dixey*

Chairman.

Incl. 7-4969.

Muskogee, Indian Territory, March 14, 1901.

J. P. Mullins,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant enclosing proof of death of Georgia A. Poole and also enclosing the application for enrollment as a citizen of the Choctaw Nation of John Everett Poole, the infant son of Elzy R. and Georgia A. Poole, born January 31st, 1901.

The evidence of the death of Georgia A. Poole has been duly filed with the records of the Commission and the application for the enrollment of John Everett Poole, being in proper form, has also been filed with the records of the Commission and this child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 31, 1901.

George Collins,

Elk, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you desire to be informed if F. P. and G. A. Poole and Walter W. Jones have been enrolled as citizens of the Chickasaw Nation.

Replying to your letter, you are informed that it appears from the records of the Commission that on September 7, 1898, Georgia A. Poole, 34 years of age, and the wife of Elsey R. Poole, was listed for enrollment by this Commission as a citizen of the Choctaw Nation in pursuance of a judgment of the United States Court for the Central District of the Indian Territory, in citizenship case No. 63.

It further appears that on March 14, 1901, the Commission was in receipt of the evidence of death of Georgia A. Poole on the 16th day of February, 1901.

It further appears from our records that on September 2, 1899, Elsey R. Poole, 38 years of age, of Elk, Indian Territory, made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation. It appears that Elsey R.

Poole under the Act of Congress of June 10, 1896, filed with this Commission an original application for citizenship in the Choctaw Nation which was denied by the Commission and on appeal by the applicant to the United States Court for the Central District of the Indian Territory, the court sustained the decision of this Commission. The action of the Commission and the court under the Act of Congress of June 10, 1896, is final.

It further appears from our records that on September 22, 1898, Walter W. Jones, 38 years of age, of Tatum, Indian Territory, was listed for enrollment as a citizen of the Choctaw Nation, having been admitted to such citizenship by a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, Indian Territory, January 17, 1898 in court case No. 140.

Yours truly,

Acting Chairman.

7-4969

7-5103

7-D415

7-D-413.

7-4969.

Muskogee, Indian Territory, August 27, 1902

J. J. Laves,

Elk, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, requesting information relative to the enrollment of E. R. Poole and his children as citizens of the Choctaw Nation.

It appears from the records of the Commission that on September 2, 1899, Elzey R. Poole made application to the Commission for enrollment as an intermarried citizen of the Choctaw Nation.

It further appears that on September 7, 1898, application was made to the Commission for the enrollment of Charles W., Thomas F., Edward S., Myrtle M., Kentic R., Elsy A. and Maggie May Poole as citizens by blood of the Choctaw Nation, all of said applicants being the minor children of Elzey R. Poole and Georgia A. Poole. On March 14, 1901, application was also made for the enrollment of the minor child John Iverett Poole, and proper evidence was offered showing his birth to Elzey R. and Georgia A. Poole, subsequent to the original application of these parties for enrollment.

No final action has been taken by the Commission in the matter of the enrollment of these parties as citizens of the Choctaw



J. J. E., 2.

tion, but it is probable that their applications will be taken up for consideration at an early date, at which time the parties interested will be duly advised of the decision of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

Choctaw--4969.

Muskogee, Indian Territory, October 17, 1904.

Clerk of the Choctaw and Chickasaw Citizenship Court,  
Tishomingo, Indian Territory.

Dear Sir:

It appears from the records of the Commission that Chas. W. Poole, Thos. F. Poole, Edward S. Poole, Myrtle E. Poole, Montie R. Poole and Elzy A. Poole were denied citizenship as citizens by blood of the Choctaw Nation by the Commission to the Five Civilized Tribes in 1896 in Choctaw Citizenship Case, number 571. From this decision of the Commission an appeal was taken to the United States Court for the Central District of Indian Territory, which court in Citizenship Case, number 63 reversed the decision of the Commission and admitted all of said applicants as citizens by blood of the Choctaw Nation.

On January 20, 1904 in South McAlester case number 63 the Choctaw and Chickasaw Citizenship Court denied Chas. W. Poole, Thos. F. Poole, Edward S. Poole, Myrtle E. Poole and Montie R. Poole as citizens by blood of the Choctaw Nation, but the name of Elzy A. Poole does not appear in the judgment of the

Clerk of Choctaw and  
Chickasaw Citizenship Court.--2.

Choctaw and Chickasaw Citizenship Court denying said applicants.

It appears from the records in the possession of the Commission that the name of said Elzy A. Poole was included in the appeal from the United States Court for the Central District of Indian Territory to the Choctaw and Chickasaw Citizenship Court but that a pencil line is drawn through the name of said applicant.

You are requested to inform the Commission as to what disposition has been made of the case of said Elzy A. Poole.

Respectfully,

Chairman.

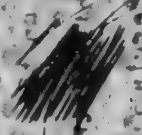
CHOCTAW

VX

In re  
The death of  
Georgia S. Poole  
Application for  
Carroll Act

CHOCTAW

APR 27 1901  
MAR 14 1901



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 14 1901



ACTING CHIEF

CHOCTAW

4761

year

4761

United States of America,

Southern District, Indian Territory.

Personally appeared before me, the undersigned Notary Public duly commissioned and acting for the Southern District, Indian Territory

Mary Ann Woodruff, who makes affidavit and solemnly swears:

My name is Mary Ann Woodruff; my age is 33 years; my post-office address is Elk, Pickens County, Chickasaw Nation, Indian Territory. I knew Mrs. Georgia Ann Poole, a Choctaw Indian woman, who died at Elk, Indian Territory, on the 16<sup>th</sup> day of February, 1901, from complications arising from childbirth. I was present at the birth of a child born to the said Georgia Ann Poole, on the 31<sup>st</sup> days January, 1901, said child being a male child, is now living, and is said to have been named John Edward Poole. Said Georgia Ann Poole was the wife of E.R. Poole, an intermarried Choctaw citizen.

Mrs. Mary Ann Woodruff

Subscribed and sworn to before me, on this the 6<sup>th</sup> day of March, 1901.

P. C. Smith  
Notary Public, Southern District,  
Indian Territory.

My commission expires on the  
day of March, 1904.

Choc 4970 mary A. Sanders

nas 728 Dismissed may 27, 1904

4970



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----  
Record in the matter of the application for enrollment  
as citizens by blood of the Choctaw Nation of:

Arche, L. Sanders, et al.; 7-4970  
-----0-----

Mary A. Sanders and others.

James A. Sanders says:

I am husband of Mary A. and father of William H., Dollie E., Sarah P., Luther T. Emmett G., and Archey L. Sanders, admitted to Choctaw citizenship by the U.S. court for the Central District, case 63. I have given the names and ages of my family as they appear in the decree, to the best of my knowledge.

Archey L. does not appear in the decree. He was born February 3d 1898. I now reside near Coalgate, Choctaw Nation. I have lived there about 4 years and 8 months. I had formerly lived in Texas. I moved from Texas to the Chickasaw Nation in 1888, where I lived some 4 years. I had formerly lived in the Territory about a year. I went to Texas and married and in about a month returned.

Stonewall, Sept. 1898.

Mary A. Sanders  
 William H. Sanders  
 Dollie E. Sanders  
 Sarah P. Sanders  
 Luther T. Sanders  
 Emmett G. Sanders  
 Archey L. Sanders

enrolled.

IN RE

Application for Enrollment of  
INFANT CHILD.

*Bessie May Sanders*

As a citizen of the

*Choctaw*

Nation.

Approved



Commissioner.

**FILED**  
MAY 31 1900  
COMMISSION TO FIVE TRIBES.

*H 970*

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Bessie May Sanders, born on the 16<sup>th</sup> day of May, 1900,  
Name of father: J. A. Sanders in marriage, a citizen of the Choctaw Nation.  
Name of mother: Mary A Sanders, a citizen of the Choctaw Nation.  
Post Office: Andromeda T. Y.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, Mary A Sanders, on oath, state that I am 37 years of age and a  
citizen, by blood of the Choctaw Nation; that I am the  
lawful wife of J. A. Sanders, who is a citizen, by adoption of the  
Choctaw Nation; that a female child was born to me on the 16<sup>th</sup> day  
of May, 1900, that said child has been named Bessie May  
and is now living.

M. A. Sanders  
Subscribed and sworn to before me this 26 day of May, 1900.

Leslie V. Muller  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, W. J. Boyne, on oath, state that I  
attended on Mrs. Mary A. Sanders, wife of J. A. Sanders  
on the 16 day of May, 1900; that there was born to her on said date a female child;  
that said child is now living and is said to have been named Bessie May.

W. J. Boyne  
Subscribed and sworn to before me this 26 day of May, 1900.

Leslie V. Muller  
Notary Public.

7-3970.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----  
In the matter of the application for the enrollment of  
Archey L. Sanders and Bessie May Sanders as citizens by blood of  
the Choctaw Nation.

-----  
The applicants, Archey L. Sanders and Bessie May Sanders,  
claim their right to enrollment as citizens by blood of the Choc-  
taw Nation through their mother Mary A. Sanders. The right of  
the applicants' mother, Mary A. Sanders, to citizenship in the  
Choctaw Nation having been adversely determined by a decree of the  
Choctaw and Chickasaw Citizenship Court, January 20, 1904, in case  
No. 43, upon the South McAlester docket of said court, it is hereby  
ordered that the application of Archey L. Sanders and Bessie May  
Sanders for enrollment as citizens by blood of the Choctaw Nation  
be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

Muskogee, Indian Territory,

MAY 1904

Choctaw 4970

COPY:

Muskogee, Indian Territory, June 6, 1904.

Mary A. Sanders,

Ardmore, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Archey L. Sanders and Bessie May Sanders.

Respectfully,

(SIGNED)

*Tams Bixby.*

Registered.

Chairman.

Incl. 7- 4970.



Choctaw 4970

COPY.

Muskogee, Indian Territory, June 6., 1904.

Mansfield, McMurray and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Archey L. Sanders and Bessie May Sanders.

Respectfully,

(SIGNED)

*James Bixby.*  
Chairman.

Registered.

Incl. 7-4970.

(See Choctaw 3328 for registry receipt for this letter.)

Commissioner of the General Land Office,

Washington, D.C.

In the case of John A. ...

Case No. ...

Q. ...  
A. ...  
Q. ...  
A. ...  
Q. ...  
A. ...  
Q. ...  
A. ...  
Q. ...  
A. ...  
Q. ...  
A. ...  
Q. ...  
A. ...  
Q. ...  
A. ...  
Q. ...  
A. ...  
Q. ...  
A. ...  
Q. ...  
A. ...  
Q. ...  
A. ...  
Q. ...  
A. ...  
Q. ...  
A. ...

Department of the Interior,  
Commissioner of the General Land Office  
I hereby certify on my official oath as  
stenographer to the Commission that this  
transcript is a true and correct translation of  
my stenographic notes  
M. D. ...

4971

Mary R. Martin et al

# 628 Dismissed Dec 12, 1904

Choc

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the applications for the  
enrollment as citizens by blood of the Choctaw Nation of  
Alice F. Martin  
and -----7-4971  
Mary Evelyn Martin

Mary R. Martin and others.

E.L. Martin says:

I am 39 years old. I am the husband of Mary R. and father of Caldonia, James H., Green W., Rosa C., and Alice F. Martin, admitted to Choctaw citizenship by the U.S. Court for the Southern District, case 96, except Alice F. who was born Feb. 7th 1898.

I now reside near Enterprise, Choctaw Nation. I came from Pope County, Arkansas in April 1895 and have resided here since that time. I had never lived in the Territory before that time, but have lived in Arkansas about 15 years. I brought my family when I came to the Territory. My case was appealed to the Southern District by my attorney, along with my other relations.

Stonewall, Sept. 7, 1898.

Mary R. Martin  
Caldonia Martin  
James H. Martin  
George W. Martin  
Rosa C. Martin  
Alice F. Martin

enrolled.

*IN RE*

Application for Enrollment of

INFANT CHILD

*Mary Evelyn Martin*  
as a citizen of the

*United States*  
Nation.

Approved, SEP 21 1900

*W. M. ...*  
Commissioner

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVIL JURISDICTIONS  
FILED

SEP 26 1900

*[Signature]*  
Assistant Secretary



Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
 of *Mary Rebecca Martin*, born on the *10* day of *April*, 1900  
 Name of Father: *E. L. Martin*, a citizen of the *United States* Nation.  
 Name of Mother *Mrs. Rebecca Martin*, a citizen of the *Choctaw* Nation.  
 Postoffice: \_\_\_\_\_

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, )  
 INDIAN TERRITORY, )  
 \_\_\_\_\_ District. )

I, *Mary Rebecca Martin*, on oath state that I am *34*  
 years of age and a citizen, by *Blood* of the *Choctaw* Nation;  
 that I am the lawful wife of *E. L. Martin*, who is a citizen, ~~of~~  
 of the *United States* Nation; that a *Female* child was  
 born to me on the *10* day of *April*, 1900; that said child has been  
 named *Mary Rebecca Martin*, and is now living.

WITNESSES TO MARK

(Must be Two)

*L. H. Simpson*

*Mary Rebecca Martin*  
Mark

Subscribed and sworn to before me this *22* day of *Sept*, 1900

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, )  
 INDIAN TERRITORY, )  
 \_\_\_\_\_ District. )

I, *George A. Howell*, a *Midwife*, on oath state that I  
 attended on Mrs. *Mary Rebecca Martin*, wife of *E. L. Martin*,  
 on the *10* day of *Sept*, 1900; that there was born to her on  
 said date a *Female* child; that said child is now living and is said to have been  
 named *Mary Rebecca Martin*.

WITNESSES TO MARK

(Must be Two)

*George A. Howell*

Subscribed and sworn to before me this *22* day of *Sept*, 1900

*Abner L. Thomas*  
*Notary Public*

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, Indian Territory, September 27, 1900.

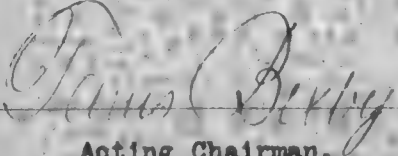
E. L. Martin,  
Enterprise, Indian Territory.

Dear Sir:

The Commission is in receipt of the application for enrollment as a citizen of the Choctaw Nation of Mary Eveline Martin, the infant daughter of E. L. and Mary Rebecca Martin, born April 10th, 1900, and the same has been filed with the records of this Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Georgia A. Tidwell, the attending nurse at the birth of the child, states in her affidavit that the child was born on the 10th of September, 1900, while the date of the birth of the child in the original application and in the affidavit of the mother appears as April 10th, 1900. Should not the date in the affidavit of the attending nurse be April 10th? Please inform the Commission promptly as to this date and oblige.

Yours truly,

  
Acting Chairman.

In reply please refer  
to 7-4951

INDEXED

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
		Book	Page
8833			
1900 OCT 11 1900			

Winn, Myoses G.  
Custer, S. D.  
Oct. 16. 1900

Relative to date of birth of  
Child.

Child with Chocoma 4971.

Department of Justice.

OFFICE OF

United States Commissioner,

ULYSSES G. WINN,  
U. S. Commissioner.

SOUTHERN DISTRICT OF INDIAN TERRITORY.

Center, Ind. Ter., Oct 10 - 1900

Hon. Tams Bigley  
Chim. "Jawes Cim"

Dear Sir:

In ans to your letter dated 27-1900  
herewith enclosed for your information  
will say that the date upon which the  
Midwife Georgia A. Tidwell attested Mrs  
Mary Rebecca Martin should be appor  
in her affidavit as April 10-1900  
instead of Sept 10th 1900. The testimony  
of Mrs Tidwell as to the date the child was  
born was April 10-1900, and if  
it appears different from that date  
it was a "mistake upon my  
part in filling out the blanks and  
was so certified.

U. S. Commissioner

9-1971.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alice F. Martin  
and Mary Eveline Martin for enrollment as citizens by blood of  
the Choctaw Nation.

-----c00-----

The applicants, Alice F. Martin and Mary Eveline  
Martin claim the right to enrollment as citizens by blood of  
the Choctaw Nation through their mother Mary R. Martin.

The right of the applicants' mother, Mary R. Martin  
(as Mary Rebecca Martin, nee Cooper) to citizenship in the Choctaw  
Nation having been adversely determined by a decree of the Choctaw  
and Chickasaw Citizenship Court of November 29, 1904, in case  
number 73 upon the Tishomingo docket of said Court, it is hereby  
ordered that the applications of Alice F. Martin and Mary  
Eveline Martin for enrollment as citizens by blood of the  
Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

Muskogee, Indian Territory,

DEC 1 1904

7-4971

COPY:

Muskogee, Indian Territory, December 13, 1904.

Mary R. Martin,

Enterprise, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated December 12, 1904, dismissing the application for the enrollment of your minor children, Alice F. Martin and Mary Eveline Martin as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

*J. C. [unclear]*  
Chairman.

Registered.

Incl. 7-4971.



COPY.

7-4971

McAlester, Indian Territory, December 13, 1904.

Mansfield, McMurray and Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated December 12, 1904, dismissing the application for the enrollment of Alice P. Martin and Mary Eveline Martin as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED

Samuel J. May

Chairman.

Incl. 7-4971.

~~Mary Martin~~

Robt Lawrence Martin  
Care Nancy J Cooper #3  
at 11 Choctaw Nat.  
# 91. Date Oct 15-98

12971

COMMISSIONERS:  
TAMS BEESY,  
THOMAS E. WHEELER,  
C. E. BRACKENRIDGE,  
WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

... REFER IN REPLY TO THE FOLLOWING:

7-4971

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

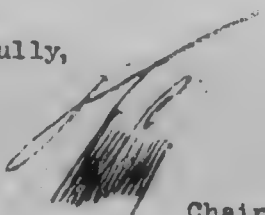
Muskogee, Indian Territory, December 13, 1904.

Mary R. Martin,  
Enterprise, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated December 12, 1904, dismissing the application for the enrollment of your minor children, Alice F. Martin and Mary Eveline Martin as citizens of blood of the Choctaw Nation.

Respectfully,



Chairman.

Registered.

Incl. 7-4971.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:o:-----

Ardmore, Indian Territory, November 21st, A. D., 1898.

-----:o:-----

Nancy J. Cooper, et al,

Vs.

Case No.96. Decree October 15th, 1896.

Choctaw Nation.

-----:o:-----

E. L. MARTIN, being duly sworn by Commissioner A. S. McKennon,  
on his oath, says:

I am thirty-nine years old; I am the father of Robert Lawrence  
Martin, included in decree above; he is living with me at my home  
in the Choctaw Nation, where I have lived for three years, having  
removed to that place from Polk County, Arkansas in the spring of  
1895.

1841

17418

113940

—

United States Court, #  
Indian Territory, # - Court Case No. 96.  
Southern District. #

Rendered at Ardmore, Indian Territory by the Hon. Hosea Townsend  
on the 20th day of December, 1897.

Parties included insaid judgment are as follows:-

Nancy J. Cooper, et al #  
vs. # Judgment.  
The Choctaw Nation. #

x Brown, Rebecca (nee Cooper)	x Sanders, William Ercell
Brown, William Knighton	x Sanders, Mincy Reynolds
Brown, Caswell Marion	Sanders, Jizzie
Brown, George G.	x Sanders, Martha Jane
Brown, Nancy Alliee	x Sanders, Sallie
x Brown, Bettie	Sanders, John Roy
Brown, Sarah	Nichols, James Bruton
x Brown, Becky	Nichols, Orin Mayberry
Brown, Mary	Nichols, John William Beffel
Brown, Mamie	Nichols, Belle May
Brown, Alice	Nichols, Nancy Velmor
Brown, George	Nichols, James Willis
x Brown, Susie	Nichols, Maggie May
Brown, Maudie	Nichols, Myrtle
Brown, Willie	Nichols, Jonie Alta
Brown, Willie Emma	Nichols, Nancy Caroline
Brown, William Bluford	Nichols, Amanda Melvina
Brown, Nancy Jane	Bowen, Polly (nee Cooper)
Brown, Sarah	Bowen, William Houston
Brown, Mary (or Bowen)	Bowen, George Washington
Brown, Amanda	Bowen, Nancy Barthena
Brown, Rebecca E.	Bowen, Jessie Anderson, Jr.
Brown, Rebecca C.	Bowen, Elizabeth Jane
Peck, Polly Ann (nee Brown)	Bowen, Eliza Jane
Peck, Florence	Bowen, Leona May
Peck, Oscar	Bowen, Rosa Evelin
Peck, Benjamin Grant	Bowen, Jessie Anderson
Peck, Andrew	Campbell, Jane (nee Cooper)
Peck, Andrew Jackson	Campbell, James Salathol
Sanders, Arty Mincie	Campbell, Leona Isabella
Sanders, Jno. Newton	Campbell, Lucinda Lonella
Sanders, Jessie Wilson	Campbell, Walter Scott
Sanders, Joseph Monroe	Higgins, Rosa Isabella (nee Bowen)
Sanders, Elijah McFadden	Bowen, James Spencer
Sanders, Mary	Higgins, William Quitman
Sanders, Monroe	Bowen, Kessiah
Sanders, Amanda Minerva	Higgins, Luisa
Sanders, Joseph Ostin	DEAD Long, Nancy Jane (nee Bowen)
Sanders, William Newton	Long, Mandie
Sanders, Thomas Wilson	Long, William
Sanders, Minnie Rachel	Long, George
Sanders, Nancy Ellen	Long, Sidney
Sanders, James	Long, Pearley Granted. (16)
Sanders, John N.	Long, ----- (Youngest child of T.T.
Sanders, Joseph M.	Long, Earl Long.)
Sanders, Iocy May	In lieu of ----- Long



Continuation of parties admitted in the Court Case No. 96.

Ofolter, Amanda Jane (Nee Campbell)	x Boen, Rosa
Ofolter, Charley J.	Boen, Julia Ann
Ofolter, John F.	Boen, Sarah
Ofolter, Amanda M.	
Martin, Mary Rebecca (nee Cooper)	
Martin, Caldonia	
Martin, James Henry	
Martin, George Washington	
x Martin, James Henry	
Martin, Rosa Cleny	
Martin, Robert Lawrence	
DEAD Cooper, Nancy (Now Deceased)	
Cooper, Samuel H.	
Cooper, William Houston	
Cooper, Samuel H. Jr.	
Cooper, Dora Ann	

-----  
All parties having a red cross were stricken from original judgment by order of U.S. Court.

It is possible that the two persons Rebecca E. Brown and Rebecca C. Brown, the second and third to last names were originally admitted as Bettie Brown and Beckey Brown.

There is a question as to whether the name Earl Long should be in the list of those admitted to citizenship.

#73.

William N. Brown, et al

vs-

Chatham and Cheshire

Masses -

90.

2

ARK

G.  
ASH.

Department of the Interior,  
GENERAL LAND OFFICE,

Washington, D. C., July 27, 1904.

I hereby certify that the annexed copy of a compilation  
of Choctaw Reservations under the treaty of 1830, so far as  
it relates to the reservation to John Cooper,

is a true and literal exemplification of the original  
thereof on file in this office.

In testimony whereof I have hereunto subscribed my name  
and caused the seal of this office to be  
affixed, at the city of Washington, on  
the day and year above written.

*L. H. Fernald*  
Acting Commissioner of the General Land Office.

Date	List Number	Non file L.S.O.	No 4 Reserve	Children		Tract				Act of Treaty
				over 10	under 10	Parts of Sects	Sec	S.	R.	
X		X	X		X	X		X		
	130	397	John Cooper			6 1/2 NW and W 2 NE	32	14	76	19 <sup>th</sup>
X	X	X	X		X	X		X		

Land District	Date of Pat't	Patentee	Record		Remarks.
			Vol	Page	
X		X		X	Wanted. See letter from Com. Ind. Aff April 4. 1846 Misc. Memo <sup>s</sup> p. 1a
N Eastern					Wanted See. refer <sup>l</sup> above
X		X		X	X X

INDIAN LAND CLAIMS

DEPT. OF THE INTERIOR

Claim of several persons named  
Martin as Choctaw - in case of  
Nancy S. Cooper et al.

September 14, 1966.

Mr. John L. Fallon,  
216 Anneto Building,  
Macon, Oklahoma.

Dear Sir:

We have your letter of September 9, 1966, as to the claim by several persons named Martin in the case of Nancy S. Cooper as Choctaw Indians.

Our records show that in Court Case 96, United States Court, Indian Territory, Southern District, rendered at Ardmore, Indian Territory by Hon. Beesa Spawford on December 29, 1907, the judgment included (among numerous names) James Henry Martin, nee Olney Martin and Robert Lawrence Martin, admitting them to citizenship in the Choctaw Nation, but later the name of James H. Martin was stricken by Order of Court leaving nee Olney Martin and Robert Lawrence Martin unadmitted. It further appears that all the persons mentioned in the judgment were denied citizenship by the Justice & Oklahoma Citizenship Court, and no appeal was taken, and none of the names mentioned appear on my approved Choctaw Roll.

The record in this case is quite voluminous, containing practically 200 pages of various Court records. If you wish to examine this record and will call at the office, anytime at your convenience, we will be glad to assist you in looking them over.

Respectfully,

Superintendent.



#73

CITIZENSHIP COURT,  
FILED  
JUN 14 1904  
JAS. B. CASSADA, Clerk.  
BY SA. ... D. C.

In the Citizenship Court of the Choctaw and Chickasaw Tribes  
of Indians.

William N. Brown, et al, Plaintiffs,

vs

The Choctaw and Chickasaw Nations.

Now comes Orne M. Nicholls, one of the affiants in the above entitled cause, who being duly sworn, on his oath says:--  
That Melvin Story, William Thompson, Ab Thompson, and Mrs.

Cole are now residents of the State of Arkansas, and are at this time unable to appear before this Honorable Court. The said Melvin Story and Mrs. Cole being very old and too feeble to travel, your affiants most earnestly pray that they be allowed time in which to get their sworn testimony.

Affiant also states that their testimony is essential to a proper hearing and determination of this cause.

Affiant also states that their testimony would go to prove that John Cooper was a member of the Choctaw Tribe of Indians, and an Indian by blood, and that said John Cooper was the father of William Cooper, and Delitha Cooper and Narsissa Cooper and Greenbury Cooper, and that they were Choctaw Indians by Blood. They would also testify that said John Cooper spoke the Choctaw language.

That the aforesaid children of John Cooper were the parents of the affiants in this cause. Viz: William N. Brown, Oren Nicholls, C. M. Brown, and others.

Indian Territory, ss  
Southern District.

~~Subscribed and sworn to before me this 11th day of June, 1904.~~

Orne M. Nicholls  
Oren Brown

Subscribed and sworn to before  
me this 11th day of June, 1904

Bill Wellish  
Notary Public

Original 418

504

1000

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11-3000

100

1000 x 11 # 46

134 Diger

27.00

---

\$ 70.00

~~1000 x 11 # 46~~

AFFIDAVIT OF MELVIN STORY  
in claim of

Orin Nichols & Family.

State of Indian Territory,

Personally appeared before me Melvin Story, Sr. well known and testified as follows: I was well acquainted with John Cooper and Delitha Cooper who was the lawful daughter of the above John Cooper and I further know that the above named John Cooper was called a Choctaw Indian, and I further know that William Cooper was a lawful son of John Cooper.

I further know and testify that I know Mincy Sanders, James Nichols and Orin Nichols are lawful heirs of Delitha Nichols, formerly Delitha Cooper, and I further certify that I know Rebecca Brown who was a lawful daughter of William Cooper and William Cooper was the lawful son of the above named John Cooper. And I so certify that I am not interested in the prosecution of the above cause.

(Signed)

his  
M. Story, Sr.  
mark

SUBSCRIBED AND SWORN TO before me this the 10th day of Oct.  
1895.

Witness my hand and seal of office this the 10th day of Oct.  
1895.

(SEAL)

(Signed)

T. B. Mourning,  
County Clerk.

Affidavit of J. M. Hides  
witness in favor of  
Nancy Cooper for  
citizenship in Choctaw  
Nation

Indian Territory } Before me the  
Southern District } undersigned a  
Notary Public, in and for the  
State and County of Iowa and  
personally appeared J. N. Fides  
of Cassauche Ind. Tn. who after  
being duly sworn states that he is  
40 years old and is a citizen of  
Pickens and State of Ind. Tn. and that  
he is personally acquainted with  
Nancy Cooper (daughter of William  
Cooper) who is an applicant  
for citizenship in the Choctaw  
Nation, Ind. Tn. and affiant  
further states that the said Nancy  
Cooper is the identical person  
she represents herself to be in her  
application for citizenship in  
said Nation and that the said  
Nancy Cooper is the legal, lawful  
and acknowledged daughter of  
William Cooper and Berthina  
Cooper (his wife).

Affiant further states that  
he has known the said Nancy  
Cooper for the past 30 years, and  
knows that she is and has been  
recognized and treated by her



neighbors, acquaintances and the public generally as a person having Choctaw Indian blood, and that the complexion and physical appearance of the said Nancy Cooper indicate that the said Nancy Cooper is of Indian blood. That from the above facts and circumstances, and from statements made to me by the said Nancy Cooper,

Affiant further states that he has every reason to believe that the said applicant is of Choctaw Indian blood. Affiant further states that he has no interest whatever in the prosecution of the claim of the said Nancy Cooper to citizenship in the Choctaw Nation &c.

J. N. Sides  
Sides called and sworn to before me this 10<sup>th</sup> day of August A.D. 1896.  
and I further certify that I am well acquainted with the said J. N. Sides and know him to be a person of credibility and of truth and veracity.

{  
No. 7  
Sic. 1  
}

W. G. Hinn

Notary Public, So. Dist. Ind. Ter.

My Comm. expires on 21<sup>st</sup> day of  
June 1899.

# 1418 D

Nancy Cooper, also

no

Choctaw Nation

In the United States Court, in the Indian Territory,  
Southern District, at Ardmore.

*Nancy Cooper et als*

No. 1418

vs.

Notice of Appeal.

*Choctaw*

NATION.

To the Honorable Henry L. Dawes, Chairman of the Commission of the United States, to the Five Civilized Tribes of Indians.

SIR:—You are hereby notified that an appeal has been granted in the matter of the application of *Nancy Cooper et als* to be enrolled as members of the ~~Chickasaw~~ *Choctaw* Tribe of Indians from your Commission to the United States Court, for the Southern District, at Ardmore. You are therefore notified and ordered to immediately forward to the Clerk of this Court all of the original papers filed, used and considered in said cause by your commission, together with a duly certified copy of all orders, judgments and entries made and entered by you in trial and consideration of said cause.

WITNESS the HONORABLE C. B. KILGORE, Judge of said Court, and the seal thereof, at Ardmore, Indian Territory, this 13 day of June, 1897.

*J. W. Phillips*

CLERK.

O.L.J.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
William B. Brown, et al., as citizens of the Choctaw Nation, con-  
solidating the applications of

William B. Brown, et al.	7-5096,
William W. Brown, et al.	7-5060,
Eli W. Brown, et al.	7-D-432,
Caswell M. Brown, et al.	7-8046
Andrew J. Peck, et al.	7-5042
George G. Brown, et al.	7-5095
James B. Nichols, et al.	7-5100,
John W. B. Nichols, et al.	7-5097
Orin M. Nichols, et al.	7-5061,
Osa Nichols, et al.	7-D-509.

DECISION.

It appears from the census card records in this case that on September 22, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of William B. Brown (sixty-one years of age), as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his two children, Nancy A. Brown (twenty-three years of age) and Bettie Brown, now McCarty (nineteen years of age), as citizens by blood of the said nation, on September 22, 1898, for the enrollment of William W. Brown (thirty-nine years of age), and his seven minor children, Sarah Brown, now Johnston (eighteen years of age), Becky Brown (sixteen years of age), Mary Brown, now Johnston (thirteen years of age), Music (or Minnie)

#73-

William M. Brown

15-

Chastanoqua Chesapeake

W. M. B.



Department of the Interior, <sup>of</sup>

OFFICE OF INDIAN AFFAIRS,

Washington, May 27, 1902

I, John S. Turner, Commissioner  
of Indian Affairs do hereby certify that the papers hereto  
attached are true copies of the originals as the same  
appear of record in this Office.

In testimony whereof, I have hereunto subscribed  
my name, and caused the seal of this  
Office to be affixed, on the day and year  
first above written.

John S. Turner

Commissioner.

MADE AT  
WASHINGTON

Capt. Jol

- Muster Roll of Choctaw Indians  
 showing date of arrival and sex  
 belonging to the 1st district.

NO

JOY

No.	Name	Age	Sex	Color	Remarks
1174	John, Choctaw	21	M	Black	

*Armstrong Register*

NAMES OF INDIANS OWNING FARMS.	NO. OF ACRES CULTIVATED.	ENTIRE NO. OF FAMILY.	MALES OVER 16 YEARS.	MALES & FEMALES UNDER 10 YRS.	LOCALITY OF FARMS.	PROBABLE VALUE OF LANDS.		GENERAL REMARKS.
						\$.	cts.	
Capt. John Cooper	6	•	2	3	Ko nap pa Creek. N. side.	•	•	Poor land.

Nancy Cooper's  
application for citizen-  
ship.

App. No. 17

Filed by <sup>Miss</sup> Thimble & Co.  
Lawyers to  
Attys for Applicant

United States of America  
Indian Territory

The Hon. Henry L. Davis, Chair-  
man Davis Commission

Your petitioner, the undersigned  
being duly sworn, in her oath, res-  
pectfully states that her name is  
Nancy Cooper, age 63 years, post  
office address Camanche, Ia. <sup>and</sup>  
that she is entitled by blood  
origination in the Indian Territory  
for the following reasons

I am the Grand-daughter of John  
Cooper who was a Choctaw Indian  
and lived and married Nancy Piles  
in Tennessee, in year 1781. Of their  
marriage 7 children were born,  
William Houston, Polly, Delitha,  
Henry, Perry, Narcise, Elizabeth.  
Of these children William Houston  
Cooper, who is my father, inter-  
married to Barthina Holbrook  
in Perry Co. Tenn. in the year  
1821. Of this marriage eight  
children were born, Polly, Nancy,  
John, Rebecca, Jane, Samuel,  
Caroline, Cinda. of which I  
am the second child. My Grand-

grand father was Henry Cooper,  
That her family consists  
of the following named persons:  
myself only, Nancy Cooper, age  
63 years, and no children never  
been married.

And respectfully asks to be consid-  
ered as a member of the Choctaw  
Indians in the Indian Territory

Your petitioner states  
the above facts as the lawful  
grounds of her application for  
citizenship in the said Choctaw  
Nation, and prays that her  
claim may be investigated by  
your honorable body and that  
she be adjudged to be a citizen  
of said Choctaw Nation of Indians  
and entitled to all the rights, privi-  
leges pertaining to such citizenship  
in accordance with the laws and  
treaties made with the said  
Nation of Indians.

This was my hand, on this 7th day

of August 1896  
G M Maxwell } her  
H N Brown } Nancy Cooper  
mark

Witness



Subscribed and sworn to before me,  
the undersigned authority on this  
the 7<sup>th</sup> day of August 1896, and I  
certify that the applicant is a res-  
ponsible and creditable person  
worthy of belief, and that I am not  
interested in the matter to which  
this matter relates.

Witness my hand and seal of office  
on this 7<sup>th</sup> day of August 1896.

W. G. Heim

{  
In P.  
Seal

Natary Public

So. Dist. S. Iy.

My Com. Expires June 21-1899

ago, whose name is recorded  
 on the Choctaw Records as an  
 Indian at Tuskahoma, I.T.  
 I further know my daughter  
 Nancy Cooper, is related by  
 blood to Susan Cash <sup>and</sup> William  
 Cash whose names appear on  
 the Choctaw Records as Indians  
 at Tuskahoma, I.T.; and that  
 I am not interested in directly,  
 nor indirectly, in the matter  
 which this evidence pertains to.  
 Witness my hand this 8<sup>th</sup> day of  
 Dec, 1894, <sup>her</sup> Barthina Cooper  
 Witness.

John J. Flawr }  
 H. J. Sanders }

Subscribed and sworn  
 to before me this 8<sup>th</sup> day of Dec, 1894  
 C. D. Link  
 Notary Public.

{577A  
 114}

Affairs of Barthina  
 Cooper witness to the  
 claim of Nancy Cooper  
 for citizenship in the  
 Choctaw Nation I.T.

Indian Territory } On this day  
County of Pickens } personally appeared  
before me C. D. Lusk a Notary  
Public in and for the Territory and  
County aforesaid, Barbara  
Cooper who being duly sworn  
deposes and says that she is ninety  
years old, and that she lives near  
Carrasche Dr. and that she is the  
widow of William Cooper who  
died in Pope County, Arkansas,  
about the year of 1861.

I was married to William Cooper  
in Perry County, Tennessee, A.D. 1824.  
I know that my husband William  
Cooper was the son of John Cooper,  
and that John Cooper lived and  
died in Perry County, Tennessee  
about the year of 1839 whose name  
is on the Choctaw Records at Jaska-  
hama, Dr.; and that I am <sup>the mother of</sup> Nancy  
Cooper, and that my husband  
William Cooper recognized her  
as his own daughter, and further  
states that I know my husband  
William Cooper was a nephew of  
Isaac Cooper who lived and died  
in North Carolina many years

Choc 4972 Maudie Long

4972

Maudie Long and others.

T.T.Long says:

I am 41 years old. I am father of Maudie, William, George and Syndey Long, admitted to Choctaw citizenship by the U.S. Court for the Southern District, case 96. I live near Globe, Atoka County, Choctaw Nation. I came from Johnson County, Arkansas to the Chickasaw Nation with my family last fall, and lived there until March 1898 when I came down to the place where I now live, with my family. I have been living there ever since.

I had never before resided with my family in the Territory before I came here from Arkansas as aforesated.

Stonewall, Sept. 7 1898.

Maudie Long  
William Long  
George Long  
Sydney Long

enrolled.

Choc 4973 Frances E. Husbands

See 5319 Granted Feb 27, 1907

4973



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In re application for the enrollment, as citizens by blood, of  
the Choctaw Nation, of Thomas J. Husbands; Nancy H. Taylor; Willie  
H. Taylor; Sarah E. Taylor; and Stephen A. Hale.

Indian Territory,  
Southern District.

I, J. A. Husbands, state on oath that the  
amount of Choctaw blood, claimed by the following named persons,  
as shown opposite their names herein, is a true and correct:

Thomas J. Husbands	<u>one eighth</u>
Nancy H. Taylor	<u>one eighth</u>
Willie H. Taylor	<u>one sixteenth</u>
Sarah E. Taylor	<u>one sixteenth</u>
Stephen A. Hale	<u>one eighth</u>

I further state that these persons are citizens of the  
Choctaw Nation, by blood to the amount stated.

J. A. Husbands

Subscribed and sworn to before me this 28 day of  
December, 1903.

Jno. Costeel  
Notary Public.

S E A L.

Endorsed on back

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
F I L E D DEC 31 1903  
Tams Bixby Chairman.

(Copy)

Appeared before me, E. W. Westhoff, a notary public for the Southern District of the Ind. Terr. this the 17th day of November 1900, G. Kitchenes of Dolberg, I.T. and stated that he noticed in the city directory of Houston, Texas, for the year 1896, the name of J. H. Taylor, said J. H. Taylor and had the occupation as asst Baggage master on the H. and T.C.R.R.Co.

(signed)

G. Kitchenes.

Sworn to and subscribed before me this 17th day of November, 1900.

(signed)

E. W. Westhoff,

N. P.

(SEAL)

(Copy)

Dolberg, Ind. Ter. Nov. 16, 1900.

Dawes Commission,

Ind. Ter.

Honorable Gentlemen:

I beg leave to call your attention to the case of Frances E. Husband of Hart I.T. also her children and grandchildren & her husband Jas. H. I will refer you to her depositions taken at Lehigh on the 11th Sept. 1897.

1st she set forth that herself Jas. H. and T.J. Husband Florence S. Devenport Frances L. Devenport Ida W. Devenport Nancy H. William B. Sarah E. Taylor were residents of the Indian Territory at the time they made application to Dawes Commission and were residents Sept. 11, 97.

Mrs. Frances E. & T.J. Husband were residents at the time they made application to you the whereabouts of the Devenports was not known to me but think it can be proven that they was living in Texas The Taylors was and has been since living in Houston Tex. J.H. Taylor husband and Father of the above mentioned Taylors was at that time working as assistant baggage master for the Houston & Texas Central and the city directory showed he had been living in Houston since 1894 and lived there up to the 1st of Jan 1900 when he moved to South McCalister "see deposition herewith enclosed" I refer you to the names as to the residence & maneuvers Nancy H. Taylor & her children W.P. Jones Bert Barnes Wallace Rose Steve Barton and James McCarty, all at Hart I T

2nd she set forth that her husband had been recognized as a citizen and that he had improved the place on which they then lived. I will say in 1894 Mr. Husband lived on the road that now runs from Dolberg to Wynnewood. in Feb 1895 he bought the improvements on which he now lives. he has not made any improvements since he bought except to clear some land, and as to being recognized as a citizen his nearest neighbors didnt know that he claimed any citizenship untill about Sept. 1897 his residence before 1894 was in Texas, as to the correctness of my above statement I refer you to Bart Barnes, Levi Flowers Jasper Flowers all at Hart, I.T. I call your attention to this that you may investigate if you see fit to do so.

Your Respectfully,

(signed)

J. A. Sullivan.

Muskogee, Indian Territory, June 1, 1900.

Mr. Frank E. Husbands,

Hart, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 29th, in which you desire to be informed if you can enroll your nephew who was in Texas when you made application for enrollment to this Commission. You are informed that the Commission cannot receive applications for enrollment except upon the personal appearance of the party, and if your nephew desires to apply for enrollment, he must appear in person before the Commission so that a sufficient statement may be taken, under oath, upon which the Commission can base a decision. A husband, however, may appear for his wife, and parents in behalf of their minor children. Your nephew may appear at the office at Muskogee, or at Atoka, Indian Territory, from June 4th to 8th, or at Colbert, Indian Territory, from June 11th to 16th, 1900, when the Commission will be at the two latter places for the purpose of hearing applicants for enrollment in the Choctaw and Chickasaw Nations. Upon such personal appearance, your nephew will be allowed to file any additional written affidavits or testimony which he may desire to submit in furtherance of his claim.

If your nephew, however, has not complied with that provision of the Curtis Act which requires that:

"No person shall be enrolled who has not heretofore remov-

P.E.H. 8.

ed to and in good faith settled in the nation in which he claims citizenship.

the Commission would be without authority to enroll him.

Yours truly,

Acting Chairman.



Muskogee, Indian Territory, November 22, 1900.

J. A. Sullivan,

Delberg, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 16th instant containing information relative to the rights to enrollment of Frances E. Husbands et. al, of Hart, Indian Territory.

The same has been duly filed with the other papers in the case and will receive the consideration of the Commission in the matter of the application of Frances E. Husbands et. al for enrollment as citizens of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-4973

Choctaw-4973.

Choctaw-4974.

Choctaw-4975.

June 21, 1904.

W. H. West,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

I have in reply acknowledged your letter of June 16th  
in which you state that Frances Elizabeth Matthews, A. T.  
Matthews, Hannah A. Matthews, Florence S. Matthews, T. J. Matthews,  
Stephen A. Waile, Mrs. W. H. Taylor, W. H. Taylor and W. H.  
Taylor are all listed by the Commission as Choctaws by blood  
in 1898, that the Choctaw Nation enrolled only the Frances  
Elizabeth Matthews and you ask to be advised if the other  
persons named by you have been enrolled. It will state that  
you would like to have a certified copy of the Minutes of the  
Commission in this matter with the exact date thereof.

In reply to your letter, you are informed that Frances  
Davenport, formerly Frances Matthews, and her children and  
Florence S. Davenport, formerly Blanton, and her children have  
been enrolled by the Commission as citizens by blood of the  
Choctaw Nation and their enrollment as such approved by the  
Secretary of the Interior on May 9, 1904. You are further  
advised that the Commission has not yet passed upon the appli-  
cation of Thomas J. Matthews and Nancy H. Taylor for the enroll-

R. W. --2.

ment of themselves and their children as citizens of the Choctaw Nation or upon the applications for the enrollment of Stephen A. Hale and Alexander P. Mathews as citizens of said nation. You are further informed that no formal decisions were rendered by the Commission in 1896 on the applications submitted under the provisions of the act of Congress approved June 10, 1896, and it is therefore impracticable to furnish you a certified copy of the decision in this case.

Respectfully,

Commissioner in Charge.

7-5319  
7-4973

Muskogee, Indian Territory, October 19, 1905.

Patchell & Henderson,  
Attorneys at Law.

Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of October 17, 1905, in which you state that you understand that Frances Elizabeth Husbands was admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in 1896; that this case was appealed to the United States Court and from there to the Citizenship Court where Frances Elizabeth Husbands was denied, but that all the other parties to this case were not appealed to the United States Court; that you understand this office has been furnished with certified copies of both these judgments and you ask if the decision heretofore rendered by the Commission to the Five Civilized Tribes and confirmed by the United States Court should not be forwarded to the Secretary of the Interior for consideration. You state that you only represent Thomas J. Husbands and his children but understand that two of his sisters have been admitted and taken their allotments.

In reply to your letter you are advised that it

P & H #2

appears from the records of this office that appeal was taken from the action of the Commission to the Five Civilized Tribes in 1896 in this case only as to Frances E. Husbands leaving the decision to the Commission to the Five Civilized Tribes in effect as to the other persons included in the case.

This office has not yet, however, passed upon the final right to enrollment of Thomas J. Husbands and his minor children, but when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner.

Choc 4974 George L. White

Nos 6, 7, 8 Dismissed 5-27-04

hcbh



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment  
as citizens by blood of the Choctaw Nation of:

Henry L. White, et al.,

7-4974.

-----o-----

IN RE

Application for Enrollment of  
INFANT CHILD.

*James P. ...*  
As a citizen of the

Nation.

Approved

MAY 24 1900

1

*[Signature]*  
Commissioner.

FILED

MAY 24 1900

U.S. DEPT. OF JUSTICE

# Department of the Interior,

## COMMISSION TO THE FIVE CIVILIZED TRIBES.

Application for Enrollment, as a citizen of the *Cherokee* Nation,  
 of *John R. ...*, born on the *...* day of *...*, 18*...*  
 Name of father: *...*, a citizen of the *...* Nation.  
 Name of mother: *...*, a citizen of the *...* Nation.  
 Post Office: *...*

### AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
 District.

I, *...*, on oath, state that I am *31* years of age and a  
 citizen, by *...*, of the *...* Nation; that I am the  
 lawful wife of *...* who is a citizen, by *...*, of the  
*...* Nation; that a *...* child was born to me on the *...* day  
 of *...*, 18*...*; that said child has been named *...*  
 and is now living.

Subscribed and sworn to before me this *2* day of *...*, 18*...*  
*...*  
 Notary Public.

### AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
 District.

I, *Dr. Wm. G. Shannon*, on oath, state that I  
 attended on Mrs. *...*, wife of *...*  
 on the *...* day of *...*, 18*...*; that there was born to her on said date a *...* child;  
 that said child is now living and is said to have been named *...*

Subscribed and sworn to before me this *...* day of *...*, 18*...*  
*Dr. Wm. G. Shannon*  
 Notary Public.

INDEXED

20

EX RE

Application for Enrollment of

INFANT CHILD

*Grace White*

as a citizen of

*Cocton*

Nation.

Approved, MAY 28 1902 190

*[Signature]*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 28 1902

*[Signature]*

ACTING CHAIRMAN.

4174

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
of *Jessie White*, born on the *7<sup>th</sup>* day of *November*, 1901  
(Her present name, if a child)  
Name of Father: *George Rex White*, a citizen of the *Choctaw* Nation,  
Name of Mother: *Mortley J. White*, a citizen of the *Choctaw* Nation,  
Post-office, *Stirrell Ind. T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

*Central Judicial* District.

*Mortley J. White*, on oath state that I am *33*  
years of age and a citizen, by *Marriage*, of the *Choctaw* Nation;  
that I am the lawful wife of *George Rex White*, who is a citizen, by  
*Blood* of the *Choctaw* Nation, that a *Female* child was  
born to me on the *7<sup>th</sup>* day of *November*, 1901; that said child has been  
named *Jessie White*, and is now living.

WITNESSES TO SIGN

(Must be Two)  
Witnesses

*W. H. Goodwin*  
*W. T. Crawford*  
*Martha J. White*

Subscribed and sworn to before me this *26<sup>th</sup>* day of *May*, 1902.

*J. T. Crawford* NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

*Central Judicial* District.

I, *D. C. McChalk*, a *Physician*, on oath state that I  
attended on Mrs. *Martha J. White*, wife of *George Rex White*,  
on the *7<sup>th</sup>* day of *November*, 1901; that there was born to her on  
said date a *Female* child; that said child is now living and is said to have been  
named *Jessie White*.

WITNESSES TO SIGN

(Must be Two)  
Witnesses

*W. H. Goodwin*  
*W. T. Crawford*  
*D. C. McChalk M.D.*

Subscribed and sworn to before me this *7<sup>th</sup>* day of *May*, 1902.

*J. T. Crawford* NOTARY PUBLIC

Doc

7-497

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Henry L. White, John Ransom White and Jessica White as citizens by  
blood of the Choctaw Nation.

The applicants, Henry L. White, John Ransom White and  
Jessica White, claim their right to enrollment as citizens by blood  
of the Choctaw Nation through their father George L. White. The  
right of the applicants' father, George L. White, to citizenship  
in the Choctaw Nation having been adversely determined by a decree  
of the Choctaw and Chickasaw Citizenship Court, March 28, 1904, in  
case No. 120, upon the South McAlester docket of said court, it is  
hereby ordered that the application of Henry L. White, John Ransom  
White and Jessica White for enrollment as citizens by blood of the  
Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

Muskogee, Indian Territory,



Choctaw 4974

COPY:

Muskogee, Indian Territory, June 6, 1904.

George L. White,

Sterrett, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Henry L. White, John Ransom White and Jessica White.

Respectfully,

(SIGNED)

*James Dixey.*

Chairman.

Registered.

Incl. 7-4974.

Choctaw 4974

COPY!

Muskogee, Indian Territory, June 6, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Henry L. White, John Ransom White and Jessica White.

Respectfully,

(SIGNED)

*James Dixby.*

Chairman.

Registered.

Incl. 7-4974.

(See Choctaw 3328 for registry receipt for this letter).

Charlton

Geo. L. White

Wm. J. White

Wm. J. White

Wm. J. White

Geo. J. White

Henry J. White

Henry J. White

Henry J. White

April 6-97

in decree, died

in ~~London~~ at ~~London~~

Married in 1847

for 4 years, except 2  
years when was on  
business in ~~Paris~~

(2)

returned Aug  
96-98

Admitted as  
Jorn. Wesleyan  
13-91 Ch. case '64

7-5414

Choctaw Court Cord 19

COMMISSION TO THE FIVE CIVILIZED TRIBES.

:o:-----

Ardmore, Indian Territory, November 23rd, A. D., 1898.

:o:-----

George L. White, et al,

Vs. Case No. 64

Choctaw Nation.

:o:-----

GEORGE L. WHITE, being duly sworn by Commissioner A. S. McKennon, on his oath, says:

My name is George L. White; I am the father of Minnie L. White, Claud J. White, Mertie E. White, George T. White and Henry L. White, all of whom, with myself, were admitted to Choctaw citizenship by decree of the United States Court at South McAlester on the 13th day of July, 1897, case No. 64, except Henry L. White, my youngest child, who was born on the 6th day of April, 1897. I came to the Choctaw Nation from Fannin County, Texas, about nine years ago and about three years ago I removed my family back to Fannin County temporarily on account of the death of my father, and remained there for two years, and on the 26th day of last August I removed my family back to the Territory. It was necessary that I should remain in Texas during this time in order to wind up the estate of my father and that part of the estate which came to me. During this time I had in the Territory my farm lands and pasture, which property I still hold. My home has been in the Choctaw Nation all the time and I have never abandoned it, near Kiowa, Choc-

taw Nation.

George L. White further says that he is intimately acquainted with Jasper Marlow and his four children, Robert C., Hailey Margaret, West J. and Roy and that he knows these persons to have resided continuously in the Choctaw Nation for about thirteen years, all of whom were admitted to Choctaw citizenship on the 13th day of July, 1897, at South McAlester, Court case No.64.

No.

Henry Lewis White  
vs  
Choctaw Nation

Application for admission  
to citizenship in Choctaw  
tribe of Indians

Original

**FILED**

OCT 16 1887

*E. H. Lawrence*

Davidson Hart  
Purcell  
Attys for Applicant J. T.



Indian Southern District.

Indian Territory  
Southern District.

I, THOMAS L. COX, of lawful age, a resident of  
 Purcell, Indian Territory, do solemnly swear that I was present in the  
 Post Office in the town of Purcell, Indian Territory, <sup>on the 24<sup>th</sup> day of August A.D. 1897</sup> and witnessed  
 Dorset Carter one of the members of the firm of Davidson & Carter, deliv-  
 er to the <sup>United States</sup> Post-Master at said town, a package of papers addressed to  
 XXX "Hon. Green McCurtain, Governor of the Choctaw Nation, San Bois,  
 Indian Territory" that said package of papers were true and correct  
 copies of the papers hereto attached, to-wit; Application of Henry Lewis  
 White for admission to the Choctaw ~~tribe~~ of Indians, and exhibit "A"  
 attached thereto, it being a judgment of the United States Court for  
 the Central District of the Indian Territory, and the affidavits of  
 G.J. White, and J.C. Carleton, and that said papers as aforesaid were  
 registered by the said Carter to the said Green McCurtain as aforesaid,  
 the registry receipt of the same is hereto attached, marked exhibit "A"  
 and make a part of this <sup>affidavit</sup> application. I further swear that I am not in  
 any manner either directly or indirectly interested in the result of this  
 cause, and that I am not related to the applicants in this cause.  
 Witness my hand at Purcell, Ind. Ter, this the 24th day of August A.D.  
 1897.

*Thomas L. Cox*

Subscribed and sworn to before me this the 24th day of August A.D. 1897

*W. H. Holland*  
Notary Public Southern District  
Indian Territory

REGISTRY RECEIPT.

Post Office at Purcell, Ind. Ter.  
 Registered <sup>Letter</sup> <sub>Packet</sub> No. 107 Rec'd 24 1897  
 of Davidson & Carter

addressed to Hon. Green McCurtain Governor  
Choctaw Nation - San Bois Ind. Ter.

P.M.

The undersigned, Attorney General of the Territory of New Mexico, do hereby certify that the following is a true and correct copy of the original as the same appears in the files of this office.

That the said Henry Lewis White is a male white citizen of the United States of the age of years.

A.P. No. 1000

The applicant Henry Lewis White of the Territory of New Mexico is a citizen of the United States and is entitled to the right of citizenship in said Territory.

6 April

That said Henry Lewis White is a male white citizen of the United States of the age of years and is entitled to the right of citizenship in said Territory. The said Henry Lewis White is a citizen of the United States and is entitled to the right of citizenship in said Territory. The said Henry Lewis White is a citizen of the United States and is entitled to the right of citizenship in said Territory.

Wherefore I, the undersigned, Attorney General of the Territory of New Mexico, do hereby certify that the said Henry Lewis White is a male white citizen of the United States and is entitled to the right of citizenship in said Territory.

Davidson Carter, Russell G.P.  
Attorney for Applicant.

John H. Brown Attorney General

XXXXXXXXXXXXXXXXXXXX

G. L. White

J. H. Brown

THE WITHIN IS A TRUE COPY from the Record of an Order made by said Court

on the 13<sup>th</sup> day of

July

A. D. 1897

~~P. B. STONER, Clerk~~

E. J. Jamieson  
Clerk

No. 64

G. L. White et al

VERSUS

Charles W. Mason

Copy of Order of Court.

P. B. STONER, Clerk.

Deputy.

By

United States of America.)

INDIAN TERRITORY. SS

CENTRAL DISTRICT )

Exhibit A

IN THE UNITED STATES COURT in the Indian Territory, Central District, at a

term thereof, begun and held at <sup>CA</sup>                                  in the Indian

Territory, on the <sup>4th</sup>            day of <sup>July</sup>                                  A. D. 1897.

Present, the Honorable Wm. H. CLAYTON, Judge of said Court.

The following order was made and entered of record, to wit:

*[Faint text block, likely containing case details and names of parties, mostly illegible due to fading.]*

*[Extremely faint and mostly illegible text block, possibly containing the main body of the court order or judgment.]*

*[Faint text at the bottom of the page, likely a concluding clause or signature area.]*

The Court do hereby certify that the within is a true and correct copy of the original record of the proceedings in the above entitled cause as the same appear in the files of the Court and as the same are true and correct copies of the original record of the proceedings in the above entitled cause as the same appear in the files of the Court.

*6<sup>th</sup> April*

It is the duty of the Court to certify that the within is a true and correct copy of the original record of the proceedings in the above entitled cause as the same appear in the files of the Court.

*13*

That the within is a true and correct copy of the original record of the proceedings in the above entitled cause as the same appear in the files of the Court.

That the within is a true and correct copy of the original record of the proceedings in the above entitled cause as the same appear in the files of the Court.

*G. L. White*

Witness my hand and seal of office this 13<sup>th</sup> day of July 1897.

*J. G. McGraw*

Notary Public for the County of ... State of ...



The State of Texas  
Fauquier County,

I, J. D. Caldwell, do hereby depose and say: That I am a practicing physician  
located at Gordon in Fauquier County, and am personally acquainted  
with George Lee White and his wife Martha Lee White, and at their  
family physician was in January 1897.

And the said family physician I am acquainted with White of the  
last mentioned date was in ~~the~~ <sup>April</sup> 1897, and there came up to  
that date the book of the ~~6<sup>th</sup>~~ <sup>April</sup> 1897 and the name  
named Henry Lewis White and said wife to wit: ~~the~~

That said George Lee White is the same person who was admitted as a  
bookkeeper and clerk of the U.S. Court at Gordon, in Fauquier Co. T.  
on July 11, 1897.

*J. D. Caldwell*  
This August 21<sup>st</sup> 1897  
*J. M. Gady*



Muskogee, Indian Territory, March 12, 1901.

I. M. Dodge,  
Deputy Clerk United States Court,  
Central District, Indian Territory,  
South McAlester, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter addressed to Mr. William S. Wellshear, in which you request that the papers in court case No. 64 George Lee White or the testimony of Martha Beal as the same appears in said papers, be forwarded to you, in reply to a request from Mrs. M. A. Hale.

In accordance with your request there is enclosed you herewith a certified copy of the testimony of Martha Beal and also certified copy of the act of the General Council of the Choctaw Nation admitting Martha Beal and her husband and children to citizenship in the Choctaw Nation.

If the papers enclosed you herewith do not serve the purpose, if you will let us know we will forward you the court papers in this case.

Yours truly,

Acting Chairman.

Enc e

7-4974

Muskogee, Indian Territory, October 17, 1902.

J. F. Nelson,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you desire to be informed if Maggie White can have her child enrolled, and state that Mrs. Jennie Mackey wants more time to file affidavits in her case.

In reply to your letter you are advised that for the purpose of the enrollment of infant children, the Commission uses a blank, one of which is enclosed you herewith. In having the same executed be careful to see that all blanks are properly filled, all names written in full and in event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark, that such signatures be attested by two disinterested persons, witnesses thereto. The notary public before whom the affidavits of the mother and the attending physician or nurse are acknowledged, must affix his notarial jurat and seal to each separate affidavit.

Before we can give you any definite information regarding Mrs. Jennie Mackey referred to in your letter, it will be necessary for you to state her full name, the time and place she made

J E N 2

application for enrollment and the nation in which she claims the right to be enrolled.

Respectfully,

Acting Chairman.

BC

Muskogee, Indian Territory, May 29, 1902.

George L. White,  
Sterrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Jessica White, infant daughter of George L., and Martha J. White, born November 7, 1902, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Choc 4975 Nannie Jones

#3 Dismissed Jan 23, 1903

4975  
slbh

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment  
as a citizen by blood of the Choctaw Nation of-

Myra E. Jones.

7-4975.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
-----

In Re Application for Enrollment as a Choctaw  
Indian of Myra E. Jones.

*Myra*  
Myra E. Jones, born on the 28th day of April, 1899. Name of father John Jones, a Choctaw Indian by blood; Name of mother Nannie Jones, a Choctaw Indian by intermarriage. Post office Purcell, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
SOUTHERN DISTRICT.

I, Nannie Jones, on oath, state that I am 50 years old, and am a Choctaw Indian by intermarriage; that I am the lawful wife of John Jones, who is a Choctaw Indian by blood; that a female child was born to me on the 28th day of April, A. D., 1899; that said child has been named Myra Myra E. Jones, and is now living.

Subscribed and sworn to before me this 15th day of Jan., 1900.

Nannie Jones  
Nannie Jones  
Notary Public.

Indian Territory.

Southern District.

The affiant, A. C. Bell, says that he is a practicing physician and is acquainted with John Jones and ~~James~~ Jones, his wife, and that they are now living together as man and wife, near the town of Ardmore, I.T. That he attended Mrs. ~~James~~ Jones, on the 26 day of April, 1899, and delivered her of a girl child, who was afterwards named <sup>Myra</sup> ~~William C.~~ Jones, and is now living with its parents.

Arthur C. Bell.

Subscribed and sworn to before me this August 30th, 1899.

W. J. Adams  
Notary Public.

Indian Territory.  
Southern District.

The affiant, John ~~XX~~ Jones says that he and Nannie Jones are husband and wife and are living together near Ardmore, I.T.

That this affiant is a member of the Choctaw Tribe of Indians by blood and his wife, Nannie Jones, is member by intermarriage; That they were declared so by a judgment of the United States Court at Ardmore, in the case of Martha J. Jones, et al., vs. The Choctaw Nation, which said judgment was appealed from by the Choctaw Nation to the Supreme Court of the United States and there affirmed; He says there was born unto <sup>and</sup> his said wife on the 26th day of April, 1899, a female child, who was afterwards named <sup>Nyra</sup> ~~Marrie~~ E. Jones, and that said child is now living with this affiant and his wife near Ardmore, I.T., and that said child is a member of the Choctaw Tribe of Indians by blood and should be enrolled as such.

*John Jones*  
Subscribed and sworn to before me this August 30th, 1999.

*A. Williams*  
Notary Public.

*Art*  
*16*

7-4975.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE SEVERAL CIVILIZED TRIBES.

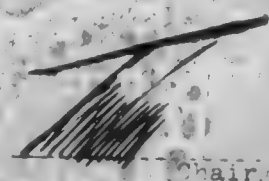
In the matter of the application of Lyra M. Jones for enrollment as a citizen by blood of the Choctaw Nation.

Know all men

The applicant, Lyra M. Jones, claims the right to enrollment as a citizen by blood of the Choctaw Nation through her father, John T. Jones.

The right of the applicant's father, John T. Jones (as John Jones) to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Court of November 26, 1904, in case number 14 upon the Fishomingo Docket of said Court, it is hereby ordered that the application of Lyra M. Jones for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE SEVERAL CIVILIZED TRIBES.



Chairman.

Mustache, Indian Territory.

JAN 22 1905

Choctaw 4975.

COPY.

Muskogee, Indian Territory, January 23, 1905.

John L. Jones,

Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your minor child, Myra E. Jones, as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

*Lamo Bixoy*

Chairman.

Registered.

Incl. 7-4975.

Choctaw 4975.

COPY.

Muskogee, Indian Territory, January 23, 1905

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of  
this Commission dated January 23, 1905, dismissing the application  
for the enrollment of Myra E. Jones as a citizen by blood of the  
Choctaw Nation.

Respectfullt,

SIGNED,

*James Dixey*

Chairman.

Incl. 7-4975.



*[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page]*

200 21 100 /

Choctaw Card Cord C 70

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Ardmore, Indian Territory, November 22nd, A. D., 1898.

Martha Jones, et al,

Vs. No. 88, Decree December 21st, 1897.

Choctaw Nation.

JOHN JONES, being duly sworn by Commissioner A. S. McKennon, on his oath, says:

At Pauls Valley I enrolled myself and my children Maud Jones and John P. Jones but from a misunderstanding of the wording of the decree my daughter Martha Jones and my wife Nannie Jones were not then enrolled. I now desire to enroll my wife and said daughter. They have been living with me in the Chickasaw Nation about eight years since my marriage to my said wife Nannie and the birth of my said child.

Choc 4976 Thomas Wall

see c-3

see choc 4979 for record  
march 26, 1899 SEPT 7 letter  
of

June 4, 1909 parties notified

See c-31

see choc 4979 for record  
June 11, 1909 parties notified

4976  
966h

Muskogee, Indian Territory, June 3, 1901.

Mr. Thomas J. Hogg,

Wallville, Indian Territory.

Dear Sir:

The Commission is in receipt of an application for enrollment as a citizen of the Choctaw Nation of Ora Nellie Hogg, the infant daughter of Thomas J. and Eunice Hogg, born January 26, 1901, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Receipt is also acknowledged of a certified copy of the original marriage license between Thomas J. Hogg and Eunice Wall of Wallville, Indian Territory, the license having been issued by C. M. Campbell, Clerk of the United States Court for the Southern District of the Indian Territory and a certificate that the marriage ceremony was performed October 7, 1897, signed by B. B. Bedwin, a Minister of the Gospel, and the same has been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

7-4977.

Muskogee, Indian Territory, February 3, 1903.

T. J. HOGY,  
Wallville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 17, 1903, in which you ask whether undisputed citizens of the Choctaw and Chickasaw Nations will be allowed to file on lands claimed by Court claimants without paying for the improvements.

In reply to your letter you are informed that the lands upon which so-called Court claimants have improvements, not in excess of lawful allotments, will not be allotted to any citizen until the rights of said Court claimants are finally determined.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, July 29, 1903.

T. J. Hogg,

Wallville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Eunice Hogg and Ethel Charlton relative to the birth of your infant daughter, Lizzie Louisa Hogg, April 7, 1903, and it is presumed have been forwarded to this office as an application for the enrollment of the above named child as a citizen of the Choctaw Nation.

Your attention is invited to Section 28 of the Act of Congress approved July 1, 1902 (32 Stats., 641), which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, and which is as follows:

"The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws."

You will therefore, understand that under the above legislation the Commission is now without authority to enroll infant children born to citizens of the Choctaw or Chickasaw Nation subsequent to September 25, 1902.

Respectfully,

Commissioner in Charge.



7-4977

Muskogee, Indian Territory, October 6, 1903.

T. J. Hogg,

Wallville, Indian Territory.

Dear Sir:

Your letter of September 11, 1903, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action.

You state therein that you hold certain improvements in the Choctaw Nation for your wife and minor children who were admitted to citizenship by a judgment of the United States Court.

You further state that certain persons are attempting to file on the land containing said improvements and you wish to be informed how you may be protected in the possession of said improvements until final determination of their right to citizenship.

In reply to your letter you are informed that if you will furnish a description of the land upon which you have improvements, and which you are holding for your wife and your minor children, proper notation thereof will be made upon the records of the Commission and you will be notified in the event any other person makes application for any portion thereof and will be permitted to institute contest proceedings for its possession.

Respectfully,

Chairman.

7--4977.

Muskogee, Indian Territory, May 23, 1905.

T. J. Hogg,

Wallville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 8, asking if you will be permitted to contest some parties who have filed on your home; that your wife is the daughter of Samuel C. Wall and was admitted by the United States Court but denied by the Citizenship Court.

In reply to your letter you are advised that it appears from our records that Eunice Ellen Hogg, wife of T. J. Hogg, was denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court on November 29, 1904, and the Commission therefore considers this case closed and cannot permit you to file contest at this time.

Respectfully,

Chairman.

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WCF

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
SAMUEL C. WALL, et al., as citizens of the Choctaw Nation.

DECISION.

The record herein shows that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Samuel C. Wall for the enrollment of himself and his minor son, Sam F. Wall, as citizens of the Choctaw Nation, and for the enrollment of his wife, Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall to the Commission to the Five Civilized Tribes for the enrollment of himself and his minor children, Wiram T. Wall and Bessie Lee Wall, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3, 1901, written application was filed for the enrollment of Ora Vellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as a citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by James V. Harper for the enrollment of his wife, Daisy Harper, and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 25, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Custer Harper, minor children of James V. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by Dick Randolph for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtle Randolph, and his minor children, Minnie Randolph, Decosa Randolph, Verma Randolph, Hughie Randolph and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick Randolph and Myrtle Randolph, as a citizen of the Choctaw Nation; that on February 9, 1901, written application was filed for the enrollment of Lellie Blanche Myers,

and on June 26, 1902, written application was filed for the enrollment of John Royd Myers, minor children of William Myers and Minnie Myers (formerly Randolph), as citizens of the Choctaw Nation; that on September 15, 1896, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, by Waldemar Thompson for the enrollment of himself and his minor daughter, Dollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, minor children of Waldemar Thompson and May Thompson, as citizens of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 15, 1896, by William E. Wheat for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and for the enrollment of his minor children, Jesse G. Wheat and Myrtle E. Wheat, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by William J. Thompson for the enrollment of himself as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Atoka, Indian Territory, December 2, 1896, by William Myers for the enrollment of himself, as an intermarried citizen of the Choctaw Nation; that on September 14, 1896, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, for the enrollment of Deceat Thompson and Allen Thompson as citizens of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 6, 1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants; Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as Unis Wall), Sam W. Wall, Thomas Wall, Wiram T. Wall (as Wiram Wall), and Fessie L. Wall (as Fessie Wall).

Said application was denied by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision of the Commission appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial

de novo, and on November 29, 1904, in the case entitled "Samuel Wall, et al., vs. Choctaw and Chickasaw Nations", said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisey Wall, Unis Wall, Sam P. Wall, Thomas Wall or Thos. Wall, Wiram Wall and Bessie Wall, be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom".

It further appears from the records in the possession of the Commission to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 1, 1896, in 1896, Choctaw Citizenship case No. 1132, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Dick Randolph, Myrtle Randolph, Minnie Randolph, Decosa Randolph, Verma Randolph, Hughie Randolph (as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtle E. Wheat (as Myrtle Wheat), Jesse G. Wheat (as Jesse Wheat), Waldemar Thompson, Dollie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and Vay Thompson. On December 7, 1898, the Commission to the Five Civilized Tribes denied said applications. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1899, in the case entitled "Dick Randolph, et al., vs. Choctaw Nation", rendered a judgment admitting all of said applicants to citizenship, except Myrtle Wheat and Vay Thompson, whose names were not mentioned in said judgment. Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 7, 1902, in the test case of "Choctaw and Chickasaw Nations or India vs. J. T. Hodge, et al.". Said case was subsequently carried to the Choctaw-Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 341), for a trial de novo, which court, on November 29, 1904, in the case entitled "Dick Randolph, et al., vs. Choctaw and Chickasaw Nations", rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Minnie Randolph, Decosa Randolph or Decosa Randolph, Verma Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jesse Wheat or Jesse Wheat, Decosa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and Vay Thompson, the Court having no jurisdiction, their petition is dismissed".

On January 21, 1906, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Winnie Myers (as "Annie Randolph), to citizenship in the Choctaw Nation



had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29, 1904.

On January 23, 1905, the Commission to the Five Civilized Tribes issued orders denying the applications for the enrollment of Lawrence M. Harper, Grace Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, and John Boyd Myers, and on January 24, 1905, orders were issued by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by S. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition verified by S. C. Wall, W. J. Thompson, Will Myers, W. E. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Samuel Wall, Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Grace Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel L. Hogg, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Winnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Arthur Thompson, Dottie Thompson, Claudia Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, Vay Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition are that the petitioners are the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with \_\_\_\_\_ Felson, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners have been informed and believe that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that said petitioners have been unable to find any records containing said act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam P. Wall, Thomas Wall, Hiram Wall, Bessie Wall, Daisy Harper, Lawrence Harper, Grace Harper, Custer Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Dick Randolph, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Vivian Randolph, William Myers, Winnie Myers, Lelia Blanche Myers, John B. Myers, William



E. Wheat, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson, and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

This office has no record of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Rudella Hopper, Lizzie Hogg, Samuel J. Hogg, Roy Randolph, Nick Myers, May Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898, or any subsequent Act of Congress prior to the filing of the petition herein.

On April 26, 1906, written application was made for the enrollment of Lizzie Louisa Hogg, born April 7, 1903, minor daughter of Eunice Hogg and J. T. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On July 18, 1906, application was received under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the enrollment of Robert E. Wall, born April 24, 1903, minor child of Thomas Wall and Elizabeth Wall, as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Hogg and Elmer Wall mentioned in the petition filed January 30, 1906, and for the purposes of this decision will be so considered. On July 18, 1906, application was received for the enrollment of Daisy R. Harper, born July 31, 1904, minor child of J. E. Harper and Daisy Harper, as a citizen of the Choctaw Nation.

It is not alleged in the petition filed January 30, 1906, that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said nation.

The surname "Thompson" appears several times upon the tribal rolls of the Choctaw Nation. This office is unable, however, to identify any of the applicants herein as identical with any of the persons whose names appear on said rolls.

For the purpose of determining whether Giles Thompson, the ancestor of certain petitioners herein, was ever adopted by an Act of Choctaw Council as alleged in the petition, this office on July 31, 1906, addressed a communication to Edward T. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed. In response to said communication, said E. T. Wilson addressed a letter to the Commissioner on August 6, 1906, in which he stated that there was no such Act on file in the office of the National Secretary. Copies of said communications are made a part of the record hereof.

I am of the opinion that inasmuch as it does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants ever occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation, and inasmuch as it is not alleged in the petition filed January 30, 1906, that any of the said applicants ever occupied such a status, the decision of the Choctaw and Chickasaw Citizenship Court of November 29, 1904, is final, and that the application for the enrollment of such of the applicants as made application

in 1898, and the petition filed January 30, 1906, in so far as same applies to said applicants, should be denied.

I am, therefore, of the opinion that the application for the enrollment of Samuel C. Wall, Sam T. Wall, Thomas Wall, Urban T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Winnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Waldemar Thompson, William J. Thompson, Dottie Thompson, Decosa Thompson and Ellen Thompson as citizens of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Ellen Wall, Dick Randolph and William R. Wheat as citizens by intermarriage of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioners, Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Wellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Planche Myers, John B. Myers, Claudie Thompson, Giles Thompson and Winona Thompson, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been dismissed, and Myrtle E. Wheat, whose application for enrollment as a citizen of the Choctaw Nation has heretofore been denied, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioner, William Myers, whose application for enrollment as an intermarried citizen of the Choctaw Nation has heretofore been dismissed, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the minor petitioners, Rudella Wogger, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson, should be considered as an application for the enrollment of said petitioners as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Elizabeth Wall and Savannah Thompson, for whose enrollment as citizens by intermarriage of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of Lizzie Louisa Hogg, Robert E. Wall and Daisy R. Harper as citizens of the Choctaw Nation should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

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I am further of the opinion that following the ruling of the Department of May 25, 1906 (I. T. D. 9114-1906), in the case of Laura E. Akin, and of October 10, 1906 (I. T. D. 18388, 18924-1906), in the case of Wayne Helms, the petition herein in so far as same applies to the petitioner, May Thompson, should be denied, and it is so ordered.

(Signed) Tamm Wixby,

Commissioner.

Wuskogee, Indian Territory.

FEB 4-1907

C O P Y.

DEPARTMENT OF JUSTICE,  
WASHINGTON.

February 19, 1907.

The Secretary of the Interior.

Sir:

I have the honor to communicate to you my opinion in certain Choctaw Indian citizenship cases, the first two submitted by your letter of May 29, 1906, and the others by the direction of the President under date of January 19, 1907.

1. The first case is that of Myrtle Randolph and her brother W. J. Thompson, in regard to which you say:

Myrtle Randolph and W. J. Thompson are children of Giles Thompson, white, intermarried in the Choctaw Nation in Mississippi prior to the treaty of September 27, 1830, (7 Stat., 333), and was one of the parties named by supplementary article II (ib. 340,) as entitled to a section and a half, reserved to him from the ceded lands, to be so selected as "to include their present residence and improvement." His first and second wives were Choctaws. His name appears on page 64, volume 7, American State Papers (Public Lands), as a beneficiary of Article XIX of the treaty of September 27, 1830, and on page 28, volume 1 of the record in suit of the Choctaw Nation v. United States, Court of Claims. He was registered under the treaty as citizen of the Choctaw Nation, Moshulatubbee's District, and with his family was transported under the treaty as Choctaws, at expense of the United States, from Mississippi to the Choctaw Nation, west, prior to October 24, 1833, when he petitioned the President, from Doakesville, near the Red River, in the southern part of the Choctaw Nation, to approve sale of his Mississippi lands to James Gay, of Mississippi, and for issue of patent therefor (copy A enclosed). In the Choctaw Nation, west, in Indian Territory, in 1863, in accordance to Choctaw law, he married a white woman, citizen of the United States, of whom the applicants were born. He was living October 19, 1868, and was paid by the Choctaw Nation for

beaves furnished June, 1868. (Copy of act of Council of October 19, 1865, is enclosed, B). He continued to live in the Nation, and was recognized as a citizen, until his death, aged seventy-six years, and his estate was administered in the Choctaw courts as that of an Indian and within their jurisdiction. The applicants--his children-- were born in the Choctaw Nation, were admitted to and attended the Choctaw schools as Choctaws, and in all respects enjoyed and were accorded the privileges of native born Choctaws. The applicants were enrolled by Choctaw Committee on Citizenship in 1892, as Choctaw citizens. The Department is not yet advised whether they are borne on any other of the Choctaw rolls. They settled and improved tribal lands, as the father before had done in Mississippi, as Choctaws, erected homes, and were never ousted or objected to or regarded as intruders.

September 8, 1896, these applicants and others applied to the Commission to the Five Civilized Tribes for enrollment under the act of June 10, 1896 (29 Stat., 321-339) and December 7, 1896, were denied. Applicants appealed to the United States Court, Southern District, Indian Territory which, January 18, 1898, reversed the commission, and admitted the applicants. From this judgement the nation appealed and the judgment was affirmed (reported as *Stephens v. Cherokee Nation and Choctaw Nation v. Robinson*, 174 U.S., 445, foot-note page 469, case No. 587; same v. *Randolph et al.*). Subsequently, under the act of July 1, 1902 (32 Stat., 641, 646-9), the matter was brought by appeal of the nations to the Choctaw-Chickasaw Citizenship Court, which, November 29, 1904, denied the application--copy of opinion wherein and in *Wall v. Choctaw Nation et al.*, and in *R. H. Bounds v. Choctaw and Chickasaw Nations*, whereon both were founded, are enclosed (C. D. K.).

The validity and finality of the Citizenship Court are therefore a vital feature of this case. In regard to its judgement you say in your letter:

Bearing upon the validity of this judgment, your attention is called to the fact that the act of June 10, 1896, gave no power to the Commission to the Five Civilized Tribes to purge the tribal rolls, which were by the act confirmed. Power to purge the rolls was first conferred on the Commission by the act of June 7, 1897 (30 Stat., 84), and further by section 21, act of June 28, 1898 (30 Stat., 495, 502). Wherefore this Department holds that no jurisdiction was given the Commission, or to the courts on appeal therefrom, to exclude persons having tribal recognition and borne on the tribal rolls, but that such persons, notwithstanding prior adverse action by the Commission, or the courts, are entitled



The Secretary of the Interior--

to enrollment under the act of 1896 and supplementary acts, unless their inscription on the tribal rolls was procured by fraud or was without authority of law. Such has been the rule of this Department since decision in the case of Wiley Adams, May 21, 1903, discussed and concurred in by the Assistant Attorney-General, Interior Department (Opinions of March 24, 1906), in cases of Benjamin J. Vaughn and Mary Elizabeth Martin. In Vaughn's case counsel for the nations acceded to it as the proper rule.

To determine the validity and the finality of the judgment of the Citizenship Court, as well as other questions arising in these cases, it is necessary to consider carefully the entire legislation of the Congress on this subject.

The act of June 10, 1896 (29 Stat. 321, 339), directed the Commission to the Five Civilized Tribes in the Indian Territory to continue the exercise of the authority theretofore conferred upon them to negotiate with such tribes for the extinguishment of the tribal title to their lands, by the cession of the same or a part thereof to the United States, or their allotment in severalty to the members of such tribes, with a view to the ultimate creation of a State or States embracing such lands.

That act also provided:

That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: Provided, however, That such application shall be made to such Commissioners within three months after the passage of this Act. The said Commission shall decide all such applications within ninety days after the same shall be made, That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall



The Secretary of the Interior.

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give due force and effect to the rolls, usages, and customs of each of said nations or tribes. And provided, further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: Provided, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this Act, it or he may appeal from such decision to the United States district court: Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

That the said commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this Act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

The commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs to remain there for use as the final judgment of the duly constituted authorities.

The act of June 7, 1897 (30 Stat. 62, 64) contained this provisions:

That said commission shall continue to exercise all authority heretofore conferred on it by law to negotiate with the Five Tribes, and any agreement made by it with any

one of said Tribes, when ratified, shall operate to suspend any provisions of this Act if in conflict therewith as to said nation: Provided, That the words "rolls of citizenship", as used in the act of June tenth, eighteen hundred and ninety-six, making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation, and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the council of such nation, the duly authorized Courts thereof, or the commission under the act of June tenth, eighteen hundred and ninety-six. And all the other names appearing upon such rolls shall be open to investigation by such commission for a period of six months after the passage of this Act. And any name appearing on such rolls and not confirmed by the Act of June tenth, eighteen hundred and ninety-six, as herein construed, may be stricken therefrom by such commission where the party affected shall have ten days previous notice that said commission will investigate and determine the right of such party to remain upon such roll as a citizen of such nation: Provided, also, That any one whose name shall be stricken from the roll by such commission shall have the right of appeal, as provided in the Act of June tenth, eighteen hundred and ninety-six.

The act of June 28, 1898 (30 Stat. 475, 502-3), provided:

Sec. 21. That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such inter-married white persons as may be entitled to citizenship under Cherokee laws.

X X X X X X X

The Secretary of the Interior.

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Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes.

X X X X X  
The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

The act of May 31, 1900 (31 Stat. 221,235), provided:

That said commission shall continue to exercise all authority heretofore conferred upon it by law, but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior.

The act of March 3, 1901 (31 Stat. 1058,1077), contained this provisions

The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized and directed to fix a time by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto.

The act of July 1, 1902 (32 Stat.641) ratified an agreement made by the Commission to the Five Civilized Tribes with the Commission representing the Choctaw and Chickasaw Tribes. This agreement was subsequently ratified by those two nations as required therein. In regard to rolls of citizenship it provided:

27. The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 28, 1898 (30 Stat., 495), and the act of Congress approved May 31, 1900 (31 Stat., 221), except as herein otherwise provided: Provided,

That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stat., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined.

28. The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws.

29. No person whose name appears upon the rolls made by the Commission to the Five Civilized Tribes as a citizen or freedman of any other tribe shall be enrolled as a citizen or freedman of the Choctaw or Chickasaw nations.

30. For the purpose of expediting the enrollment of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen, the said Commission shall, from time to time, and as early as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Choctaw and Chickasaw tribes and of Choctaw and Chickasaw freedmen, upon which allotment of land and distribution of other tribal property shall be made as herein provided. Lists shall be made up and forwarded when contests of whatever character shall have been determined, and when there shall have been submitted to and approved by the Secretary of the Interior lists embracing names of all those lawfully entitled to enrollment, the rolls shall be deemed complete. The rolls so prepared shall be made in quintuplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Choctaw Nation, one with the governor of the Chickasaw Nation, and one to remain with the Commission to the Five Civilized Tribes.

31. It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in the Indian Territory acting under the Act of Congress approved June 10, 1896, have admitted persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in such courts being given to each of said nations; and it being insisted by said nations that, in such proceedings, notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in the Indian Territory, under the said Act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such commission, and should not have extended to a trial de novo of the question of citizenship; and it being desirable to finally determine these questions the two nations, jointly, or either of said nations acting separately and making the other a party defendant, may, within ninety days after this agreement becomes effectual, by a bill in equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decisions by said courts. Ten persons so admitted to citizenship or enrollment by said courts, with notice to one but not to both of said nations, shall be made defendants to said suit as representatives of the entire class of persons similarly situated, the number of such persons being too numerous to require all of them to be made individual parties to the suit; but any person so situated may, upon his application, be made a party defendant to the suit. Notice of the institution of said suit shall be personally served upon the chief executive of the defendant nation, if either nation be made a party defendant as aforesaid, and upon each of said ten representative defendants, and shall also be published for a period of four weeks in at least two weekly newspapers having general circulation in the Choctaw and Chickasaw nations. Such notice shall set forth the nature and prayer of the bill, with the time for answering the same, which shall not be less than thirty days after the last publication. Said suit shall be determined at the earliest practicable time, shall be confined to a final determination of the questions of law here named, and shall be without prejudice to the determination of any charge or claim that the admission of such persons to citizenship or enrollment by said United States courts in the Indian Territory was wrongfully obtained as provided in the next section. In the event said citizenship judgments or decisions are annulled or vacated in the test suit hereinbefore authorized, because of either or both of the irregularities claimed and insisted upon by said nations as aforesaid, then the files, papers and proceedings in any citizenship case in which the judgement or decision is so annulled or vacated,



shall, upon written application therefor, made within ninety days thereafter by any party thereto, who is thus deprived of a favorable judgment upon his claimed citizenship, be transferred and certified to said citizenship court by the court having custody and control of such files, papers and proceedings, and upon the filing in such citizenship court of the files, papers and proceedings in any such citizenship case; accompanied by due proof that notice in writing of the transfer and certification thereof has been given to the chief executive officer of each of said nations, said citizenship case shall be docketed in said citizenship court, and such further proceedings shall be had therein in that court as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes, and as if no judgment or decision had been rendered therein.

32. Said citizenship court shall also have appellate jurisdiction over all judgments of the courts in Indian Territory rendered under said Act of Congress of June tenth, eighteen hundred and ninety six, admitting persons to citizenship or to enrollment as citizens in either of said nations. The right of appeal may be exercised by the said nations jointly or by either of them acting separately at any time within six months after this agreement is finally ratified. In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, whenever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy. And said court shall have power to make all needful rules and regulations prescribing the manner of taking and conducting said appeals and of taking additional evidence therein. Such citizenship courts shall also have like appellate jurisdiction and authority over judgments rendered by such courts under the said act denying claims to citizenship or to enrollment as citizens in either of said nations. Such appeals shall be taken within the time hereinbefore specified and shall be taken, conducted and disposed of in the same manner as appeals by the said nations, save that notice of appeals by citizenship claimants shall be served upon the chief executive officer of both nations: Provided, That paragraphs thirty-one, thirty-two and thirty-three hereof shall go into effect immediately after the passage of this Act of Congress.

33. A court is hereby created to be known as the Choctaw and Chickasaw Citizenship Court, the existence of which shall terminate upon the final determination of the suits and proceedings named in the last two preceding sections, but in



no event later than the thirty-first day of December, nineteen hundred and three. Said court shall have all authority and power necessary to the hearing and determination of the suits and proceedings so committed to its jurisdiction, including the authority to issue and enforce all requisite writs, process and orders, and to prescribe rules and regulations for the transactions of its business. It shall also have all the powers of a circuit court of the United States in compelling the production of books, papers and documents, the attendance of witnesses, and in punishing contempt. Except where herein otherwise expressly provided, the pleadings, practice and proceedings in said court shall conform, as near as may be, to the pleadings, practice and proceedings in equity causes in the Circuit Courts of the United States. The testimony shall be taken in court or before one of the judges, so far as practicable. Each judge shall be authorized to grant, in vacation or recess, interlocutory orders and to hear and dispose of interlocutory motions not affecting the substantial merits of the case. Said court shall have a chief judge and two associate judges, a clerk, a stenographer, who shall be deputy clerk, and a bailiff. The judges shall be appointed by the President, by and with the advice and consent of the Senate, and shall each receive a compensation of five thousand dollars per annum, and his necessary and actual traveling and personal expenses while engaged in the performance of his duties. The clerk, stenographer, and bailiff shall be appointed by the judges, or a majority of them, and shall receive the following yearly compensation: Clerk, two thousand four hundred dollars; stenographer, twelve hundred dollars; bailiff, nine hundred dollars. The compensations of all these officers shall be paid by the United States in monthly installments. The moneys to pay said compensation are hereby appropriated, and there is also appropriated the sum of five thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, to pay such contingent expenses of said court and its officers as to such Secretary may seem proper. Said court shall have a seal, shall sit at such place or places in the Choctaw and Chickasaw nations as the judges may designate, and shall hold public sessions beginning the first Monday in each month, so far as may be practicable or necessary. Each judge and the clerk and deputy clerk shall be authorized to administer oaths. All writs and process issued by said court shall be served by the United States marshal for the district in which the service is to be had. The fees for serving process and the fees of witnesses shall be paid by the party at whose instance such process is issued or such witnesses are subpoenaed, and the rate or amount of such fees shall be the same as is allowed in civil causes in the circuit court of the United States for the western district of Arkansas. No fees shall be charged by the clerk or other officers of

said court. The clerk of the United States court in Indian Territory, having custody and control of the files, papers, and proceedings in the original citizenship cases, shall receive a fee of two dollars and fifty cents for transferring and certifying to the citizenship court the files, papers, and proceedings in each case, without regard to the number of persons whose citizenship is involved therein, and said fee shall be paid by the person applying for such transfer and certification. The judgment of the citizenship court in any or all of the suits or proceedings so committed to its jurisdiction shall be final. All expenses necessary to the proper conduct, on behalf of the nations, of the suits and proceedings provided for in this and the two preceding sections shall be incurred under the direction of the executives of the two nations, and the Secretary of the Interior is hereby authorized, upon certificate of said executives, to pay such expenses as in his judgment are reasonable and necessary out of any of the joint funds of said nations in the Treasury of the United States.

It appears that the agreement in these paragraphs provides for the establishment of the Choctaw and Chickasaw Citizenship Court, and gives it jurisdiction of a test suit to annul and vacate the decisions of the United States courts in the Indian Territory admitting persons to citizenship and enrollment as citizens of the Choctaw and Chickasaw nations, respectively, on the ground of want of notice to both of said nations and because the United States courts tried such cases de novo, with a right in the event such judgments should be annulled because of either or both of the irregularities mentioned, on the part of any party thus deprived of a favorable judgment to remove his case to the Citizenship Court, where such further proceedings were to be had therein as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes and if no judgment or decision had been rendered therein; and also appellate jurisdiction over all judgments of the courts in Indian Territory, rendered under said act of Congress of June

tenth, eighteen hundred and ninety-six, admitting persons to citizenship or to enrollment in either of said nations." In the exercise of such appellate jurisdiction the citizenship court was "authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, whenever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy."

It will be noted that the agreement further provides (paragraph 33) that "the judgment of the citizenship court in any or all of the suits or proceedings so committed to its jurisdiction shall be final."

The agreement also contained this provision:

34. During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls but who have not heretofore been enrolled by said Commission, commonly known as "delinquents", and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act of Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whomsoever for enrollment shall be received after the expiration of the said ninety days: Provided, That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws, for whom provision has herein otherwise been made.

By the act of April 21, 1904 (33 Stat. 169, 204), it was provided that the Commission to the Five Civilized Tribes should conclude its work and terminate on or before July 1, 1906, and cease to exist on that date, the powers theretofore conferred

The Secretary of the Interior.

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upon it being continued.

By the act of March 3, 1906 (33 Stat., 1048, 1060), it was provided "that the work of completing the unfinished business, if any, of the Commission to the Five Civilized Tribes shall devolve upon the Secretary of the Interior, and that all the powers heretofore granted to the said Commission to the Five Civilized Tribes are hereby conferred upon the said Secretary on and after the first of July, nineteen hundred and five."

By the Act of April 26, 1906 (34 Stat., 137), it was provided:

That after the approval of this act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this act, in which cases such motion shall be made within sixty days after the passage of this act. x x x x x

By that act the rolls of citizenship of the several tribes were required to be completed by March 4, 1907.

After very carefully considering this legislation, in the light of the circumstances under which it was enacted, I am constrained to the conclusion that the Citizenship Court had jurisdiction of the cases now under consideration, and that its judgment therein is final.

By the act of June 10, 1896, the Commission to the Five Civilized Tribes was "authorized and directed to proceed at once

to hear and determine the application of all persons who may apply to them for citizenship in any of said nations." It is true that this act also confirmed the then existing rolls of the several tribes, but the question whether an applicant was, as matter of fact, already duly enrolled upon one of the rolls so confirmed constituted, in my opinion, an issue upon which the Commission was authorized and required to pass the applicant may be fairly held to have waived by his application the conclusiveness of the confirmation of the rolls in his case.

Independently, of any such waiver, I do not see how the proposition that the Commission did not have jurisdiction of the case of a person whose name was upon a tribal roll can be maintained, in the face of the provision of the act of June 10, 1896, that "in determining all such applications said Commission shall X X X X give due force and effect to the rolls, usages and customs of each of said nations or tribes." I think that act left it to the Commission to determine whether or not the applicant was upon a roll which was confirmed, and evidently it did not so hold in these cases.

It is unnecessary, however, to determine what might have been the effect of an adverse judgment in the case of an applicant whose name was upon a roll so confirmed, for such confirmation was certainly and very materially modified by the act of June 7, 1897, and apparently altogether withdrawn by the act of June 28, 1898. The act of June 7, 1897, provided that the words "rolls of citizenship" as used in the act of June 10, 1896, should be con-



strued to mean the "last authenticated rolls of each tribe which have been approved by the council of the nation." I am informed that there never was any such an authenticated roll of the Choctaw Tribe, either at the time of the passage of the act of June 10, 1896, or subsequently thereto. Moreover, by the act of June 28, 1898, it was provided that in making rolls of citizenship of the several tribes, the Commission should take the Cherokee roll of 1880 as the only roll intended to be confirmed by that and preceding acts of Congress: it seems to be clear from the further provisions of the Act that the Congress did not here refer to the Cherokee rolls only but had in mind those of all the Tribes. To my mind, however, the decisive consideration is that Congress, knowing there were certain cases of contested citizenship in the Choctaw and Chickasaw Nations, referred these cases, under carefully defined conditions, to the Citizenship Court and made the determination of that Court in those cases final. This provision of law repealed, as to cases in this category, any inconsistent provisions (if any there were) in the act of 1896 or any other prior act. These cases were unquestionably within the terms of the law; the claimants had been admitted to citizenship by decisions of the United States courts, and it seems clear that, under the agreement with the Choctaw and Chickasaw Nations ratified by the act of July 3, 1902, it was intended that the Citizenship Court should have a revisory jurisdiction of judgments of the United States courts in the Indian Territory in citizenship cases, irrespective of the grounds on which these suits had been enter-



tained by the said courts. That agreement was made after the confirmation given to the tribal rolls had been qualified if not withdrawn, and, we must presume, with a knowledge of the fact that the Commission, under the act of June 10, 1896, had exercised jurisdiction in the case of persons whose names appeared upon some of the rolls of the tribes. Its action seems to show that Congress did not intend to confirm any roll of the Choctaw and Chickasaw tribes, but, however, that may be when, with a knowledge of all that had gone before, it created the Citizenship Court, this was done, in my opinion, with the evident purpose of giving it jurisdiction of all citizenship cases which had been decided by the United States courts for the Indian Territory on appeal from the judgments of the Commission. As neither Congress nor the Nations made any distinction in the act and agreement referred to as to the cases of persons whose names were on a tribal roll which might have been confirmed by the act of June 10, 1896, if Congress had not decided otherwise, I do not think any other authority can make this distinction. Indeed, as I have suggested, the applicants themselves, having voluntarily submitted to the jurisdiction of the Commission, might be fairly held estopped to now deny it.

I understand that it is not contended, nor do I think it could be successfully maintained, that any authority to review the judgments of the Citizenship Court was intended to be conferred upon you by Congress when it made the rolls, as finally compiled, subject to your approval (see paragraph 30 of the agreement rati-

fied by the act of July 1, 1902). Neither do I think that the provision in the act of April 26, 1906, above quoted, as to enrolling persons and entertaining motions to reopen or reconsider citizenship cases, was intended to recognize or confer any such authority the purpose of that provision being simply to limit the time in which the authority previously conferred might be exercised. To hold thus would be to treat the later act as a repeal of so much of the former as expressly declared the judgments of the Citizenship Court to be final, which seems to be untenable.

This disposes of the cases of Myrtle Randolph and her brother W. J. Thompson: whatever their intrinsic merits, these claims have been finally decided adversely to the claimants by the judgment of the Citizenship Court.

2. The second case is that of Cyrus H. Kingsbury and Lucy E. Littlepage, in regard to whom you say:

Cyrus H. Kingsbury and Lucy E. Littlepage are children of John Parker-Kingsbury and wife, Hannah Mariah, white, affiliated by act of the Choctaw Council of November 15, 1854, which enacted:

That all rights, privileges and immunities of Choctaw citizens are hereby granted unto John Parker-Kingsbury and to his wife Hannah Mariah, and they shall enjoy all the benefits to which the citizens of this nation may hereafter be entitled, except in the participation of any sum of money which may now be due the nation under treaty stipulations heretofore made.

Both applicants were born in the Choctaw Nation and have always resided there as its recognized citizens. Both are on the tribal Choctaw 1888 census roll, Atoka County, Nos. 819, 821. September 7, 1896, they applied to the Commission to the Five Civilized Tribes under the act of June 10, 1896, were enrolled, and no appeal was taken. Cyrus H. Kingsbury is on the 1896 Choctaw census roll. Lucy E. Littlepage is on the partial roll of Choctaw citizens by

blood, and her husband, Patrick H. Littlepage, is on the roll of intermarried citizens--both rolls approved by the Secretary of the Interior, October 21, 1904. Patent, signed and executed by the principal chief of the Choctaw nation, conveying to Cyrus H. Kingsbury allotted tribal lands as a citizen by blood,, is now before the Secretary of the Interior for approval, but is not yet approved, or delivered. No objection to occupation of tribal lands was ever made against either applicant as an intruder.

Paragraph 27 of the agreement with the Choctaw and Chickasaw Nations ratified by the act of July 1, 1902, provides that the rolls of Choctaw and Chickasaw citizens shall be made by the Commission to the Five Civilized Tribes "in strict compliance" with the acts of June 28, 1898, and May 31, 1900.

Section 21 of the act of June 28, 1898, after providing that in making rolls of citizenship of the several tribes the Commission shall take the roll of Cherokee citizens of 1880 as the only roll intended to be confirmed by that and preceding acts of Congress, and providing for the enrollment of the Cherokees, authorizes and directs the Commission "to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

It might be held that the only white persons intended to be enrolled by this act were such intermarried ones as were entitled to citizenship under the treaties and laws of the tribes,

if it were not for the reference to the tribal rolls, on which as appears from your statement as to these parties, there were undoubtedly the names of adopted whites. The only names which the Act declares shall be eliminated from the tribal rolls are those placed thereon by fraud or without authority of law, and it is not suggested that the names of these parties were open to either of these objections.

Light, it seems to me, is thrown on this matter by the act of May 31, 1900, which was also directed to be strictly complied with in making the rolls of citizenship of these tribes. That act is plainly intended to be of a restrictive nature, yet a fair construction of it would seem to authorize the enrollment of these parties. It provides that the Commission shall continue to exercise all authority theretofore conferred upon it by law, "but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of any such application shall be final when approved by the Secretary of the Interior."

This act recognizes the authority of the Commission to receive, consider and record the application of a recognized citizen of any of the tribes referred to who has been duly and lawfully enrolled or admitted as such, its refusal of the application of any person not so qualified being made final when approved by the Secretary of the Interior.

These applicants appear to possess all of these qualifications. Your letter states that they were born and have always resided in the Choctaw Nation as its recognized citizens; that their names appear upon various tribal rolls, and that they were admitted by the Commission in 1896 as citizens, no appeal from the decision of the Commission being taken by the nation. That they were duly and lawfully enrolled by the tribal authorities would seem to result from the fact that both of their parents had been adopted into the tribe, and the failure to contest the action of the Commission in admitting them would indicate that their citizenship rights were regarded as indisputable.

You say that you would not have doubt that these applicants, born to the allegiance of the Choctaw Nation, are entitled to be enrolled, but for the report of my predecessor to the President of February 24, 1906, in the case of persons without Indian blood; and the order to you of February 27, 1906, that "in the President's judgment, without reference to the act of Congress, it is perfectly clear equity demands that the son of white parents, who has no Indian blood in his veins, even though one of these parents has been adopted into the tribe, should not be treated as an Indian."

The report of Mr. Meedy and the order of the President thereon, had reference to the case of children of white persons, one of whom had previously acquired Indian citizenship by virtue of his marriage into the Choctaw tribe, but had afterwards, upon the death of his Indian spouse, married a white person. Mr. Meedy

was of opinion that the right of citizenship acquired by an inter-married white was a personal right, and could not be conferred upon children by such subsequent marriage, which is also the view taken by the Citizenship Court.

I see no reason to question the soundness of that conclusion, assuming that the matter is still open for consideration. It is expressly provided by the Choctaw act of November 9, 1875, providing for the intermarriage of whites with Choctaws, that a white person intermarrying into the tribe in pursuance of the act should forfeit his rights of citizenship acquired thereunder if upon the death of his Indian spouse he married "a white man or woman, or person, as the case may be, having no rights of Choctaw citizenship by blood."

I am aware that it has been held by one of the United States Courts in the Indian Territory that this law is inconsistent with the treaty of April 28, 1866, but, with great respect for the said court, I do not <sup>so</sup>/consider it. That treaty provides:

Article 23. Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation and shall be subject to the laws of the Choctaws and Chickasaw Nations according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects as though he was a native Choctaw.

This article merely recognizes a pre-existing custom of the Choctaw and Chickasaw Nations as to the intermarriage and adoption of white persons, and cannot fairly be said to have been intended to prevent them from decitizenizing an intermarried person for good cause: and what better cause could there be than that



the tie which bound him to the tribe, and because of which alone citizenship was granted, was broken?

An act of the Choctaw Nation, approved October 30, 1896, providing for the enrollment of Choctaw citizens, provided that "the Commission shall enroll as citizens all who come under any one of the following heads, and all such persons are hereby declared citizens of the Choctaw Nation:"

X X X X X

V. All white men who have married Choctaw women by blood in strict conformity to the laws of the Choctaw Nation of 1875 regulating inter-marriage, or the Chickasaw law of 1876 regulating intermarriage, and have not been divorced from some nor married any other than a Choctaw woman by blood since said marriage.

X X X X X

VIII. All white women who have married Choctaws by blood legally and have not been divorced from them nor since married any other than a Choctaw by blood, a recognized citizen and resident of the Choctaw or Chickasaw Nation.

X X X X X

That act further provided that "the Commissions are especially prohibited from enrolling as citizens any persons coming under the following heads:"

X X X X X

II. The children of any marriage where neither the father nor mother are Choctaws by blood, though one or both of said Children's' parents may have enjoyed inter-married rights.

III. All persons who, though they had at one time inter-married rights, afterwards married a person not a Choctaw by blood (being the father or mother of Choctaw children shall not save a person from this clause).

X X X X X

VI. All white persons who have been admitted to citizenship with their wife or husband by the General Council and afterward the wife or husband, Choctaw by blood, dying, the surviving party, being a white person, has intermarried with a person not a Choctaw by blood.

X X X X X

It is clear that, at least since 1875, the Choctaw Nation never intended that a White person, intermarrying into the tribe, should have power to confer citizenship upon his children by a subsequent marriage to other than a citizen by blood. The informal opinion of Attorney General Moody unquestionably had reference to cases of this character.

The case of the present applicants is quite different from that just referred to. Here both parents were adopted into the tribe. It must have been contemplated that they might have children, and if so, what was to be their citizenship if not that of their parents?

The facts in the present case answer this inquiry. Your letter states that these applicants have always been recognized as citizens of the Choctaw Nation, that their names appear on the tribal census roll of 1885, as well as upon the rolls prepared in pursuance of the Choctaw act of October 30, 1896. It seems clear, therefore, irrespective of the action of the Commission in admitting them as citizens in pursuance of the authority granted to it by the act of June 10, 1896, that they are clearly entitled to be enrolled for allotment purposes.

3.           The Case of Loula (or Lula West, et al.

It appears from the papers in this case that Loula West applied to the Commission to the Five Civilized Tribes, pursuant to the Act of June 10, 1896, for admission to citizenship in the Choctaw

law Nation, and was admitted as a citizen by blood; that the Choctaw Nation appealed to the United States Court for the Central District of the Indian Territory, which affirmed the judgment of the Commission; that this judgment was annulled and vacated by the judgment of the Citizenship Court in the test case provided for by the Act of July 1, 1902 (32 Stat. 641, 647); and thereupon she removed her case to that court, which ~~was~~ denied her application.

This case is similar to that of Martie Randolph and her brother W. J. Thompson, children of Giles Thompson, above referred to, in that it involves the question of the finality of the judgment of the Citizenship Court, it being contended that the Commission in the first instance and the Citizenship Court ultimately on appeal had no jurisdiction of the case because at the time of her application to the Commission her name was upon a tribal roll.

For the reasons heretofore stated, I think this contention is not well founded, and that the Citizenship Court had jurisdiction of such cases, and its judgments therein were final.

4. The Case of William C. Thompson et al.

In this case the record shows that Thompson applied to the Commission to the Five Civilized Tribes, pursuant to the act of June 10, 1896, for the enrollment of himself, his wife, and children with the exception of a daughter, Mary V. McNeese, who made a separate application for herself, her husband, a white man, and their children. The Commission denied Thompson's application, and also that of his daughter. No appeal was taken from these

judgments, and it is contended, on behalf of the Nation, that under the act of June 10, 1896, they were final and conclusive against the right of these parties to be enrolled.

The claimants, however, rely upon the fact that their names appear upon the tribal roll prepared in pursuance of the Choctaw acts of September 18, and October 30, 1896.

In my judgment, the action of the Commission, under the act of June 10, 1896, not having been appealed from was final and conclusive against the right of these parties to be admitted to citizenship, and the Choctaw nation, even if it attempted to do so, had no right thereafter to admit them. It will be observed that the act of June 10, 1896, provided that applications should be made to the Commission within three months after the passage of the act, and that the Commission should decide all such applications within ninety days after they were made; that the rolls of citizenship of the several tribes as then existing were confirmed, and "any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof;" and that "if the tribe, or any person be aggrieved with the decision of the tribal authorities of the Commission provided for in this Act, it or he may appeal from such decision to the United States

District Court: Provided, however, That the appeal shall be taken within sixty days, and the judgement of the court shall be final."

As I read this act, it authorized application to be made either to the Commission to the Five Civilized Tribes or the "legally constituted court or committee" of such tribes, with a right of appeal by the party aggrieved by the decision of either to the United States court. Therefore and in view also of the fact that the act contemplated contemporaneous action by the Commission and the tribal courts, I think it clear that the provision that "any person who shall claim to be entitled to be added to said rolls (the existing rolls of the tribe) as a citizen of either of said tribes whose right thereto has either been denied or not acted upon", had reference to a previous denial or failure to act of the tribal authorities, and not to the subsequent action or non-action of the Commission, the tense of the verbs-"has either been denied or not acted upon", not "shall be denied or not acted upon"-indicating that past action or non-action was referred to. Prior to the passage of this act the Commission had no jurisdiction of these citizenship matters.

When, therefore, as here, the claimant had applied to the Commission to be admitted and enrolled, and his application denied, his only remedy, under the act in question, lay in an appeal to the United States court. It is true Thompson claims to have received no notice of the denial of his application by the Commission, but that is not a valid excuse.

But aside from this question of jurisdiction in the Choctaw

Nation to adult persons to citizenship who had been denied by the Commission, it appears that the Nation never undertook to authorize the admission or enrollment of these parties, and that, in any aspect of the case, they were enrolled without authority of law and their names should, in pursuance of the mandate in the act of Congress of June 23, 1896, be eliminated from the tribal rolls.

The Choctaw Nation does not appear to have proceeded under the authority of the act of Congress of June 10, 1896, authorizing the establishment by the several tribes of a court or committee for the purpose of passing upon applications for citizenship as provided therein. It was not until September 18, 1896, ten days after the expiration of the period in which applications for citizenship were to be submitted to the "legally constituted court or committee" of the tribes under the act of June 10, 1896, that the Choctaw Council passed the act above referred to. That act provided for the appointment of census commissioners in each county, with authority "to enroll all recognized citizens of the Choctaw Nation by blood, intermarriage and adoption who are recognized as citizens of the Choctaw Nation under the treaties, constitution and law of the said nation." It further provided that "the rolls when completed by said commissioners shall be certified to by said commissioners and delivered to the Principal Chief of the Choctaw Nation on or before the twentieth day of October, 1896, to be revised and approved by the next General Council of the Choctaw Nation."



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It is manifest that this act conferred no power upon such commissioners to admit any person to citizenship, but only to enroll "recognized citizens". Yet in virtue thereof one of the county committees assumed to pass upon a petition prepared by Thompson's attorney, under date of August 1, 1896, and addressed to the General Council of the Choctaw Nation, "at its regular session October 1896, "praying that "all rights, privileges, and immunities of the Choctaw Nation" be granted to himself, his wife, family and certain other relatives, "and they be enrolled with the legal citizenship of said Nation."

This petition does not appear ever to have been presented to the Choctaw Council or referred by any competent authority to the committee which assumed to pass upon it. Upon its back is the following endorsement:

William C. Thompson together with the names appearing on the face of the within application, lineal descendants of Margaret McCoy are hereby recognized and admitted to the citizenship of the Choctaw Nation or Tribe of Indians by the legally constituted Choctaw Census Commission duly assembled at Kewa, I.T. this the 8th day of October, 1896, upon the testimony of Henry Perkins, Mrs. Lavinia Franklin, they being enrolled Choctaw Indians by blood. The within named parties not being present were passed for further enrollment.

A. G. Folsom,  
Secretary of Census Committee.

This was a manifest attempt to exercise an authority not delegated to the committee.

On October 30, 1896, the Choctaw Council, at its regular session, passed an act creating three commissions, one from each District, one member of each of which to be designated as "Chief Commissioner", "to make a complete roll of the citizens of the Choctaw Nation." By that act it was made the duty of said com-

missions "to examine the rolls made by the commissions under the act of September 18, 1896, and also to expunge from said rolls of September 18, 1896, the names of all persons whom they shall adjudge not to be citizens". It was further provided:

The Commission shall enroll as citizens all who come under any of the following heads, and all such persons are hereby declared citizens of the Choctaw Nation:

I. All Choctaws by blood born and raised in the Choctaw Nation.

II. All Choctaws by blood who have been admitted to citizenship by the General Council and now residents of the Nation.

X X X X X

It was provided that "at the expiration of the time allowed the commissions in each District, the Chief Commissioner shall meet at Tushka Homma at their earliest convenience and not later than the first Monday in December 1896, and shall revise the Rolls made by their respective District Commissions during the succeeding ten days after they meet". The Chief Commissioners were authorized to "enroll the name of any citizen who for any good cause failed to appear before the District Commissions". It was further provided that "the Roll as completed and signed by the Chief Commissioners, when approved by the Principal Chief, shall be the legal and authorized Roll of citizens of the Choctaw Nation".

These parties were enrolled by the registry board, but that their enrollment was unauthorized is clear. The act just referred to only authorized the enrollment of Choctaws by blood who were "born and raised" in the Choctaw Nation or had "been admitted to citizenship by the General Council." The applicants pos-

essed neither of these qualifications. According to his own statement, William C. Thompson was not raised in the Choctaw Nation, having been taken to Mississippi shortly after his birth, and returning only once during his boyhood for about a year. It is further stated that he remained in Mississippi until the war, when he went to Texas, not returning again to the Choctaw Nation until 1887. He had never been "admitted to citizenship by the General Council." His wife and children could claim no greater rights than he possessed. The other applicants named in his petition were descendants of his brother, who was born in Mississippi and whose record appears to be otherwise about the same as William C. Thompson's.

Moreover, it appears from the opinion of the Assistant Attorney General for the Interior Department of March 24, 1906, in the case of Mary Elizabeth Martin, that on July 17, 1897, the Principal Chief of the Choctaw Nation advised the Commission to the Five Civilized Tribes that he had refused to approve the last revised roll made in accordance with the act of October 30, 1896, because he was satisfied there were some names thereon "that have been registered through fraud or misrepresentation." As such approval was necessary in order to make the roll so prepared "the legal and authorized roll of citizens of the Choctaw Nation," it would seem that in no aspect of the case could these parties be said to be lawfully admitted and enrolled.

It further appears that these applicants, or some of them including William C. Thompson, applied in 1900 to the Commission

for the Five Civilized Tribes for identification as Mississippi Choctaws under the following provision of section 21 of the act of June 25, 1898:

Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and prepare all other acts necessary thereto and make report to the Secretary of the Interior.

Article 14 of the treaty of September 27, 1830, provided:

ARTICLE XIV. Each head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

The only evidence adduced in any way tending to show a compliance with the terms of this article were statements to the effect that William C. Thompson's grandfather applied for land under the treaty of 1830 but was refused by the Indian agent. Congress, however, by the acts of March 3, 1837, and August 23, 1842, (5 Stat. 180, 513), appointed Commissioners for the purpose of adjusting claims of this kind, and there was no evidence to the effect

that the ancestors of the claimants had endeavored to comply with the provisions of those acts, or received patents or certificates for land as therein provided for. The Commission properly held, therefore, that it was impossible to identify the applicants as Mississippi Choctaws.

Upon the whole case, it seems to me clear that these applicants, and those claiming intermarried rights with them, should be denied enrollment.

The other cases consolidated with this are of a similar nature, and under the views above stated the parties referred to therein are, in my judgment, not entitled to be enrolled.

5. The Case of Richard B. Coleman et al.

The enrollment of the parties referred to in this case depends upon the effect to be given to the following act of the General Council of the Choctaw Nation passed November 8, 1889:

An Act to establish the citizenship of R. B. Coleman, his wife and their children.

Sec. 1. Be it enacted by the General Council of the Choctaw Nation Assembled, That Richard Benjamin Coleman, and their children, as follows: Richard St. Clair, age 16 years, Ida Clay, age 13, Bennetta, age 11, Bettie Withers, age 9, Henry Allen, age 6, Willie Norma Coleman, age 4 years, are hereby admitted to citizenship in the Choctaw Nation with its rights, privileges, and immunities, and that this act shall take effect and be in force from and after its passage.

It is contended that this act was procured by fraud and bribery, and that, therefore, the names of Coleman and his family should be eliminated from the tribal rolls upon which they appear, under the act of Congress of June 26, 1896, which provides:

Said Commission is authorized and directed to make correct rolls of citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto x x x .

The Commission held that they had no authority to go behind the act of the Choctaw Council referred to, but in an informal opinion rendered you December 7, 1904, Acting Attorney General Day, after quoting the above provision, said:

It appears to me the above quoted provisions of the statute impose upon the Commission to the Five Civilized Tribes the duty and gave it the power to determine whether any name appearing upon a tribal roll was placed there by fraud or without authority of law, and that the mere fact that such enrollment was by virtue of an act of the National Council is not sufficient to preclude an inquiry. An act of the Council should be treated with respect as prima facie valid and efficacious, and getting done as the result thereof should be lightly set aside; but if it clearly appears that the act was procured by deliberate fraud and perjury I do not think that Congress intended that benefits thereunder should be enjoyed.

Mr. Day did not pass upon the facts of this case. Subsequently, the Assistant Attorney-General for the Interior Department, upon a consideration of the record, held that it did not clearly appear therefrom that the act in question had been fraudulently procured.

In my judgment the record in this case clearly shows deliberate fraud on the part of Richard B. Coleman in procuring the passage of the act admitting him to citizenship. It appears that Coleman came into the Choctaw Nation about 1860. In 1867 he made application to the citizenship committee of the Choctaw Council for admission as a citizen by blood, representing by himself and witnesses he brought before the committee that his father was a Choctaw boy named Frank Coleman, the son of a John



Coleman and Chapponia, a full blood Choctaw, who had lived in Mississippi with his parents prior to the migration in 1830. The boy Frank it was testified, had been sent to Kentucky to school and nothing afterwards heard of him.

The testimony adduced on behalf of the Nation before the Commission to the Five Civilized Tribes shows that the father of Coleman was Francis S. Coleman, a son of a Francis Coleman who was born and raised in Orange County, Virginia, and was not a Choctaw. This testimony was given in the form of a deposition by Mrs. Harriet Henry, a sister of Francis S. Coleman, and R. L. Coleman a nephew, residing at Columbia, Missouri. The identity of Francis S. Coleman with the father of the applicant appears from the fact testified to by the applicant as well as the two witnesses just referred to, that he married Ann Elizabeth Bedford, the daughter of John Bedford, in Kentucky, and the testimony of all parties that Francis S. Coleman went to Denton, Texas, and died there. Although duly advised as to the intention of the attorneys for the Choctaw Nation to take this testimony, no effort was made by Coleman or his attorney to file cross interrogatories or in any way rebut it, but they confined themselves to an endeavor to have the testimony stricken from the records as not having been taken in accordance with law. The authority of the Commission to take the testimony in this was is clear, under the act of June 28, 1896 (30 Stat., 495), which provides:

Said commission shall make such rolls descriptive of the persons thereon, so that they may be thereby identified, and it is authorized to take a census of each of said tribes, or

to adopt any other means by then deemed necessary to enable them to make such rolls.

This testimony was further enforced by another deposition of said R. L. Coleman, taken by Commissioner James Bixby, in which R. L. Coleman stated further that he knew the applicant Richard B. Coleman, that he was his cousin. A motion was likewise made to strike this testimony from the record, because taken without notice to the applicant, but it was overruled by the Commission, who held that under the authority of the above act they could take such measures as they deemed necessary to satisfy themselves as to the justice of the applicant's claim. I do not think it is shown that they abused their discretion in this matter.

It appears that the application of Richard B. Coleman to be enrolled as a citizen by blood of the Nation, upon the grounds above stated, was passed over by the citizenship committee of the Council in 1887; taken up again in 1888 and a bill of rejection passed by the committee of the council; renewed at the session of 1889, and a bill of admission introduced into the House of Representatives which was rejected, and then a new bill introduced and enacted into the law above quoted.

I think it sufficiently appears from the testimony in this case, particularly that given by and on behalf of the applicant himself, that the Council in admitting him and his family to citizenship did so upon the strength of the testimony adduced by him before the Committee on Citizenship that he was a Choctaw by blood, descended as he represented. It is to be observed that he and his family all claim that he was admitted as a Choctaw by blood.

Some testimony was introduced for the purpose of showing that Coleman had bribed one Reebuck, the member of the Council who introduced the second bill, but the evidence on that point is not sufficient to establish the fact.

In October, 1898, the General Council of the Choctaw Nation passed an act repealing the act of November 8, 1889, admitting Coleman and his family to citizenship. This act was, however, disapproved by President McKinley, upon the recommendation of the Secretary of the Interior, under the authority of the act of Congress of June 28, 1898, which required the approval of the President to all acts of the Choctaw and Chickasaw Nations in any manner affecting the lands of the tribes.

Although this act was thus invalidated, it may fairly be taken to indicate the sense of the Nation at that time that Coleman was improperly admitted. The reason for its disapproval does not appear but it might reasonably have been rejected on the ground that by the act of June 28, 1898, the work of making up the rolls of citizenship and eliminating therefrom those placed thereon by fraud was committed entirely to the Commission to the Five Civilized Tribes.

It is to be observed that Commissioner Bixby, who was the only Commissioner who considered this case on its merits, was "clearly of the opinion from such evidence as has been presented to this Commission that the evidence presented to and acted upon by the Citizenship Committee of the Choctaw General Council, which passed upon the petition of these applicants, and upon which evidence their admission to Choctaw Citizenship was based, was fraudulent, false,

and misleading."

In my opinion, these parties should be stricken from the rolls

6. The Case of Ethel Pierson.

This case presents the question of your authority to enroll the children of Choctaw freedmen who were minors living March 4, 1906. The decision of this question turns upon the construction to be given to section 2 of the Act of April 26, 1906 (34 Stat., 137), as amended by the Act of June 21, 1906 (34 Stat. 342).

The act referred to originally provided:

Sec. 2. That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteenthundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek Tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled. If any citizen of the Cherokee tribe shall fail to receive the full quantity of land to which he is entitled as an allotment, he shall be paid out of any of the funds of such tribe a sum equal to twice the appraised value of the amount of land thus deficient. The provisions of section nine of the Creek agreement ratified by Act approved March first, nineteen hundred and one, authorizing the use of funds of the Creek tribe for equalizing allotments, are hereby restored and reenacted, and after the expiration of nine months from the date of the original selection of an allotment of land in the Choctaw, Chickasaw, Cherokee, Creeks or Seminole tribes, and after the expiration of six months from the passage of this Act as to allotments heretofore made, no contest shall be instituted against such allotment: Provided, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date: Provided further, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: Provided, That nothing herein shall apply to the intermarried

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whites in the Cherokee Nation, whose cases are now pending in the Supreme Court of the United States.

The amendatory act provided, (34 Stat., 341-2):

That section two of the Act entitled "An Act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April twenty-sixth, nineteen hundred and six, be, and the same is hereby, amended by striking out thereof the words "Provided further That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: Provided further, That nothing herein shall apply to the intermarried whites in the Cherokee Nation whose cases are now pending in the Supreme Court of the United States." And insert in said Act in lieu of the matter repealed, the following) Provided further, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes, except for minors the children of Indians by blood, or of freedmen members of said tribes, or of Mississippi Choctaws identified under the fourteenth article of the treaty of eighteen hundred and thirty, as herein otherwise provided, and the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment.

In the agreement with the Choctaw and Chickasaw Nation ratified by the act of July 1, 1902 (32 Stat. 641), it was provided (paragraphs 1 and 3) that the words "member" or "members" and "citizen" or "Citizens", "whenever used in this agreement", shall be held to mean members or citizens of the Choctaw or Chickasaw tribe of Indians in Indian Territory, not including freedmen."

The Commissioner to the Five Civilized Tribes in passing upon this case held that, in view of the above definition, the act of April 26, 1906, as amended, was not intended to apply to the children of freedmen in the Choctaw and Chickasaw Nations, but only to those of the Cherokee and Creek Nations.

There would be some force in the argument that minors the children of freedmen members of the Choctaw Nation were not included



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in the Act of April 26, 1906, if it were not for the proviso substituted by the amendatory act of June 21, 1906. That proviso was, as the Commissioner said, "in the nature of a construction by Congress of the meaning intended to be conveyed by the section as originally enacted." It says, in so many words, that minors the children of freedmen members of said tribes (referring to all of the tribes, which are separately named in the preceding part of section 2, among them the Choctaw and Chickasaw tribes) may be enrolled. This definition settles the doubt that otherwise might have arisen as to the children of freedmen members of said tribes, as well as the children of Mississippi Choctaws. If, therefore, the Choctaw freedmen are members of said nation, the right of their children to be enrolled can not be questioned.

The Choctaw freedmen were adopted by an act of the General Council of the Nation approved May 21, 1883, entitled "An Act to adopt the freedmen of the Choctaw Nation", which provided (Report of Commissioner of Indian Affairs, 1884, p. XEV):

Whereas by the third and fourth articles of the treaty between the United States and the Choctaw and Chickasaw Nations, concluded April 26, 1866, provision was made for the adoption of laws, rules, and regulations necessary to give all persons of African descent resident in said nations at the date of the treaty of Fort Smith, September 13, 1866, and their descendants, formerly held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by or belonging to said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, 40 acres each of the lands of said nations on the same terms as Choctaws and Chickasaws, to be selected on the survey of said lands; until which said freedmen shall be entitled to as much land as they may cultivate for the support of themselves and families; and



Whereas the Choctaw Nation adopted legislation in the form of a memorial to the United States Government in regard to adopting freedmen to be citizens of the Choctaw Nation, which was approved by the principal chief November 2, 1880, setting forth the status of said freedmen and the inability of the Choctaw Nation to prevail upon the Chickasaws to adopt any joint plan for adopting said freedmen, and notifying the United States Government of their willingness to accept said freedmen as citizens of the Choctaw Nation in accordance with the third and fourth articles of the treaty of 1866 as a basis; and

Whereas a resolution was passed and approved November 5, 1880, authorizing the principal chief to submit the aforesaid proposition of the Choctaw Nation to adopt their freedmen to the United States Government; and

Whereas a resolution was passed and approved November 6, 1880, to provide for the registration of freedmen in the Choctaw Nation, authorizing the principal chief to appoint three competent persons in each district, citizens of the nation, whose duty it shall be to register all freedmen referred to in said third article of the treaty of 1866 who desire to become citizens of the nation in accordance with said treaty, and upon proper notification that the Government of the United States had acted favorably upon the proposition to adopt the freedmen as citizens, to issue his proclamation notifying all such freedmen as desire to become citizens of the Choctaw Nation to appear before said commissioner for identification and registration; and--

Whereas in the Indian appropriation act of Congress May 17, 1852, it is provided that either of said tribes may adopt and provide for the freedmen in said tribe in accordance with said third article: Now, therefore,

Be it enacted by the general council of the Choctaw Nation, That all persons of African descent resident in the Choctaw Nation at the date of the treaty of Fort Smith, September 13, 1865, and their descendants, formerly held in slavery by the Choctaws or Chickasaws, are hereby declared to be entitled to, and invested with all the rights, privileges, and immunities, including the right of suffrage, of citizens of the Choctaw Nation, except in the annuities, moneys and the public domain of the nation.

X X X X X X  
Sec. 3. Be it further enacted, That all said persons are hereby declared to be entitled to forty acres each of the lands of the nation, to be selected and held by them under the same title and upon the same terms as the Choctaws.

X X X X X X  
It appears that this act was accepted by the Secretary of the Interior on behalf of the United States as a substantial compli-

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ance with the terms of the treaty of 1866, and the moneys authorized to be paid by that treaty upon a compliance therewith were turned over to the Nation.

I am of opinion, therefore, that the Assistant Attorney General for the Interior Department was right in his conclusion that minors, the children of Choctaw freedmen, living March 4, 1906, are entitled to be enrolled.

This disposes of the several cases submitted. The papers therein are herewith returned.

Respectfully,

Charles J. Bonaparte,

Attorney General.

Muskogee, Oklahoma, April 7, 1909.

Report on letter of  
Kappler & Merillat in re  
Choctaw enrollment cases  
of William J. Thompson  
and others.

The Honorable,

The Secretary of the Interior.

Sir:

March 26, 1909 (File 5-51, Choctaw), the Department transmitted to this office for report, to be forwarded through the Indian Office, a letter dated March 25, 1909, from Messrs. Kappler & Merillat, Washington, D. C., relative to the enrollment cases of William J. Thompson, Myrtle Randolph, Dick Randolph, Samuel C. Wall, Samuel P. Wall, and other (unnamed) members of the Randolph-Thompson and Wall families.

Messrs. Kappler & Merillat claim that the names of these persons were stricken from the approved rolls of the Five Civilized Tribes, and now demand that they be restored to the status of recognized citizens of the Choctaw Nation.

Reporting in this matter I have the honor to advise that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Samuel C. Wall for the enrollment of himself and his minor son, Sam F. Wall, as citizens of the Choctaw Nation, and for the enrollment of his wife, Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall

for the enrollment of himself and his minor children, Hiram T. Wall and Bessie Lee Wall, as citizens of the Choctaw Nation; and by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3, 1901, written application was filed for the enrollment of Ora Nellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as citizens of the Choctaw Nation; that on September 14, 1898, application was made by James N. Harper for the enrollment of his wife, Daisy Harper, and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 28, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Custer Harper, minor children of James N. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 14, 1898, application was made by Dick Randolph for enrollment as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtie Randolph, and his minor children, Minnie, Decosa, Herman, Hughie, and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick and Myrtie Randolph, as a citizen of the Choctaw Nation; that on February 9, 1901, written application was filed for the enrollment of Lelia Blanche Myers, and on June 28, 1902, written application was filed for the enrollment of John Boyd Myers, minor children of William Myers and Minnie

Myers (formerly Randolph), as citizens of the Choctaw Nation; that on September 15, 1898, application was made at Pauls Valley, Indian Territory, by Waldemar Thompson for the enrollment of himself and his minor daughter, Dollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, minor children of Waldemar Thompson and May Thompson, as citizens of the Choctaw Nation; that application was made September 15, 1898, by William E. Wheat for the enrollment of himself as an intermarried citizen and for his minor children, Jesse G. and Myrtle E. Wheat, as citizens of the Choctaw Nation; that on the same date application was made by William J. Thompson for enrollment as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made at Atoka, Indian Territory, December 5, 1899, by William Myers for enrollment as an intermarried citizen of the Choctaw Nation; that on September 14, 1898, at Pauls Valley, Indian Territory, application was made for the enrollment of Decosa and Ellen Thompson as citizens of the Choctaw Nation.

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship

in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321) of the following applicants:

Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper ( as Daisy Wall), Eunice Hogg (as Unis Wall), Sam P. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall) and Bessie V. Wall (as Bessie Wall).

Said application was denied by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation. This judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

This cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on November 29, 1904, in the case entitled "Samuel Wall, et al., vs. Choctaw and Chickasaw Nations," said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisy Wall, Unis Wall,



Sam F. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall, be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship Case No. 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Dick Randolph, Myrtle Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph) William E. Wheat (as William Wheat), Myrtle E. Wheat (as Myrtle Wheat), Jesse G. Wheat (as Jesse Wheat), Waldemar Thompson, Dillie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson.

This application was denied December 7, 1896, by the Commission to the Five Civilized Tribes, and an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled "Dick Randolph, et al. vs. Choctaw Nation," rendered a judgment admitting all of said applicants to citizenship, except Myrtle Wheat and May Thompson, whose names were not mentioned in said judgment.

The judgment of the United States Court was subsequently vacated, set aside and held for naught by a decree of the Choctaw-

Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al." Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court for a trial de novo, which court, on November 29, 1904, in the case entitled "Dick Randolph, et al. vs Choctaw and Chickasaw Nations," rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtie Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie B. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, De Cosa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtie Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed."

On January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph), to citizenship in the Choctaw Nation had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29, 1904.

The Commission to the Five Civilized Tribes on January 23, 1905, issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers and John Boyd Myers, and on January 24, 1905, orders were issued dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decree of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition verified by S. E. Wall W. J. Thompson, Will Myers, W. E. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Samuel Wall Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph,

Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtie Wheat, Waldemar E. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition were that the petitioners were the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with \_\_\_\_\_ Folsom, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners were informed and believed that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that petitioners were unable to find any records containing said Act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam F. Wall, Thomas Wall, Hiram Wall, Bessie Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Dick Randolph, Myrtie Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Vivian Randolph, William Myers,

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Minnie Myers, Lelia Blanche Myers, John B. Myers, William E. Wheat, Jesse Wheat, Myrtie Wheat, Waldemar E. Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

It does not appear that there is any record in this office of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Rudella Hopper, Lizzie Hogg, Samuel J. Hogg, Roy Randolph, Dick Myers, May Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898, or any subsequent Act of Congress prior to the filing of the petition herein.

On April 26, 1906, written application was made for the enrollment of Lizzie Louisa Hogg, born April 7, 1903, minor daughter of Eunice Hogg and J. T. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On July 18, 1906, application was received under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the enrollment of Robert E. Wall, born April 24, 1903, minor child of Thomas Wall and Elizabeth Wall as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Hogg and Elmer Wall mentioned in the petition filed January

30, 1906, and on July 18, 1906, application was received for the enrollment of Daisy R. Harper, born July 31, 1904, minor child of J. N. Harper and Daisy Harper, as a citizen of the Choctaw Nation.

It was not alleged in the petition filed January 30, 1906 that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said Nation.

For the purpose of determining whether Giles Thompson, the ancestor of certain of the petitioners above mentioned, was ever adopted by an Act of Choctaw Council as alleged in the petition, this office on July 31, 1906, addressed a communication to Edward H. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed. In response to said communication, E. H. Wilson addressed a letter to the Commissioner on August 6, 1906, in which he stated that there was no such Act on file in the office of the National Secretary.

On February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Essie L. Wall, Daisy Harper, Eunice Hagg, Myrtie Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Ellen Thompson, Lizzie



Louisa Hogg and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtle Wheat as citizens and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, was, on February 4, 1907, transmitted to the Secretary of the Interior for review.

On February 28, 1907, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes of February 4, 1907, in this case.

In reporting on this matter the attention of the Department is respectfully invited to a letter dated February 19, 1907, communicating the opinion of the Attorney General to the Secretary of the Interior in certain Choctaw Indian citizenship cases, among which were the cases of Myrtle Randolph and her brother W. J. Thompson. The opinion of the Attorney General as to these two

persons, concludes as follows:

"This disposes of the cases of Myrtle Randolph and her brother W. J. Thompson: whatever their intrinsic merits these claims have been finally decided adversely to the claimants by the judgment of the Citizenship Court."

In the same letter the Attorney General rendered an opinion as to the rights of Loula (or Lulu) West et al., and stated as follows:

"This case is similar to that of Myrtle Randolph and her brother W. J. Thompson, children of Giles Thompson, above referred to, in that it involves the question of the finality of the judgment of the Citizenship Court, it being contended that the Commission in the first instance and the Citizenship Court ultimately on appeal had no jurisdiction of the case because at the time of her application to the Commission her name was upon a tribal roll.

For the reasons heretofore stated, I think this contention is not well founded, and that the Citizenship Court had jurisdiction of such cases, and its judgments therein were final."

It does not appear that the names of any of the persons concerning whom this report is submitted were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or Commissioner to the Five Civilized Tribes, nor that any of them were ever allowed to select an allotment of land as a citizen of the Choctaw Nation.

The letter of Kappler & Merrillat of March 25, 1909, is returned herewith.

Respectfully,

Through the Commissioner  
of Indian Affairs.  
McM 7/2

Acting Commissioner.

NT

J.W.H.  
J.W.H.  
W.C.P.  
T W L

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

April 13, 1909.

Address only  
The Secretary of the Interior.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

Herewith is a letter, dated April 7, 1909, from Messrs. Kappler & Verillat, attorneys at law of this city, wherein, as a preliminary step to the institution of suit against the Secretary of the Interior, they demand that he restore the following persons to the status of recognized citizens of the Choctaw Nation:

Winona Thompson,

Herman Randolph,

Lena Randolph,

Minnie Hall,

Thomas Myers,

Decosa Randolph,

Hugh Roy Randolph,

Vivian Randolph,

Blanch Myers,

Dick Myers.

You are requested to furnish a report concerning the enrollment of said persons, following the general instructions contained in departmental letter of March 15, 1909 (File 5-51)

Very respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

1 Enc.  
(Send direct: Copy  
to Indian Office).

Kappler & Merrillat,  
Attorneys and Counsellors at Law  
Bond Building

Washington, D.C. April 7, 1909

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

As attorneys for Winona Thompson, Decosa, Harman, Hugh Roy, Lena and Vivian Randolph, Minnie Hall, Blanch, Thomas and Dick Wyres, Choctaw Indians who were stricken from the rolls of the Five Civilized Tribes, we hereby respectfully make demand that you cause their names to be restored to the rolls in the Five Civilized Tribes, from which they were stricken by Secretary Hitchcock.

We also give notice, as required by law, that in the event this demand be not complied with, we will be compelled to institute suit to compel their restoration to the rolls.

An early reply hereto is requested.

Yours respectfully,

(Signed) Kappler & Merrillat.

FR

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.  
J.V.H.  
W.C.P.  
T.W.L.

April 17, 1909.

Address only  
The Secretary of the Interior.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

Herewith is a letter dated April 13, 1909, from Messrs. Kappler & Merillat, Attorneys at Law, of this city, wherein they demand, as a preliminary step to the institution of suit against the Secretary of the Interior, that he cause the names of the following persons to be restored to the rolls of citizenship of the Choctaw Tribe:

W. E. Thompson,

T. J. Hogg,

Eunice Hogg,

J. N. Harper,

Daisy Harper,

Ella Thompson.

You are requested to render a report in the matter, following the general instructions contained in department letter of March 15, 1909, file 5-51, taking particular care to state in this, as well as in other cases, whether certificates of allotment or patent have been issued to or recorded in favor of the applicants.

Very respectfully,

(Signed) Jesse E. Wilson.

1 enclosure: Send direct  
copy to Indian Office.

Assistant Secretary.

Kappler & Merrillat  
Attorneys and Counsellors at Law  
Bond Building,

Washington, D.C. April 13, 1909

The Honorable,  
The Secretary of the Interior,  
Washington, D.C.

Sir:

In behalf of W. K. Thompson, T. J. Hogg, Eunice Hogg,  
J. N. Harper, Daisy Harper and Ella Thompson, we hereby re-  
spectfully make demand that you cause their names to be re-  
stored to the rolls of the Choctaw Tribe of Indians, from which  
they were stricken by the Secretary of the Interior.

At the same time, we desire respectfully to give notice  
that if the demand be not acceded to we will take appropriate  
proceedings in Court to compel their restoration to the rolls.

We make this request and demand in accordance with law,  
and for the reason that we believe the Secretary of the Inte-  
rior was without authority or jurisdiction to strike from the  
rolls the names of persons once placed thereon, especially  
where land had been allotted to the parties as was the case  
with our clients.

Yours respectfully,

(Signed) Kappler & Merrillat



D 489-1909  
D 514-1909

Muskogee, Oklahoma, April 23, 1909.

Subject:

Reporting on Departmental letters of April 13, 1909 and April 17, 1909, relative to W. E. Thompson, et al. and Winona Thompson, et al.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of April 13, 1909 (File 5-51) transmitting communication of April 7, 1909, from Messrs. Kappler & Merillat, attorneys at law, Washington, D. C., wherein, as a preliminary step to the institution of suit against the Secretary of the Interior, they demand that Winona Thompson, Decosa Randolph, Herman Randolph, Hugh Roy Randolph, Lena Randolph and Vivian Randolph, Winnie Hall, Blanch Myres, Thomas Myres and Dick Myres be restored to the status of recognized citizens of the Choctaw Nation, and requesting a report concerning the enrollment of said persons.

Receipt is also acknowledged of Departmental letter of April 17, 1909 (File 5-51), transmitting communication of April 13, 1909 from Messrs. Kappler & Merillat, attorneys at

Secretary 2

law, Washington, D. C., wherein they demand, as a preliminary step to the institution of suit against the Secretary of the Interior, that he cause the names of the following persons to be restored to the rolls of citizenship of the Choctaw tribe: W. E. Thompson, T. J. Hogg, Eunice Hogg, J. N. Harper, Daisy Harper and Ella Thompson.

A report is requested in this matter following the general instructions contained in Departmental letter of March 15, 1909, taking particular care in this, as well as in other cases, to state whether certificates of allotment or patents have been issued to or recorded in favor of the applicants.

Reporting in this matter I have the honor to advise that the names of the persons above mentioned are included in the Choctaw enrollment case of Samuel C. Wall, et al. and the facts in this case are as follows:

It appears from the records of this office that application was made to the Commission to the Five Civilized Tribes on September 8, 1896 in Choctaw 1896 Citizenship Case Number 540 for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321), of Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg ( as

Secretary 3

Unis Wall), Sam F. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall), and Bessie L. Wall (as Bessie Wall).

This application was denied by the Commission to the Five Civilized Tribes December 2, 1896. From this decision appeal was taken to the United States Court for the Southern District of Indian Territory, which, on January 19, 1898 in case Number 126 on the citizenship docket, reversed the decision of the Commission and admitted the applicants to citizenship in the Choctaw Nation.

This judgment was subsequently annulled, vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of the Choctaw and Chickasaw Nations or Tribes of Indians versus J. T. Riddle, et al.

Subsequently said cause was certified to the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641) for a trial de novo, and on November 29, 1904, in the case entitled Samuel Wall et al. versus the Choctaw and Chickasaw Nations, Case Number 26 on the Tishomingo Docket, said Court rendered a decree wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisey Wall, Unis Wall,

Secretary 4

Sam F. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in Choctaw 1896 Citizenship Case Number 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896, of Dick Randolph, Myrtie Randolph, Winnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph ( as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtie E. Wheat (as Myrtie Wheat), Jesse G. Wheat (as Jesse Wheat) Waldemar Thompson, Dollie Thompson, William J. Thompson ( as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson.

On December 7, 1896, the Commission denied this application. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled Dick Randolph, et al. versus the Choctaw Nation, rendered a judgment admitting all of said applicants to citizenship except

Secretary 5.

Myrtle Wheat and May Thompson whose names were not mentioned in the judgment.

This judgment was subsequently annulled, vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, and the cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, which court, on November 29, 1904, in case Number 27 on the Tishomingo Docket, entitled Dick Randolph, et al. versus the Choctaw and Chickasaw Nations, rendered a judgment wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, De Cosa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed.

January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the

Secretary 6

enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Winnie Myers (as Minnie Randolph) had been denied by the Choctaw and Chickasaw Citizenship Court.

January 23, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers and John Boyd Myers, and on January 24, 1905, orders were entered by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Slide Thompson, for the reason that the rights of the persons through whom these applicants claimed as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

February 4, 1905, the Commission rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition praying for the enroll-



Secretary 7

ment of Samuel C. Wall, Samuel Wall Jr., Thomas Wall, Hiram Wall, Pessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

This office could not identify the applicants herein as having been enrolled upon any of the tribal rolls of the Choctaw Nation in its possession.

February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the applications for enrollment of all the persons included in this decision and on the same date the record, together with the decision in this case, was forwarded to the Secretary of the Interior.

February 26, 1907 (Land 13244-1907) the Indian Office

Secretary 8

concurring in the decision of the Commissioner of February 4, 1907, denying these applicants, and on February 28, 1907 ( I T D 5020, 5146, 5148, 5190, 5194, 5196, 5200, 5208, 5212, 5214, 5322, 5334, 5336, 5344, 5346, 5350, 5358, 5394, 5442-1907 ), the Department affirmed said decision.

I have the honor to state that no formal allotments were ever made to these persons but applications for lands were made in their behalf which were involved in allotment contests; these contests were afterward dismissed and the lands given to the contestees and patents therefor have undoubtedly been recorded and delivered.

It further appears that T. J. Hogg was the non-citizen husband of Eunice Hogg, nee Wall, and that J. N. Harper was the non-citizen husband of Daisy Harper, nee Wall, and that no application was made to the Commission or the Commissioner to the Five Civilized Tribes for their enrollment as citizens of the Choctaw Nation.

It also appears that this office has no record of any favorable decision ever having been rendered by the Department in this case.

The letters of Kappler & Merrillat of April 7, 1909 and April 13, 1909, are herewith returned.

Respectfully,

Choctaw 4997  
Through the Commissioner  
of Indian Affairs.

AB

Commissioner.

Land:  
27496-1909  
31863-1909  
J E D

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS, G.R.

Enrollment case of  
Samuel C. Wall, et al.

Washington, Jun 4 1909

The Commissioner

to the Five Civilized Tribes,  
Muskogee, Oklahoma,

Sir:

Referring to your reports of April 7 and 23, 1909, relative to the Choctaw enrollment case of Samuel C. Wall, et al., you are advised that on May 28, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1902, in that case (211 U. S. 249). The Department declined to take any action looking to the enrollment of any of the persons included in the case of Samuel C. Wall et al. A copy of approved Office letter of May 1, 1909, is inclosed for your further information. You are requested to notify the proper parties of this action.

Very respectfully,

C. F. Hauke,

Chief Clerk.

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IWA  
LHD

OR

Land  
7496-1909  
31863-  
J E D.

May 4, 1909

Enrollment claims of  
Samuel C. Wall et al.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of March 25, April 13 and 17, 1909 (File 5-51 Choctaw), there are transmitted herewith reports of April 7 and 23 from the Commissioner to the Five Civilized Tribes, in regard to the case of Samuel C. Wall, et al., applicants for enrollment as Choctaw citizens.

The history of the case is set out fully in the reports inclosed. The records show that on February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Ellen Thompson, Liasie Louisa Hogg and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Evan-

nah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtie Wheat as citizens, and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

On February 28, 1907, the Department affirmed the decision of the Commissioner denying the applications.

In this connection your attention is invited to the opinion, dated February 19, 1907, of the Attorney General, in reference to the Choctaw citizenship cases of Myrtie Randolph and her brother, W. J. Thompson, which opinion is referred to by the Commissioner to the Five Civilized Tribes in his report. The Commissioner reports that it does not appear that the names of any of the persons mentioned were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or the Commissioner to the Five Civilized Tribes, or that any of them were ever allowed to select an allotment of land as a citizen of that nation.

Moreover, it does not appear from the records of the Office that the Department ever approved any applications of these persons for enrollment as citizens of the Choctaw Nation. The Office is of the opinion that the case of Samuel C. Wall et al. is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States

in its decision of November 30, 1908 in that case (201 U. S. 249).

It is therefore recommended that the Department take no action looking to the enrollment of any of the persons included in the case of Samuel C. Wall et al.

The record in the case and other papers pertaining thereto are inclosed for your further information.

Very respectfully

OGP-1  
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(Signed) R. G. Valentine,  
Acting Commissioner.

TCP

JEH

APPROVED: May 28, 1909.

Frank Pierce

First Assistant Secretary.

FWS



Choctaw 4976  
Choctaw Minor  
1093.

Muskogee, Oklahoma, June 11, 1909.

Mr. Thomas Wall,  
Byars, Oklahoma,

Dear Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Eunice Hogg

# 2-3 Dismissed

see C-31

see choc 4979 for record

march 26, 1909 DEPT refers letter of Kappler & Merrilan

April 7, 1909 Report to DEPT

April 13, 1909 > DEPT refers letter of Kappler &  
4-17-1909 merillas as to certain persons

case for report in The April 23, 1909 report to DEPT  
as to all parties to case

may 28, 1909 DEPT holds case is NOT analogous to  
Goldsby case & declines to take action looking to  
enrollment of applicants

June 11, 1909 parties notified

4979  
666h

Muskogee, Indian Territory, April 10, 1902.

Tom Wall,

Johnson, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, requesting that you be informed as to the amount of land you can hold and asking if your wife is entitled to enrollment as a citizen of the Choctaw Nation.

Relative to the amount of the land of the Choctaw and Chickasaw Nations, that a citizen of these two tribes is entitled to hold, your attention is invited to the following provision of the agreement of April 23, 1897, between the United States and the Choctaw and Chickasaw Nations:

"That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians shall be allotted to the members of said tribes so as to give to each member of these tribes so far as possible a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands."

The Commission cannot render opinions upon hypothetical questions of enrollment but if you have married a white woman, non citizen of the Choctaw Nation, who desires to make application for enrollment as a citizen by intermarriage of the Choctaw Nation, she will be heard upon her personal appearance at the office of

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the Commission at Muskogee, Indian Territory, the rules and regulations of this Commission and of the Department of the Interior, requiring that an applicant for enrollment as an intermarried citizen of the Choctaw Nation must present himself or herself in person before the Commission for the purpose of examination under oath.

If your wife anticipates making application for enrollment as an intermarried citizen of the Choctaw Nation, it is advisable that she do so as early as practicable.

Yours truly,

Commissioner in Charge.

7-4976.

Muskogee, Indian Territory, July 11, 1903.

Thomas Wall,

Johnson, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 7, 1903, asking if it is unconstitutional for a person who has negro blood to share as a citizen, and you further ask relative to the enrollment of yourself and family.

In reply to your letter you are informed that it appears from our records that Thomas Wall and his children Hiram T. and Bessie L. Wall were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District, Indian Territory, rendered January 19, 1898, in court case, citizenship docket number 126.

In reply to that part of your letter relative to persons possessed of negro blood sharing in the lands of the Choctaw and Chickasaw Nations as citizens, you are informed that the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, provided as follows:

"There shall be allotted to each member of the Choctaw and Chickasaw tribes, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to three hundred and twenty acres of the average allotable land of the Choctaw and Chickasaw Nations, and to each

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Choctaw and Chickasaw freedman, as soon as practicable after the approval by the Secretary of the Interior of his enrollment, land equal in value to forty acres of the average allotable land of the Choctaw and Chickasaw nations."

Respectfully,

Commissioner in Charge.



Muskogee, Indian Territory, October 9, 1903.

Thomas Wall,

Byars, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Elizabeth Wall and T. P. Shi relative to the birth of Robert Elmer Wall, infant son of Thomas and Elizabeth Wall, April 24, 1903, which it is presumed have been forwarded to this office as an application for enrollment of the above named child as a citizen by blood of the Choctaw Nation.

Under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), the Commission is now without authority to receive or consider the original application of any person whomsoever for enrollment as a citizen of the Choctaw or Chickasaw Nation.

Respectfully,

Chairman.

Luskogee, Indian Territory, October 21, 1903.

Thomas Wall,  
Byanes, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th inst., relative to the application for enrollment of your infant son, Robert Elmer Wall, submitted by you October 9, 1903, receipt of which was acknowledged in our letter of October 9, 1903, in which you were informed that under the provisions of the Act of Congress approved July 1, 1902, the Commission was now without authority to receive or consider the original application of any person whomsoever for enrollment as a citizen of the Choctaw or Chickasaw Nation.

It is stated in your letter that your child is an Indian by blood and by a decree of the court at Ardmore, Indian Territory, and you think the child has a right to enrollment; your attention is called to Sections 27 to 34 inclusive, of the Act of Congress approved July 1, 1902, a copy of which is enclosed you herewith.

Respectfully,

Choc-Chick. Agreement.

Commissioner in Charge.

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7-4976

Muskogee, Indian Territory, April 2, 1907.

Thomas Wall,  
Byars, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 22, 1907, asking that the papers in the case of S. C. Wall be forwarded you.

In reply to your letter you are advised that the original papers in the matter of the application and petition of Samuel C. Wall et al. for enrollment as citizens of the Choctaw Nation under the ruling of the Department in the Choctaw enrollment case of Loula West et al. was forwarded the Department February 4, 1907, together with the decision of the Commissioner to the Five Civilized Tribes of that date denying said application. February 28, 1907, this action was affirmed by the Secretary of the Interior.

You are further advised that it is impracticable to comply with your request for the return of the papers in this case inasmuch as the originals have been forwarded to the Department.

Respectfully,

Acting Commissioner.

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7-4977

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Effie Hogg and Ora Nellie Hogg for enrollment as citizens by blood of the Choctaw Nation.

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The applicants, Effie Hogg and Ora Nellie Hogg, claim the right to enrollment as citizens by blood of the Choctaw Nation through their mother, Eunice Ellen Hogg, (nee Wall). The right of the applicants' mother, Eunice Ellen Hogg (as Unis Wall), to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 29, 1904, in case number 26 upon the Tishomingo docket of said Court, it is hereby ordered that the applications for enrollment of Effie Hogg and Ora Nellie Hogg as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby,  
Chairman.

Muskogee, Indian Territory,  
Jan. 23, 1905.

Choctaw 4977.

COPY

Muskogee, Indian Territory, January 23, 1905.

Eunice Ellen Hogg,

Wallville, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your children, Effie Hogg and Ora Nellie Hogg, as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED

John S. Berry

Chairman.

Registered.

Incl. 7-4977.

Choctaw 4977.

COPY,

Muskogee, Indian Territory, January 23, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 23, 1905, dismissing the application for the enrollment of Effie Hogg and Ora Nellie Hogg as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED,

*Jane Duroy*

Chairman.

Incl. 7-4977.



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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
SAMUEL C. WALL, et al., as citizens of the Choctaw Nation.

DECISION.

The record herein shows that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Samuel C. Wall for the enrollment of himself and his minor son, Sam T. Wall, as citizens of the Choctaw Nation, and for the enrollment of his wife, Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall to the Commission to the Five Civilized Tribes for the enrollment of himself and his minor children, Wiram T. Wall and Bessie Lee Wall, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3, 1901, written application was filed for the enrollment of Ore Nellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as a citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by James V. Harper for the enrollment of his wife, Daisy Harper, and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 2<sup>d</sup>, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Custer Harper, minor children of James V. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by Nick Randolph for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtle Randolph, and his minor children, Minnie Randolph, Decose Randolph, Herman Randolph, Wuphie Randolph and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Nick Randolph and Myrtle Randolph, as a citizen of the Choctaw Nation; that on February 9, 1901, written application was filed for the enrollment of Lelia Blanche Myers,

and on June 26, 1902, written application was filed for the enrollment of John Royd Myers, minor children of William Myers and Winnie Myers (formerly Randolph), as citizens of the Choctaw Nation; that on September 15, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, by Waldemar Thompson for the enrollment of himself and his minor daughter, Dollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, minor children of Waldemar Thompson and Vay Thompson, as citizens of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 15, 1898, by William E. West for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and for the enrollment of his minor children, Jesse G. West and Myrtle E. West, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by William J. Thompson for the enrollment of himself as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Aloka, Indian Territory, December 5, 1896, by William Myers for the enrollment of himself, as an intermarried citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, for the enrollment of Decca Thompson and Ellen Thompson as citizens of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 6, 1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 391), of the following applicants: Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as Eunice Wall), Sam W. Wall, Thomas Wall, Miran T. Wall (as Miran Wall), and Bessie L. Wall (as Bessie Wall).

Said application was denied by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision of the Commission appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the last case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

Said case was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial

de novo, and on November 29, 1904, in the case entitled "Samuel Wall, et al., vs. Choctaw and Chickasaw Nations", said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel S. Wall, Ellen Wall, Daisy Wall or Daisey Wall, Unis Wall, Sam P. Wall, Thomas Wall or Thos. Wall, Wirus Wall and Bessie Wall, be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever therefrom".

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 1, 1905, in 1906 Choctaw Citizenship case No. 1132, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 19, 1896 (29 Stats., 321), of the following applicants: Dick Randolph, Myrtle Randolph, Minnie Randolph, Decosa Randolph, Lerman Randolph, Hughie Randolph (as Hughie C. Randolph), William F. Wheat (as William Wheat), Myrtle E. Wheat (as Myrtle Wheat), Jesse S. Wheat (as Jesse Wheat), Valdecar Thompson, Dollie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson. On December 7, 1905, the Commission to the Five Civilized Tribes denied said application. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1906, in the case entitled "Dick Randolph, et al., vs. Choctaw Nation", rendered a judgment admitting all of said applicants to citizenship, except Myrtle Wheat and May Thompson, whose names are not mentioned in said judgment. Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 27, 1902, in the case of "Choctaw and Chickasaw Nations or Tribes vs. I. T. Riddle, et al.". Said case was subsequently carried to the Choctaw-Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 141), for a trial de novo, which court, on November 29, 1904, in the case entitled "Dick Randolph, et al., vs. Choctaw and Chickasaw Nations", rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Minnie Randolph, Decosa Randolph or Decosa Randolph, Lerman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jesse Wheat or Jesse Wheat, Decosa Thompson or Decosa Thompson, Ellen Thompson, Valdecar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed".

On January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph), to citizenship in the Choctaw Nation

had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29, 1904.

On January 23, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, and John Boyd Myers, and on January 24, 1905, orders were issued by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clyde Thompson, said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition verified by S. C. Wall, W. I. Thompson, Will Myers, W. E. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Samuel Wall, Jr., Thomas Wall, Viran Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Winnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtle Wheat, Valdemar E. Thompson, Arthur Thompson, Bessie Thompson, Claudia Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition are that the petitioners are the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with \_\_\_\_\_ Nelson, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners have been informed and believe that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that said petitioners have been unable to find any records containing said Act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam P. Wall, Thomas Wall, Viran Wall, Bessie Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Dick Randolph, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Vivian Randolph, William Myers, Winnie Myers, Lelia Blanche Myers, John B. Myers, William

E. Wheat, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson, and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 2, 1898 (30 Stats., 495).

This office has no record of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Rudella Wopper, Lizzie Hogg, Samuel V. Hogg, Roy Randolph, Dick Myers, May Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1896, or any subsequent Act of Congress prior to the filing of the petition herein.

On April 26, 1906, written application was made for the enrollment of Lizzie Louise Hogg, born April 7, 1903, minor daughter of Rudice Hogg and J. T. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On July 13, 1906, application was received under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the enrollment of Robert E. Wall, born April 24, 1903, minor child of Thomas Wall and Elizabeth Wall, as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Hogg and Elmer Wall mentioned in the petition filed January 30, 1906, and for the purposes of this decision will be so considered. On July 15, 1906, application was received for the enrollment of Daisy R. Harper, born July 31, 1904, minor child of J. W. Harper and Daisy Harper, as a citizen of the Choctaw Nation.

It is not alleged in the petition filed January 30, 1906, that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said nation.

The surname "Thompson" appears several times upon the tribal rolls of the Choctaw Nation. This office is unable, however, to identify any of the applicants herein as identical with any of the persons whose names appear on said rolls.

For the purpose of determining whether Giles Thompson, the ancestor of certain petitioners herein, was ever adopted by an Act of Choctaw Council as alleged in the petition, this office on July 31, 1906, addressed a communication to Edward T. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed. In response to said communication, said E. T. Wilson addressed a letter to the Commissioner on August 6, 1906, in which he stated that there was no such Act on file in the office of the National Secretary. Copies of said communications are made a part of the record hereof.

In the opinion that inasmuch as it does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants ever occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation, and inasmuch as it is not alleged in the petition filed January 30, 1906, that any of the said applicants ever occupied such a status, the decision of the Choctaw and Chickasaw Citizenship Court of November 29, 1904, is final, and that the application for the enrollment of such of the applicants as made application



in 1908, and the petition filed January 30, 1906, in so far as same applies to said applicants, should be denied.

I am, therefore, of the opinion that the application for the enrollment of Samuel C. Wall, Sam P. Wall, Thomas Wall, Wira T. Wall, Reenie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Waldemar Thompson, William J. Thompson, Dottie Thompson, Decosa Thompson and Ellen Thompson as citizens of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioners, Lawrence Harper, Gracie Harper, Gustar Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John R. Myers, Claudie Thompson, Giles Thompson and Winona Thompson, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been dismissed, and Myrtle E. Wheat, whose application for enrollment as a citizen of the Choctaw Nation has heretofore been denied, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioner, William Myers, whose application for enrollment as an intermarried citizen of the Choctaw Nation has heretofore been dismissed, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the minor petitioners, Riddella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson, should be considered as an application for the enrollment of said petitioners as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Elizabeth Wall and Savannah Thompson, for whose enrollment as citizens by intermarriage of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of Lizzie Louisa Hogg, Robert E. Wall and Daisy R. Harper as citizens of the Choctaw Nation should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.



I am further of the opinion that following the ruling of the Department of May 25, 1906 (I. T. D. 9114-1906), in the case of Laura E. Akin, and of October 10, 1906 (I. T. D. 18388, 18928-1906), in the case of Wayne Helms, the petition herein in so far as same applies to the petitioner, May Thompson, should be denied, and it is so ordered.

(Signed) Tamm Dixby,

Commissioner.

Wuskogee, Indian Territory,

FEB 4-1907

C O P Y.

DEPARTMENT OF JUSTICE,  
WASHINGTON.

February 19, 1907.

The Secretary of the Interior.

Sir:

I have the honor to communicate to you my opinion in certain Choctaw Indian citizenship cases, the first two submitted by your letter of May 29, 1906, and the others by the direction of the President under date of January 19, 1907.

1. The first case is that of Myrtle Randolph and her brother W. J. Thompson, in regard to which you say:

Myrtle Randolph and W. J. Thompson are children of Giles Thompson, white, intermarried in the Choctaw Nation in Mississippi prior to the treaty of September 27, 1830, (7 Stat., 333), and was one of the parties named by supplementary article II (ib. 340,) as entitled to a section and a half, reserved to him from the ceded lands, to be so selected as "to include their present residence and improvement." His first and second wives were Choctaws. His name appears on page 64, volume 7, American State Papers (Public Lands), as a beneficiary of Article XIX of the treaty of September 27, 1830, and on page 28, volume 1 of the record in suit of the Choctaw Nation v. United States, Court of Claims. He was registered under the treaty as citizen of the Choctaw Nation, Moshulatubbee's District, and with his family was transported under the treaty as Choctaws, at expense of the United States, from Mississippi to the Choctaw Nation, west, prior to October 24, 1833, when he petitioned the President, from Doakesville, near the Red River, in the southern part of the Choctaw Nation, to approve sale of his Mississippi lands to James Gay, of Mississippi, and for issue of patent therefor (copy A enclosed). In the Choctaw Nation, west, in Indian Territory, in 1863, in accordance to Choctaw law, he married a white woman, citizen of the United States, of whom the applicants were born. He was living October 19, 1865, and was paid by the Choctaw Nation for

bees furnished June, 1865. (Copy of act of Council of October 19, 1865, is enclosed, B). He continued to live in the Nation, and was recognized as a citizen, until his death, aged seventy-six years, and his estate was administered in the Choctaw courts as that of an Indian and within their jurisdiction. The applicants--his children-- were born in the Choctaw Nation, were admitted to and attended the Choctaw schools as Choctaws, and in all respects enjoyed and were accorded the privileges of native born Choctaws. The applicants were enrolled by Choctaw Committee on Citizenship in 1892, as Choctaw citizens. The Department is not yet advised whether they are borne on any other of the Choctaw rolls. They settled and improved tribal lands, as the father before had done in Mississippi, as Choctaws, erected homes, and were never ousted or objected to or regarded as intruders.

September 8, 1896, these applicants and others applied to the Commission to the Five Civilized Tribes for enrollment under the act of June 10, 1896 (29 Stat., 321 339) and December 7, 1896, were denied. Applicants appealed to the United States Court, Southern District, Indian Territory which, January 18, 1898, reversed the commission, and admitted the applicants. From this judgement the nation appealed and the judgment was affirmed (reported as *Stephens v. Cherokee Nation and Choctaw Nation v. Robinson*, 174 U.S., 445, foot-note page 469, case No. 587; same v. *Randolph et al*). Subsequently, under the act of July 1, 1902 (32 Stat., 641, 646-9), the matter was brought by appeal of the nations to the Choctaw-Chickasaw Citizenship Court, which, November 29, 1904, denied the application--copy of opinion wherein and in *Wall v. Choctaw Nation et al*, and in *E. H. Bounds v. Choctaw and Chickasaw Nations*, whereon both were founded, are enclosed (C. D. E.).

The validity and finality of the Citizenship Court are therefore a vital feature of this case. In regard to its judgement you say in your letter:

Bearing upon the validity of this judgement, your attention is called to the fact that the act of June 10, 1896, gave no power to the Commission to the Five Civilized Tribes to purge the tribal rolls, which were by the act confirmed. Power to purge the rolls was first conferred on the Commission by the act of June 7, 1897 (30 Stat., 84), and further by section 21, act of June 28, 1898 (30 Stat., 495, 502). Wherefore this Department holds that no jurisdiction was given the Commission, or to the courts on appeal therefrom, to exclude persons having tribal recognition and borne on the tribal rolls, but that such persons, notwithstanding prior adverse action by the Commission, or the courts, are entitled

The Secretary of the Interior--

-3-

to enrollment under the act of 1896 and supplementary acts, unless their inscription on the tribal rolls was procured by fraud or was without authority of law. Such has been the rule of this Department since decision in the case of Wiley Adams, May 21, 1903, discussed and concurred in by the Assistant Attorney-General, Interior Department (Opinions of March 24, 1906), in cases of Benjamin J. Vaughn and Mary Elizabeth Martin. In Vaughn's case counsel for the nations acceded to it as the proper rule.

To determine the validity and the finality of the judgment of the Citizenship Court, as well as other questions arising in these cases, it is necessary to consider carefully the entire legislation of the Congress on this subject.

The act of June 10, 1896 (29 Stat. 321, 339), directed the Commission to the Five Civilized Tribes in the Indian Territory to continue the exercise of the authority theretofore conferred upon them to negotiate with such tribes for the extinguishment of the tribal title to their lands, by the cession of the same or a part thereof to the United States, or their allotment in severalty to the members of such tribes, with a view to the ultimate creation of a State or States embracing such lands.

That act also provided:

That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: Provided, however, That such application shall be made to such Commissioners within three months after the passage of this Act. The said Commission shall decide all such applications within ninety days after the same shall be made, That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall

give due force and effect to the rolls, usages, and customs of each of said nations or tribes. And provided, further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: Provided, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this Act, it or he may appeal from such decision to the United States district court: Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

That the said commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this Act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

The commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs to remain there for use as the final judgment of the duly constituted authorities.

The act of June 7, 1897 (30 Stat. 62, 84) contained this provisions:

That said commission shall continue to exercise all authority heretofore conferred on it by law to negotiate with the Five Tribes, and any agreement made by it with any

one of said Tribes, when ratified, shall operate to suspend any provisions of this Act if in conflict therewith as to said nation. Provided, That the words "rolls of citizenship", as used in the act of June tenth, eighteen hundred and ninety-six, making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation, and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the council of such nation, the duly authorized Courts thereof, or the commission under the act of June tenth, eighteen hundred and ninety-six. And all the other names appearing upon such rolls shall be open to investigation by such commission for a period of six months after the passage of this Act. And any name appearing on such rolls and not confirmed by the Act of June tenth, eighteen hundred and ninety-six, as herein construed, may be stricken therefrom by such commission where the party affected shall have ten days previous notice that said commission will investigate and determine the right of such party to remain upon such roll as a citizen of such nation: Provided, also, That any one whose name shall be stricken from the roll by such commission shall have the right of appeal, as provided in the Act of June tenth, eighteen hundred and ninety-six.

The act of June 28, 1898 (30 Stat. 495, 502-3), provided:

Sec. 21. That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such inter-married white persons as may be entitled to citizenship under Cherokee laws.

X

X

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The Secretary of the Interior.

-6-

Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes.

X X X X X  
The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

The act of May 31, 1900 (31 Stat. 221,236), provided:

That said commission shall continue to exercise all authority heretofore conferred upon it by law, but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior.

The act of March 3, 1901 (31 Stat. 1058,1077), contained this provisions

The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized and directed to fix a time by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto.

The act of July 1, 1902 (32 Stat.641) ratified an agreement made by the Commission to the Five Civilized Tribes with the Commission representing the Choctaw and Chickasaw Tribes. This agreement was subsequently ratified by those two nations as required therein. In regard to rolls of citizenship it provided:

27. The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 26, 1898 (30 Stat., 495), and the act of Congress approved May 31, 1900 (31 Stat., 221), except as herein otherwise provided: Provided, That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined.

28. The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws.

29. No person whose name appears upon the rolls made by the Commission to the Five Civilized Tribes as a citizen or freedman of any other tribe shall be enrolled as a citizen or freedman of the Choctaw or Chickasaw nations.

30. For the purpose of expediting the enrollment of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen, the said Commission shall, from time to time, and as early as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Choctaw and Chickasaw tribes and of Choctaw and Chickasaw freedmen, upon which allotment of land and distribution of other tribal property shall be made as herein provided. Lists shall be made up and forwarded when contests of whatever character shall have been determined, and when there shall have been submitted to and approved by the Secretary of the Interior lists embracing names of all those lawfully entitled to enrollment, the rolls shall be deemed complete. The rolls so prepared shall be made in quintuplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Choctaw Nation, one with the governor of the Chickasaw Nation, and one to remain with the Commission to the Five Civilized Tribes.

31. It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in the Indian Territory acting under the Act of Congress approved June 10, 1896, have admitted persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in such courts being given to each of said nations; and it being insisted by said nations that, in such proceedings, notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in the Indian Territory, under the said Act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such commission, and should not have extended to a trial de novo of the question of citizenship; and it being desirable to finally determine these questions the two nations, jointly, or either of said nations acting separately and making the other a party defendant, may, within ninety days after this agreement becomes effectual, by a bill in equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decisions by said courts. Ten persons so admitted to citizenship or enrollment by said courts, with notice to one but not to both of said nations, shall be made defendants to said suit as representatives of the entire class of persons similarly situated, the number of such persons being too numerous to require all of them to be made individual parties to the suit; but any person so situated may, upon his application, be made a party defendant to the suit. Notice of the institution of said suit shall be personally served upon the chief executive of the defendant nation, if either nation be made a party defendant as aforesaid, and upon each of said ten representative defendants, and shall also be published for a period of four weeks in at least two weekly newspapers having general circulation in the Choctaw and Chickasaw nations. Such notice shall set forth the nature and prayer of the bill, with the time for answering the same, which shall not be less than thirty days after the last publication. Said suit shall be determined at the earliest practicable time, shall be confined to a final determination of the questions of law here named, and shall be without prejudice to the determination of any charge or claim that the admission of such persons to citizenship or enrollment by said United States courts in the Indian Territory was wrongfully obtained as provided in the next section. In the event said citizenship judgments or decisions are annulled or vacated in the test suit hereinbefore authorized, because of either or both of the irregularities claimed and insisted upon by said nations as aforesaid, then the files, papers and proceedings in any citizenship case in which the judgement or decision is so annulled or vacated,

shall, upon written application therefor, made within ninety days thereafter by any party thereto, who is thus deprived of a favorable judgment upon his claimed citizenship, be transferred and certified to said citizenship court by the court having custody and control of such files, papers and proceedings, and upon the filing in such citizenship court of the files, papers and proceedings in any such citizenship case, accompanied by due proof that notice in writing of the transfer and certification thereof has been given to the chief executive officer of each of said nations, said citizenship case shall be docketed in said citizenship court, and such further proceedings shall be had therein in that court as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes, and as if no judgment or decision had been rendered therein.

32. Said citizenship court shall also have appellate jurisdiction over all judgments of the courts in Indian Territory rendered under said Act of Congress of June tenth, eighteen hundred and ninety six, admitting persons to citizenship or to enrollment as citizens in either of said nations. The right of appeal may be exercised by the said nations jointly or by either of them acting separately at any time within six months after this agreement is finally ratified. In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, whenever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy. And said court shall have power to make all needful rules and regulations prescribing the manner of taking and conducting said appeals and of taking additional evidence therein. Such citizenship courts shall also have like appellate jurisdiction and authority over judgments rendered by such courts under the said act denying claims to citizenship or to enrollment as citizens in either of said nations. Such appeals shall be taken within the time hereinbefore specified and shall be taken, conducted and disposed of in the same manner as appeals by the said nations, save that notice of appeals by citizenship claimants shall be served upon the chief executive officer of both nations: Provided, That paragraphs thirty-one, thirty-two and thirty-three hereof shall go into effect immediately after the passage of this Act of Congress.

33. A court is hereby created to be known as the Choctaw and Chickasaw Citizenship Court, the existence of which shall terminate upon the final determination of the suits and proceedings named in the last two preceding sections, but in

no event later than the thirty-first day of December, nineteen hundred and three. Said court shall have all authority and power necessary to the hearing and determination of the suits and proceedings so committed to its jurisdiction, including the authority to issue and enforce all requisite writs, process and orders, and to prescribe rules and regulations for the transactions of its business. It shall also have all the powers of a circuit court of the United States in compelling the production of books, papers and documents, the attendance of witnesses, and in punishing contempt, Except where herein otherwise expressly provided, the pleadings, practice and proceedings in said court shall conform, as near as may be, to the pleadings, practice and proceedings in equity causes in the Circuit Courts of the United States. The testimony shall be taken in court or before one of the judges, so far as practicable. Each judge shall be authorized to grant, in vacation or recess, interlocutory orders and to hear and dispose of interlocutory motions not affecting the substantial merits of the case. Said court shall have a chief judge and two associate judges, a clerk, a stenographer, who shall be deputy clerk, and a bailiff. The judges shall be appointed by the President, by and with the advice and consent of the Senate, and shall each receive a compensation of five thousand dollars per annum, and his necessary and actual traveling and personal expenses while engaged in the performance of his duties. The clerk, stenographer, and bailiff shall be appointed by the judges, or a majority of them, and shall receive the following yearly compensation: Clerk, two thousand four hundred dollars; stenographer, twelve hundred dollars; bailiff, nine hundred dollars. The compensation of all these officers shall be paid by the United States in monthly installments. The moneys to pay said compensation are hereby appropriated, and there is also appropriated the sum of five thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, to pay such contingent expenses of said court and its officers as to such Secretary may seem proper. Said court shall have a seal, shall sit at such place or places in the Choctaw and Chickasaw nations as the judges may designate, and shall hold public sessions beginning the first Monday in each month, so far as may be practicable or necessary. Each judge and the clerk and deputy clerk shall be authorized to administer oaths. All writs and process issued by said court shall be served by the United States marshal for the district in which the service is to be had. The fees for serving process and the fees of witnesses shall be paid by the party at whose instance such process is issued or such witnesses are subpoenaed, and the rate or amount of such fees shall be the same as is allowed in civil causes in the circuit court of the United States for the western district of Arkansas. No fees shall be charged by the clerk or other officers of



said court. The clerk of the United States court in Indian Territory, having custody and control of the files, papers, and proceedings in the original citizenship cases, shall receive a fee of two dollars and fifty cents for transferring and certifying to the citizenship court the files, papers, and proceedings in each case, without regard to the number of persons whose citizenship is involved therein, and said fee shall be paid by the person applying for such transfer and certification. The judgment of the citizenship court in any or all of the suits or proceedings so committed to its jurisdiction shall be final. All expenses necessary to the proper conduct, on behalf of the nations, of the suits and proceedings provided for in this and the two preceding sections shall be incurred under the direction of the executives of the two nations, and the Secretary of the Interior is hereby authorized, upon certificate of said executives, to pay such expenses as in his judgment are reasonable and necessary out of any of the joint funds of said nations in the Treasury of the United States.

It appears that the agreement in these paragraphs provides for the establishment of the Choctaw and Chickasaw Citizenship Court, and gives it jurisdiction of a test suit to annul and vacate the decisions of the United States courts in the Indian Territory admitting persons to citizenship and enrollment as citizens of the Choctaw and Chickasaw nations, respectively, on the ground of want of notice to both of said nations and because the United States courts tried such cases de novo, with a right in the event such judgments should be annulled because of either or both of the irregularities mentioned, on the part of any party thus deprived of a favorable judgment to remove his case to the Citizenship Court, where such further proceedings were to be had therein "as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes and if no judgment or decision had been rendered therein; and also "appellate jurisdiction over all judgments of the courts in Indian Territory, rendered under said act of Congress of June



tenth, eighteen hundred and ninety-six, admitting persons to citizenship or to enrollment in either of said nations." In the exercise of such appellate jurisdiction the citizenship court was "authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, whenever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy."

It will be noted that the agreement further provides (paragraph 33) that "the judgment of the citizenship court in any or all of the suits or proceedings so committed to its jurisdiction shall be final."

The agreement also contained this provision:

34. During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls but who have not heretofore been enrolled by said Commission, commonly known as "delinquents", and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act of Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whomsoever for enrollment shall be received after the expiration of the said ninety days: Provided, That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws, for whom provision has herein otherwise been made.

By the act of April 21, 1904 (33 Stat. 189,204), it was provided that the Commission to the Five Civilized Tribes should conclude its work and terminate on or before July 1, 1905, and cease to exist on that date, the powers theretofore conferred

upon it being continued.

By the act of March 3, 1905 (33 Stat., 1048, 1060), it was provided "that the work of completing the unfinished business, if any, of the Commission to the Five Civilized Tribes shall devolve upon the Secretary of the Interior, and that all the powers heretofore granted to the said Commission to the Five Civilized Tribes are hereby conferred upon the said Secretary on and after the first of July, nineteen hundred and five."

By the Act of April 26, 1906 (34 Stat., 137), it was provided:

That after the approval of this act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this act, in which cases such motion shall be made within sixty days after the passage of this act. x x x x x

By that act the rolls of citizenship of the several tribes were required to be completed by March 4, 1907.

After very carefully considering this legislation, in the light of the circumstances under which it was enacted, I am constrained to the conclusion that the Citizenship Court had jurisdiction of the cases now under consideration, and that its judgment therein is final.

By the act of June 10, 1896, the Commission to the Five Civilized Tribes was "authorized and directed to proceed at once

to hear and determine the application of all persons who may apply to them for citizenship in any of said nations." It is true that this act also confirmed the then existing rolls of the several tribes, but the question whether an applicant was, as matter of fact, already duly enrolled upon one of the rolls so confirmed constituted, in my opinion, an issue upon which the Commission was authorized and required to pass the applicant may be fairly held to have waived by his application the conclusiveness of the confirmation of the rolls in his case.

Independently, of any such waiver, I do not see how the proposition that the Commission did not have jurisdiction of the case of a person whose name was upon a tribal roll can be maintained, in the face of the provision of the act of June 10, 1896, that "in determining all such applications said Commission shall X X X X give due force and effect to the rolls, usages and customs of each of said nations or tribes." I think that act left it to the Commission to determine whether or not the applicant was upon a roll which was confirmed, and evidently it did not so hold in these cases.

It is unnecessary, however, to determine what might have been the effect of an adverse judgment in the case of an applicant whose name was upon a roll so confirmed, for such confirmation was certainly and very materially modified by the act of June 7, 1897, and apparently altogether withdrawn by the act of June 28, 1898. The act of June 7, 1897, provided that the words "rolls of citizenship" as used in the act of June 10, 1896, should be cen-

strued to mean the "last authenticated rolls of each tribe which have been approved by the council of the nation." I am informed that there never was any such an authenticated roll of the Choctaw Tribe, either at the time of the passage of the act of June 10, 1896, or subsequently thereto. Moreover, by the act of June 28, 1898, it was provided that in making rolls of citizenship of the several tribes, the Commission should take the Cherokee roll of 1880 as the only roll intended to be confirmed by that and preceding acts of Congress: it seems to be clear from the further provisions of the Act that the Congress did not here refer to the Cherokee rolls only but had in mind those of all the Tribes. To my mind, however, the decisive consideration is that Congress, knowing there were certain cases of contested citizenship in the Choctaw and Chickasaw Nations, referred these cases, under carefully defined conditions, to the Citizenship Court and made the determination of that Court in those cases final. This provision of law repealed, as to cases in this category, any inconsistent provisions (if any there were) in the act of 1896 or any other prior act. These cases were unquestionably within the terms of the law; the claimants had been admitted to citizenship by decisions of the United States courts, and it seems clear that, under the agreement with the Choctaw and Chickasaw Nations ratified by the act of July 3, 1902, it was intended that the Citizenship Court should have a revisory jurisdiction of judgments of the United States courts in the Indian Territory in citizenship cases, irrespective of the grounds on which these suits had been enter-

tained by the said courts. That agreement was made after the confirmation given to the tribal rolls had been qualified if not withdrawn, and, we must presume, with a knowledge of the fact that the Commission, under the act of June 10, 1896, had exercised jurisdiction in the case of persons whose names appeared upon some of the rolls of the tribes. Its action seems to show that Congress did not intend to confirm any roll of the Choctaw and Chickasaw tribes, but, however, that may be when, with a knowledge of all that had gone before, it created the Citizenship Court, this was done, in my opinion, with the evident purpose of giving it jurisdiction of all citizenship cases which had been decided by the United States courts for the Indian Territory on appeal from the judgments of the Commission. As neither Congress nor the Nations made any distinction in the act and agreement referred to as to the cases of persons whose names were on a tribal roll which might have been confirmed by the act of June 10, 1896, if Congress had not decided otherwise, I do not think any other authority can make this distinction. Indeed, as I have suggested, the applicants themselves, having voluntarily submitted to the jurisdiction of the Commission, might be fairly held estopped to now deny it.

I understand that it is not contended, nor do I think it could be successfully maintained, that any authority to review the judgments of the Citizenship Court was intended to be conferred upon you by Congress when it made the rolls, as finally compiled, subject to your approval (see paragraph 30 of the agreement rati-

fied by the act of July 1, 1902). Neither do I think that the provision in the act of April 26, 1906, above quoted, as to enrolling persons and entertaining motions to reopen or reconsider citizenship cases, was intended to recognize or confer any such authority the purpose of that provision being simply to limit the time in which the authority previously conferred might be exercised. To hold thus would be to treat the later act as a repeal of so much of the former as expressly declared the judgments of the Citizenship Court to be final, which seems to be untenable.

This disposes of the cases of Myrtle Randolph and her brother W. J. Thompson: whatever their intrinsic merits, these claims have been finally decided adversely to the claimants by the judgment of the Citizenship Court.

2. The second case is that of Cyrus H. Kingsbury and Lucy E. Littlepage, in regard to whom you say:

Cyrus H. Kingsbury and Lucy E. Littlepage are children of John Parker-Kingsbury and wife, Hannah Mariah, white, affiliated by act of the Choctaw Council of November 15, 1854, which enacted:

That all rights, privileges and immunities of Choctaw citizens are hereby granted unto John Parker-Kingsbury and to his wife Hannah Mariah, and they shall enjoy all the benefits to which the citizens of this nation may hereafter be entitled, except in the participation of any sum of money which may now be due the nation under treaty stipulations heretofore made.

Both applicants were born in the Choctaw Nation and have always resided there as its recognized citizens. Both are on the tribal Choctaw 1888 census roll, Atala County, Nos. 819, 821. September 7, 1896, they applied to the Commission to the Five Civilized Tribes under the act of June 10, 1896, were enrolled, and no appeal was taken. Cyrus H. Kingsbury is on the 1896 Choctaw census roll. Lucy E. Littlepage is on the partial roll of Choctaw citizens by



blood, and her husband, Patrick H. Littlepage, is on the roll of intermarried citizens--both rolls approved by the Secretary of the Interior, October 21, 1904. Patent, signed and executed by the principal chief of the Choctaw nation, conveying to Cyrus H. Kingsbury allotted tribal lands as a citizen by blood, is now before the Secretary of the Interior for approval, but is not yet approved, or delivered. No objection to occupation of tribal lands was ever made against either applicant as an intruder.

Paragraph 27 of the agreement with the Choctaw and Chickasaw Nations ratified by the act of July 1, 1902, provides that the rolls of Choctaw and Chickasaw citizens shall be made by the Commission to the Five Civilized Tribes "in strict compliance" with the acts of June 28, 1898, and May 31, 1900.

Section 21 of the act of June 28, 1898, after providing that in making rolls of citizenship of the several tribes the Commission shall take the roll of Cherokee citizens of 1880 as the only roll intended to be confirmed by that and preceding acts of Congress, and providing for the enrollment of the Cherokees, authorizes and directs the Commission "to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

It might be held that the only white person intended to be enrolled by this act were such intermarried ones as were entitled to citizenship under the treaties and laws of the tribes,

if it were not for the reference to the tribal rolls, on which as appears from your statement as to these parties, there were undoubtedly the names of adopted whites. The only names which the Act declares shall be eliminated from the tribal rolls are those placed thereon by fraud or without authority of law, and it is not suggested that the names of these parties were open to either of those objections.

Light, it seems to me, is thrown on this matter by the act of May 31, 1900, which was also directed to be strictly complied with in making the rolls of citizenship of these tribes. That act is plainly intended to be of a restrictive nature, yet a fair construction of it would seem to authorize the enrollment of these parties. It provides that the Commission shall continue to exercise all authority theretofore conferred upon it by law, "but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of any such application shall be final when approved by the Secretary of the Interior."

This act recognizes the authority of the Commission to receive, consider and record the application of a recognized citizen of any of the tribes referred to who has been duly and lawfully enrolled or admitted as such, its refusal of the application of any person not so qualified being made final when approved by the Secretary of the Interior.

These applicants appear to possess all of these qualifications. Your letter states that they were born and have always resided in the Choctaw Nation as its recognized citizens; that their names appear upon various tribal rolls, and that they were admitted by the Commission in 1896 as citizens, no appeal from the decision of the Commission being taken by the nation. That they were duly and lawfully enrolled by the tribal authorities would seem to result from the fact that both of their parents had been adopted into the tribe, and the failure to contest the action of the Commission in admitting them would indicate that their citizenship rights were regarded as indisputable.

You say that you would not have doubt that these applicants, born to the allegiance of the Choctaw Nation, are entitled to be enrolled, but for the report of my predecessor to the President of February 24, 1906, in the case of persons without Indian blood and the order to you of February 27, 1906, that "in the President's judgment, without reference to the act of Congress, it is perfectly clear equity demands that the son of white parents, who has no Indian blood in his veins, even though one of these parents has been adopted into the tribe, should not be treated as an Indian."

The report of Mr. Needy and the order of the President thereon, had reference to the case of children of white persons, one of whom had previously acquired Indian citizenship by virtue of his marriage into the Choctaw tribe, but had afterwards, upon the death of his Indian spouse, married a white person. Mr. Needy

was of opinion that the right of citizenship acquired by an inter-married white was a personal right, and could not be conferred upon children by such subsequent marriage, which is also the view taken by the Citizenship Court.

I see no reason to question the soundness of that conclusion, assuming that the matter is still open for consideration. It is expressly provided by the Choctaw act of November 9, 1875, providing for the intermarriage of whites with Choctaws, that a white person intermarrying into the tribe in pursuance of the act should forfeit his rights of citizenship acquired thereunder if upon the death of his Indian spouse he married "a white man or woman, or person, as the case may be, having no rights of Choctaw citizenship by blood."

I am aware that it has been held by one of the United States Courts in the Indian Territory that this law is inconsistent with the treaty of April 28, 1866, but, with great respect for the said court, I do not <sup>so</sup> consider it. That treaty provides:

Article 28. Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation and shall be subject to the laws of the Choctaw and Chickasaw Nations according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects as though he was a native Choctaw.

This article merely recognizes a pre-existing custom of the Choctaw and Chickasaw Nations as to the intermarriage and adoption of white persons, and cannot fairly be said to have been intended to prevent them from decitizenizing an intermarried person for good cause: and what better cause could there be than that

the tie which bound him to the tribe, and because of which alone citizenship was granted, was broken?

An act of the Choctaw Nation, approved October 30, 1896, providing for the enrollment of Choctaw citizens, provided that "the Commission shall enroll as citizens all who come under any one of the following heads, and all such persons are hereby declared citizens of the Choctaw Nation:"

X X X X X

V. All white men who have married Choctaw women by blood in strict conformity to the laws of the Choctaw Nation of 1875 regulating inter-marriage, or the Chickasaw law of 1876 regulating intermarriage, and have not been divorced from same nor married any other than a Choctaw woman by blood since said marriage.

X X X X X

VIII. All white women who have married Choctaws by blood legally and have not been divorced from them nor since married any other than a Choctaw by blood, a recognized citizen and resident of the Choctaw or Chickasaw Nation.

X X X X X

That act further provided that "the Commissions are especially prohibited from enrolling as citizens any persons coming under the following heads:"

X X X X X

II. The children of any marriage where neither the father nor mother are Choctaws by blood, though one or both of said Childrens' parents may have enjoyed intermarried rights.

III. All persons who, though they had at one time inter-married rights, afterwards married a person not a Choctaw by blood (being the father or mother of Choctaw children shall not save a person from this clause).

X X X X X

VI. All white persons who have been admitted to citizenship with their wife or husband by the General Council and afterward the wife or husband, Choctaw by blood, dying, the surviving party, being a white person, has intermarried with a person not a Choctaw by blood.

X X X X X

It is clear that, at least since 1875, the Choctaw Nation never intended that a White person, intermarrying into the tribe, should have power to confer citizenship upon his children by a subsequent marriage to other than a citizen by blood. The informal opinion of Attorney General Moody unquestionably had reference to cases of this character.

The case of the present applicants is quite different from that just referred to. Here both parents were adopted into the tribe. It must have been contemplated that they might have children, and if so, what was to be their citizenship if not that of their parents?

The facts in the present case answer this inquiry. Your letter states that these applicants have always been recognized as citizens of the Choctaw Nation; that their names appear on the tribal census roll of 1885, as well as upon the rolls prepared in pursuance of the Choctaw act of October 30, 1896. It seems clear, therefore, irrespective of the action of the Commission in admitting them as citizens in pursuance of the authority granted to it by the act of June 10, 1896, that they are clearly entitled to be enrolled for allotment purposes.

3. The Case of Loula (or Lula West, et al.

It appears from the papers in this case that Loula West applied to the Commission to the Five Civilized Tribes, pursuant to the Act of June 10, 1896, for admission to citizenship in the Cho-



law Nation, and was admitted as a citizen by blood; that the Choctaw Nation appealed to the United States Court for the Central District of the Indian Territory, which affirmed the judgment of the Commission; that this judgment was annulled and vacated by the judgment of the Citizenship Court in the test case provided for by the Act of July 1, 1902 (32 Stat. 641, 647); and thereupon she removed her case to that court, which ~~had~~ denied her application.

This case is similar to that of Murtie Randolph and her brother W. J. Thompson, children of Giles Thompson, above referred to, in that it involves the question of the finality of the judgment of the Citizenship Court, it being contended that the Commission in the first instance and the Citizenship Court ultimately on appeal had no jurisdiction of the case because at the time of her application to the Commission her name was upon a tribal roll.

For the reasons heretofore stated, I think this contention is not well founded, and that the Citizenship Court had jurisdiction of such cases, and its judgments therein were final.

4. The Case of William C. Thompson et al.

In this case the record shows that Thompson applied to the Commission to the Five Civilized Tribes, pursuant to the act of June 10, 1896, for the enrollment of himself, his wife, and children with the exception of a daughter, Mary M. McNeese, who made a separate application for herself, her husband, a white man, and their children. The Commission denied Thompson's application, and also that of his daughter. No appeal was taken from these

judgments, and it is contended, on behalf of the Nation, that under the act of June 10, 1896, they were final and conclusive against the right of these parties to be enrolled.

The claimants, however, rely upon the fact that their names appear upon the tribal roll prepared in pursuance of the Choctaw acts of September 18, and October 30, 1896.

In my judgment, the action of the Commission, under the act of June 10, 1896, not having been appealed from was final and conclusive against the right of these parties to be admitted to citizenship, and the Choctaw nation, even if it attempted to do so, had no right thereafter to admit them. It will be observed that the act of June 10, 1896, provided that applications should be made to the Commission within three months after the passage of the act, and that the Commission should decide all such applications within ninety days after they were made; that the rolls of citizenship of the several tribes as then existing were confirmed, and "any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof;" and that "if the tribe, or any person be aggrieved with the decision of the tribal authorities of the Commission provided for in this Act, it or he may appeal from such decision to the United States

District Court: Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final."

As I read this act, it authorized application to be made either to the Commission to the Five Civilized Tribes or the "legally constituted court of committee" of such tribes, with a right of appeal by the party aggrieved by the decision of either to the United States court. Therefore and in view also of the fact that the act contemplated contemporaneous action by the Commission and the tribal courts, I think it clear that the provision that "any person who shall claim to be entitled to be added to said rolls (the existing rolls of the tribe) as a citizen of either of said tribes whose right thereto has either been denied or not acted upon", had reference to a previous denial or failure to act of the tribal authorities, and not to the subsequent action or non-action of the Commission, the tense of the verbs-"has either been denied or not acted upon", not "shall be denied or not acted upon"-indicating that past action or non-action was referred to. Prior to the passage of this act the Commission had no jurisdiction of these citizenship matters.

When, therefore, as here, the claimant had applied to the Commission to be admitted and enrolled, and his application denied, his only remedy, under the act in question, lay in an appeal to the United States court. It is true Thompson claims to have received no notice of the denial of his application by the Commission, but that is not a valid excuse.

But aside from this question of jurisdiction in the Choctaw

Nation to admit persons to citizenship who had been denied by the Commission, it appears that the Nation never undertook to authorize the admission or enrollment of these parties, and that, in any aspect of the case, they were enrolled without authority of law and their names should, in pursuance of the mandate in the act of Congress of June 26, 1896, be eliminated from the tribal rolls.

The Choctaw Nation does not appear to have proceeded under the authority of the act of Congress of June 10, 1896, authorizing the establishment by the several tribes of a court or committee for the purpose of passing upon applications for citizenship as provided therein. It was not until September 18, 1896, ten days after the expiration of the period in which applications for citizenship were to be submitted to the "legally constituted court or committee" of the tribes under the act of June 10, 1896, that the Choctaw Council passed the act above referred to. That act provided for the appointment of census commissioners in each county, with authority "to enroll all recognized citizens of the Choctaw Nation by blood, intermarriage and adoption who are recognized as citizens of the Choctaw Nation under the treaties, constitution and law of the said nation." It further provided that "the rolls when completed by said commissioners shall be certified to by said commissioners and delivered to the Principal Chief of the Choctaw Nation on or before the twentieth day of October, 1896, to be revised and approved by the next General Council of the Choctaw Nation."

It is manifest that this act conferred no power upon such commissioners to admit any person to citizenship, but only to enroll "recognized citizens". Yet in virtue thereof one of the county committees assumed to pass upon a petition prepared by Thompson's attorney, under date of August 1, 1896, and addressed to the General Council of the Choctaw Nation, "at its regular session October 1896, "praying that "all rights, privileges, and immunities of the Choctaw Nation" be granted to himself, his wife, family and certain other relatives, "and they be enrolled with the legal citizenship of said Nation."

This petition does not appear ever to have been presented to the Choctaw Council or referred by any competent authority to the committee which assumed to pass upon it. Upon its back is the following endorsement:

William C. Thompson together with the names appearing on the face of the within application, lineal descendants of Margaret McCoy are hereby recognized and admitted to the citizenship of the Choctaw Nation or Tribe of Indians by the legally constituted Choctaw Census Commission duly assembled at Kiewa, I.T. this the 8th day of October, 1896, upon the testimony of Henry Perkins, Mrs. Lavinia Franklin, they being enrolled Choctaw Indians by blood. The within named parties not being present were passed for further enrollment.

A. G. Folsom,  
Secretary of Census Committee.

This was a manifest attempt to exercise an authority not delegated to the committee.

On October 30, 1896, the Choctaw Council, at its regular session, passed an act creating three commissions, one from each District, one member of each of which to be designated as "Chief Commissioner", "to make a complete roll of the citizens of the Choctaw Nation." By that act it was made the duty of said com-

missions "to examine the rolls made by the commissions under the act of September 18, 1896, and also to expunge from said rolls of September 18, 1896, the names of all persons whom they shall adjudge not to be citizens". It was further provided:

The Commission shall enroll as citizens all who come under any of the following heads, and all such persons are hereby declared citizens of the Choctaw Nation:

I. All Choctaws by blood born and raised in the Choctaw Nation.

II. All Choctaws by blood who have been admitted to citizenship by the General Council and now residents of the Nation.

X X X X X

It was provided that "at the expiration of the time allowed the commissions in each District, the Chief Commissioner shall meet at Tushka Homma at their earliest convenience and not later than the first Monday in December 1896, and shall revise the Rolls made by their respective District Commissions during the succeeding ten days after they meet". The Chief Commissioners were authorized to "enroll the name of any citizen who for any good cause failed to appear before the District Commissions". It was further provided that "the Roll as completed and signed by the Chief Commissioners, when approved by the Principal Chief, shall be the legal and authorized Roll of citizens of the Choctaw Nation".

These parties were enrolled by the registry board, but that their enrollment was unauthorized is clear. The act just referred to only authorized the enrollment of Choctaws by blood who were "born and raised" in the Choctaw Nation or had "been admitted to citizenship by the General Council." The applicants pes-



essed neither of these qualifications. According to his own statement, William C. Thompson was not raised in the Choctaw Nation, having been taken to Mississippi shortly after his birth, and returning only once during his boyhood for about a year. It is further stated that he remained in Mississippi until the war, when he went to Texas, not returning again to the Choctaw Nation until 1867. He had never been "admitted to citizenship by the General Council." His wife and children could claim no greater rights than he possessed. The other applicants named in his petition were descendants of his brother, who was born in Mississippi and whose record appears to be otherwise about the same as William C. Thompson's.

Moreover, it appears from the opinion of the Assistant Attorney General for the Interior Department of March 24, 1905, in the case of Mary Elizabeth Martin, that on July 17, 1897, the Principal Chief of the Choctaw Nation advised the Commission to the Five Civilized Tribes that he had refused to approve the last revised roll made in accordance with the act of October 30, 1896, because he was satisfied there were some names thereon "that have been registered through fraud or misrepresentation." As such approval was necessary in order to make the roll as prepared "the legal and authorized roll of citizens of the Choctaw Nation," it would seem that in no aspect of the case could these parties be said to be lawfully admitted and enrolled.

It further appears that these applicants, or some of them including William C. Thompson, applied in 1900 to the Commission

for the Five Civilized Tribes for identification as Mississippi Choctaws under the following provision of section 21 of the act of June 26, 1898:

Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and prepare all other acts necessary thereto and make report to the Secretary of the Interior.

Article 14 of the treaty of September 27, 1830, provided:

ARTICLE XIV. Each head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

The only evidence adduced in any way tending to show a compliance with the terms of this article were statements to the effect that William C. Thompson's grandfather applied for land under the treaty of 1830 but was refused by the Indian agent. Congress, however, by the acts of March 3, 1837, and August 23, 1842, (5 Stat. 180, 513), appointed Commissioners for the purpose of adjusting claims of this kind, and there was no evidence to the effect

that the ancestors of the claimants had endeavored to comply with the provisions of those acts, or received patents or certificates for land as therein provided for. The Commission properly held, therefore, that it was impossible to identify the applicants as Mississippi Choctaws.

Upon the whole case, it seems to me clear that these applicants, and these claiming intermarried rights with them, should be denied enrollment.

The other cases consolidated with this are of a similar nature, and under the views above stated the parties referred to therein are, in my judgment, not entitled to be enrolled.

##### 5. The Case of Richard B. Coleman et al.

The enrollment of the parties referred to in this case depends upon the effect to be given to the following act of the General Council of the Choctaw Nation passed November 8, 1889:

An Act to establish the citizenship of R. B. Coleman, his wife and their children.

Sec. 1. Be it enacted by the General Council of the Choctaw Nation Assembled, That Richard Benjamin Coleman, and their children, as follows: Richard St. Clair, age 16 years, Ida Clay, age 13, Bennetta, age 11, Bettie Withers, age 9, Henry Allen, age 6, Willie Norma Coleman, age 4 years, are hereby admitted to citizenship in the Choctaw Nation with its rights, privileges, and immunities, and that this act shall take effect and be in force from and after its passage.

It is contended that this act was procured by fraud and bribery, and that, therefore, the names of Coleman and his family should be eliminated from the tribal rolls upon which they appear, under the act of Congress of June 28, 1896, which provides:

Said Commission is authorized and directed to make correct rolls of citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto x x x .

The Commission held that they had no authority to go behind the act of the Choctaw Council referred to, but in an informal opinion rendered you December 7, 1904, Acting Attorney General Day, after quoting the above provision, said:

It appears to me the above quoted provisions of the statute impose upon the Commission to the Five Civilized Tribes the duty and gave it the power to determine whether any name appearing upon a tribal roll was placed there by fraud or without authority of law, and that the mere fact that such enrollment was by virtue of an act of the National Council is not sufficient to preclude an inquiry. An act of the Council should be treated with respect as prima facie valid and efficacious, and nothing done as the result thereof should be lightly set aside; but if it clearly appears that the act was procured by deliberate fraud and perjury I do not think that Congress intended that benefits thereunder should be enjoyed.

Mr. Day did not pass upon the facts of this case. Subsequently, the Assistant Attorney-General for the Interior Department, upon a consideration of the record, held that it did not clearly appear therefrom that the act in question had been fraudulently procured.

In my judgment the record in this case clearly shows deliberate fraud on the part of Richard B. Coleman in procuring the passage of the act admitting him to citizenship. It appears that Coleman came into the Choctaw Nation about 1880. In 1887 he made application to the citizenship committee of the Choctaw Council for admission as a citizen by blood, representing by himself and witnesses he brought before the committee that his father was a Choctaw boy named Frank Coleman, the son of a John

Coleman and Chappenia, a full blood Choctaw, who had lived in Mississippi with his parents prior to the migration in 1830. The boy Frank it was testified, had been sent to Kentucky to school and nothing afterwards heard of him.

The testimony adduced on behalf of the Nation before the Commission to the Five Civilized Tribes shows that the father of Coleman was Francis S. Coleman, a son of a Francis Coleman who was born and raised in Orange County, Virginia, and was not a Choctaw. This testimony was given in the form of a deposition by Mrs. Harriet Henry, a sister of Francis S. Coleman, and R. L. Coleman a nephew, residing at Columbia, Missouri. The identity of Francis S. Coleman with the father of the applicant appears from the fact testified to by the applicant as well as the two witnesses just referred to, that he married Ann Elizabeth Bedford, the daughter of John Bedford, in Kentucky, and the testimony of all parties that Francis S. Coleman went to Denton, Texas, and died there. Although duly advised as to the intention of the attorneys for the Choctaw Nation to take this testimony, no effort was made by Coleman or his attorney to file cross interrogatories or in any way rebut it, but they confined themselves to an endeavor to have the testimony stricken from the records as not having been taken in accordance with law. The authority of the Commission to take the testimony in this was is clear, under the act of June 28, 1898 (30 Stat., 495), which provides:

Said commission shall make such rolls descriptive of the persons thereon, so that they may be thereby identified, and it is authorized to take a census of each of said tribes, or

to adopt any other means by them deemed necessary to enable them to make such rolls,

This testimony was further enforced by another deposition of said R. L. Coleman, taken by Commissioner Tamm Bixby, in which R. L. Coleman stated further that he knew the applicant Richard B. Coleman, that he was his cousin. A motion was likewise made to strike this testimony from the record, because taken without notice to the applicant, but it was overruled by the Commission, who held that under the authority of the above act they could take such measures as they deemed necessary to satisfy themselves as to the justice of the applicant's claim. I do not think it is shown that they abused their discretion in this matter.

It appears that the application of Richard B. Coleman to be enrolled as a citizen by blood of the Nation, upon the grounds above stated, was passed over by the citizenship committee of the Council in 1887; taken up again in 1888 and a bill of rejection passed by the committee of the council; renewed at the session of 1889, and a bill of admission introduced into the House of Representatives which was rejected, and then a new bill introduced and enacted into the law above quoted.

I think it sufficiently appears from the testimony in this case, particularly that given by and on behalf of the applicant himself, that the Council in admitting him and his family to citizenship did so upon the strength of the testimony adduced by him before the Committee on Citizenship that he was a Cheetaw by blood, descended as he represented. It is to be observed that he and his family all claim that he was admitted as a Cheetaw by blood.



Some testimony was introduced for the purpose of showing that Coleman had bribed one Reebuck, the member of the Council who introduced the second bill, but the evidence on that point is not sufficient to establish the fact.

In October, 1898, the General Council of the Choctaw Nation passed an act repealing the act of November 8, 1889, admitting Coleman and his family to citizenship. This act was, however, disapproved by President McKinley, upon the recommendation of the Secretary of the Interior, under the authority of the act of Congress of June 28, 1898, which required the approval of the President to all acts of the Choctaw and Chickasaw Nations in any manner affecting the lands of the tribes.

Although this act was thus invalidated, it may fairly be taken to indicate the sense of the Nation at that time that Coleman was improperly admitted. The reason for its disapproval does not appear but it might reasonably have been rejected on the ground that by the act of June 28, 1898, the work of making up the rolls of citizenship and eliminating therefrom those placed thereon by fraud was committed entirely to the Commission to the Five Civilized Tribes.

It is to be observed that Commissioner Bixby, who was the only Commissioner who considered this case on its merits, was "clearly of the opinion from such evidence as has been presented to this Commission that the evidence presented to and acted upon by the Citizenship Committee of the Choctaw General Council, which passed upon the petition of these applicants, and upon which evidence their admission to Choctaw Citizenship was based, was fraudulent, false,

and misleading.

In my opinion, these parties should be stricken from the rolls

6. The Case of Ethel Pierson.

This case presents the question of your authority to enroll the children of Choctaw freedmen who were minors living March 4, 1906. The decision of this question turns upon the construction to be given to section 2 of the Act of April 26, 1906 (34 Stat., 137), as amended by the Act of June 21, 1906 (34 Stat. 342).

The act referred to originally provided:

Sec. 2. That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteenth hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek Tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled. If any citizen of the Cherokee tribe shall fail to receive the full quantity of land to which he is entitled as an allotment, he shall be paid out of any of the funds of such tribe a sum equal to twice the appraised value of the amount of land thus deficient. The provisions of section nine of the Creek agreement ratified by Act approved March first, nineteenth hundred and one, authorizing the use of funds of the Creek tribe for equalizing allotments, are hereby restored and reenacted, and after the expiration of nine months from the date of the original selection of an allotment of land in the Choctaw, Chickasaw, Cherokee, Creeker Seminole tribes, and after the expiration of six months from the passage of this Act as to allotments heretofore made, no contest shall be instituted against such allotment: Provided, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteenth hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date: provided further, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: Provided, That nothing herein shall apply to the intermarried

whites in the Cherokee Nation, whose cases are now pending in the Supreme Court of the United States.

The amendatory act provided, (34 Stat., 341-2):

That section two of the Act entitled "An Act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April twenty-sixth, nineteen hundred and six, be, and the same is hereby, amended by striking out thereof the words "Provided further That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: Provided further, That nothing herein shall apply to the intermarried whites in the Cherokee Nation whose cases are now pending in the Supreme Court of the United States." And insert in said Act in lieu of the matter repealed, the following) Provided further, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes, except for minors the children of Indians by blood, or of freedmen members of said tribes, of of Mississippi Choctaws identified under the fourteenth article of the treaty of eighteen hundred and thirty, as herein otherwise provided, and the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment.

In the agreement with the Choctaw and Chickasaw Nation ratified by the act of July 1, 1902 (32 Stat. 641), it was provided (paragraphs 1 and 3) that the words "member" or "members" and "citizen" or "Citizens", "whenever used in this agreement", shall be held to mean members or citizens of the Choctaw or Chickasaw tribe of Indians in Indian Territory, not including freedmen."

The Commissioner to the Five Civilized Tribes in passing upon this case held that, in view of the above definition, the act of April 26, 1906, as amended, was not intended to apply to the children of freedmen in the Choctaw and Chickasaw Nations, but only to those of the Cherokee and Creek Nations.

There would be some force in the argument that minors the children of freedmen members of the Choctaw Nation were not included

in the Act of April 26, 1906, if it were not for the proviso substituted by the amendatory act of June 21, 1906. That proviso was, as the Commissioner said, "in the nature of a construction by Congress of the meaning intended to be conveyed by the section as originally enacted." It says, in so many words, that minors the children of freedmen members of said tribes (referring to all of the tribes, which are separately named in the preceding part of section 2, among them the Choctaw and Chickasaw tribes) may be enrolled. This definition settles the doubt that otherwise might have arisen as to the children of freedmen members of said tribes, as well as the children of Mississippi Choctaws. If, therefore, the Choctaw freedmen are members of said nation, the right of their children to be enrolled can to be questioned.

The Choctaw freedmen were adopted by an act of the General Council of the Nation approved May 21, 1883, entitled "An Act to adopt the freedmen of the Choctaw Nation", which provided (Report of Commissioner of Indian Affairs, 1884, p.XEV):

Whereas by the third and fourth articles of the treaty between the United States and the Choctaw and Chickasaw Nations, concluded April, 23, 1866, provision was made for the adoption of laws, rules, and regulations necessary to give all persons of African descent resident in said nations at the date of the treaty of Fort Smith, September 13, 1865, and their descendants, formerly held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by or belonging to said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, 40 acres each of the lands of said nations on the same terms as Choctaws and Chickasaws, to be selected on the survey of said lands; until which said freedmen shall be entitled to as much land as they may cultivate for the support of themselves and families; and

Whereas the Choctaw Nation adopted legislation in the form of a memorial to the United States Government in regard to adopting freedmen to be citizens of the Choctaw Nation, which was approved by the principal chief November 2, 1880, setting forth the status of said freedmen and the inability of the Choctaw Nation to prevail upon the Chickasaws to adopt any joint plan for adopting said freedmen, and notifying the United States Government of their willingness to accept said freedmen as citizens of the Choctaw Nation in accordance with the third and fourth articles of the treaty of 1866 as a basis; and

Whereas a resolution was passed and approved November 5, 1880, authorizing the principal chief to submit the aforesaid proposition of the Choctaw Nation to adopt their freedmen to the United States Government; and

Whereas a resolution was passed and approved November 6, 1880, to provide for the registration of freedmen in the Choctaw Nation, authorizing the principal chief to appoint three competent persons in each district, citizens of the nation, whose duty it shall be to register all freedmen referred to in said third article of the treaty of 1866 who desire to become citizens of the nation in accordance with said treaty, and upon proper notification that the Government of the United States had acted favorably upon the proposition to adopt the freedmen as citizens, to issue his proclamation notifying all such freedmen as desire to become citizens of the Choctaw Nation to appear before said commissioner for identification and registration; and--

Whereas in the Indian appropriation act of Congress May 17, 1862, it is provided that either of said tribes may adopt and provide for the freedmen in said tribe in accordance with said third article: Now, therefore,

Be it enacted by the general council of the Choctaw Nation, That all persons of African descent resident in the Choctaw Nation at the date of the treaty of Fort Smith, September 13, 1865, and their descendants, formerly held in slavery by the Choctaws or Chickasaws, are hereby declared to be entitled to, and invested with all the rights, privileges, and immunities, including the right of suffrage, of citizens of the Choctaw Nation, except in the annuities, moneys and the public domain of the nation.

X                    X                    X                    X                    X

Sec. 3. Be it further enacted, That all said persons are hereby declared to be entitled to forty acres each of the lands of the nation, to be selected and held by them under the same title and upon the same terms as the Choctaws.

X                    X                    X                    X                    X

It appears that this act was accepted by the Secretary of the Interior on behalf of the United States as a substantial compli-

The Secretary of the Interior--

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ance with the terms of the treaty of 1866, and the moneys authorized to be paid by that treaty upon a compliance therewith were turned over to the Nation.

I am of opinion, therefore, that the Assistant Attorney General for the Interior Department was right in his conclusion that minors, the children of Choctaw freedmen, living March 4, 1906, are entitled to be enrolled.

This disposes of the several cases submitted. The papers therein are herewith returned.

Respectfully,

Charles J. Bonaparte,  
Attorney General.



Muskogee, Oklahoma, April 7, 1909.

Report on letter of  
Kappler & Merrillat in re  
Choctaw enrollment cases  
of William J. Thompson  
and others.

The Honorable,

The Secretary of the Interior.

Sir:

On March 26, 1909 (File 5-51, Choctaw), the Department transmitted to this office for report, to be forwarded through the Indian Office, a letter dated March 25, 1909, from Messrs. Kappler & Merrillat, Washington, D. C., relative to the enrollment cases of William J. Thompson, Myrtle Randolph, Dick Randolph, Samuel C. Wall, Samuel P. Wall, and other (unnamed) members of the Randolph-Thompson and Wall families.

Messrs. Kappler & Merrillat claim that the names of these persons were stricken from the approved rolls of the Five Civilized Tribes, and now demand that they be restored to the status of recognized citizens of the Choctaw Nation.

Reporting in this matter I have the honor to advise that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Samuel C. Wall for the enrollment of himself and his minor son, Sam P. Wall, as citizens of the Choctaw Nation, and for the enrollment of his wife, Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall

for the enrollment of himself and his minor children, Hiram T. Wall and Bessie Lee Wall, as citizens of the Choctaw Nation; and by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3, 1901, written application was filed for the enrollment of Ora Nellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as citizens of the Choctaw Nation; that on September 14, 1898, application was made by James V. Harper for the enrollment of his wife, Daisy Harper, and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 28, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Custer Harper, minor children of James V. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 14, 1898, application was made by Dick Randolph for enrollment as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtie Randolph, and his minor children, Minnie, Decosa, Herman, Hughie, and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick and Myrtie Randolph, as a citizen of the Choctaw Nation; that on February 9, 1901, written application was filed for the enrollment of Lelia Blanche Myers, and on June 28, 1902, written application was filed for the enrollment of John Boyd Myers, minor children of William Myers and Minnie

Myers (formerly Randolph), as citizens of the Choctaw Nation; that on September 15, 1898, application was made at Paul's Valley, Indian Territory, by Waldemar Thompson for the enrollment of himself and his minor daughter, Dollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudia Ellen Thompson and Glas Glide Thompson, minor children of Waldemar Thompson and May Thompson, as citizens of the Choctaw Nation; that application was made September 15, 1898, by William E. Wheat for the enrollment of himself as an intermarried citizen and for his minor children, Jesse G. and Myrtle E. Wheat, as citizens of the Choctaw Nation; that on the same date application was made by William J. Thompson for enrollment as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made at Moka, Indian Territory, December 5, 1899, by William Myers for enrollment as an intermarried citizen of the Choctaw Nation; that on September 14, 1898, at Paul's Valley, Indian Territory, application was made for the enrollment of Eccessa and Ellen Thompson as citizens of the Choctaw Nation.

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship

in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321) of the following applicants:

Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harber (as Daisy Wall), Eunice Hogg (as Unis Wall), Sam P. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall) and Bessie . Wall (as Bessie Wall).

Said application was denied by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation. This judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations of Tribes vs. J. T. Riddle, et al."

This cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on November 20, 1904, in the case entitled "Samuel Wall, et al., vs. Choctaw and Chickasaw Nations," said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisey Wall, Unis Wall,

Sam P. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall, be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship Case No. 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Dick Randolph, Myrtle Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtle E. Wheat (as Myrtle Wheat), Jesse G. Wheat (as Jesse Wheat), Eldemar Thompson, Della Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson.

This application was denied December 7, 1896, by the Commission to the Five Civilized Tribes, and an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled "Dick Randolph, et al. vs. Choctaw Nation," rendered a judgment admitting all of said applicants to citizenship, except Myrtle Wheat and May Thompson, whose names were not mentioned in said judgment.

The judgment of the United States Court was subsequently vacated, set aside and held for naught by a decree of the Choctaw-

Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. I. Riddle, et al." Said case was subsequently certified to the Choctaw-Chickasaw Citizenship Court for a trial de novo, which court, on November 9, 1904, in the case entitled "Dick Randolph, et al. vs Choctaw and Chickasaw Nations," rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiff, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jesse Wheat or Jesse Wheat, DeCosa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Edlie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed."

On January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph), to citizenship in the Choctaw Nation had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 9, 1904.



The Commission to the Five Civilized Tribes on January 23, 1905, issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers and John Lloyd Myers, and on January 24, 1905, orders were issued dismissing the applications for the enrollment of Binona Thompson, Martie Thompson, Claudia Ellen Thompson and Giles Clyde Thompson, said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decree of the Choctaw and Chickasaw Citizenship Court in the case above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Martie E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commission to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition verified by S. E. Wall, W. J. Thompson, Will Myers, W. E. Thompson and Tom Wall, praying for the enrollment of Samuel E. Wall, Samuel Wall Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph,

Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtle Wheat, Waldemar R. Thompson, Arthur Thompson, Delic Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Vinona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William B. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition were that the petitioners were the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with \_\_\_\_\_ Folsom, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners were informed and believed that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that petitioners were unable to find any records containing said Act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam P. Wall, Thomas Wall, Miran Wall, Essie Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Gustor Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Dick Randolph, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Vivian Randolph, William Myers,

Minnie Myers, Lelia Blanche Myers, John B. Myers, William K. Wheat, Jessa Wheat, Myrtle Wheat, Waldemar E. Thompson, Dollie Thompson, Glaudiv Thompson, Gless Thompson, William J. Thompson, Winona Thompson and Ellen Thompson, are identical with the persons for whom enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 195).

It does not appear that there is any record in this office of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Rudella Hepper, Lizzie Hogg, Samuel J. Hogg, Roy Randolph, Dick Myers, May Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898, or any subsequent Act of Congress prior to the filing of the petition herein.

On April 26, 1906, written application was made for the enrollment of Lizzie Louiza Hogg, born April 7, 1903, minor daughter of Eunice Hogg and J. T. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On July 18, 1906, application was received under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the enrollment of Robert E. Wall, born April 4, 1903, minor child of Thomas Wall and Elizabeth Wall as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Hogg and Elmer Wall mentioned in the petition filed January

30, 1906, and on July 12, 1906, application was received for the enrollment of Daisy R. Harper, born July 31, 1904, minor child of J. N. Harper and Daisy Harper, as a citizen of the Choctaw Nation.

It was not alleged in the petition filed January 30, 1906 that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said Nation.

For the purpose of determining whether Giles Thompson, the ancestor of certain of the petitioners above mentioned, was ever adopted by an Act of Choctaw Council as a legatee in the petition, this office on July 21, 1906, addressed a communication to Edward H. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed. In response to said communication, E. H. Wilson addressed a letter to the Commissioner on August 6, 1906, in which he stated that there was no such Act on file in the office of the National Secretary.

On February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Garue C. Wall, Sam V. Wall, Thomas Wall, Hiram T. Wall, Rezie L. Wall, Daisy Harper, Eunice Hagg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. What, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Ellen Thompson, Lizzie

Louisa Hogg and Daisy E. Warner as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Warner, Custer Warner, Effie Hogg, Nellie Hogg, Yena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtle Wheat as citizens and dismissing the application for the enrollment of Rudella Wopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, was, on February 4, 1907, transmitted to the Secretary of the Interior for review.

On February 2, 1907, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes of February 4, 1907, in this case.

In reporting on this matter the attention of the Department is respectfully invited to a letter dated February 15, 1907, communicating the opinion of the Attorney General to the Secretary of the Interior in certain Choctaw Indian citizenship cases, among which were the cases of Myrtle Randolph and her brother W. J. Thompson. The opinion of the Attorney General as to these two

persons, concludes as follows:

"This disposes of the cases of Mirtie Randolph and her brother F. J. Thompson; whatever their intrinsic merits these claims have been finally decided adversely to the claimants by the judgment of the Citizenship Court."

In the same letter the Attorney General rendered an opinion as to the rights of Loula (or Lulu) West et al., and stated as follows:

"This case is similar to that of Mirtie Randolph and her brother F. J. Thompson, children of Elias Thompson, above referred to, in that it involves the question of the finality of the judgment of the Citizenship Court, it being contended that the Commission in the first instance and the Citizenship Court ultimately on appeal had no jurisdiction of the case because at the time of her application to the Commission her name was upon a tribal roll. For the reasons heretofore stated, I think this contention is not well founded, and that the Citizenship Court had jurisdiction of such cases, and its judgments therein were final."

It does not appear that the name of any of the persons concerning whom this report is submitted were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or Commissioner to the Five Civilized Tribes, nor that any of them were ever allowed to select an allotment of land as a citizen of the Choctaw Nation.

The letter of Kappler & Merrillat of March 15, 1909, is returned herewith.

Respectfully,

Through the Commissioner  
of Indian Affairs.  
Nov 7/2

Acting Commissioner.



NT

J.W.H.  
W.C.P.  
T.W.L.

DEPARTMENT OF THE INTERIOR,

Address only WASHINGTON.  
The Secretary of the Interior.

April 13, 1909.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

Herewith is a letter, dated April 7, 1909, from Messrs. Kappler & Merillat, attorneys at law, of this city, wherein, as a preliminary step to the institution of suit against the Secretary of the Interior, they demand that he restore the following persons to the status of recognized citizens of the Choctaw Nation:

Winona Thompson,

Decosa Randolph,

Herman Randolph,

Hugh Roy Randolph,

Iena Randolph,

Vivian Randolph,

Minnie Hall,

Blanch Myers,

Thomas Myers,

Dick Myers.

You are requested to furnish a report concerning the enrollment of said persons, following the general instructions contained in departmental letter of March 15, 1909 (File 5-51)

Very respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

1 Enc.  
(Send direct: copy  
to Indian Office.)

Kappler & Merrillat,  
Attorneys and Counsellors at Law  
Bond Building

Washington, D.C. April 7, 1909.

The Honorable,  
The Secretary of the Interior,  
Washington, D. C.

Sir:

As attorneys for Winona Thompson, Decos, Herman, Hugh Roy, Lena and Vivian Randolph, Minnie Hall, Blanch, Thomas and Dick Myres, Choctaw Indians who were stricken from the rolls of the Five Civilized Tribes, we hereby respectfully make demand that you cause their names to be restored to the rolls in the Five Civilized Tribes, from which they were stricken by Secretary Hitchcock.

We also give notice, as required by law, that in the event this demand be not complied with, we will be compelled to institute suit to compel their restoration to the rolls.

An early reply hereto is requested.

Yours respectfully,

(Signed) Kappler & Merrillat.

MR

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.  
J.W.H.  
W.C.P.  
T.W.L.

April 17, 1909.

Address only  
The Secretary of the Interior.

File 5-51.

The Commissioner  
to the Five Civilized Tribes.

Sir:

Herewith is a letter dated April 1, 1909, from Messrs. Kappler & Merrillat, Attorneys at Law, of this city, wherein they demand, as a preliminary step to the institution of suit against the Secretary of the Interior, that he cause the names of the following persons to be restored to the rolls of citizenship of the Choctaw Tribes

W. E. Thompson,

T. J. Hogg,

Bunice Hogg,

J. N. Harper,

Daisy Harper,

Ella Thompson.

You are requested to render a report in the matter, following the general instructions contained in department letter of March 15, 1909, file 5-51, taking particular care to state in this, as well as in other cases, whether certificates of allotment or patent have been issued to or recorded in favor of the applicants.

Very respectfully,

(Signed) Jesse E. Wilson.  
Assistant Secretary

1 enclosure; Send direct  
Copy to Indian Office.

Kappler & Merillat  
Attorneys and Counsellors at Law  
Bond Building,

Washington, D.C. April 13, 1909

The Honorable,  
The Secretary of the Interior,  
Washington, D.C.

Sir:

In behalf of W. E. Thompson, T. J. Hogg, Eunice Hogg,  
J. N. Harper, Daisy Harper and Ella Thompson, we hereby re-  
spectfully make demand that you cause their names to be re-  
stored to the rolls of the Choctaw Tribe of Indians, from which  
they were stricken by the Secretary of the Interior.

At the same time, we desire respectfully to give notice  
that if the demand be not acceded to we will take appropriate  
proceedings in Court to compel their restoration to the rolls.

We make this request and demand in accordance with law,  
and for the reason that we believe the Secretary of the Inte-  
rior was without authority or jurisdiction to strike from the  
rolls the names of persons once placed thereon, especially  
where land had been allotted to the parties as was the case  
with our clients.

Yours respectfully,

(Signed) Kappler & Merillat

D 489-1909  
D 514-1909

Muskogee, Oklahoma, April 23, 1909.

Subject:

Reporting on Departmental letters  
of April 13, 1909 and April 17,  
1909, relative to W. E. Thomp-  
son et al. and Winona Thompson

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of  
April 15, 1909 (File 5-51) transmitting communication of  
April 7, 1909, from Messrs. Kappler & Merillat, attorneys at  
law, Washington, D. C., wherein, as a preliminary step to the  
institution of suit against the Secretary of the Interior,  
they demand that Winona Thompson, Decosa Randolph, Herman  
Randolph, Hugh Roy Randolph, Lena Randolph and Vivian Ran-  
dolph, Minnie Hall, Blanch Myres, Thomas Myres and Dick Myres  
be restored to the status of recognized citizens of the Choc-  
taw Nation, and requesting a report concerning the enrollment  
of said persons.

Receipt is also acknowledged of Departmental letter of  
April 17, 1909 (File 5-51), transmitting communication of  
April 13, 1909 from Messrs. Kappler & Merillat, attorneys at

Secretary 2

law, Washington, D. C., wherein they demand, as a preliminary step to the institution of suit against the Secretary of the Interior, that he cause the names of the following persons to be restored to the rolls of citizenship of the Choctaw tribe: W. E. Thompson, T. J. Hogg, Eunice Hogg, J. N. Harper, Daisy Harper and Ella Thompson.

A report is requested in this matter following the general instructions contained in Departmental letter of March 15, 1909, taking particular care in this, as well as in other cases, to state whether certificates of allotment or patents have been issued to or recorded in favor of the applicants.

Reporting in this matter I have the honor to advise that the names of the persons above mentioned are included in the Choctaw enrollment case of Samuel C. Wall, et al. and the facts in this case are as follows:

It appears from the records of this office that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in Choctaw 1896 Citizenship Case Number 540, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321), of Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as



Secretary 3

Unis Wall), Sam P. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall), and Bessie L. Wall (as Bessie Wall).

This application was denied by the Commission to the Five Civilized Tribes December 2, 1896. From this decision appeal was taken to the United States Court for the Southern District of Indian Territory, which, on January 19, 1898, in case Number 126 on the citizenship docket, reversed the decision of the Commission and admitted the applicants to citizenship in the Choctaw Nation.

This judgment was subsequently annulled, vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of the Choctaw and Chickasaw Nations or Tribes of Indians versus J. T. Riddle, et al.

Subsequently said cause was certified to the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641) for a trial ~~enovo~~, and on November 29, 1904, in the case entitled Samuel Wall, et al. versus the Choctaw and Chickasaw Nations, Case Number 26 on the Tishomingo Docket, said Court rendered a decree wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisy Wall, Unis Wall,

Secretary 4

Sam F. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in Choctaw 1896 Citizenship Case Number 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896, of Dick Randolph, Myrtie Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtie E. Wheat (as Myrtie Wheat), Jesse G. Wheat (as Jesse Wheat), Waldemar Thompson, Dollie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson.

On December 7, 1896, the Commission denied this application. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled Dick Randolph et al. versus the Choctaw Nation, rendered a judgment admitting all of said applicants to citizenship except

Secretary 5

Myrtle Wheat and May Thompson whose names were not mentioned in the judgment.

This judgment was subsequently annulled, vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, and the cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, which court, on November 29, 1904, in case Number 27 on the Tishomingo Docket, entitled Dick Randolph, et al. versus the Choctaw and Chickasaw Nations, rendered a judgment wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, De Cosa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed.

January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the

Secretary 6

enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph) had been denied by the Choctaw and Chickasaw Citizenship Court.

January 23, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers and John Boyd Myers, and on January 24, 1905, orders were entered by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, for the reason that the rights of the persons through whom these applicants claimed as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

February 4, 1905, the Commission rendered a decision denying the application for the enrollment of Myrtle S. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition praying for the enroll-

Secretary 7

ment of Samuel C. Wall, Samuel Wall Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

This office could not identify the applicants herein as having been enrolled upon any of the tribal rolls of the Choctaw Nation in its possession.

February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the applications for enrollment of all the persons included in this decision and on the same date the record, together with the decision in this case, was forwarded to the Secretary of the Interior.

February 26, 1907 (Land 13244-1907) the Indian Office

Secretary 8

concurring in the decision of the Commissioner of February 4, 1907, denying these applicants, and on February 28, 1907 (I T D 5080, 5146, 5148, 5190, 5194, 5196, 5200, 5208, 5212, 5214, 5322, 5334, 5336, 5344, 5346, 5350, 5358, 5394, 5442-1907), the Department affirmed said decision.

I have the honor to state that no formal allotments were ever made to these persons but applications for lands were made in their behalf which were involved in allotment contests; these contests were afterward dismissed and the lands given to the contestees and patents therefor have undoubtedly been recorded and delivered.

It further appears that T. J. Hogg was the non-citizen husband of Eunice Hogg, nee Wall, and that J. N. Harper was the non-citizen husband of Daisy Harper, nee Wall, and that no application was made to the Commission or the Commissioner to the Five Civilized Tribes for their enrollment as citizens of the Choctaw Nation.

It also appears that this office has no record of any favorable decision ever having been rendered by the Department in this case.

The letters of Kappler & Merrillat of April 7, 1909 and April 13, 1909 are herewith returned.

Respectfully,

Choctaw 4997

Through the Commissioner  
of Indian Affairs.

AB

Commissioner.



Land:  
27496-1909  
31863-1909  
J E D

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs, G.R.

Washington. Jun 8 1909

Enrollment case of  
Samuel C. Wall, et al.

The Commissioner

to the Five Civilized Tribes,  
Muskogee, Oklahoma,

Sir:

Referring to your reports of April 7 and 23, 1909, relative to the Choctaw enrollment case of Samuel C. Wall, et al., you are advised that on May 28, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S. 249). The Department declined to take any action looking to the enrollment of any of the persons included in the case of Samuel C. Wall, et al. A copy of approved Office letter of May 4, 1909, is inclosed for your further information. You are requested to notify the proper parties of this action.

Very respectfully,

C. F. Hauke,

Chief Clerk.

JC-3  
1788

E.B.M. 2  
L.H.A.  
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GR

Lang  
27496-1909  
31863- "  
J E D

May 4 1909

Enrollment claims of  
Samuel C. Wall, et al.

The Secretary of the Interior.

Sir:

Referring to Department letters of March 25, April 13 and 17, 1909 (File 4-21 Choctaw), there are transmitted herewith reports of April 7 and 23 from the Commissioner to the Five Civilized Tribes, in regard to the case of Samuel C. Wall, et al., applicants for enrollment as Choctaw citizens.

The history of the case is set out fully in the reports inclosed. The records show that on February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Ellen Thompson, Lizzie Louisa Hogg and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Guster Har-

per, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtie Wheat as citizens, and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Rby Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

On February 28, 1907, the Department affirmed the decision of the Commissioner denying the applications.

In this connection your attention is invited to the opinion, dated February 19, 1907, of the Attorney General, in reference to the Choctaw citizenship cases of Myrtie Randolph and her brother, W. J. Thompson, which opinion is referred to by the Commissioner to the Five Civilized Tribes in his report. The Commissioner reports that it does not appear that the names of any of the persons mentioned were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or the Commissioner to the Five Civilized Tribes, or that any of them were ever allowed to select an allotment of land as a citizen of that nation.

Moreover, it does not appear from the records of the Office that the Department ever approved any applications of these persons for enrollment as citizens of the Choctaw Nation. The Office is of the opinion that the case of Samuel C. Wall, et al. is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908 in that case (211 U. S. 249).

It is therefore recommended that the Department take no

action looking to the enrollment of any of the persons included  
in the case of Samuel C. Wall, et al.

The record in the case and other papers pertaining thereto  
are inclosed for your further information.

Very respectfully,

(Signed) R. G. Valentine,

Acting Commissioner.

OGP-1  
521

WCP

JWH

APPROVED: May 28, 1909.

Frank Pierce

First Assistant Secretary.  
FWS

Choctaw 4977  
Choctaw Minor  
1274

Muskogee, Oklahoma, June 11, 1909.

Mr. Thomas J. Hogg,  
Wallville, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall, et al., is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Refer in reply to the following:

Choctaw 4977  
Choctaw Minor  
1274

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Oklahoma, June 11, 1909.

Mr. Thomas J. Hogg,  
Wallville, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall, et al., is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

*Thomas J. Hogg*  
Acting Commissioner

AB



Choc 4978 Daisy Harper

# 2,3,4 Dismissed Jan 23, 1905

see c-31

see 4979 for record

4-23-09 report to DEPT as to all parties in case

June 11, 1909 parties notified

4978  
86th

Muskogee, Indian Territory, June 28, 1900.

Messrs Patchell & Pycatt,

Attorneys at Law,

Pauls Valley, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of June 26th, inclosing application for enrollment as a citizen of the Choctaw Nation of Gracie Ellen Harper, the infant daughter of Daisy and James Harper, born March 17th, 1900, and the same, being in proper form, has been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

7-4978

7-4978

Muskogee, Indian Territory, November 1, 1908.

James Harper.

Johnson, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of James Custer Harper, infant son of James and Daisy Harper, born June 27, 1908; and the same being in proper form has been duly filed with the records of the Commission, and the child listed for enrollment as a citizen of the Choctaw Nation.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 30, 1903.

J. N. Harper,  
Johnson, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 8, in which you state that you are an inter-married citizen of the Choctaw Nation; that you married a daughter of S. C. Wall who was admitted by United States Court. You ask information relative to holding land.

In reply to your letter you are advised that it appears from our records that Daisy Harper, wife of James W. Harper and the daughter of Sam C. Wall, was admitted to citizenship in the Choctaw Nation by judgment of the United States Court for the Southern District, Indian Territory, rendered at Ardmore, January 19, 1898, in citizenship case number 126.

On December 17, 1902, the "Choctaw-Chickasaw citizenship court", created under the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, vacated and set aside all judgments of the United States Courts in Indian Territory, admitting persons to citizenship in the Choctaw and Chickasaw Nations. It may be added, however, that lands upon which so-called court claimants have improvements, not in excess of lawful allotments, will not be allotted to any citi-

J. H. Harper---2

zen until the rights of such court claimants shall be finally determined.

Respectfully,

Acting Chairman.

ART  
DCL

7-4978

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Lawrence V. Harper, Gracie Ellen Harper and James Custer Harper,  
as citizens by blood of the Choctaw Nation.

-----oOo-----

The applicants, Lawrence V. Harper, Gracie Ellen Harper  
and James Custer Harper, claim the right to enrollment as citizens  
by blood of the Choctaw Nation through their mother, Daisy Harper,  
(nee Wall).

The right of the applicants' mother, Daisy Harper (as  
Daisy Wall or Daisev Wall) to citizenship in the Choctaw Nation  
having been adversely determined by a decree of the Choctaw and  
Chickasaw Citizenship Court of November 29, 1904, in case number  
26 upon the Tishomingo Docket of said Court, it is hereby ordered  
that the application for the enrollment of Lawrence V. Harper, Gracie  
Ellen Harper and James Custer Harper, as citizens by blood of the  
Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby,  
Chairman.

Muskogee, Indian Territory.  
Jan. 23, 1905.



Choctaw 4978

COPY

Muskogee, Indian Territory, January 23, 1905.

Daisy Harper,

Johnson, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your minor children, Lawrence V. Harper, Gracie Ellen Harper and James Custer Harper as citizens by blood of the Choctaw Nation.

Respectfully,

W. G. NEED

*Dixby*

Registered.

Chairman.

Incl. 7-4978

Choctaw 4978

COPY.

Muskogee, Indian Territory, January 23, 1905.

Patchell & Wyeatt,

Attorneys at Law,

Pauls Valley, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of Lawrence V. Harper, Gracie Ellen Harper and James Custer Harper, as citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

*James Burby*

Chairman.

Registered.

Incl. 7-4978

Choctaw 4978

COPY.

Muskogee, Indian Territory, January 23, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 23, 1905, dismissing the application for the enrollment of Lawrence V. Harper, Gracie Ellen Harper and James Custer Harper as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

*James Dancy*

Incl. 7-4978.

Chairman.

C- 31  
7-4979  
7-4976  
7-4977  
7-4978  
7-5012  
7-5026  
7-5037  
7-5038  
7-D- 835  
7-5013  
23-1093  
23-1120  
23-1274.

WCF

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
SAMUEL C. WALL, et al., as citizens of the Choctaw Nation.

DECISION.

The record herein shows that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Samuel C. Wall for the enrollment of himself and his minor son, Sam F. Wall, as citizens of the Choctaw Nation, and for the enrollment of his wife, Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall to the Commission to the Five Civilized Tribes for the enrollment of himself and his minor children, Wirt T. Wall and Bessie Lee Wall, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3, 1901, written application was filed for the enrollment of Ora Nellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as a citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by James W. Harper for the enrollment of his wife, Daisy Harper, and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 2, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Custer Harper, minor children of James W. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by Dick Randolph for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtle Randolph, and his minor children, Minnie Randolph, Decose Randolph, Herman Randolph, Hughie Randolph and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick Randolph and Myrtle Randolph, as a citizen of the Choctaw Nation; that on February 9, 1901, written application was filed for the enrollment of Lellie Blanche Myers,

-2-

and on June 28, 1902, written application was filed for the enrollment of John Royd Myers, minor children of William Myers and Minnie Myers (formerly Randolph), as citizens of the Choctaw Nation; that on September 15, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, by Waldemar Thompson for the enrollment of himself and his minor daughter, Dollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudie Ellen Thompson and Giles Clide Thompson, minor children of Waldemar Thompson and Way Thompson, as citizens of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 15, 1898, by William E. Wheat for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and for the enrollment of his minor children, Jesse G. Wheat and Myrtle E. Wheat, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by William T. Thompson for the enrollment of himself as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William T. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Atoka, Indian Territory, December 5, 1898, by William Myers for the enrollment of himself, as an intermarried citizen of the Choctaw Nation; that on September 14, 1894, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, for the enrollment of Decona Thompson and Ellen Thompson as citizens of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Samuel G. Wall (as Samuel Wall), Ellen Wall, Daisy Terper (as Daisy Wall), Eunice Hogg (as Unis Wall), Sam W. Wall, Thomas Wall, Wren T. Wall (as Wren Wall), and Fessie L. Wall (as Fessie Wall).

Said application was denied by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision of the Commission appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 17, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 441), for a trial

de novo, and on November 29, 1904, in the case entitled "Samuel Wall, et al., vs. Choctaw and Chickasaw Nations", said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisy Wall, Unis Wall, Sam T. Wall, Thomas Wall or Thos. Wall, Wiram Wall and Bessie Wall, be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom".

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 1, 1896, in 1896 Choctaw Citizenship case No. 1132, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Dick Randolph, Myrtle Randolph, Minnie Randolph, Decosa Randolph, Fernan Randolph, Hughie Randolph (as Hughie C. Randolph), William K. Wheat (as William Wheat), Myrtle K. Wheat (as Myrtle Wheat), Jesse C. Wheat (as Jesse Wheat), Waldener Thompson, Dollie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson. On December 7, 1896, the Commission to the Five Civilized Tribes denied said application. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 10, 1898, in the case entitled "Dick Randolph, et al., vs. Choctaw Nation", rendered a judgment admitting all of said applicants to citizenship, except Myrtle Wheat and May Thompson, whose names were not mentioned in said judgment. Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Piddle, et al.". This case was subsequently certified to the Choctaw-Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 241), for a trial de novo, which court, on November 29, 1904, in the case entitled "Dick Randolph, et al., vs. Choctaw and Chickasaw Nations", rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Minnie Randolph, Decosa Randolph or Decosa Randolph, Fernan Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or W. Wheat, Jess Wheat or Jesse Wheat, Decosa Thompson or Decosa Thompson, Ellen Thompson, Waldener Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed".

On January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Winnie Myers (as Minnie Randolph), to citizenship in the Choctaw Nation



had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29, 1904.

On January 23, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Vellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, and John Boyd Myers, and on January 24, 1905, orders were issued by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Glide Thompson, said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition verified by S. C. Wall, W. T. Thompson, Will Myers, W. E. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Samuel Wall, Jr., Thomas Wall, Wiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Vellie Hogg, Lizzie Hogg, Samuel H. Hogg, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John W. Myers, Dick Myers, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Arthur Thompson, Dollie Thompson, Claudia Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ellen Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition are that the petitioners are the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with \_\_\_\_\_ Watson, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners have been informed and believe that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that said petitioners have been unable to find any records containing said act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam E. Wall, Thomas Wall, Wiram Wall, Bessie Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Eunice Hogg, Effie Hogg, Vellie Hogg, Dick Randolph, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Vivian Randolph, William Myers, Minnie Myers, Lelia Blanche Myers, John W. Myers, William

E. Wheat, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson, and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

This office has no record of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Rudella Popper, Lizzie Fogg, Samuel J. Fogg, Roy Randolph, Dick Myers, Vay Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898, or any subsequent Act of Congress prior to the filing of the petition herein.

On April 26, 1906, written application was made for the enrollment of Lizzie Louise Fogg, born April 7, 1903, minor daughter of Eunice Fogg and J. T. Fogg, a non-citizen, as a citizen of the Choctaw Nation. On July 1<sup>st</sup>, 1906, application was received under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the enrollment of Robert E. Wall, born April 24, 1903, minor child of Thomas Wall and Elizabeth Wall, as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Fogg and Elmer Wall mentioned in the petition filed January 30, 1906, and for the purposes of this decision will be so considered. On July 18, 1906, application was received for the enrollment of Daisy R. Harper, born July 31, 1904, minor child of J. R. Harper and Daisy Harper, as a citizen of the Choctaw Nation.

It is not alleged in the petition filed January 30, 1906, that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said nation.

The surname "Thompson" appears several times upon the tribal rolls of the Choctaw Nation. This office is unable, however, to identify any of the applicants herein as identical with any of the persons whose names appear on said rolls.

For the purpose of determining whether Giles Thompson, the ancestor of certain petitioners herein, was ever adopted by an Act of Choctaw Council as alleged in the petition, this office on July 31, 1906, addressed a communication to Edward W. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed. In response to said communication, said E. W. Wilson addressed a letter to the Commissioner on August 6, 1906, in which he stated that there was no such Act on file in the office of the National Secretary. Copies of said communications are made a part of the record hereof.

I am of the opinion that inasmuch as it does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants ever occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation, and inasmuch as it is not alleged in the petition filed January 30, 1906, that any of the said applicants ever occupied such a status, the decision of the Choctaw and Chickasaw Citizenship Court of November 29, 1904, is final, and that the application for the enrollment of such of the applicants as made application

in 1898, and the petition filed January 30, 1906, in so far as same applies to said applicants, should be denied.

I am, therefore, of the opinion that the application for the enrollment of Samuel G. Wall, Sam P. Wall, Thomas Wall, Wiram T. Wall, Beatie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Winnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Waldemar Thompson, William J. Thompson, Nellie Thompson, Decosa Thompson and Ellen Thompson as citizens of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Ellen Wall, Dick Randolph and William R. Wheat as citizens by intermarriage of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioners, Lawrence Harper, Gracie Harper, Guster Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lellie Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson and Winona Thompson, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been dismissed, and Myrtle E. Hogg, whose application for enrollment as a citizen of the Choctaw Nation has heretofore been denied, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioner, William Myers, whose application for enrollment as an intermarried citizen of the Choctaw Nation has heretofore been dismissed, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the minor petitioners, Rudelle Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson, should be considered as an application for the enrollment of said petitioners as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Elizabeth Wall and Savannah Thompson, for whose enrollment as citizens by intermarriage of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of Lizzie Louise Hogg, Robert E. Wall and Daisy R. Harper as citizens of the Choctaw Nation should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that following the ruling of the Department of May 25, 1906 (I. T. D. 9114-1906), in the case of Laura E. Ahin, and of October 10, 1906 (I. T. D. 18262, 18920-1906), in the case of Wayne Helms, the petition herein in so far as same applies to the petitioner, Ray Thompson, should be denied, and it is so ordered.

(Signed) Tom Rixby,

Commissioner.

Muskogee, Indian Territory,

FEB 4-1907

COPY

DEPARTMENT OF JUSTICE.

WASHINGTON.

February 19, 1907.

The Secretary of the Interior.

Sir:

I have the honor to communicate to you my opinion in certain Choctaw Indian citizenship cases, the first two submitted by your letter of May 29, 1906, and the others by the direction of the President under date of January 19, 1907.

1. The first case is that of Myrtie Randolph and her brother W. J. Thompson, in regard to which you say:

Myrtie Randolph and W. J. Thompson are children of Giles Thompson, white, intermarried in the Choctaw Nation in Mississippi prior to the treaty of September 27, 1830 (7 Stat., 333), and was one of the parties named by supplementary article II (ib.340,) as entitled to a section and a half, reserved to him from the ceded lands, to be so selected as "to include their present residence and improvement." His first and second wives were Choctaws. His name appears on page 64, volume 7, American State Papers (Public Lands), as a beneficiary of Article XIX of the treaty of September 27, 1830, and on page 28, volume 1 of the record in suit of the Choctaw Nation v. United States, Court of Claims. He was registered under the treaty as citizen of the Choctaw Nation, Mushulatubee's District, and with his family was transported under the treaty as Choctaws at expense of the United States, from Mississippi to the Choctaw Nation, west, prior to October 24, 1833, when he petitioned the President, from Doakesville, near the Red River, in the southern part of the Choctaw Nation, to approve sale of his Mississippi lands to James Gay, of Mississippi, and for issue of patent therefor (copy A enclosed). In the Choctaw Nation, west, in Indian Territory, in 1863, in accordance to Choctaw law, he married a white woman, citizen of the United States, of whom the applicants were born. He was living October 19, 1865, and was paid by the Choctaw Nation for beaves furnished June 1865. (Copy of Act of Council of October 19, 1865, is enclosed, B). He continued to live



in the Nation, and was recognized as a citizen, until his death, aged seventy-six years, and his estate was administered in the Choctaw Courts as that of an Indian and within their jurisdiction. The applicants--his children--were born in the Choctaw Nation, were admitted to and attended the Choctaw schools as Choctaws, and in all respects enjoyed and were accorded the privileges of native born Choctaws. The applicants were enrolled by Choctaw Committee on Citizenship in 1892, as Choctaw citizens. The Department is not yet advised whether they are borne on any other of the Choctaw rolls. They settled and improved tribal lands, as the father before had done in Mississippi, as Choctaws, erected homes, and were never ousted or objected to or regarded as intruders.

September 8, 1896, these applicants and others applied to the Commission to the Five Civilized Tribes for enrollment under the Act of June 10, 1896 (29 Stat., 321, 339), and December 7, 1896, were denied. Applicants appealed to the United States Court, Southern District, Indian Territory, which, January 18, 1898, reversed the Commission, and admitted the applicants. From this judgment the Nation appealed and the judgment was affirmed (reported as *Stephens v. Cherokee Nation and Choctaw Nation v. Robinson*, 174 U.S., 445, foot-note page 469, case No. 587; same v. *Randolph et al.*). Subsequently, under the act of July 1, 1902 (32 Stat., 641, 646-9), the matter was brought by appeal of the nations to the Choctaw-Chickasaw Citizenship Court, which, November 29, 1904, denied the application--copy of opinion wherein and in *Wall v. Choctaw Nation et al.*, and in *E. H. Bounds v. Choctaw and Chickasaw Nations*, whereon both were founded are enclosed (C,D,E.).

The validity and finality of the Citizenship Court are therefore a vital feature of this case. In regard to its judgment you say in your letter:

Bearing upon the validity of this judgment, your attention is called to the fact that the act of June 10, 1896 gave no power to the Commission to the Five Civilized Tribes to purge the tribal rolls, which were by the act confirmed. Power to purge the rolls was first conferred on the Commission by the Act of June 7, 1897 (30 Stat., 84), and further by Section 21, act of June 28, 1898 (30 Stat., 495, 502). Wherefore this Department holds that no jurisdiction was given the Commission, or to the Courts on appeal therefrom, to exclude persons having tribal recognition and borne on the tribal rolls, but that such persons, notwithstanding prior adverse action by the Commission, or the courts, are entitled to enrollment under the act of 1898 and supplementary acts,



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unless their inscription on the tribal rolls was procured by fraud or was without authority of law. Such has been the rule of this Department since decision in the case of Wiley Adams May 21, 1903, discussed and concurred in by the Assistant Attorney-General, Interior Department (opinions of March 24, 1905, in cases of Benjamin J. Vaughn and Mary Elizabeth Martin. In Vaughn's case counsel for the nations acceded to it as the proper rule.

To determine the validity and finality of the judgment of the Citizenship Court, as well as other questions arising in these cases, it is necessary to consider carefully the entire legislation of the Congress on this subject.

The act of June 10, 1896 (29 Stat. 321, 339), directed the Commission to the Five Civilized Tribes in the Indian Territory to continue the exercise of the authority theretofore conferred upon them to negotiate with such tribes for the extinguishment of the tribal title to their lands, by the cession of the same or a part thereof to the United States, or their allotment in severalty to the members of such tribes, with a view to the ultimate creation of a State or States embracing such lands.

That act also provided:

That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled; Provided, however, That such application shall be made to such Commissioners within three months after the passage of this Act. The said Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all

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treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes. And provided, further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving such testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: Provided, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this Act, it or he may appeal from such decision to the United States district court; Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

That the said commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this Act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

The commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs to remain there for use as the final judgment of the duly constituted authorities.

The act of June 7, 1897 (30 Stat. 62,84) contained this provision:

That said commission shall continue to exercise all authority heretofore conferred on it by law to negotiate

with the Five Tribes, and any agreement made by it with any one of said tribes, when ratified, shall operate to suspend any provisions of this Act if in conflict therewith as to said nation; Provided, That the words "rolls of citizenship", as used in the act of June tenth, eighteen hundred and ninety-six, making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian Tribes for the fiscal year ending June thirtieth, Eighteen hundred and ninety-seven, shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation, and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the council of such nation, the duly authorized Courts thereof, or the commission under the act of June tenth, eighteen hundred and ninety-six. And all other names appearing upon such rolls shall be open to investigation by such commission for a period of six months after the passage of this Act. And any name appearing on such rolls and not confirmed by the Act of June tenth, eighteen hundred and ninety-six, as herein construed, may be stricken therefrom by such commission where the party affected shall have ten days previous notice that said commission will investigate and determine the right of such party to remain upon such roll as a citizen of such nation; Provided, also, That any one whose name shall be stricken from the roll by such commission shall have the right of appeal, as provided in the Act of June tenth, eighteen hundred and ninety-six.

The act of June 28, 1898 (30 Stat. 495, 502-3), provided:

Sec. 21. That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose

names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such inter-married white persons as may be entitled to citizenship under Cherokee laws.

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Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such inter-married white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes.

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The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

The act of May 31, 1900 (31 Stat. 221, 236), provided:

That said commission shall continue to exercise all authority heretofore conferred upon it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior.

The act of March 3, 1901 (31 Stat., 1058, 1077), contained this provision:

The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized and directed to fix a time by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto.

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The act of July 1, 1902 (32 Stat. 641) ratified an agreement made by the Commission to the Five Civilized Tribes with the Commission representing the Choctaw and Chickasaw Tribes. This agreement was subsequently ratified by those two nations as required therein. In regard to rolls of citizenship it provided:

27. The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 28, 1898 (30 Stat. 495), and the act of Congress approved May 31, 1900 (31 Stat. 221), except as herein otherwise provided: Provided, That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory, under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined.

28. The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws.

29. No person whose name appears upon the rolls made by the Commission to the Five Civilized Tribes as a citizen or freedman of any other tribe shall be enrolled as a citizen or freedman of the Choctaw or Chickasaw nations.

30. For the purpose of expediting the enrollment of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen, the said Commission shall, from time to time, and as early as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Choctaw and Chickasaw tribes and of



Choctaw and Chickasaw freedmen, upon which allotment of land and distribution of other tribal property shall be made as herein provided. Lists shall be made up and forwarded when contests of whatever character shall have been determined, and when there shall have been submitted to and approved by the Secretary of the Interior lists embracing names of all those lawfully entitled to enrollment, the rolls shall be deemed complete. The rolls so prepared shall be made in quintuplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Choctaw Nation, one with the governor of the Chickasaw Nation, and one to remain with the Commission to the Five Civilized Tribes.

31. It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in the Indian Territory acting under the Act of Congress approved June 10, 1896, have admitted persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in such courts being given to each of said nations; and it being insisted by said nations that, in such proceedings, notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in the Indian Territory, under the said Act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such commission, and should not have extended to a trial de novo of the question of citizenship; and it being desirable to finally determine these questions, the two nations, jointly, or either of said nations acting separately and making the other a party defendant, may, within ninety days after this agreement becomes effective, by a bill in equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decisions by said courts. Ten persons so admitted to citizenship or enrollment by said courts, with notice to one but not to both of said nations, shall be made defendants to said suit as representatives of the entire class of persons similarly situated, the number of such persons being too numerous to require all of them to be made individual parties to the suit; but any person so situated may, upon his application, be made a party defendant to the suit. Notice of the institution of said suit shall be personally served upon the chief executive of the defendant nation, if either nation be made a party defendant as aforesaid, and upon each of said ten representative defendants,



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and shall also be published for a period of four weeks in at least two weekly newspapers having general circulation in the Choctaw and Chickasaw Nations. Such notice shall set forth the nature and prayer of the bill, with the time for answering the same, which shall not be less than thirty days after the last publication. Said suit shall be determined at the earliest practicable time, shall be confined to a final determination of the questions of law here named, and shall be without prejudice to the determination of any charge or claim that the admission of such persons to citizenship or enrollment by said United States courts in the Indian Territory was wrongfully obtained as provided in the next section. In the event said citizenship judgments or decisions are annulled or vacated in the test suit hereinbefore authorized, because of either or both of the irregularities claimed and insisted upon by said nations as aforesaid, then the files, papers, and proceedings in any citizenship case in which the judgment or decision is so annulled or vacated, shall, upon written application therefor, made within ninety days thereafter by any party thereto, who is thus deprived of a favorable judgment upon his claimed citizenship, be transferred and certified to said citizenship court by the court having custody and control of such files, papers and proceedings, and upon the filing in such citizenship court of the files, papers and proceedings in any such citizenship case, accompanied by due proof that notice in writing of the transfer and certification thereof has been given to the chief executive officer of each of said nations, said citizenship case shall be docketed in said citizenship court, and such further proceedings shall be had therein in that court as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes, and as if no judgment or decision had been rendered therein.

32. Said citizenship court shall also have appellate jurisdiction over all judgments of the courts in Indian Territory rendered under said Act of Congress of June tenth, eighteen hundred and ninety six, admitting persons to citizenship or to enrollment as citizens in either of said nations. The right of appeal may be exercised by said nations jointly or by either of them acting separately at any time within six months after this agreement is finally ratified. In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of

law, and may, whenever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy. And said court shall have power to make all needful rules and regulations prescribing the manner of taking and conducting said appeals and of taking additional evidence therein. Such citizenship courts shall also have like appellate jurisdiction and authority over judgments rendered by such courts under the said act denying claims to citizenship or to enrollment as citizens in either of said nations. Such appeals shall be taken within the time hereinbefore specified and shall be taken, conducted and disposed of in the same manner as appeals by the said nations, save that notice of appeals by citizenship claimants shall be served upon the chief executive officer of both nations; Provided, That paragraphs thirty-one, thirty-two and thirty-three hereof shall go into effect immediately after the passage of this Act by Congress.

33. A court is hereby created to be known as the Choctaw and Chickasaw Citizenship Court, the existence of which shall terminate upon the final determination of the suits and proceedings named in the last two preceding sections, but in no event later than the thirty-first day of December, nineteen hundred and three. Said court shall have all authority and power necessary to the hearing and determination of the suits and proceedings so committed to its jurisdiction, including the authority to issue and enforce all requisite writs, process and orders, and to prescribe rules and regulations for the transaction of its business. It shall also have all the powers of a circuit court of the United States in compelling the production of books, papers and documents, the attendance of witnesses, and in punishing contempt. Except where herein otherwise expressly provided, the pleadings, practice and proceedings in said court shall conform, as near as may be, to the pleadings, practice and proceedings in equity causes in the Circuit Courts of the United States. The testimony shall be taken in court or before one of the judges, so far as practicable. Each judge shall be authorized to grant, in vacation or recess, interlocutory orders and to hear and dispose of interlocutory motions not affecting the substantial merits of the case. Said court shall have a chief judge and two associate judges, a clerk, a stenographer, who shall be deputy clerk, and a bailiff. The judges shall be appointed by the President, by and with the advice and consent of the Senate, and shall each receive a compensation

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of five thousand dollars per annum, and his necessary and actual traveling and personal expenses while engaged in the performance of his duties. The clerk, stenographer, and bailiff shall be appointed by the judges, or a majority of them, and shall receive the following yearly compensation: Clerk, two thousand four hundred dollars; stenographer, twelve hundred dollars; bailiff, nine hundred dollars. The compensation of all these officers shall be paid by the United States in monthly installments. The moneys to pay said compensation are hereby appropriated, and there is also appropriated the sum of five thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, to pay such contingent expenses of said court and its officers as to such Secretary may seem proper. Said court shall have a seal, shall sit at such place or places in the Choctaw and Chickasaw nations as the judges may designate, and shall hold public sessions, beginning the first Monday in each month, so far as may be practicable or necessary. Each judge and the clerk and deputy clerk shall be authorized to administer oaths. All writs and process issued by said court shall be served by the United States marshal for the district in which the service is to be had. The fees for serving process and the fees of witnesses shall be paid by the party at whose instance such process is issued or such witnesses are subpoenaed, and the rate or amount of such fees shall be the same as is allowed in civil causes in the circuit court of the United States for the western district of Arkansas. No fees shall be charged by the clerk or other officers of said court. The clerk of the United States Court in Indian Territory, having custody and control of the files, papers, and proceedings in the original citizenship cases, shall receive a fee of two dollars and fifty cents for transferring and certifying to the citizenship court the files, papers, and proceedings in each case, without regard to the number of persons whose citizenship is involved therein, and said fee shall be paid by the person applying for such transfer and certification. The judgment of the citizenship court in any or all of the suits or proceedings so committed to its jurisdiction shall be final. All expenses necessary to the proper conduct, on behalf of the nations, of the suits and proceedings provided for in this and the two preceding sections shall be incurred under the direction of the executives of the two nations, and the Secretary of the Interior is hereby authorized, upon certificate of said executives, to pay such expenses as in his judgment are reasonable and necessary out of any of the joint funds of said nations in the Treasury of the United States.

It appears that the agreement in these paragraphs provides for the establishment of the Choctaw and Chickasaw Citizenship Court, and gives it jurisdiction of a test suit to annul and vacate the decisions of the United States courts in the Indian Territory admitting persons to citizenship and enrollment as citizens of the Choctaw and Chickasaw nations, respectively, on the ground of want of notice to both of said nations and because the United States courts tried such cases de novo, with a right in the event such judgments should be annulled because of either or both of the irregularities mentioned, on the part of any party thus deprived of a favorable judgment to remove his case to the Citizenship Court, where such further proceedings were to be had therein "as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes, as if no judgment or decision had been rendered therein, and also "appellate jurisdiction over all judgments of the courts in Indian Territory, rendered under said act of Congress of June tenth, eighteen hundred and ninety-six, admitting persons to citizenship or to enrollment in either of said nations." In the exercise of such appellate jurisdiction the citizenship court was "authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, whenever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and pre-

sent such further evidence as may be necessary to enable said court to determine the very right of the controversy."

It will be noted that the agreement further provides (paragraph 33) that "the judgment of the citizenship court in any or all of the suits or proceedings so committed to its jurisdiction shall be final."

The agreement also contained this provision:

34. During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents", and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act of Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whomsoever for enrollment shall be received after the expiration of the said ninety days; Provided, That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws, for whom provision has herein otherwise been made.

By the Act of April 21, 1904 (33 Stat. 189,204), it was provided that the Commission to the Five Civilized Tribes should conclude its work and terminate on or before July 1, 1905, and cease to exist on that date, the powers theretofore conferred upon it being continued.

By the Act of March 3, 1905 (33 Stat. 1048,1060), it was provided "that the work of completing the unfinished business,



if any, of the Commission to the Five Civilized Tribes shall devolve upon the Secretary of the Interior, and that all the powers heretofore granted to the said Commission to the Five Civilized Tribes are hereby conferred upon the said Secretary on and after the first of July, nineteen hundred and five."

By the act of April 26, 1906 (34 Stat. 137), it was provided:

That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive in evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this act, in which cases such motion shall be made within sixty days after the passage of this act. x x x

By that act the rolls of citizenship of the several tribes were required to be completed March 4, 1907.

After very carefully considering this legislation, in the light of the circumstances under which it was enacted, I am constrained to the conclusion that the Citizenship Court had jurisdiction of the cases now under consideration, and that its judgment therein is final.

By the act of June 10, 1896, the Commission to the Five Civilized Tribes was "authorized and directed to proceed at once



to hear and determine the application of all persons who may apply to them for citizenship in any of said nations." It is true that this act also confirmed the then existing rolls of the several tribes, but the question whether an applicant was, as matter of fact, already duly enrolled upon one of the rolls so confirmed constituted, in my opinion, an issue upon which the Commission was authorized and required to pass: the applicant may be fairly held to have waived by his application the conclusiveness of the confirmation of the rolls in his case.

Independently of any such waiver, I do not see how the proposition that the Commission did not have jurisdiction of the case of a person whose name was upon a tribal roll can be maintained, in the face of the provision of the act of June 10, 1896, that "in determining all such applications said Commission shall x x x give due force and effect to the rolls, usages and customs of each of said nations or tribes." I think that act left it to the Commission to determine whether or not the applicant was upon a roll which was confirmed, and evidently it did not so held in these cases.

It is unnecessary, however, to determine what might have been the effect of an adverse judgment in the case of an applicant whose name was upon a roll so confirmed for such confirmation was certainly and very materially modified by the act of June 7, 1897, and apparently altogether withdrawn by the act of June 28, 1898. The act of June 7, 1897, provided that the words "rolls of citizenship" as used in the act of June 10, 1896, should be cen-

strued to mean the "last authenticated rolls of each tribe which Have been approved by the council of the nation". I am informed that there never was any such an authenticated roll of the Choctaw Tribe, either at the time of the passage of the act of June 10, 1896, or subsequently thereto. Moreover, by the act of June 28, 1898, it was provided that in making rolls of citizenship of the several tribes, the Commission should take the Cherokee roll of 1880 as the only roll intended to be confirmed by that and preceding acts of Congress: it seems to be clear from the further provisions of the Act that the Congress did not here refer to the Cherokee rolls only but had in mind those of all the Tribes. To my mind, however, the decisive consideration is that Congress, knowing there were certain cases of contested citizenship in the Choctaw and Chickasaw Nations, referred these cases, under carefully defined conditions, to the Citizenship Court and made the determination of that Court in those cases final. This provision of law repealed, as to cases in this category, any inconsistent provisions (if any there were) in the Act of 1896 or any other prior act. These cases were unquestionably within the terms of the law: the claimants had been admitted to citizenship by decisions of the United States courts, and it seems clear that, under the agreement with the Choctaw and Chickasaw Nations ratified by the act of July 1, 1902, it was intended that the Citizenship Court should have a revisory jurisdiction of judgments of the

United States courts in the Indian Territory in citizenship cases, irrespective of the grounds on which these suits had been entertained by the said courts. That agreement was made after the confirmation given to the tribal rolls had been qualified if not withdrawn, and, we must presume with a knowledge of the fact that the Commission, under the act of June 10, 1896, had exercised jurisdiction in the case of persons whose names appeared upon some of the rolls of the tribes. Its action seems to show that Congress did not intend to confirm any roll of the Choctaw and Chickasaw tribes, but, however that may be when, with a knowledge of all that had gone before, it created the Citizenship Court, this was done, in my opinion, with the evident purpose of giving it jurisdiction of all citizenship cases which had been decided by the United States courts for the Indian Territory on appeal from the judgments of the Commission. As neither Congress nor the Nations made any distinction in the act and agreement referred to as to the cases of persons whose names were on a tribal roll which might have been confirmed by the act of June 10, 1896, if Congress had not decided otherwise I do not think any other authority can make this distinction. Indeed, as I have suggested, the applicants themselves, having voluntarily submitted to the jurisdiction of the Commission, might be fairly held estopped to now deny it.

I understand that it is not contended, nor do I think it could be successfully maintained that any authority to review the

judgments of the Citizenship Court was intended to be conferred upon you by Congress when it made the rolls, as finally compiled, subject to your approval (see paragraph 30 of the agreement ratified by the act of July 1, 1902.) Neither do I think that the provision in the act of April 26, 1906, above quoted, as to enrolling persons and entertaining motions to reopen or reconsider citizenship cases, was intended to recognize or confer any such authority, the purpose of that provision being simply to limit the time in which the authority previously conferred might be exercised. To hold thus would be to treat the later act as a repeal of so much of the former as expressly declared the judgments of the Citizenship Court to be final, which seems to me untenable.

This disposes of the cases of Myrtle Randolph and her brother W. J. Thompson: whatever their intrinsic merits, these claims have been finally decided adversely to the claimants by the judgment of the Citizenship Court.

2. The second case is that of Cyrus H. Kingsbury and Lucy E. Littlepage, in regard to whom you say:

Cyrus H. Kingsbury and Lucy E. Littlepage are children of John Parker-Kingsbury and wife, Hannah Mariah, white, affiliated by act of the Choctaw Council of November 15, 1854, which enacted:

That all rights, privileges and immunities of Choctaw citizens are hereby granted unto John Parker-Kingsbury and to his wife Hannah Mariah, and they shall enjoy all the benefits to which the citizens of this nation may hereafter be entitled, except in the participation of any sum of money which may now be due the nation under treaty stipulations heretofore made.

Both applicants were born in the Choctaw Nation and have always resided there as its recognized citizens. Both are on the tribal Choctaw 1885 census roll, Atoka County, Nos. 819, 821. September 7, 1896, they applied to the Commission to the Five Civilized Tribes under the act of June 10, 1896, were enrolled, and no appeal was taken. Cyrus H. Kingsbury is on the 1896 Choctaw census roll. Lucy H. Littlepage is on the partial roll of Choctaw citizens by blood, and her husband, Patrick H. Littlepage, on the roll of intermarried citizens--both rolls approved by the Secretary of the Interior, October 21, 1904. Patent, signed and executed by the principal chief of the Choctaw nation, conveying to Cyrus H. Kingsbury allotted tribal lands as a citizen by blood, is now before the Secretary of the Interior for approval, but is not yet approved, or delivered. No objection to occupation of tribal lands was ever made against either applicant as an intruder.

Paragraph 27 of the agreement with the Choctaw and Chickasaw Nations ratified by the act of July 1, 1902, provides that the rolls of Choctaw and Chickasaw citizens shall be made by the Commission to the Five Civilized Tribes "in strict compliance" with the acts of June 28, 1898, and May 31, 1900.

Section 21 of the act of June 28, 1898, after providing that in making rolls of citizenship of the several tribes the Commission shall take the roll of Cherokee citizens of 1880 as the only roll intended to be confirmed by that and preceding acts of Congress, and providing for the enrollment of the Cherokees, authorizes and directs the Commission "to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were

made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

It might be held that the only white person intended to be enrolled by this Act were such intermarried ones as were entitled to citizenship under the treaties and laws of the tribes, if it were not for the reference to the tribal rolls, on which, as appears from your statement as to these parties, there were undoubtedly the names of adopted whites. The only names which the Act declares shall be eliminated from the tribal rolls are those placed thereon by fraud or without authority of law, and it is not suggested that the names of these parties were open to either of these objections.

Light, it seems to me, is thrown on this matter by the Act of May 31, 1900, which was also directed to be strictly complied with in making the rolls of citizenship of these tribes. That act is plainly intended to be of a restrictive nature, yet a fair construction of it would seem to authorize the enrollment of these parties. It provides that the Commission shall continue to exercise all authority theretofore conferred upon it by law, "but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as



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such, and its refusal of any such application shall be final when approved by the Secretary of the Interior."

This act recognizes the authority of the Commission to receive, consider and record the application of a recognized citizen of any of the tribes referred to who has been duly and lawfully enrolled or admitted as such, its refusal of the application of any person not so qualified being made final when approved by the Secretary of the Interior.

These applicants appear to possess all of these qualifications. Your letter states that they were born and have always resided in the Choctaw Nation as its recognized citizens; that their names appear upon various tribal rolls, and that they were admitted by the Commission in 1896 as citizens, no appeal from the decision of the Commission being taken by the Nation. That they were duly and lawfully enrolled by the tribal authorities would seem to result from the fact that both of their parents had been adopted into the tribe, and the failure to contest the action of the Commission in admitting them would indicate that their citizenship rights were regarded as indisputable.

You say that you would not have doubt that these applicants, born to the allegiance of the Choctaw Nation, are entitled to be enrolled, but for the report of my predecessor to the President of February 24, 1906, in the case of persons without Indian blood,

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22.

and the order to you of February 27, 1906, that "in the President's judgment, without reference to the act of Congress, it is perfectly clear equity demands that the son of white parents, who has no Indian blood in his veins, even though one of these parents has been adopted into the tribe, should not be treated as an Indian".

The report of Mr. Moody and the order of the President thereon, had reference to the case of children of white persons, one of whom had previously acquired Indian citizenship by virtue of his marriage into the Choctaw tribe, but had afterwards, upon the death of his Indian spouse, married a white person. Mr. Moody was of opinion that the right of citizenship acquired by an intermarried white was a personal right, and could not be conferred upon children by such subsequent marriage, which is also the view taken by the Citizenship Court.

I see no reason to question the soundness of that conclusion, assuming that the matter is still open for consideration. It is expressly provided by the Choctaw act of November 9, 1875, providing for the intermarriage of whites with Choctaws, that a white person intermarrying into the tribe in pursuance of that act should forfeit his rights of citizenship acquired thereunder if upon the death of his Indian Spouse he married "a white man or woman, or person, as the case may be, having no rights of Choctaw citizenship by blood."

I am aware that it has been held by one of the United States Courts in the Indian Territory that this law is inconsistent with

the treaty of April 28, 1866, but with great respect for the said Court, I do not so consider it. That treaty provides:

Article 20. Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation and shall be subject to the laws of the Choctaws and Chickasaw Nations according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects as though he was a native Choctaw.

This article merely recognizes a pre-existing custom of the Choctaw and Chickasaw Nations as to the intermarriage and adoption of white persons, and cannot fairly be said to have been intended to prevent them from decitizenizing an intermarried person for good cause: and what better cause could there be than that the tie which bound him to the tribe, and because of which alone citizenship was granted, was broken?

An act of the Choctaw Nation, approved October 30, 1896, providing for the enrollment of Choctaw citizens, provided that "the Commission shall enroll as citizens all who come under any one of the following heads, and all such persons are hereby declared citizens of the Choctaw Nation:"

X X X X X X X X

V. All white men who have married Choctaw women by blood in strict conformity to the laws of the Choctaw Nation of 1875 regulating inter-marriage, or the Chickasaw law of 1876 regulating inter-marriage, and have not been divorced from same nor married any other than a Choctaw woman by blood since said marriage.

X X X X X X X X

VIII. All white women who have married Choctaws by blood legally and have not been divorced from them nor since married any other than a Choctaw by blood, a recognized citizen and resident of the Choctaw or Chickasaw Nation.

X X X X X X

That act further provided that "the Commissions are especially prohibited from enrolling as citizens any persons coming under the following heads:"

X X X X X X

II. The children of any marriage where neither the father nor mother are Choctaws by blood, though one or both of said children's parents may have enjoyed intermarried rights.

III. All persons who, though they had at one time entered intermarried rights, afterwards married a person not a Choctaw by blood (being the father or mother of Choctaw Children shall not save a person from this clause.)

X X X X X X

VI. All white persons who have been admitted to citizenship with their wife or husband by the General Council and afterward the wife of husband, Choctaw by blood, dying, the surviving party, being a white person, has intermarried with a person not a Choctaw by blood.

X X X X X X

It is clear that, at least since 1875, the Choctaw Nation never intended that a white person, intermarrying into the tribe, should have power to confer citizenship upon his children by a subsequent marriage to other than a citizen by blood. The informal opinion of Attorney General Moody unquestionably had reference to cases of this character.

The case of the present applicants is quite different from that just referred to. Here both parents were adopted into the tribe. It must have been contemplated that they might have

children, and if so, what was to be their citizenship if not that of their parents?

The facts in the present case answer this inquiry. Your letter states that these applicants have always been recognized as citizens of the Choctaw Nation, that their names appear on the tribal census roll of 1885, as well as upon the rolls prepared in pursuance of the Choctaw act of October 30, 1896. It seems clear, therefore, irrespective of the action of the Commission in admitting them as citizens in pursuance of the authority granted to it by the act of June 10, 1896, that they are clearly entitled to be enrolled for allotment purposes.

3. The Case of Loula (or Lulu) West, et al.

It appears from the papers in this case that Loula West applied to the Commission to the Five Civilized Tribes, pursuant to the Act of June 10, 1896, for admission to citizenship in the Choctaw Nation, and was admitted as a citizen by blood; that the Choctaw Nation appealed to the United States court for the Central District of the Indian Territory, which affirmed the judgment of the Commission; that this judgment was annulled and vacated by the judgment of the Citizenship Court in the test case provided for by the Act of July 1, 1902, (32 Stat. 641, 647); and thereupon she removed her case to that court, which denied her application.

This case is similar to that of Myrtle Randolph and her brother W. J. Thompson, children of Giles Thompson, above referred

to, in that it involves the question of the finality of the judgment of the Citizenship Court, it being contended that the Commission in the first instance and the Citizenship Court ultimately on appeal had no jurisdiction of the case because at the time of her application to the Commission her name was upon a tribal roll.

For the reasons heretofore stated, I think this contention is not well founded, and <sup>that</sup> the Citizenship Court had jurisdiction of such cases, and its judgments therein were final.

4. The Case of William C. Thompson et al.

In this case the record shows that Thompson applied to the Commission to the Five Civilized Tribes, pursuant to the act of June 10, 1896, for the enrollment of himself, his wife, and children with the exception of a daughter Mary M. McNeese, who made a separate application for herself, her husband, a white man, and their children. The Commission denied Thompson's application, and also that of his daughter. No appeal was taken from these judgments, and it is contended, on behalf of the Nation, that under the act of June 10, 1896, they were final and conclusive against the right of these parties to be enrolled.

The claimants, however, rely upon the fact that their names appear upon the tribal roll prepared in pursuance of the Choctaw acts of September 18 and October 30, 1896.



In my judgment, the action of the Commission, under the act of June 10, 1896, not having been appealed from, was final and conclusive against the right of these parties to be admitted to citizenship, and the Choctaw Nation, even if it attempted to do so, had no right thereafter to admit them. It will be observed that the act of June 10, 1896, provided that applications should be made to the Commission within three months after the passage of the act, and that the Commission should decide all such applications within ninety days after they were made; that the rolls of citizenship of the several tribes as then existing were confirmed, and "any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof:" and that "if the tribe, or any person be aggrieved with the decision of the tribal authorities or the Commission provided for in this Act, it or he may appeal from such decision to the United States District Court: Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

As I read this Act, it authorized application to be made either to the Commission to the Five Civilized Tribes or the

"legally constituted court or committee" of such tribes, with a right of appeal by the party aggrieved by the decision of either to the United States court. Therefore, and in view also of the fact that the act contemplated contemporaneous action by the Commission and the tribal courts, I think it clear that the provision that "any person who shall claim to be entitled to be added to said rolls (the existing rolls of the tribe) as a citizen of either of said tribes whose right thereto has either been denied or not acted upon, "had reference to a previous denial or failure to act of the tribal authorities, and not to the subsequent action or non-action of the Commission, the tense of the verbs-"has either been denied or not acted upon", not "shall be denied or not acted upon"-indicating that past action or non-action was referred to. Prior to the passage of this act the Commission had no jurisdiction of these citizenship matters.

When, therefore, as here, the claimant had applied to the Commission to be admitted and enrolled, and his application denied, his only remedy, under the act in question, lay in an appeal to the United States court. It is true Thompson claims to have received no notice of the denial of his application by the Commission, but that is not a valid excuse.

But aside from this question of jurisdiction in the Choctaw Nation to admit persons to citizenship who had been denied by the Commission, it appears that the Nation never undertook to au-

authorize the admission or enrollment of these parties, and that, in any aspect of the case, they were enrolled without authority of law and their names should, in pursuance of the mandate in the act of Congress of June 26, 1898, be eliminated from the tribal rolls.

The Choctaw Nation does not appear to have proceeded under the authority of the act of Congress of June 10, 1896, authorizing the establishment by the several tribes of a court or committee for the purpose of passing upon applications for citizenship as provided therein. It was not until September 18, 1896, ten days after the expiration of the period in which applications for citizenship were to be submitted to the "legally constituted court or committee" of the tribes under the act of June 10, 1896, that the Choctaw Council passed the act above referred to. That act provided for the appointment of census commissioners in each county, with authority "to enroll all recognized citizens of the Choctaw Nation by blood, intermarriage and adoption who are recognized as citizens of the Choctaw Nation under the treaties, constitution and law of the said nation." It further provided that "the rolls when completed by said commissioners shall be certified to by said commissioners and delivered to the Principal chief of the Choctaw Nation on or before the twentieth day of October, 1896, to be revised and approved by the next General Council of the Choctaw Nation."

It is manifest that this act conferred no power upon such commissioners to admit any person to citizenship, but only to enroll "recognized citizens." Yet in virtue thereof one of the county committees assumed to pass upon a petition prepared by Thompson's attorney, under date of August 1, 1896, and addressed to the General Council of the Choctaw Nation, "at its regular session October, 1896," praying that "all rights, privileges and immunities of the Choctaw Nation" be granted to himself, his wife, family, and certain other relatives," and they be enrolled with the legal citizenship of said Nation."

This petition does not appear ever to have been presented to the Choctaw Council or referred by any competent authority to the committee which assumed to pass upon it. Upon its back is the following endorsement:

William C. Thompson together with the names appearing on the face of the within application, lineal descendants of Margaret McCoy are hereby recognized and admitted to the citizenship of the Choctaw Nation or Tribe of Indians, by the legally constituted Choctaw Census Commission duly assembled at Kiowa, I. T. this the 8th day of October, 1896, upon the testimony of Henry Perkins, Mrs. Lavinia Franklin, they being enrolled Choctaw Indians by blood. The within names parties not being present were passed for further enrollment.

A. G. Folsom,

Secretary of Census Committee.

This was a manifest attempt to exercise an authority not delegated to the committee.

On October 30, 1896, the Choctaw Council, at its regular session, passed an act creating three commissions, one from each District, one member of each of which to be designated as "Chief

Commissioner", "to make a complete roll of the citizens of the Choctaw Nation." By that act it was made the duty of said commissions "to examine the rolls made by the commissions under the act of September 18, 1896, and also to expunge from said rolls of September 18, 1896, the names of all persons whom they shall adjudge not to be citizens." It was further provided:

The Commission shall enroll as citizens all who come under any of the following heads, and all such persons are hereby declared citizens of the Choctaw Nation:

1. All Choctaws by blood born and raised in the Choctaw Nation.

11. All Choctaws by blood who have been admitted to citizenship by the General Council and now residents of the Nation.

x x x x x x

It was provided that "at the expiration of the time allowed the commissions in each District, the Chief Commissioner shall meet at Tushka Homma at their earliest convenience and not later than the first Monday in December 1896, and shall revise the Rolls made by their respective District Commissions during the succeeding ten days after they meet". The Chief Commissioners were authorized to "enroll the name of any citizen who for any good cause failed to appear before the District Commissions". It was further provided that "the Roll as completed and signed by the Chief Commissioners, when approved by the Principal Chief, shall be the legal and authorized Roll of citizens of the Choctaw Nation".

These parties were enrolled by the revisory board, but that their enrollment was unauthorized is clear. The act just referred

to only authorized the enrollment of Choctaws by blood who were "born and raised" in the Choctaw Nation or had "been admitted to citizenship by the General Council." The applicants possessed neither of these qualifications. According to his own statement, William C. Thompson was not raised in the Choctaw Nation, having been taken to Mississippi shortly after his birth, and returning only once during his boyhood for about a year. It is further stated that he remained in Mississippi until the war, when he went to Texas, not returning again to the Choctaw Nation until 1887. He had never been "admitted to citizenship by the General Council". His wife and children could claim no greater rights than he possessed. The other applicants named in his petition were descendants of his brother, who was born in Mississippi and whose record appears to be otherwise about the same as William C. Thompson's.

Moreover, it appears from the opinion of the Assistant Attorney General for the Interior Department of March 24, 1905, in the case of Mary Elizabeth Martin, that on July 17, 1897, the Principal Chief of the Choctaw Nation advised the Commission to the Five Civilized Tribes that he had refused to approve the last revised roll made in accordance with the act of October 30, 1896, because he was satisfied there were some names thereon "that have been registered through fraud or misrepresentation." As such approval was necessary in order to make the roll so prepared "the



legal and authorized roll of citizens of the Choctaw Nation," it would seem that in no aspect of the case could these parties be said to be lawfully admitted and enrolled.

It further appears that these applicants, or some of them, including William C. Thompson, applied in 1900 to the Commission for the Five Civilized Tribes for identification as Mississippi Choctaws under the following provision of section 21 of the act of June 28, 1898:

Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eight hundred and thirty and to that end they may administer oaths, examine witnesses, and prepare all other acts necessary thereto and make report to the Secretary of the Interior.

Article 14 of the treaty of September 27, 1830, provided:

ARTICLE XIV. Each head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

The only evidence adduced in any way tending to show a compliance with the terms of this article were statements to the ef-

fact that William C. Thompson's grandfather applied for land under the treaty of 1830 but was refused by the Indian agent. Congress, however, by the acts of March 3, 1837, and August 23, 1842, (5 Stat. 180, 513), appointed Commissioners for the purpose of adjusting claims of this kind, and there was no evidence to the effect that the ancestors of the claimants had endeavored to comply with the provisions of those acts, or received patents or certificates for land as therein provided for. The Commission properly held, therefore, that it was impossible to identify the applicants as Mississippi Choctaws.

Upon the whole case, it seems to me clear that these applicants, and those claiming intermarried rights with them, should be denied enrollment.

The other cases consolidated with this are of a similar nature, and under the views above stated the parties referred to therein are, in my judgment, not entitled to be enrolled.

5. The Case of Richard B. Coleman et al.

The enrollment of the parties referred to in this case depends upon the effect to be given to the following act of the General Council of the Choctaw Nation passed November 8, 1889:

An Act to establish the citizenship of R. B. Coleman, his wife and their children.

Sec. 1. Be it enacted by the General Council of the Choctaw Nation Assembled, That Richard Benjamin Coleman, and their children as follows: Richard St. Clair, age 15 years, Ida Clay, age 13, Bennetta, age 11, Bettie Withers, age 9, Henry

Alen, age 6, Willie Norma Coleman, age 4 years, are hereby admitted to citizenship in the Choctaw Nation with its rights, privileges, and immunities, and that this act shall take effect and be in force from and after its passage.

It is contended that this act was procured by fraud and bribery, and that, therefore, the names of Coleman and his family should be eliminated from the tribal rolls upon which they appear, under the act of Congress of June 28, 1898, which provides:

Said Commission is authorized and directed to make correct rolls of citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto x x x.

The Commission held that they had no authority to go behind the act of the Choctaw Council referred to, but in an informal opinion rendered you December 7, 1904, Acting Attorney General Day, after quoting the above provision, said:

It appears to me the above quoted provisions of the statute impose upon the Commission to the Five Civilized Tribes the duty and gave it the power to determine whether any name appearing upon a tribal roll was placed there by fraud or without authority of law, and that the mere fact that such enrollment was by virtue of an act of the National Council is not sufficient to preclude an inquiry. An act of the Council should be treated with respect as prima facie valid and efficacious, and nothing done as the result thereof should be lightly set aside; but if it clearly appears that the act was procured by deliberate fraud and perjury I do not think that Congress intended that benefits thereunder should be enjoyed.

Mr. Day did not pass upon the facts of this case. Subsequently, the Assistant Attorney General for the Interior Department, upon a consideration of the record, held that it did not clearly appear therefrom that the act in question had been fraudu-

lently procured.

In my judgment the record in this case clearly shows deliberate fraud on the part of Richard B. Coleman in procuring the passage of the act admitting him to citizenship. It appears that Coleman came into the Choctaw Nation about 1880. In 1887 he made application to the citizenship committee of the Choctaw Council for admission as a citizen by blood, representing by himself and witnesses he brought before the committee that his father was a Choctaw boy named Frank Coleman, the son of a John Coleman and Chappenia, a full blood Choctaw, who had lived in Mississippi with his parents prior to the migration in 1630. The boy Frank it was testified, had been sent to Kentucky to school and nothing afterwards heard of him.

The testimony adduced on behalf of the Nation before the Commission to the Five Civilized Tribes shows that the father of Coleman was Francis S. Coleman, a son of a Francis Coleman who was born and raised in Orange County, Virginia, and was not a Choctaw. This testimony was given in the form of a deposition by Mrs. Harriet Henry, a sister of Francis S. Coleman, and R. E. Coleman a nephew, residing at Columbia, Missouri. The identity of Francis S. Coleman with the father of the applicant appears from the fact, testified to by the applicant as well as the two witnesses just referred to, that he married Ann Elizabeth Bedford, the daughter of John Bedford, in Kentucky, and the testimony of all parties that

Francis S. Coleman went to Denton, Texas, and died there. Although duly advised as to the intention of the attorneys for the Choctaw Nation to take this testimony, no effort was made by Coleman or his attorney to file cross interrogatories or in any way rebut it, but they confined themselves to an endeavor to have the testimony stricken from the records as not having been taken in accordance with law. The authority of the Commission to take the testimony in this way is clear, under the act of June 28, 1898 (30 Stat. 495), which provides:

Said commission shall make such rolls descriptive of the persons thereon, so that they may be thereby identified, and it is authorized to take a census of each of said tribes, or to adopt any other means by them deemed necessary to enable them to make such rolls.

This testimony was further enforced by another deposition of said R. L. Coleman, taken by Commissioner Tams Bixby, in which R. L. Coleman stated further that he knew the applicant Richard B. Coleman, that he was his cousin. A motion was likewise made to strike this testimony from the record, because taken without notice to the applicant, but it was overruled by the Commission, who held that under the authority of the above act they could take such measures as they deemed necessary to satisfy themselves as to the justice of the applicant's claim. I do not think it is shown that they abused their discretion in this matter.

It appears that the application of Richard B. Coleman to be enrolled as a citizen by blood of the Nation, upon the grounds

above stated, was passed over by the citizenship committee of the Council in 1887; taken up again in 1888 and a bill of rejection passed by the committee or the Council; renewed at the session of 1889, and a bill of admission introduced into the House of Representatives which was rejected, and then a new bill introduced and enacted into the law above quoted.

I think it sufficiently appears from the testimony in this case, particularly that given by and on behalf of the applicant himself, that the Council in admitting him and his family to citizenship did so upon the strength of the testimony adduced by him before the Committee on Citizenship, that he was a Choctaw by blood, descended as he represented. It is to be observed that he and his family all claim that he was admitted as a Choctaw by blood.

Some testimony was introduced for the purpose of showing that Coleman had bribed one Roebuck, the member of the Council who introduced the second bill, but the evidence on that point is not sufficient to establish the fact.

In October, 1898, the General Council of the Choctaw Nation passed an act repealing the act of November 8, 1889, admitting Coleman and his family to citizenship. This act was, however, disapproved by President McKinley, upon the recommendation of the Secretary of the Interior, under the authority of the act of Congress of June 28, 1898, which required the approval of the President to all acts of the Choctaw and Chickasaw Nations in any manner affecting the lands of the tribes.

Although this act was thus invalidated, it may fairly be taken to indicate the sense of the Nation at that time that Cole-



man was improperly admitted. The reason for its disapproval does not appear, but it might reasonably have been rejected on the ground that by the act of June 25, 1898, the work of making up the rolls of citizenship and eliminating therefrom those placed thereon by fraud was committed entirely to the Commission to the Five Civilized Tribes.

It is to be observed that Commissioner Bixby, who was the only Commissioner who considered this case on its merits, was "clearly of the opinion from such evidence as has been presented to this Commission that the evidence presented to and acted upon by the Citizenship Committee of the Choctaw General Council, which passed upon the petition of these applicants, and upon which evidence their admission to Choctaw Citizenship was based, was fraudulent, false and misleading."

In my opinion, these parties should be stricken from the rolls.

6. The Case of Ethel Pierson.

This case presents the question of your authority to enroll the children of Choctaw freedmen who were minors living March 4, 1906. The decision of this question turns upon the construction to be given to section 2 of the Act of April 26, 1906 (34 Stat. 137), as amended by the act of June 21, 1906 (34 Stat. 342).

The act referred to originally provided:

Sec. 2. That for ninety days after approval hereof

applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled. If any citizen of the Cherokee tribe shall fail to receive the full quantity of land to which he is entitled as an allotment, he shall be paid out of any of the funds of such tribe a sum equal to twice the appraised value of the amount of land thus deficient. The provisions of section nine of the Creek agreement ratified by Act approved March first, nineteen hundred and one, authorizing the use of funds of the Creek tribe for equalizing allotments, are hereby restored and reenacted, and after the expiration of nine months from the date of the original selection of an allotment of land in the Choctaw Chickasaw, Cherokee, Creek, or Seminole tribes, and after the expiration of six months from the passage of this Act as to allotments heretofore made, no contest shall be instituted against such allotment: Provided, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date: Provided further, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: Provided, That nothing herein shall apply to the intermarried whites in the Cherokee Nation, whose cases are now pending in the Supreme Court of the United States.

The amendatory act provided, (34 Stat. 341-2):

That section two of the Act entitled "An Act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April twenty-sixth, nineteen hundred and six, be, and the same is hereby, amended by striking out thereof the words "Provided further, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: Provided further, That nothing herein shall apply to the intermarried whites in the Cherokee Nation whose cases are now pending in the Supreme Court of the United States." And insert in said Act in lieu of the mat-

ter repealed, the following: Provided further, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes, except for minors the children of Indians by blood, or of freedmen members of said tribes, or of Mississippi Choctaws identified under the fourteenth article of the treaty of eighteen hundred and thirty, as herein otherwise provided, and the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment.

In the agreement with the Choctaw and Chickasaw Nation ratified by the act of July 1, 1902 (32 Stat. 641), it was provided (paragraphs 1 and 3) that the words "member" or "members" and "citizen" or "citizens", "whenever used in this agreement", shall be held to mean members or citizens of the Choctaw or Chickasaw tribe of Indians in Indian Territory, not including freedmen."

The Commissioner to the Five Civilized Tribes in passing upon this case held that, in view of the above definition, the act of April 26, 1906, as amended, was not intended to apply to the children of freedmen in the Choctaw and Chickasaw Nations, but only to those of the Cherokee and Creek Nations.

There would be some force in the argument that minors, the children of freedmen members of the Choctaw Nation were not included in the act of April 26, 1906, if it were not for the proviso substituted by the amendatory act of June 21, 1906. That proviso was, as the Commissioner said, "in the nature of a construction by Congress of the meaning intended to be conveyed by the section as originally enacted." It says, in so many words, that minors the children of freedmen members of said tribes (referring

to all of the tribes, which are separately named in the preceding part of section 2, among them the Choctaw and Chickasaw tribes) may be enrolled. This definition settles the doubt that otherwise might have arisen as to the children of freedmen members of said tribes, as well as the children of Mississippi Choctaws. If, therefore, the Choctaw freedmen are members of said nation, the right of their children to be enrolled cannot be questioned.

The Choctaw freedmen were adopted by an act of the General Council of the Nation approved May 21, 1883, entitled "An Act to adopt the freedmen of the Choctaw Nation", which provided (Report of Commissioner of Indian Affairs, 1884, p. XLV):

Whereas by the third and fourth articles of the treaty between the United States and the Choctaw and Chickasaw Nations, concluded April 28, 1866, provision was made for the adoption of laws, rules, and regulations necessary to give all persons of African descent resident in said nation at the date of the treaty of Fort Smith, September 13, 1865, and their descendants, formerly held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by or belonging to said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, 40 acres each of the lands of said nations on the same terms as Choctaws and Chickasaws, to be selected on the survey of said lands; until which said freedmen shall be entitled to as much land as they may cultivate for the support of themselves and families; and,

Whereas the Choctaw Nation adopted legislation in the form of a memorial to the United States Government in regard to adopting freedmen to be citizens of the Choctaw Nation, which was approved by the principal chief November 2, 1880, setting forth the status of said freedmen and the inability of the Choctaw Nation to prevail upon the Chickasaws to adopt any joint plan for adopting said freedmen, and notifying the United States Government of their willingness to accept said freedmen as citizens of the Choctaw Nation in accordance with the third and fourth articles of the treaty of 1866 as

a basis; and

Whereas a resolution was passed and approved November 5, 1880, authorizing the principal chief to submit the aforesaid proposition of the Choctaw Nation to adopt their freedmen to the United States Government; and

Whereas a resolution was passed and approved November 6, 1880, to provide for the registration of freedmen in the Choctaw Nation, authorizing the principal chief to appoint three competent persons in each district, citizens of the nation, whose duty it shall be to register all freedmen referred to in said third article of the treaty of 1866 who desire to become citizens of the nation in accordance with said treaty, and upon proper notification that the Government of the United States had acted favorably upon the proposition to adopt the freedmen as citizens, to issue his proclamation notifying all such freedmen as desire to become citizens of the Choctaw Nation to appear before said commissioner for identification and registration; and--

Whereas in the Indian appropriation act of Congress May 17, 1882, it is provided that either of said tribes may adopt and provide for the freedom in said tribe in accordance with said third article: . . . Now, therefore,

Be it enacted by the general council of the Choctaw Nation, That all persons of African descent resident in the Choctaw Nation at the date of the treaty of Fort Smith, September 13, 1865, and their descendants, formerly held in slavery by the Choctaws or Chickasaws, are hereby declared to be entitled to, and invested with all the rights, privileges, and immunities, including the right of suffrage, of citizens of the Choctaw Nation, except in the annuities, moneys and the public domain of the nation.

X X X X X X X  
Sec. 3. Be it further enacted, That all said persons are hereby declared to be entitled to forty acres each of the lands of the nation, to be selected and held by them under the same title and upon the same terms as the Choctaws.

X X X X X X X  
It appears that this act was accepted by the Secretary of the Interior on behalf of the United States as a substantial compliance with the terms of the treaty of 1866, and the moneys authorized to be paid by that treaty upon a compliance therewith were turned over to the Nation.

The Secretary of the Interior -

44.

I am of opinion, therefore, that the <sup>Assistant</sup> Attorney General for the Interior Department was right in his conclusion that miners, the children of Choctaw freedmen living March 4, 1906, are entitled to be enrolled.

This disposes of the several cases submitted. The papers therein are herewith returned.

Respectfully,

Attorney General.



Muskogee, Oklahoma, April 7, 1909.

Report on letter of  
Kappler & Merillat in re  
Choctaw enrollment cases  
of William J. Thompson  
and others.

The Honorable,

The Secretary of the Interior.

Sir:

March 26, 1909 (File 5-51, Choctaw), the Department transmitted to this office for report, to be forwarded through the Indian Office, a letter dated March 25, 1909, from Messrs. Kappler & Merillat, Washington, D. C., relative to the enrollment cases of William J. Thompson, Myrtle Randolph, Dick Randolph, Samuel C. Wall, Samuel F. Wall, and other (unnamed) members of the Randolph-Thompson and Wall families.

Messrs. Kappler & Merillat claim that the names of these persons were stricken from the approved rolls of the Five Civilized Tribes, and now demand that they be restored to the status of recognized citizens of the Choctaw Nation.

Reporting in this matter I have the honor to advise that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Samuel C. Wall for the enrollment of himself and his minor son, Sam F. Wall as citizens of the Choctaw Nation, and for the enrollment of his wife Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall

for the enrollment of himself and his minor children, Hiram T. Wall and Bessie Lee Wall, as citizens of the Choctaw Nation; and by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3, 1909, written application was filed for the enrollment of Ora Nellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as citizens of the Choctaw Nation; that on September 14, 1898, application was made by James N. Harper for the enrollment of his wife, Daisy Harper, and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 28, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Custer Harper, minor children of James N. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 4, 1898, application was made by Dick Randolph for enrollment as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtie Randolph, and his minor children, Minnie, Decosa, Herman, Hughie, and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick and Myrtie Randolph, as a citizen of the Choctaw Nation; that on February 9, 1901, written application was filed for the enrollment of Lelia Blanche Myers, and on June 28, 1902, written application was filed for the enrollment of John Boyd Myers, minor children of William Myers and Minnie

Myers (formerly Randolph), as citizens of the Choctaw Nation; that on September 15, 1898, application was made at Pauls Valley, Indian Territory, by Waldemar Thompson for the enrollment of himself and his minor daughter, Dollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, minor children of Waldemar Thompson and May Thompson, as citizens of the Choctaw Nation; that application was made September 15, 1898, by William E. Wheat for the enrollment of himself as an intermarried citizen and for his minor children, Jesse G. and Myrtle E. Wheat, as citizens of the Choctaw Nation; that on the same date application was made by William J. Thompson for enrollment as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made at Atoka, Indian Territory, December 5, 1899, by William Myers for enrollment as an intermarried citizen of the Choctaw Nation; that on September 14, 1898, at Pauls Valley, Indian Territory, application was made for the enrollment of Decosa and Ellen Thompson as citizens of the Choctaw Nation.

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship

in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as Unis Wall), Sam F. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall), and Bessie B. Wall (as Bessie Wall).

Said application was denied by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation. This judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

This cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on November 29, 1904, in the case entitled "Samuel Wall, et al., vs. Choctaw and Chickasaw Nations," said Citizenship Court rendered a judgment therein, wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisy Wall, Unis Wall

Sam F. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Dick Randolph, Myrtie Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtie E. Wheat (as Myrtie Wheat), Jesse G. Wheat (as Jesse Wheat), Waldemar Thompson, Dollie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson.

This application was denied December 7, 1896, by the Commission to the Five Civilized Tribes, and an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled "Dick Randolph, et al. vs. Choctaw Nation," rendered a judgment admitting all of said applicants to citizenship, except Myrtie Wheat and May Thompson, whose names were not mentioned in said judgment.

The judgment of the United States Court was subsequently vacated, set aside and held for naught by a decree of the Choctaw-

Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al." Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court for a trial de novo, which court, on November 29, 1904, in the case entitled "Dick Randolph, et al. vs. Choctaw and Chickasaw Nations," rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Murtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat, or Jesse Wheat, De Osa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed."

On January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph), to citizenship in the Choctaw Nation had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29, 1904.



The Commission to the Five Civilized Tribes on January 23, 1905, issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, and John Boyd Myers, and on January 24, 1905, orders were issued dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decree of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition verified by S. E. Wall, W. J. Thompson, Will Myers, W. E. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Samuel Wall, Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hepper, Eunice Hogg, Effie Hogg, Mollie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtiel Randolph

Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtie Wheat, Waldemar E. Thompson, Arthur Thompson, Dillie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition were that the petitioners were the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with \_\_\_\_\_ Polson, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners were informed and believed that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that said petitioners were unable to find any records containing said Act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam P. Wall, Thomas Wall, Hiram Wall, Bessie Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Dick Randolph, Myrtie Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Vivian Randolph, William Myers,

Minnie Myers, Lelia Blanche Myers, John B. Myers, William E. Wheat, Jesse Wheat, Myrtie Wheat, Waldemar E. Thompson, Dollie Thompson, Claudie Thompson, Gies Thompson, William J. Thompson, Winona Thompson and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495).

It does not appear that there is any record in this office of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Rudella Hopper, Lizzie Hogg, Samuel J. Hogg, Roy Randolph, Dick Myers, May Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898, or any subsequent Act of Congress prior to the filing of the petition herein.

On April 26, 1906, written application was made for the enrollment of Lizzie Louisa Hogg, born April 7, 1903, minor daughter of Eunice Hogg and J. T. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On June 18, 1906, application was received under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the enrollment of Robert E. Wall, born April 24, 1903, minor child of Thomas Wall and Elizabeth Wall, as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Hogg and Elmer Wall mentioned in the petition filed January

30, 1906, and on July 18, 1906, application was received for the enrollment of Daisy R. Harper, born July 31, 1904, minor child of J. N. Harper and Daisy Harper, as a citizen of the Choctaw Nation.

It was not alleged in the petition filed January 30, 1906, that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said Nation.

For the purpose of determining whether Giles Thompson, the ancestor of certain of the petitioners above mentioned, was ever adopted by an Act of Choctaw Council as alleged in the petition, this office on July 31, 1906, addressed a communication to Edward H. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed. In response to said communication, E. H. Wilson addressed a letter to the Commissioner on August 6, 1906, in which he stated that there was no such Act on file in the office of the National Secretary.

On February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtie Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Helen Thompson, Lizzie

Louisa Hogg and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Gaster Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Glee Thompson, Winona Thompson and Myrtle Wheat as citizens and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, was, on February 4, 1907, transmitted to the Secretary of the Interior for review.

On February 28, 1907, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes of February 4, 1907, in this case.

In reporting on this matter the attention of the Department is respectfully invited to a letter dated February 19, 1907, communicating the opinion of the Attorney General to the Secretary of the Interior in certain Choctaw Indian citizenship cases, among which were the cases of Myrtle Randolph and her brother W. J. Thompson. The opinion of the Attorney General, as to these two



persons, concludes as follows:

"This disposes of the cases of Myrtle Randolph and her brother W. J. Thompson: whatever their intrinsic merits, these claims have been finally decided adversely to the claimants by the judgment of the Citizenship Court."

In the same letter the Attorney General rendered an opinion as to the rights of Loula (or Lulu) West et al., and stated as follows:

"This case is similar to that of Myrtle Randolph and her brother, W. J. Thompson, children of Giles Thompson, above referred to, in that it involves the question of the finality of the judgment of the Citizenship Court, it being contended that the Commission in the first instance and the Citizenship Court ultimately on appeal had no jurisdiction of the case because at the time of her application to the Commission her name was upon a tribal roll.

For the reasons heretofore stated, I think this contention is not well founded, and that the Citizenship Court had jurisdiction of such cases, and its judgments therein were final."

It does not appear that the names of any of the persons concerning whom this report is submitted were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or Commissioner to the Five Civilized Tribes, nor that any of them were ever allowed to select an allotment of land as a citizen of the Choctaw Nation.

The letter of Kappler & Merrillat of March 25, 1909, is returned herewith.

Respectfully,

Through the Commissioner of Indian Affairs.      Acting Commissioner.  
McM 7/2



Kappler & Merillat,  
Attorneys and Counsellors at Law,  
Bond Building

Washington, D.C. April 7, 1909

The Honorable,  
The Secretary of the Interior,  
Washington, D. C.

Sir:

As attorneys for Winona Thompson, Decosa, Herman, Hugh Roy, Lena and Vivian Randolph, Minnie Hall, Blanch, Thomas and Dick Myres, Choctaw Indians who were stricken from the rolls of the Five Civilized Tribes, we hereby respectfully make demand that you cause their names to be restored to the rolls in the Five Civilized Tribes, from which they were stricken by Secretary Hitchcock.

We also give notice, as required by law, that in the event this demand be not complied with, we will be compelled to institute suit to compel their restoration to the rolls.

An early reply hereto is requested.

Yours respectfully,

(Signed) Kappler & Merillat.

NT

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.  
J.W.H.  
W.C.P.  
T W L

April 13, 1909.

Address only  
The Secretary of the Interior.

File 5-514

The Commissioner

to the Five Civilized Tribes.

Sir:

Herewith is a letter, dated April 7, 1909, from Messrs. Kappler & Merrillat, attorneys at law of this city, wherein, as a preliminary step to the institution of suit against the Secretary of the Interior, they demand that he restore the following persons to the status of recognized citizens of the Choctaw Nation:

Winona Thompson,

Decosa Randolph,

Heran Randolph,

Hugh Roy Randolph,

Lena Randolph,

Vivian Randolph,

Minnie Hall,

Blanch Myers,

Thomas Myers,

Dick Myers.

You are requested to furnish a report concerning the enrollment of said persons, following the general instructions contained in departmental letter of March 15, 1909 (File 5-51)

Very respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

1 Enc.  
(Send direct; Copy  
to Indian Office).

FR

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

J.W.H.  
J.W.H.  
W.C.P.  
T.W.L.

April 17, 1909.

Address only  
The Secretary of the Interior.

File 5-51.

The Commissioner  
to the Five Civilized Tribes.

Sir:

Herewith is a letter dated April 13, 1909, from Messrs. Kappler & Merillat, Attorneys at Law, of this city, wherein they demand, as a preliminary step to the institution of suit against the Secretary of the Interior, that he cause the names of the following persons to be restored to the rolls of citizenship of the Choctaw Tribes:

W. E. Thompson,

Eunice Hogg,

Daisy Harper,

T. J. Hogg,

J. N. Harter,

Ella Thompson.

You are requested to render a report in the matter, following the general instructions contained in department letter of March 15, 1909, file 5-51, taking particular care to state in this, as well as in other cases, whether certificates of allotment or patent have been issued to or recorded in favor of the applicants.

Very respectfully,

(Signed) Jesse E. Wilson.  
Assistant Secretary

1 enclosure; Send direct  
Copy to Indian Office.

Kappler & Merillat  
Attorneys and Counsellors at Law  
Bond Building,

Washington, D. C. April 13, 1909.

The Honorable,  
The Secretary of the Interior,  
Washington, D. C.

Sir:

In behalf of W. E. Thompson, T. J. Hogg, Eunice Hogg,  
J. N. Harper, Daisy Harper and Ella Thompson, we hereby re-  
spectfully make demand that you cause their names to be re-  
stored to the rolls of the Choctaw Tribe of Indians, from which  
they were stricken by the Secretary of the Interior.

At the same time, we respectfully desire  
to give notice that if  
the demand be not acceded to we will take appropriate proceed-  
ings in Court to compel their restoration to the rolls.

We make this request and demand in accordance with law,  
and for the reason that we believe the Secretary of the Inte-  
rior was without authority or jurisdiction to strike from the  
rolls the names of persons once placed thereon, especially  
where land had been allotted to the parties, as was the case  
with our clients.

Yours respectfully,

(Signed) Kappler & Merillat.

D 489-1909  
D 514-1909

Muskogee, Oklahoma, April 23, 1909.

Subject:

Reporting on Departmental  
letters of April 13, 1909  
and April 17, 1909, rel-  
ative to W. E. Thompson,  
et al. and Winona Thomp-  
son, et al.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of  
April 13, 1909 (File 5-51) transmitting communication of  
April 7, 1909, from Messrs. Kappler & Merillat, attorneys at  
law, Washington, D. C.; wherein, as a preliminary step to the  
institution of suit against the Secretary of the Interior,  
they demand that Winona Thompson, Decosa Randolph, Herman  
Randolph, Hugh Roy Randolph, Lena Randolph and Vivian Ran-  
dolph, Minnie Hall, Blanch Myres, Thomas Myres and Dick Myres  
be restored to the status of recognized citizens of the Choctaw  
Nation, and requesting a report concerning the enrollment  
of said persons.

Receipt is also acknowledged of Departmental letter of  
April 17, 1909 (File 5-51), transmitting communication of  
April 13, 1909 from Messrs. Kappler & Merillat, attorneys at

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law, Washington, D. C., wherein they demand, as a preliminary step to the institution of suit against the Secretary of the Interior, that he cause the names of the following persons to be restored to the rolls of citizenship of the Choctaw tribe: W. E. Thompson, T. J. Hogg, Eunice Hogg, J. N. Harper, Daisy Harper and Ella Thompson.

A report is requested in this matter following the general instructions contained in Departmental letter of March 15, 1909, taking particular care in this, as well as in other cases, to state whether certificates of allotment or patents have been issued to or recorded in favor of the applicants.

Reporting in this matter I have the honor to advise that the names of the persons above mentioned are included in the Choctaw enrollment case of Samuel C. Wall, et al. and the facts in this case are as follows:

It appears from the records of this office that application was made to the Commission to the Five Civilized Tribes on September 8, 1896 in Choctaw 1896 Citizenship Case Number 540 for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321), of Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg ( as



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Unis Wall), Sam F. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall), and Bessie L. Wall (as Bessie Wall).

This application was denied by the Commission to the Five Civilized Tribes December 2, 1896. From this decision appeal was taken to the United States Court for the Southern District of Indian Territory, which, on January 19, 1898 in case Number 126 on the citizenship docket, reversed the decision of the Commission and admitted the applicants to citizenship in the Choctaw Nation.

This judgment was subsequently annulled, vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of the Choctaw and Chickasaw Nations or Tribes of Indians versus J. T. Riddle, et al.

Subsequently said cause was certified to the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641) for a trial de novo, and on November 29, 1904, in the case entitled Samuel Wall et al. versus the Choctaw and Chickasaw Nations, Case Number 26 on the Tishomingo Docket, said Court rendered a decree wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisey Wall, Unis Wall,

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Sam F. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in Choctaw 1896 Citizenship Case Number 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896, of Dick Randolph, Myrtie Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph ( as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtie E. Wheat (as Myrtie Wheat), Jesse G. Wheat (as Jesse Wheat), Waldemar Thompson, Dollie Thompson, William J. Thompson ( as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson.

On December 7, 1896, the Commission denied this application. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled Dick Randolph, et al. versus the Choctaw Nation, rendered a judgment admitting all of said applicants to citizenship except

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Myrtle Wheat and May Thompson whose names were not mentioned in the judgment.

This judgment was subsequently annulled, vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, and the cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, which court, on November 29, 1904, in case Number 27 on the Tishomingo Docket, entitled Dick Randolph, et al. versus the Choctaw and Chickasaw Nations, rendered a judgment wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, DeCosa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed.

January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the

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enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph) had been denied by the Choctaw and Chickasaw Citizenship Court.

January 23, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence W. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers and John Boyd Myers, and on January 24, 1905, orders were entered by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, for the reason that the rights of the persons through whom these applicants claimed as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

February 4, 1905, the Commission rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition praying for the enroll-

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ment of Samuel C. Wall, Samuel Wall Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Guster Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtie Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtie Wheat, Waldemar E. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

This office could not identify the applicants herein as having been enrolled upon any of the tribal rolls of the Choctaw Nation in its possession.

February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the applications for enrollment of all the persons included in this decision and on the same date the record, together with the decision in this case, was forwarded to the Secretary of the Interior.

February 25, 1907 (Land 13244-1907) the Indian Office

Secretary 8

concurring in the decision of the Commissioner of February 4, 1907, denying these applicants, and on February 28, 1907 (I T D 5020, 5148, 5143, 5190, 5194, 5196, 5200, 5203, 5212, 5214, 5322, 5334, 5336, 5344, 5346, 5360, 5352, 5394, 5442-1907), the Department affirmed said decision.

I have the honor to state that no formal allotments were ever made to these persons but applications for lands were made in their behalf which were involved in allotment contests; these contests were afterward dismissed and the lands given to the contestees and patents therefor have undoubtedly been recorded and delivered.

It further appears that T. J. Hogg was the non-citizen husband of Eunice Hogg, nee Wall, and that J. M. Harper was the non-citizen husband of Mary Harper, nee Wall, and that no application was made to the Commission or the Commissioner to the Five Civilized Tribes for their enrollment as citizens of the Choctaw Nation.

It also appears that this office has no record of any favorable decision ever having been rendered by the Department in this case.

The letters of Kappeler & Merillat of April 7, 1909, and April 13, 1909, are herewith returned.

Respectfully,

Choctaw 4997  
Through the Commissioner  
of Indian Affairs.

AB

Commissioner.



Land: )  
27496-1909  
31863-1909  
J K D

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs, G.R.

Washington. Jun 8 1909

Enrollment case of  
Samuel C. Wall, et al.

The Commissioner

to the Five Civilized Tribes,  
Muskogee, Oklahoma,

Sir:

Referring to your reports of April 7 and 23, 1909, relative to the Choctaw enrollment case of Samuel C. Wall, et al., you are advised that on May 28, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1906, in that case (211 U. S. 249). The Department declined to take any action looking to the enrollment of any of the persons included in the case of Samuel C. Wall, et al. A copy of approved Office letter of May 4, 1909, is inclosed for your further information. You are requested to notify the proper parties of this action.

Very respectfully,

C. F. Hauke,

Chief Clerk.

JC-3  
1788

E.B.M. 2  
L.H.A. 2  
L.H.D. 2

OR

LAND  
27496-1909  
31863-  
J E D

May 4 1909

Enrollment claims of  
Thamnongraahki, et al.

The Secretary of the Interior,

Sir:

Referring to Department letters of March 25, April 13 and 17, 1909 (File S-21 Cheetaw), there are transmitted herewith reports of April 7 and 23 from the Commissioner to the Five Civilized Tribes, in regard to the case of Samuel C. Wall, et al., applicants for enrollment as Cheetaw citizens.

The history of the case is set out fully in the reports inclosed. The records show that on February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Besie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Belle Thompson, Decosa Thompson, Ellen Thompson, Lizzie Louisa Hogg and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Klizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Guster Har-

per, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtle Wheat as citizens, and dismissing the application for the enrollment of Rudella Hepper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

On February 28, 1907, the Department affirmed the decision of the Commissioner denying the applications.

In this connection your attention is invited to the opinion, dated February 19, 1907, of the Attorney General, in reference to the Choctaw citizenship cases of Myrtle Randolph and her brother, W. J. Thompson, which opinion is referred to by the Commissioner to the Five Civilized Tribes in his report. The Commissioner reports that it does not appear that the names of any of the persons mentioned were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or the Commissioner to the Five Civilized Tribes, or that any of them were ever allowed to select an allotment of land as a citizen of that nation.

Moreover, it does not appear from the records of the Office that the Department ever approved any applications of these persons for enrollment as citizens of the Choctaw Nation. The Office is of the opinion that the case of Samuel C. Wall, et al. is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1906 in that case (211 U. S. 249).

It is therefore recommended that the Department take no

action looking to the enrollment of any of the persons included  
in the case of Samuel C. Wall, et al.

The record in the case and other papers pertaining thereto  
are inclosed for your further information.

Very respectfully,

(Signed) R. G. Valentine,

Acting Commissioner.

OGP-1  
521

WCP

JWH

APPROVED: May 28, 1909.

Frank Pierce

First Assistant Secretary.

FWS

Choctaw 4978  
Choctaw Minor  
1120.

Muskogee, Oklahoma, June 11, 1909.

Mrs. Daisy Harper,  
Johnson, Oklahoma,

Madam:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall et al. is not analogous to that of John S. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the United States Supreme Court of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

I, Daisy Harper, of the Southern District of the Indian Territory, do hereby nominate and appoint my husband James N. Harper my attorney in fact, for me and in my name, to contest any and all persons who may file upon the lands now claimed and occupied by myself, said lands being the north-west quarter of section thirty one, Township five north, Range three East, Chickasaw nation, Indian Territory, And I do hereby ratify and confirm any act or thing he may lawfully do in the premises as fully as if I was present and doing the same myself. This the 27<sup>th</sup> day of July 1904.

Daisy Harper.

Indian Territory,  
Southern District.

On this the 28 day of July 1904, personally appeared before me Daisy Harper with whom I am personally acquainted and who being by me provily examined separate and apart from her husband, acknowledged that she had executed the above power of attorney for the purposes therein contained and I hereby so certify.

W. A. Smith.

My Commission expires July 30th 1907

Notary Public,  
Southern Dis't I.T.

(Seal)

I, Helen C. Miller, Senographer for the Commission to the Five Civilized Tribes hereby certify that the above is a correct copy of the power of attorney executed by Daisy Harper appointing James N. Harper her attorney.

*Helen C. Miller*

Subscribed and sworn to before me this 30th day of July, 1904.

*J. H. Carlock*  
Notary Public.



ms  
Refer in reply to the following:

Choctaw 4978  
Choctaw Miner  
1120.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ms  
Muskogee, Oklahoma, June 11, 1909.

Mrs. Daisy Harper,  
Johnson, Oklahoma,

Madam:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the United States Supreme Court of November 30, 1906, in the said Goldsby case.

Respectfully,

*Thos. J. Van*  
Acting Commissioner.

AB

Choc 4979 Samuel C. Wall

March 25, 1909 DEPT refers letter of Keppler &  
Merilla for report

April 7, 1909 report to DEPT

see petition #C-31

4979  
bcbh

D U P L I C A T E .

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----  
In the matter of the application for the enrollment as  
citizens of the Choctaw Nation of . . . . .

SAMUEL C. WALL, et al . . . . C- 31  
7-4979  
7-4976  
7-4977  
7-4978  
7-5012  
7-5026  
7-5037  
7-5038  
7-D-535  
7-5013  
23-1093  
23-1120.

Choctaw Court Card C. 24.

In Re application of Samiel C. Wall and others.

Sworn by Commissioner McKennon.

Samuel C. Wall says:

I am 56. I am husband of Ellen W. and father of Daisey, wife of J. N. Harper, and Eunice, wife of Thomas J. Hogg, Thomas W. and Samuel F. Wall.

We were admitted by the U. S. Court at Ardmore, case 126. I have been living in the Nation all my live. I was born and raised in the Choctaw Nation.

I have all ways been recognized as a Choctaw citizen, but understanding that all had to apply to the Dawes Commisison I made application to it in 1896 and was rejected. I was afterwards enrolled by the Choctaw citizenship Committee. I took an appeal to the U. S. Court at Ardmore, and was admitted, with my family.

Pauls Valley, Sept. 14, 1898.

Samuel C. Wall  
Ellen Wall  
Sam F. Wall

enrolled.

Choctaw Court Card C. 21.

In Re application of Thomas Wall and others.

Sworn by Commissioner McKennon,

Thomas Wall says:

I am father of Hiram T. and Bessie Lee Wall.

I am son of Samuel C. Wall. I was born and raised in the Territory and have been living in the Chickasaw Nation over 20 years. I came here from the Cherokee Nation.

Hiram T. was admitted as "Hiram". Bessie Lee as "Bessie". They were admitted by the U. S. Court at Ardmore case 126, January 18th 1898.

Pauls Vallet, Sept. 14, 1898.

Thomas Wall  
Hiram T. Wall  
Bessie Lee Wall

enrolled.

Choctaw Court Card C. 22.

In Re application of Eunice Hogg and others.

Sworn by Commissioner Mc Kennon

Thomas J. Hogg says:

I am 20 years . I am husband of Eunice and  
father of Effie Hogg. My wife was formerly Eunice Wall.

She was born and raised in the Nation and is the daughter of  
Samuel C. Wall. She was admitted by the U. S. Court at Ardmore,  
January 19th 1898 case 126.

I was married to her under US. license October 17th 1897.

Pauls Valley, Sept. 14, 1898.

Eunice Hogg  
Effie Hogg

enrolled.



MARRIAGE LICENSE

NO. 610.

United States of America, )  
Indian Territory, )  
Southern District. )

SS

TO ANY PERSON AUTHORIZED  
BY LAW TO SOLEMNIZE MARRIAGE,  
GREETING:

YOU ARE HEREBY COMMANDED To solemnize the Rite and publish the  
Banns of Matrimony between Mr. Thomas J. Hogg of Wallville in the  
Indian Territory, aged 19 years and M Eunice Wall of Wallville in  
the Indian Territory, aged 15 years, according to law, and do  
you officially sign and return this License to the parties herein  
named.

WITNES: MY hand and official Seal, this 18 day of Oct. A.D.  
1907.

C. M. Campbell  
Clerk of the United States Court.

CERTIFICATE OF MARRIAGE.

United States of America, )  
Indian Territory, )  
Southern District. )

SS:

I, B.B. Bedwell a Minister of  
Gospel, do hereby certify, that on the 7 day of Oct. A. D. 1907,  
I did duly and according to law, as commanded in the foregoing  
License, solemnize the Rite and publish the Banna of Matrimony be-  
tween the parties therein named.

Witness my hand this 7 day of Oct. A.D. 1897.  
My Credentials are recorded in the office of the United States Court  
Indian Territory, Southern District, at Ardmore, Book A, Page 145.  
By ~~Min~~ Bedwell the Gospel.

Pauls V- 10-5-97.

INDORSED ON BACK AS FOLLOWS:  
DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED . JUN 3, 1901.  
Tams Bixby, Acting Chairman.  
7-4977.

CERTIFICATE OF RECORD OF MARRIAGE

UNITED STATES OF AMERICA )  
INDIAN TERRITORY ) SCT.  
SOUTHERN DISTRICT )

I, C. M. Campbell, Clerk of the United States Court, in the Territory and District aforesaid, Do Hereby Certify, that the license for and Certificate of Marriage of

Mr. Thomas J. Hogg and Eunice Wall were filed in my office in said Territory and District the 18 day of Oct. A. D. 1907 and duly recorded in Book C. of Marriage Record, Page 154.

Witness my hand and Seal of said Court, at Ardmore, this 18, 1897,

C.M. Campbell

\_\_\_\_\_  
Clerk

Indian Territory  
Southern District

I do hereby certify that the within and foregoing is a true a perfect and literal copy of the original instrument filed and recorded at my office on the 18 day of Oct. 1897.

Witness my hand and official seal at Ardmore, this 7 day of May  
1901

C. M. Campbell

CHOCTAW

INDEXED

20

IN RE  
Application for Enrollment of  
INFANT CHILD

Ora Nellie Hogg

as a citizen of

CHOCTAW

Nation

Approved Jun 31 1901. 190

Tams Bixby

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED.

JUN 3, 1901.

Tams Bixby, Acting Chairman.

CHOCTAW

4977.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Ora Nellie Hogg, born on the 26 day of January, 1901  
(Here insert name of child.)  
Name of Father: Thomas J. Hogg a citizen of the U. S. Nation.  
Name of Mother: Eunice Hogg a citizen of the Choctaw Nation.  
Postoffice Wallville

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

Eunice Hogg, on oath state that I am 19  
years of age and a citizen by blood of the Choctaw Nation;  
that I am the lawful wife of Thomas J. Hogg, who is a citizen, by  
birth of the U. S. Nation; that a female child was  
born to me on 26 day of January, 1901; that said child has been named  
Ora Nellie Hogg, and is now living.

WITNESSES TO MARK: Eunice Ellen Hogg  
(Must be Two Witnesses) { Leslie C. Gray  
Wen Buck

Subscribed and sworn to before me this 28 day of May, 1901.  
(SEAL) Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Mrs. Sallie E. Karber, Midwife, on oath state that I  
attended on Mrs. Eunice Hogg, wife of Thomas J. Hogg  
on the 26 day of January, 1901; that there was born to her on said date a female  
child; that said child is now living and is said to have been named Ora Nellie Hogg.

WITNESSES TO MARK: Sallie E. Karber.  
(Must be Two Witnesses) { W. L. Kerber  
Myrtle Bean

Subscribed and sworn to before me this 28 day of May, 1901.  
(SEAL) C. W. Gray, Notary Public.

CHOCTAW COURT CARD C. 23.

In Re application of Daisey Harper and others.

James N. Harper says:

I am 27. I am husband of Daisey and father  
of Lawrence V. Harper.

Daisey Harper was admitted by the U. S. Court at Ardmore, January  
19th 1898, case 126.

Lawrence V. was born October 1st 1896.

I lived 3 years at Wallville, Chickasaw Nation. I moved then to  
White Bead December 1897. Prior to that time we lived a few months  
in Oklahoma. I lived there from January to April 1895.

My wife is daughter of Samuel C. Wall and was born and reared  
in the Nation. We ran away and married in Texas.

Daisey Harper  
Lawrence V. Harper

Pauls Valley, Sept. 14, 1898.

enrolled.

IN RE  
Application for Enrollment of  
INFANT CHILD

Grocie Ellen Harper  
as a citizen of

CHOCTAW Nation

Approved Jun 28 1900 190

Tams Bixby  
Commissioner

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED  
TRIBES

F. I. E. D.

JUN 28 1900.

Tams Bixby, Acting Chairman.

CHOCTAW  
4978



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Grocie Ellen Harper, born on the 17th day of March, 1900  
(Here insert name of child.)  
Name of Father: James Harper, a citizen of the United States Nation.  
Name of Mother: Daisey Harper (nee Wall), a citizen of the Choctaw Nation.  
Postoffice Johnson, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Daisey Harper, on oath state that I am 20  
years of age and a citizen by blood, of the Choctaw Nation;  
that I am the lawful wife of James Harper, who is a citizen, by  
United States, of the Nation; that a female child was  
(Male or Female.)  
born to me on 17th day of March, 1900; that said child has been named  
Grocie Ellen Harper, and is now living.

WITNESSES TO MARK:

Daisey Harper

(Must be Two Witnesses.)

(SEAL)

Subscribed and sworn to before me this 26th day of June, 1900

Southern

O. W. Patchell

Notary Public.

District.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Mrs. Ellen Ball, a Mid wife, on oath state that I  
attended on Mrs. Daisey Harper, wife of James Harper  
on the 17th day of March, 1900 that there was born to her on said date a female  
(Male or Female.)  
child; that said child is now living and is said to have been named Grocie Ellen Harper

WITNESSES TO MARK:

Ellen Harper

(Must be Two Witnesses.)

Subscribed and sworn to before me this 20th day of June, 1900

(SEAL)

Southern  
District

O. W. Patchell

Notary Public.

CHOCTAW

INDEXED

W.O.B.

20

IN RE

Application for Enrollment of

INFANT CHILD

James Custer Harper

as a citizen of

Choctaw

Nation

Approved NOV 1, 1902.

190

TAM S BIXBY

Commissioner  
ALA

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 1, 1902.

Tams Bixby, Acting Chairman.

CHOCTAW

4978

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of James Custer Harper, born on the 27th day of June, 1902  
(Here insert name of child.)  
Name of Father: James Harper a citizen of the U.S. Nation.  
Name of Mother: Daisy Harper a citizen of the Choctaw Nation.  
Postoffice Johnson, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Daisy Harper, on oath state that I am 22  
years of age and a citizen by blood of the Choctaw Nation;  
that I am the lawful wife of James Harper, who is a citizen, by  
blood of the U.S. Nation; that a male child was  
born to me on 27th day of June, 1902; that said child has been named  
James Custer Harper, and is now living.

WITNESSES TO MARK:  
Daisy Harper

(Must be Two Witnesses.)

Subscribed and sworn to before me this 22nd day of October, 1902.  
(SEAL) C. R. Chitwood  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Mrs. Ellen Wall, a midwife, on oath state that I  
attended on Mrs. Daisy Harper, wife of James Harper  
on the 27th day of June, 1902 that there was born to her on said date a male  
child; that said child is now living and is said to have been named James Custer  
Mrs. Ellen Wall

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 22 day of October, 1902.  
(SEAL) C. R. Chitwood  
Notary Public.

[Redacted]

Sworn by Commissioner McKennon.

Dick Randolph says:

I am husband of Myrtie, and father of Minnie, Decosa, Herman, Hughie, Lena. Randolph, admitted by the U. S. Court at Ardmore, January 19th 1898, case 125, except Lena R. born October 8th 1897.

I have lived in the Chickasaw Nation 23 years. I came from Missouri to the Chickasaw Nation. I was born and raised in Missouri

[Redacted]

[Redacted]

Pauls Valley, Sept. 10, 1900

- Dick Randolph
- Myrtie Randolph
- Minnie Randolph
- Decosa Randolph
- Herman Randolph
- Hugie Randolph
- Lena R. Randolph

enrolled.

[Redacted]

IN RE  
Application for Enrollment of  
INFANT CHILD

Wivian Randolph  
as a citizen of

CHOCTAW Nation

Approved Nov 26 1901

Tams Pixby.  
Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
NOV. 26/1901.  
TAMS PIXBY, ACTING CHAIRMAN.

CHOCTAW 5012.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Vivion Randolph, born on the 18th day of October, 1899  
(Here insert name of child.)  
Name of Father: Dick Randolph a citizen of the Choctaw Nation.  
Name of Mother: Myrtie Randolph a citizen of the Choctaw Nation.  
Postoffice: Wollville, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Myrtie Randolph, on oath state that I am 37  
years of age and a citizen by birth of the Choctaw Nation;  
that I am the lawful wife of Dick Randolph, who is a citizen, by  
intermarriage, of the Choctaw Nation; that a female child was  
born to me on 18th day of October, 1899, that said child has been named  
Vivion, and is now living.

WITNESSES TO MARK:

X, Myrtie Randolph

(Must be Two Witnesses)

Subscribed and sworn to before me this 22 day of November, 1901  
(SEAL)

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, T. J. Lee, a physician, on oath state that I  
attended on Mrs. Myrtie Randolph, wife of Dick Randolph  
on the 18th day of October, 1899, that there was born to her on said date a female  
child; that said child is now living and is said to have been named Vivian Randolph.

T. J. Lee

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 3rd day of September, 1901

A. F. Pyeatt.

Notary Public.

(SEAL)



IN RE  
Application for Enrollment of  
INFANT CHILD

Lelia Blanche Myers  
as a citizen of

Choctaw Nation

Approved 9 1901 190

C. R. Breckenridge  
*Commissioner.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED.

FEB. 9 1901.  
Tams Bixby, Acting Chairman.

CHOCTAW 5012.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Lelia Blanche Myers, born on the 5th day of October, 1900  
(Here insert name of child).  
Name of Father: William Myers a citizen of the Choctaw Nation.  
Name of Mother: Minnie Myers a citizen of the Choctaw Nation.

Postoffice Wallville

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT

I, Minnie Myers, on oath state that I am 18  
years of age and a citizen by birthright, of the Choctaw Nation;  
that I am the lawful wife of William Myers, who is a citizen, by  
intermarriage, of the Choctaw Nation; that a female child was  
born to me on 5th day of October, 1900; that said child has been named  
Lelia Blanche Myers, and is now living.

X Minnie Myers.

WITNESSES TO MARK:

(Must be Two Witnesses.)

(SEAL) and sworn to before me this 2nd day of January, 1901.

(SEAL)

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE,

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT

I, T. J. Lee, Physician, on oath state that I  
attended on Mrs. Minnie Myers, wife of Will Myers  
on the 5th day of Oct., 1900 that there was born to her on said date a female  
child; that said child is now living and is said to have been named  
Lelia Blanche Myers

T. J. Lee M.D.

WITNESSES TO MARK:

(Must be Two Witnesses.)

(SEAL) and sworn to before me this 26 day of Oct., 1900.

(SEAL)

I. W. Fagan

Notary Public.

IN RE  
Application for Enrollment of  
INFANT CHILD

John Boyd Myers  
as a citizen of

Choctaw Nation

Approved JUN 28 1902. 190

T. B. Needles  
Commissioner

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F I L E D

JUN 28 1902.

Tams Bixby, Acting Chairman.

~~Choctaw~~ Choctaw  
5012.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of John Boys Myers, born on the 15 day of May, 1902  
(Here insert name of child.)  
Name of Father: William Myers a citizen of the Doption Nation.  
Name of Mother: Minnie Myers a citizen of the Choctaw Nation.

Postoffice Erin Springs Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
DISTRICT.

Minnie Myers, on oath state that I am nineteen  
years of age and a citizen by adoption of the Choctaw Nation;  
that I am the lawful wife of William Myers, who is a citizen, by  
adoption of the Choctaw Nation; that a male child was  
born to me on 10 day of May, 1902 that said child has been named  
John Boyd Myers and is now living.

Minnie Myers

WITNESSES TO MARK:

(Must be Two Witnesses.) { I. W. Eagan  
W. I. Franklin

Subscribed and sworn to before me this 21 day of June, 1902.

(SEAL)

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
DISTRICT.

I. T. J. Frost, physician, on oath state that I  
attended on Mrs. Minnie Myers, wife of William Myers  
on the 10 day of May, 1902; that there was born to her on said date a male  
child; that said child is now living and is said to have been named John Boyd Myers

T. J. Frost

WITNESSES TO MARK:

(Must be Two Witnesses.) {

Subscribed and sworn to before me this 24 day of June, 1902.

(SEAL)

I. W. Eagan

Notary Public.

Choctaw Court Card C 71.

In Re application of Waldemar Thompson and others.

Sworn by Commissioner McKennon

Waldemar Thompson says:

I am 25. I am father of Dollie Thompson.  
We were admitted by the U. S. Court at Ardmore, January 19th 1898,  
case 125.

I have been living in the Chickasaw Nation all my life. I was  
born and raised in the Choctaw and Chickasaw Nations.

Paul's Valley, Sept. 15 189 8

Waldemar Thompson  
Dollie Thompson

enrolled.

CERTIFICATE OF MARRIAGE

TERRITORY OF OKLAHOMA  
COUNTY OF CLEVELAND

THIS CERTIFIES that on the 15th day of May 1895, at Lexington Oklahoma in said County, according to law and by authority, I DULY JOINED IN MARRIAGE Mr. Waldemar E. Thompson of Wallville Ind. Ter. and Miss May A. Garvin of Wallville Ind. Ter.

That there appeared to be no lawful impediment to such MARRIAGE, and that the parties were satisfied proven to be the persons described in this certificate, and of sufficient age to contract Marriage.

THERE were present as witnesses J. R. Shaver and A. Nicodemus of Lexington Okla. Ter.

GIVEN UNDER MY HAND THE 15th day of May A.D. 1895.

(SEAL)

H. M. Hardwick  
Justice of the Peace

INDORSED ON BACK AS FOLLOWS;

Filed in the office of Town Clerk, This the 15th day of May, 1895.  
E. M. Abunathy  
Town Clerk.



IN RE  
Application for Enrollment of  
INFANT CHILD

Myrtle Thompson  
as a citizen of

CHOCTAW Nation

Approved

190

Commissioner

---

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Myrtle Thompson, born on the 31 day of January, 1899  
(Here insert name of child.)  
Name of Father: Waldemar Thompson a citizen of the Choctaw Nation.  
Name of Mother: May Thompson a citizen of the United States Nation.  
Postoffice Wallville, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, May Thompson, on oath state that I am 22  
years of age and a citizen by of the United States Nation;  
that I am the lawful wife of Waldemar Thompson, who is a citizen, by  
blood of the Choctaw Nation; that a female child was  
born to me on 31 day of January, 1899; that said child has been named  
Myrtle Thompson, and is now living.

WITNESSES TO MARK:

May M. Thompson

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16th day of September, 1899.

(SEAL)

Claude Weaver  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
DISTRICT.

I, T. J. Frost, Physician, on oath state that I  
attended on Mrs. May Thompson, wife of Waldemar Thompson  
on the 31 day of January, 1899 that there was born to her on said date a female  
child; that said child is now living and is said to have been named Myrtle Thompson.

WITNESSES TO MARK:

T.J. Frost.

(Must be Two Witnesses.)

Subscribed and sworn to before me this 19 day of Sept. 1899

(SEAL)

I. W. Eagan  
Notary Public.

Choctaw

INDEXED

20

IN RE

Application for Enrollment of  
INFANT CHILD

Claudia Ellen Thompson  
as a citizen of

CHOCTAW

Nation

Approved

NOV. 30, 1901.

190

C. R. Brackenridge

Commissioner

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F I L E D .

NOV. 30, 1901.

Tams Bixby, Acting Chairman.

CHOCTAW 1026.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHOCTAW Nation,  
of Claudia Ellen Thompson born on the 29 day of April, 1901  
(Here insert name of child.)  
Name of Father: Waldemar Thompson a citizen of the Choctaw Nation.  
Name of Mother: May Thompson a citizen of the United States Nation.  
Postoffice Wallville, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT

I, May Thompson, on oath state that I am 24  
years of age and a citizen by of the United States Nation;  
that I am the lawful wife of Waldemar Thompson, who is a citizen, by  
birth of the Choctaw Nation; that a female child was  
born to me on 29 day of April, 1901; that said child has been named  
Claudia Ellen Thompson and is now living.

WITNESSES TO MARK: X May Thompson.

(Must be Two Witnesses.)  
L. R. Cook  
M. R. Bell

Subscribed and sworn to before me this 23 day of Nov. 1901  
(SEAL) C. W. Gray Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT

I, H. C. DeBow, Physician, on oath state that I  
attended on Mrs. May Thompson, wife of Waldemar Thompson  
on the 29 day of April, 1901; that there was born to her on said date a female  
child; that said child is now living and is said to have been named Claudia Ellen

WITNESSES TO MARK: X H. C. DeBow.

(Must be Two Witnesses.)  
L. R. Cook  
M. R. Bell

Subscribed and sworn to before me this 22 day of Nov. 1901  
(SEAL) I. W. Fagan Notary Public.

INDEXED

IN RE

Application for Enrollment of  
INFANT CHILD

Giles Elide Thompson  
as a citizen of

CHOCTAW Nation

Approved Dec. 4 1902 190

Tams Bixby

Commissioner

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 4 1902

Tams Bixby, Acting Chairman.

CHOCTAW #5046.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Giles Clide Thompson, born on the 11th day of August, 1902  
(Here insert name of child.)  
Name of Father: Waldemar Earnest Thompson a citizen of the Choctaw Nation.  
Name of Mother: May M. Thompson a citizen of the United States Nation.  
Postoffice Wallville I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, May M. Thompson, on oath state that I am 25 years of age and a citizen by of the United States Nation;  
that I am the lawful wife of Waldemar Earnest Thompson, who is a citizen, by adoption of the Choctaw Nation; that a male child was born to me on 11th day of August, 1902; that said child has been named Giles Clide Thompson and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)  
W. L. Haynes  
J. R. Blytten

May M. Thompson

Subscribed and sworn to before me this 26 day of Nov, 1902.

(SEAL)

T. D. Wagner  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

Benj. W. Ralston, Physician, on oath state that I attended on Mrs. May M. Thompson, wife of Waldemar Earnest Thompson on the 11th day of August, 1902 that there was born to her on said date a male child; that said child is now living and is said to have been named Giles Clide Thompson

WITNESSES TO MARK:

(Must be Two Witnesses.)  
J. C. Almond  
J. G. Craig

Benj. W. Ralston, M. D.

Subscribed and sworn to before me this 26 day of Nov, 1902.

(SEAL)

T. D. Wagner  
Notary Public.



Choctaw Court Card c. 82.

In Re application of William E. Wheat and others.

Sworn by Commissioner McKennin

William E. Wheat says:

I am 50. I am father of Jesse G. and Myrtle E. Wheat admitted by U. S. court at Ardmore, January 19th 1898, case 125.

I was born and raised in Texas and came to the Territory in 1867.

I lived here until 1891 at which time I lost my wife. Since that time I have claimed this as my home. I have been traveling around out of the Territory. My children were born and raised here and have lived here most of the time. They have been out of the Territory for 6 months at a time and probably longer, but have always had their residence here. I was out of the country on account of my health.

Pauls Valley Sept. 15, 1898.

William E. Wheat.  
Jesse G. Wheat  
Myrtle E. Wheat.

enrolled.

Choctaw Court Card C 83.

In Re application of William J. Thompson.

Sworn by Commissioner McKennon

William J. Thompson says:

I am 22. I was admitted by U. S. court  
at Ardmore, January 19th 1898, case 125. I have lived in the Chick-  
asaw Nation all my life. I have never lived anywhere else.

Pauls Valley, Sept. 15, 1898.

William J. Thompson

enrolled.

MARRIAGE LICENSE. NO. 799.

UNITED STATES OF AMERICA )  
INDIAN TERRITORY )  
SOUTHERN DISTRICT. )

SS:

TO ANY PERSON AUTHORIZED BY LAW TO

SOLEMNIZE MARRIAGE:: GREETING:

YOU ARE HEREBY COMMANDED to solemnize the Rite and publish the Banns of Matrimony between Mr. Wm. J. Thompson of Pauls Valley in the Indian Territory, aged 23 years and Miss Savannah Kimbrough of Pauls Valley in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS My hand and official Seal, this 4 day of August  
A. D. 1900.

Chas M. Campbell

Clerk of U. S. Court. By

J. T. Fleming

(SEAL)

CERTIFICATE OF MARRIAGE:

UNITED STATES OF AMERICA )  
INDIAN TERRITORY )  
SOUTHERN DISTRICT )

SS: I, Chas. M. Campbell a Clerk of  
United States Court do hereby

certify, that on the 5 day of August A. D. 1900, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties ~~named~~ therein named.

Witness my hand, this 5th day of August A.D. 1900.  
My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory Southern District, at Ardmore, Book 6666666, Page \_\_\_\_\_.

Chas. M. Campbell, Clerk.

By J. T. Fleming.

INDORSED ON BACK AS FOLLOWS:  
NO. 979.

CERTIFICATE OF RECORD OF MARRIAGE.  
UNITED STATES OF AMERICA )  
INDIAN TERRITORY ) SCT.  
SOUTHERN DISTRICT )

I, C. M. Campbell, Clerk of the United States Court in the Territory and District aforesaid. DO HEREBY CERTIFY, that the License for, and Certificate of Marriage of Mr. Wm. J. Thompson and Miss Savannah Kimbrough were filed in my office in said Territory and District the 8 day of Sept. A. D. 1900, and duly recorded in Book E of Marriage Record, Page 55.

Witness my hand and Seal of said Court, at Ardmore, this 8 day of Sept. A. D. 1900.

F I L E D .

Sep. 8, 1900

C. M. Campbell, CLERK.

Married on Sunday

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

F I L E D

NOV 14 1902.

Tams Bixby Acting Chairman.

CHOCTAW 5038.

CHOCTAW

INDEXED

IN RE

Application for Enrollment of  
INFANT CHILD

Winona Thompson  
as a citizen of

CHOCTAW

Nation

Approved Nov 14, 1902 /90

Tams Bixby

Commissioner.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

NOV 14 1902.

Tams Bixby, Acting Chairman.

CHOCTAW  
5038.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of \_\_\_\_\_ (Here insert name of child.) born on the 22 day of June, 1902  
Name of Father: W. J. Thompson a citizen of the Choctaw Nation.  
Name of Mother: Savannah Thompson a citizen of the Choctaw Nation.  
Postoffice Pauls Valley, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT.

I, Savannah Thompson, on oath state that I am twenty years of age and a citizen by marriage of the Choctaw Nation; that I am the lawful wife of W. J. Thompson, who is a citizen, by adoption of the Choctaw Nation; that a female child was born to me on 22 day of June, 1902, that said child has been named Winona Thompson, and is now living.

Savannah Thompson

WITNESSES TO MARK:

(Must be Two Witnesses.)  
Mrs. O. L. Owen  
Mrs M. C. Kimebrew

Subscribed and sworn to before me this 20 day of October, 1902  
(SEAL) O. W. Patchell Notary Public.  
Southern District.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
DISTRICT.

I, T. C. Branum, a Physician, on oath state that I attended on Mrs. W. J. Thompson, wife of W. J. Thompson on the 22 day of June, 1902 that there was born to her on said date a girl child; that said child is now living and is said to have been named Winona

T. C. Branum, M.D.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 20 day of October, 1902.  
(SEAL) W. J. Thompson Notary Public.



Department of the Interior,  
Commissioner of the Bureau of Indian Affairs,  
Washington, D. C.  
Stenographer in and out of Commission and this  
transcript is a true and correct transcription of  
my stenographic notes  
*W.D. Keenan*

Commission to the Five Civilized Tribes,  
Atoka, Indian Terr., Dec. 8th, 1899.

In the enrollment of William Myers as an intermarried Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A William Myers.

Q How old are you? A Thirty-three.

Q You present here a license issued by Athison Anochtubby, County Judge of Pickens county in the Chickasaw nation, dated September 8th, 1899; also marriage certificate dated September 27th 1899, for the marriage of William Myers and Minnie Randolph; these are correct dates on which this was issued, and on which you married her? A Yes sir.

Q How long had you been living in the Choctaw nation? A I had never been living in the Choctaw nation.

Q Had you been living in the Chickasaw nation?

A Yes sir, about eleven years.

Q Where was she living at the time you obtained this, in the Chickasaw nation? A Yes sir.

Q She was admitted by the United States court was she?

A Yes sir.

Q She is a Choctaw? A Yes sir.

Examined by Choctaw Com'r Lewis:

Q Your father's wife's father and mother are both white people ain't they, - there is no Indian blood on either side? A No sir.

Examined by Com'r McKennon:

Q Your wife is a white woman purely, then, is she? A Yes sir, I think so.

Dick Randolph is her father, and he is a white man? A Yessir.

Myrtle Randolph is her mother and a white woman? A Yessir.

Q You are a white man? A Yes sir.

( COPY )

COMMISSIONERS  
HENRY L. DAWES,  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REGISTER IN MERRY L. JOSE FIELD

Choctaw D-535.

Muskogee, Indian Territory, March 5, 1902.

William Myers,

Erin Springs, Indian Territory.

You are hereby notified that the application of YOURSELF

for enrollment as <sup>a</sup> citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 14th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting YOUR right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

T.B. NEEDLES.

Commissioner in Charge.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, April 14, 1902.

.....  
:: In the matter of the application ::  
:: of William Meyers for enrollment ::  
:: as a citizen by intermarriage of ::  
:: the Choctaw Nation. ::  
.....

D-538

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of William Meyers for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 14th day of April, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

-----  
Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 17 day of April, 1902.

*Hal Belford*  
*Clara Mitchell Wood*

Notary Public.

CHICKASAW NATION

COUNTY OF PICKENS.

TO ANY JUDGE OF THE COUNTY OR DISTRICT COURT, ORDAINED MINISTER OF THE GOSPEL IN AND FOR SAID COUNTY OF PICKENS,

YOU ARE AUTHORIZED TO SOLEMNIZE THE RITES OF MATRIMONY BETWEEN Mr. William Myers and Miss Minnie Randolph And make due Return to the clerk of the County Court within Thirty Days thereafter certifying your action Under This License.

VI NESS my Official Seal of Office, Pickens County Court-House, this EIGHTH day of Sep. 1899.

Achinson Anuantubby  
Judge County Court, Pickens County.

I, J.W. Price her by certify that, on the 27 day of September A.D. 1899, I United in Marriage William Myers and Minnie Randolph the parties above named.

WITNEED BY HAND this 27th day of September 1899.

J. W. Price, a minister of the Gospel.

Filed For Record 5th day of Oct. 1899, Recorded 5th day of October 1899.

Thos. Pratt. CLERK.

(COPY)

Choctaw Court Card A 58

In Re Application of DeCosa Thompson and others

Sworn by Commissioner McKennon.

(See testimony of Dick Randolph, Choctaw Court Card 57).

DeCosa Thompson  
Ellen Thompson.

enrolled.

7-D-558.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment  
of William Myers as a citizen by intermarriage of the Choctaw  
Nation.

-----000-----

The applicant, William Myers, claims his right to  
enrollment as a citizen by intermarriage of the Choctaw Na-  
tion by reason of his marriage to one Minnie Myers, nee  
Randolph.

The right of the applicant's wife, Minnie Myers (as  
Minnie Randolph), to citizenship in the Choctaw Nation having  
been adversely determined by a decree of the Choctaw and  
Chickasaw Citizenship Court, of November 29, 1904, in case  
No. 27 upon the Tishomingo docket of said court, it is hereby  
ordered that the application of William Myers for enrollment  
as a citizen by intermarriage of the Choctaw Nation be dis-  
missed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN 21 1905



7-4978.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lawrence V. Harper, Gracie Ellen Harper and James Custer Harper, as citizens by blood of the Choctaw Nation.

-000-

The applicants, Lawrence V. Harper, Gracie Ellen Harper and James Custer Harper, claim the right to enrollment as citizens by blood of the Choctaw Nation through their mother, Daisy Harper, (nee Wall).

The right of the applicants' mother, Daisy Harper (as Daisy Wall or Daisy Wall) to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 29, 1904, in case number 26 upon the Tishomingo Docket of said Court, it is hereby ordered that the application for the enrollment of Lawrence V. Harper, Gracie Ellen Harper and James Custer Harper, as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

Muskogee, Indian Territory.

JAN 2 1905

7-4977.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Effie Hogg and Ora Nellie Hogg for enrollment as citizens by blood of the Choctaw Nation.

The applicants, Effie Hogg and Ora Nellie Hogg, claim the right to enrollment as citizens by blood of the Choctaw Nation through their mother, Eunice Ellen Hogg, (nee Wall).

The right of the applicants' mother, Eunice Ellen Hogg (as Unis Wall), to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 29, 1904, in case number 26 upon the Tishomingo docket of said Court, it is hereby ordered that the applications for enrollment of Effie Hogg and Ora Nellie Hogg as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory,

JAN 2 1905

7-5012.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of Lena R. Randolph and Vivian Randolph as citizens by blood  
of the Choctaw Nation.

-----oJo-----

The applicants, Lena R. Randolph and Vivian  
Randolph, claim the right to enrollment as citizens by blood  
of the Choctaw Nation through their mother, Bertie Randolph.

The right of the applicants' mother, Bertie Randolph  
(as Bertie Randolph or Myrtle Randolph), to citizenship in  
the Choctaw Nation having been adversely determined by a  
decree of the Choctaw and Chickasaw Citizenship Court of  
November 29, 1904, in case No. 27 upon the Tishomingo docket  
of said court, it is hereby ordered that the application of  
Lena R. Randolph and Vivian Randolph for enrollment as citi-  
zens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN 2 1905

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7-5012.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of Lelia Blanche Myers and John Boyd Myers as citizens by  
blood of the Choctaw Nation.

-----oOo-----

The applicants, Lelia Blanche Myers and John Boyd  
Myers, claim the right to enrollment as citizens by blood of  
the Choctaw Nation through their mother Minnie Myers.

The right of the applicants' mother Minnie Myers  
(as Minnie Randolph) to citizenship in the Choctaw Nation  
having been adversely determined by a decree of the Choctaw  
and Chickasaw Citizenship Court, of November 29, 1904, in  
case No. 27 upon the Tishomingo docket of said court, it is  
hereby ordered that the application of Lelia Blanche Myers  
and John Boyd Myers for enrollment as citizens by blood of  
the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

Muskogee, Indian Territory,

JAN 2 1905

7-5038

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of Winona Thompson as a citizen by blood of the Choctaw Na-  
tion.

-----000-----

The applicant, Winona Thompson, claims the right to  
enrollment as a citizen by blood of the Choctaw Nation  
through her father Wm. J. Thompson.

The right of the applicant's father, Wm. J.  
Thompson (as William J. Thompson or William Thompson), to  
citizenship in the Choctaw Nation having been adversely de-  
termined by a decree of the Choctaw and Chickasaw Citizenship  
Court, of November 29, 1904, in case No. 27 upon the Tisho-  
mingo docket of said court, it is hereby ordered that the  
application of Winona Thompson for enrollment as a citizen  
by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

\_\_\_\_\_  
Chairman.

Muskogee, Indian Territory,

JAN 24 1905

7-5026.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

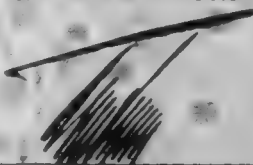
In the matter of the application for the enrollment of Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson as citizens by blood of the Choctaw Nation.

-----oOo-----

The applicants, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, claim the right to enrollment as citizens by blood of the Choctaw Nation through their father Waldemar Thompson.

The right of the applicants' father, Waldemar Thompson, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of November 29, 1904 in case No. 27 upon the Tishomingo docket of said court, it is hereby ordered that the application of Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN 24 1905



(COPY)

DCL

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Myrtle E. Wheat for enrollment as a citizen by blood of the Choctaw Nation.

--- DECISION ---

It appears from the census card record that on September 15, 1898, application was made to this Commission for the enrollment of Myrtle E. Wheat (17 years of age), daughter of William T. Wheat, as a citizen by blood of the Choctaw Nation.

It does not appear from the records of the Commission that the applicant has ever been enrolled by the tribal authorities of the Choctaw Nation, neither does it appear that she has ever been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of said nation, nor does it appear that she has ever been admitted to citizenship in said nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, in accordance with the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321).

It appears from the records of the Commission that on September 8, 1896, in the case entitled "Dick Randolph, et al, vs. Choctaw Nation" (1896 Choctaw Citizenship docket, case No. 1182) application was made to this Commission for the admission to citizenship in the Choctaw Nation of (among others) the applicant herein (as Myrtle Wheat), as a citizen by blood thereof; that on December 7, 1896, this Commission rendered its decision denying said application; that from this decision of the Commission an appeal was taken, as to certain of the applicants, to the United States Court for the Southern District of the Indian Territory, which Court on January 19, 1898, in the case entitled "Dick Randolph, et al, vs. Choctaw Nation" (Citizenship case No. 125) entered of record a judgment reversing the decision of this Commission and admitting to citizenship in the Choctaw Nation, the parties whose names are mentioned therein. The name of the applicant herein does not appear in said judgment rendered by said United States Court on January 19, 1898.

It further appears that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court created by the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641) "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of Indian Territory.

It further appears from the records of the Commission that said cause was, as to certain of the applicants therein, including said William E. Wheat, the father of the applicant herein, duly certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo, within the time prescribed by the provisions of the Act of Congress approved July 1, 1902, (32 Stat., 641) and

that, as to the said William E. Wheat, said Choctaw and Chickasaw Citizenship Court, on November 29, 1904, in case No. 27 on its Tishomingo docket, entered of record a decree denying his petition for enrollment as a citizen by blood of the Choctaw Nation, and declaring that the said William E. Wheat is not a citizen of said Nation, but that, as to the applicant herein, said Choctaw and Chickasaw Citizenship Court, in and by said decree, dismissed the petition of said Myrtle Wheat for want of jurisdiction.

It is, therefore, the opinion of this Commission that Myrtle E. Wheat is not entitled to be enrolled as a citizen by blood of the Choctaw Nation, and that her application for such enrollment should be denied in accordance with the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,  
Chairman,  
" T. B. Needles,  
Commissioner,  
" C. R. Breckinridge,  
Commissioner.

Muskogee, Indian Territory,  
Feb. 4, 1905.

DEPARTMENT OF THE INTERIOR.

BEFORE THE COMMISSIONER OF THE UNITED STATES TO THE FIVE  
CIVILIZED TRIBES OF THE INDIAN TERRITORY.

Samuel C. Wall et al. Petitioners,

vs APPLICATION FOR ENROLLMENT AS CITIZENS OF  
THE CHOCTAW NATION.

Choctaw and Chickasaw Nations, -----Respondents.

Now comes Samuel C. Wall and the other petitioners hereinafter named and respectfully ask for enrollment as citizens of the Choctaw Nation in accordance with the Notice of the said Commissioner of Jan. 2nd. 1906 and under the opinions of the Assistant Attorney General for the Department of the Interior in the Choctaw Enrollment case of Mary Eliza Beth Martin of Dec. 8th. 1905, and for facts in support thereof your petitioners aver as follows:

1. They say that long prior to the 25th. day of Sept. 1902 they had all made application for enrolment as <sup>such</sup> citizens before the Honorable Commission of the United States to the Five Civilized Tribes but were denied.
2. That while your petitioners consist of several different families of persons yet they are all related by blood or intermarriage and their respective rights of enrolment will all depend upon substantially the same questions of fact and law.
3. That the names of your petitioners by families giving the head of each family first, are as follows:
  - a. Samuel C. Wall, Ellen Wall his wife, Samuel Wall, Jr. his minor son.
  - b. Thomas Wall son of said Samuel C. Wall and his children minors, Hiram Wall, Bessie Wall and Elmer Wall; Elizabeth Wall wife of Thomas Wall.

c. Daisy Harper (daughter of Samuel C. Wall) and her minor children Lawrence Harper, Gracie Harper, Custer Harper and Rudella Harper.

d. Eunice Hogg (daughter of said Samuel C. Wall) and her minor children Effie Hogg, Nellie Hogg, and Lizzie Hogg and Samuel J. Hogg.

e. Dick Randolph and his wife Myrtle Randolph and their minor children Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph and Vivian Randolph.

f. William Myers and his wife Minnie Myers and their minor children, Lelia Blanche, John B. and Dick Myers.

g. William E. Wheat and his minor children Jessie Wheat and Myrtle Wheat.

h. Waldemar E. Thompson and his wife May Thompson and their minor children <sup>Arthur</sup> May, Dollie, Claudie and Giles Thompson.

i. William J. Thompson and his wife Savannah Thompson and their minor children-- Winona Thompson.

j. Ella Thompson.

4. And now your petitioners say that said Samuel C. Wall is the son of one Noah Wall a white man who became a member of the Choctaw Nation <sup>of</sup> about the year 1800 by intermarriage with \_\_\_\_\_ Folsom a Choctaw woman by blood; and that Giles Thompson also a white man who became a member of the Choctaw Nation by intermarriage with Charlotte Wall a Choctaw woman by blood about the <sup>of</sup> year 1824 is the father of the applicants, Myrtle Randolph, Waldemar Thompson, William J. Thompson and grandfather of the applicants, Ella Thompson and of Jessie Wheat and Myrtle Wheat. That said Myrtle R. Randolph is the mother of Minnie Myers. That said Dick Randolph, William Wheat and William Myers were married to their respective wives in accordance with the marriage laws of the Choctaw and Chickasaw Nations touching the <sup>a citizen to</sup> marriage of a non-citizen, and after said marriages continued to reside in said Nations to the present time.

5. Your petitioners further aver that said Samuel C. Wall on the 9th. day of June 1864 was lawfully united in marriage to Rachel Landrum a Cherokee Indian girl by blood then residing in the Choctaw Nation and a citizen of the Choctaw Nation by agreement between the Choctaws and Cherokees and after said marriage the said Samuel C. Wall and his said wife Rachel Wall nee Landrum continuously resided in the Choctaw Nation until her death. That of said union there was born the applicant the said Thomas Wall who is therefore a Cherokee Indian of the half blood. That the applicants Hiram Wall, Bessie Wall and Elmer Wall the children of said Thomas Wall are Cherokee Indians of the one quarter blood.

That after his marriage to said Rachel Landrum the said Samuel C. Wall exercised all the rights of a citizen in the Choctaw Nation improved and held lands and on one occasion was arrested by the militia as an intruder but when taken before Judge Turnbull and his rights investigated he was discharged by the Court and the decision rendered was that said Samuel C. Wall was a citizen of the Choctaw Nation.

Your petitioners further aver that they have been informed and believe that said Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation but they have been unable to find any records containing said act but they have not had access to the public records of said Choctaw Nation to such an extent as to satisfy them that such a record does not exist and they hereby ask the Commissioner for an order requiring the custodian of the records of the legislative acts of the Choctaw Nation to give applicants an opportunity to make a complete examination of said records to discover the act if such exist adopting said Giles Thompson as a citizen of said Nation.



5 a That Ellen Wall wife of said Samuel C. Wall died on the 6th day of Oct. 1904. That said Ellen Wall prior to her marriage with said Samuel C. Wall was the wife of said Giles Thompson who married Charlotte Wall, and that said Ellen Wall as the wife of said Giles Thompson, was the mother by him of the applicants Myrtie Randolph, Waldemar Thompson, William J. Thompson; and is the blood grandmother of Jessie Wheat and Minnie Wheat and of Ella Thompson. That she the said Ellen Wall nee Thompson nee Jackson was united in marriage to said Giles Thompson on the \_\_\_\_ day of \_\_\_\_\_ 1863 at Blue Choctaw Nation Indian Territory and in accordance with the marriage laws of said nation touching the marriage of a citizen of said Nation to a non-citizen. That after her said marriage with Giles Thompson she continuously resided in the Choctaw and Chickasaw Nations until her death on the date above stated.

6 That all the applicants except those claiming by intermarriage were born in the Choctaw and Chickasaw Nations and have resided in said Nations all their lives. That said Noah Wall and Giles Thompson continuously resided in the Choctaw Nation from the dates of their becoming members thereof as stated until they died, said Noah Wall having died on the \_\_\_\_ day of \_\_\_\_\_ 1842 and said Giles Thompson having died on the \_\_\_\_ day of \_\_\_\_\_ 1876.

7 That said Noah Wall and Giles Thompson were duly enrolled and listed as citizens and members of the Choctaw Nation when said tribe lived in the State of Mississippi and same are found in the census of said tribe as reported on pages \_\_\_\_ and \_\_\_\_ respectively of Volume 7 of the American State Papers relating to the Public Lands. The names of said Noah Wall and Giles



Thompson are also found in Article II of the Supplementary Article to the Treaty of 1830 between the Choctaws and the United States commonly known as the treaty of Dancing Rabbit Cree, the provisions of which pertinent to this petition reading as follows:

"Various Choctaw persons have been presented to the Chiefs of the nation with a desire that they might be provided for, being particularly deserving an earnestness has been manifested that provision might be made for them. It is therefore by the undersigned commissioners here assented to, with the understanding that they are to have no interest in the reservations which are directed and provided for under the general treaty to which this is a supplement."

"Article II. "And to each of the following persons there is allowed a reservation of a section and a half of land, to wit, James L. McDonald, Robert Jones, Noah Wall, James Campbell, G. Nelson, Vaughn Brashears, E. Harris, Little Leader, S. Foster, J. Vaughn, L. Durans, Samuel Long, Giles Thompson, Thomas Garland, John Bond, William Laflore and Turner Brashears, the two first named may locate one section each, and one section jointly on any unimproved and unoccupied land, these not residing the Nation; the others to include their present residence and improvement."

8. And your petitioner further say that in accordance with said Treaty provisions the lands provided for were actually received by said Noah Wall and Giles Thompson. That from the times said Noah Wall and Giles Thompson became members of said Choctaw Nation by intermarriage until their deaths respectively as above stated they continuously resided in and enjoyed all the rights of citizens of the Choctaw Nation, held lands voted at the general tribal elections, sued and were sued in the Choctaw Courts, participated in the Choctaw annuities, sent their children to Choctaw schools and they and all their children were listed as citizens by the Choctaw census takers.

9. That said Dick Randolph was united in marriage to said Myrtie

Randolph nee Thompson on the 22nd day of Jan. 1882 at Whitebead Chickasaw Nation Indian Territory, and that said marriage was contracted and celebrated in all respects fully in accordance with the laws of the Chickasaw Nation respecting the marriage of a citizen of said Nation with a non-citizen; and that subsequent to said marriage ~~to~~ said Dick Randolph has continuously resided in the Chickasaw Nation.

10. That William Wheat was united in marriage to Minnie Thompson a daughter of said Giles Thompson on the \_\_\_ day of Aug. 1884 near Foster, Chickasaw Nation Indian Territory and said marriage was contracted and celebrated in full accordance with the marriage laws of the Chickasaw Nation respecting the marriage of a citizen of said nation with a non-citizen; and that subsequent to said marriage said William Wheat continuously resided in said Chickasaw Nation until the \_\_\_ day of \_\_\_\_\_ 189\_\_\_ when on account of ill health he removed to the state of Idaho where he now resides.

11. That said May Thompson is the lawful wife of said Waldemar Thompson and they were united in marriage at Lexington, Oklahoma Territory on the 15th day of May 1895 and in accordance with the marriage laws of said Territory; but subsequent to said marriage she has continuously resided in the Chickasaw Nation with her said husband until the present time.

12. That said William Myers was lawfully united in marriage to said Minnie Myers nee Randolph on the 10th day of Sept. 1899 and that said marriage was contracted and celebrated in full accordance with the marriage laws of the Chickasaw Nation touching the marriage of a citizen of said Nation with a non-cit-

zen; and subsequent to said marriage the said William Myers had continuously resided in the Chickasaw Nation until the present time.

13. That at the times of the said marriages of said Dick Randolph William Wheat and William Myers their respective wives were and had been long prior thereto residents of said Chickasaw Nation. That said Waldemar Thompson when he married May Thompson was a resident of the Chickasaw Nation.

14. That said Savannah Thompson wife of said William J. Thompson was lawfully united in marriage to said William J. Thompson on the \_\_\_ day of \_\_\_ 1901 at Pauls Valley, Indian Territory; and since said marriage she has continuously resided in the Chickasaw Nation Indian Territory cohabiting with her said husband.

15. That your petitioner Samuel C. Wall has frequently been officially recognized as a citizen and member of the Choctaw Nation by the public officers of the Choctaw and Chickasaw Nations. That as an heir of the said Noah Wall about the year of 1888 he was identified by a Commission of the Choctaw Nation duly appointed by the Legislative authorities of said Nation to pay out and distribute what is known as the Nett Proceed Fund, and said Commission delivered to said Samuel C. Wall a portion of said fund. The Hon. J. C. Hodges of Atoka, I.T. was one of said Choctaw Commissioners. That said Samuel C. Wall has been sued in the courts of the Chickasaw Nation and jurisdiction was entertained therein by said Courts.

16. That all the principal applicants herein have for many years held and used lands of the Choctaw and Chickasaw Nations and enjoyed all the rights and privileges of other citizens of said Nations.

17. That in a proceeding heretofore had by these applicants in what is known as the Choctaw and Chickasaw Citizenship Court

in the consolidated cases of Samuel C. Wall et al and Dick Randolph et al vs Choctaw and Chickasaw Nations numbered 26 and 27 on the dockets of said Court the petitioners herein introduced testimony fully supporting and establishing all the facts alleged herein as well as other facts pertinent to their claims for enrollment as citizens of the Choctaw Nation and at the taking of said testimony and the introduction of all testimony submitted in said Court the defendants herein the Choctaw and Chickasaw Nations were present by their attorneys Messrs. Mansfield, Mc) Murray and Cornis; and the latter was given a full opportunity to crossexamine all witnesses introduced by petitioners and to make all legal objections to the documentary evidence offered by petitioners and all of said testimony was reduced to writing by a competent stenographer and an authentic copy of said testimony is now on file in the archives of the Commissioner, and your petitioners respectfully submit that the record made by them in said Citizenship Court is competent and legitimate evidence for proper consideration in this proceeding and therefore they respectfully request that the same be filed herewith and made a part of this proceeding.

Wherefore petitioner pray for their enrollment as citizens of the Choctaw Nation.

Samuel C. Wall et al. Petitioners,

By O. W. Patcell,

Attorney for Petitioners.

VERIFICATION.

Indian Territory,  
Southern Judicial District.

I, Samuel C. Wall, do solemnly swear that I am the person

so named in the foregoing petition as an applicant for enrollment as a citizen of the Choctaw Nation and that I have carefully read said petition and that all the averments made therein are true as I verily believe.

(Signed) S. C. Wall

Subscribed and sworn to before me at Pauls Valley, Indian Territory, on this the 15th day of January A. D. 1906.

(Signed) Marion Henderson,

(Seal)

Notary Public.

Indian Territory,  
Southern Judicial District.

I William J. Thompson of Pauls Valley, Indian Territory, do solemnly swear that I am one of the persons named in the foregoing petition as an applicant for enrollment as a citizen of the Choctaw Nation and that all the averments made therein with respect to my self and family are true and that all the other allegations are true as I verily believe.

(Signed) W. J. Thompson

Subscribed and sworn to before me at Pauls Valley, Ind. Ter. on this the 15th day of January, A. D. 1906.

(Signed) Marion Henderson,

(Seal)

Notary Public.

#### VERIFICATION.

Indian Territory,  
Southern Judicial District.

I, William Myers, one of the applicants in the foregoing petition for enrollment as a member of the Choctaw Nation, and a head of one of the families named therein do solemnly swear that all the averments made in said petition relative to myself and family are true and that all the other averments I believe to be true.

(Signed) Will Myers.

Subscribed and sworn to before me on this the 15th day of January at Pauls Valley, I.T.

(Signed) Marion Henderson,

Notary Public Southern Judicial Dist. Ind. Ter.

(Seal)



Indian Territory,  
Southern Judicial District.

I, Thomas Wall, do solemnly swear that I am the person so named in the foregoing petition for enrollment as citizens of the Choctaw Nation and that all the averments made in said petition relating to myself and family are true and that all the other allegations therein are true as I verily believe.

(Signed) Tom Wall.

Subscribed and sworn to before me on this the 16th day of January, 1906, at Pauls Valley, Indian Territory.

(Signed) Marlon Henderson,  
Notary Public S. D., I. T.

(Seal)

United States of America,  
Central District of the Indian Territory.

I, \_\_\_\_\_ of South McAlester, Indian Territory do solemnly swear that on the \_\_\_\_\_ day of January A. D. 1906 I served the annexed petition of Samuel C. Wall et al applicants for enrollment as citizens of the Choctaw Nation vs. the Choctaw and Chickasaw Nations upon the law firm of Mansfield, McMurray & Cornish at their law office in the city of South McAlester I. T. by delivering to said law firm a true copy thereof; that I am over 21 years of age, am not related to any of the parties nor anywise interested in the matters recited in said petition.

(Signed) Wallace Wilkinson.

Subscribed and sworn to before me on this the 27 day of January A. D. 1906 at Sout McAlester, Ind. Terry.

(Signed) Kirby Fitzpatrick,  
Notary Public, C.D.I.T.

(Seal)

Endorsed as follows:

Samuel C. Wall et al. vs. Choctaw Nation et al.

Application for Enrolment

Department of the Interior  
Commissioner to the Five Civilized Tribes

FILED Jan 30 1906

(Stamped) Tams Bixby, Commissioner.

O. W. Patchell, Pauls Valley, I.T. Atty. for applicants.



NEW BORN

1093

IN RE

Application for Enrollment of

**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

Robert E. Wall

as a citizen of

Choctaw

Nation.

Approved

1906

Commissioner.

Born April 24 1903.

Act of Congress approved April 26 1906.

Department of the Interior,  
Commissioner to the Five  
Civilized Tribes.

F I L E D Aug 7- 1906.

(Signed) Tams Bixby Commissioner.

CHOCTAW

RECEIVED

7-4976

Jul 18 1906.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 20, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Robert E. Wall, born on the 24 day of April 1903.  
Name of Father: Thomas Wall a citizen of the Choctaw Nation.  
Name of Mother: Elizabeth Wall a citizen of the Choctaw Nation.  
Tribal enrollment of father: Adopted Choctaw Tribal enrollment of mother: intermarried Choctaw  
Postoffice: Johnson, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,  
Southern District.

I, Elizabeth Wall, on oath state that I am 36 years of age and a citizen by intermarriage of the Choctaw Nation; that I am the lawful wife of Thomas Wall, who is a citizen, by Adoption of the Choctaw Nation; that a Boy child was born to me on 24 day of April 1903 that said child has been named Robert E. Wall and was living March 4, 1906  
Elizabeth Wall

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 17 day of July 1906.

C. P. Hoggard

Notary Public (SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,  
Southern District.

I, Daisy Harper, Mid-Wife, on oath state that I attended on Mrs Elizabeth Wall, wife of Thomas Wall on the 24 day of April 1903; that there was born to her on said date a Boy child; that said child was living March 4, 1906, and is said to have been named Robert E. Wall

Daisy Harper

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 17 day of July 1906.

C. P. Hoggard.

(SEAL)

Notary Public.

NEW BORN"

199

IN RE

Application for Enrollment of

**MINOR CHILD**

Act of Congress Approved  
April 26, 1906.

Daisy R. Harper

as a citizen of

Choctaw

Nation.

Approved

190

Commissioner.

Born July 31 1904

ACT OF CONGRESS APPROVED APRIL 26 1906

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED AUG 7 1906

Tams Bixby Commissioner.

CHOCTAW RECEIVED JUL 18 1906

7-4978.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MIXORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the ..... Nation,  
of Daisy R. Harper ..... born on the 31 day of July ..... 1904.  
(Here insert name of child)  
Name of Father: J. N. Harper ..... a citizen of the U. S. ..... Nation.  
Name of Mother: Daisy Harper ..... a citizen of the Choctaw ..... Nation.  
Tribal enrollment of father: U. S. ..... Tribal enrollment of mother: Adopted Choctaw .....  
Postoffice: Johnson Ind Ter .....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }  
Southern ..... District. }

I, Daisy Harper ..... on oath state that I am ..... 26 .....  
years of age and a citizen by Adoption ..... of the ..... Choctaw ..... Nation;  
that I am the lawful wife of J. N. Harper ..... who is a citizen, by  
of the U. S. of the ..... Nation; that a Girl ..... child was  
(Male or Female)  
born to me on 31 day of July ..... 1904; that said child has been named  
Daisy R. Harper ..... and was living March 4, 1906.

(Signed) Daisy Harper

WITNESSES TO MARK:

[Must be Two Witnesses] { .....

Subscribed and sworn to before me this 17 day of July ..... 1906.

(Signed) C. P. Haggard (SEAL)  
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }  
Southern ..... District. }

I, Dr. A. G. Jones ..... a Physician ..... on oath state that I  
attended on Mrs. Daisy Harper ..... wife of J. N. Harper .....  
on 31 day of July ..... 1904; that there was born to her on said date a Girl .....  
(Male or Female)  
child; that said child was living March 4, 1906, and is said to have been named Daisy R. Harper .....

(Signed) Dr. A. G. Jones

WITNESSES TO MARK:

[Must be Two Witnesses] { .....

Subscribed and sworn to before me this 17 day of July ..... 1906. (SEAL)

(Signed) C. P. Haggard

Notary Public

IN RE  
Application for Enrollment of  
INFANT CHILD

Lizzie Louiza Hogg  
as a citizen of

CHOCTAW

Nation

Approved

190

Commissioner.

ACT OF CONGRESS APPROVED APRIL 26, 1903.

BORN APRIL 7-1903.

RECEIVED JUL 27, 1903.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chocktaw Nation,  
of Lizzie Louiza Hogg, born on the 7 day April, 1903,  
(Here insert name of child.)  
Name of Father: T. J. Hogg, a citizen of the United States Nation.  
Name of Mother: Eunice Hogg, a citizen of the Chocktaw Nation.  
Postoffice: Wallville, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT

I, Eunice Hogg, on oath state that I am 21  
years of age and a citizen by blood of the Chocktaw Nation;  
that I am the lawful wife of T. J. Hogg, who is a citizen, by  
birth of the United States Nation; that a female child was  
born to me on 7 day of April, 1903; that said child has been named  
Lizzie Louiza Hogg, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 25 day of June, 1903

(SEAL)

C. W. Gray Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Southern DISTRICT

I, Ethel Charlton, Midwife, on oath state that I  
attended on Mrs. Eunice Hogg, wife of T. J. Hogg  
on the 7 day of April, 1903; that there was born to her on said date a female  
child; that said child is now living and is said to have been named Lizzie Louiza Hogg

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 25 day of June, 1903

(SEAL)

C. W. Gray Notary Public.



(COPY)

Muskogee, Indian Territory, July 31, 1906.

Edward H. Wilson,  
Secretary of the Choctaw Nation,  
Fort Towson, Indian Territory.

Dear Sir:

There is pending before this office a petition for the enrollment of Samuel C. Wall, et al, as citizens of the Choctaw Nation in which it is stated that the petitioners have been informed that Giles Thompson, the ancestor of certain of the petitioners, was formerly adopted by an Act of the Choctaw Council, as a citizen of said nation.

For use in connection with said petition, it is desired that you furnish this office, as early as practicable, a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed.

Respectfully,

Commissioner.

MH

Ft Towson I.T. August 6, 1906.

Commission To The Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen :-

Your communication of the 31st ult is at hand wherein you requested me to furnish your with a certified copy of the Act admitting Giles Thompson to citizenship of the Choctaw Nation. You are Respectfully advised that there is no such Act on file in the National Secretary Office.

Ver respectfully ,

(Signed) E. H. Wilson

National Secretary Choctaw Nation.

C- 31  
7-4972  
7-4976  
7-4977  
7-4978  
7-5012  
7-5026  
7-5037  
7-5038  
7-D- 330  
7-5013  
25-1093  
25-1120  
25-1274

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
SAMUEL C. WALL, et al., as citizens of the Choctaw Nation.

D E C I S I O N .

The record herein shows that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Samuel C. Wall for the enrollment of himself and his minor son, Sam F. Wall, as citizens of the Choctaw Nation, and for the enrollment of his wife, Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall to the Commission to the Five Civilized Tribes for the enrollment of himself and his minor children, Hiram T. Wall and Bessie Lee Wall, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Thomas J. Hogg for the enrollment of Eunice Hogg and Milla Hogg as citizens of the Choctaw Nation; that on June 26, 1901, written application was filed for the enrollment of Ora Belle Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as a citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by James H. Harper for the enrollment of his wife, Daisy Harper, and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 26, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Custer Harper, minor children of James H. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by Dick Randolph for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtle Randolph, and his minor children, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick Randolph and Myrtle Randolph, as a citizen of the Choctaw Nation, that on February 9, 1901, written application was filed for the enrollment of Lelia Blanche Myers,

and on June 26, 1902, written application was filed for the enrollment of John Boyd Myers, minor children of William Myers and Minnie Myers (formerly Randolph), as citizens of the Choctaw Nation; that on September 15, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, by Waldemar Thompson for the enrollment of himself and his minor daughter, Dollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, minor children of Waldemar Thompson and May Thompson, as citizens of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 15, 1898, by William B. Wheat for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and for the enrollment of his minor children, Jesse C. Wheat and Myrtle B. Wheat, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by William J. Thompson for the enrollment of himself as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Atoka, Indian Territory, December 6, 1896, by William Myers for the enrollment of himself as an intermarried citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, for the enrollment of Decosa Thompson and Ellen Thompson as citizens of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as Unis Wall), Sam F. Wall, Thom's Wall, Hiram T. Wall (as Hiram Wall), and Fessie L. Wall (as Fessie Wall).

Said application was denied by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision of the Commission appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for trial

de novo, and on November 29, 1904, in the case entitled "Samuel Wall, et al., vs. Choctaw and Chickasaw Nations", said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisey Wall, Unis Wall, Sam F. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall, be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom".

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Dick Randolph, Myrtle Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph), William B. Wheat (as William Wheat), Myrtle M. Wheat (as Myrtle Wheat), Jesse C. Wheat (as Jesse Wheat), Waldemar Thompson, Dollie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson. On December 7, 1896, the Commission to the Five Civilized Tribes denied said application. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled "Dick Randolph, et al., vs. Choctaw Nation", rendered a judgment admitting all of said applicants to citizenship, except Myrtle Wheat and May Thompson, whose names were not mentioned in said judgment. Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al.". Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, which court, on November 29, 1904, in the case entitled "Dick Randolph, et al., vs. Choctaw and Chickasaw Nations", rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Minnie Randolph, Decosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, De Cosa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition, is dismissed".

On January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph), to citizenship in the Choctaw Nation



had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29, 1904.

On January 23, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, and John Boyd Myers, and on January 24, 1905, orders were issued by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition verified by S. C. Wall, W. J. Thompson, Will Myers, W. E. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Samuel Wall, Jr., Thomas Wall, Hiram Wall, Pessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtle Wheat, Waldemar F. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William F. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition are that the petitioners are the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with \_\_\_\_\_ Folsom, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners have been informed and believe that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that said petitioners have been unable to find any records containing said Act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam F. Wall, Thomas Wall, Hiram Wall, Pessie Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Dick Randolph, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Vivian Randolph, William Myers, Minnie Myers, Lelia Blanche Myers, John B. Myers, William



K. Wheat, Jesse Wheat, Myrtle Wheat, Valdemar K. Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 23, 1898 (30 Stats., 495).

This office has no record of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Rudella Hopper, Lizzie Hogg, Samuel J. Hogg, Roy Randolph, Dick Myers, W. A. Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 23, 1898, or any subsequent Act of Congress prior to the filing of the petition herein.

On April 20, 1906, written application was made for the enrollment of Lizzie Louisa Hogg, born April 7, 1906, minor daughter of Eunice Hogg and J. T. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On July 18, 1906, application was received under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the enrollment of Robert K. Wall, born April 24, 1903, minor child of Thomas Wall and Elizabeth Wall, as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Hogg and Elmer Wall mentioned in the petition filed January 30, 1906, and for the purposes of this decision will be so considered. On July 18, 1906, application was received for the enrollment of Daisy R. Harper, born July 31, 1904, minor child of J. N. Harper and Daisy Harper, as a citizen of the Choctaw Nation.

It is not alleged in the petition filed January 30, 1906, that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said nation.

The surname "Thompson" appears several times upon the tribal rolls of the Choctaw Nation. This office is unable, however, to identify any of the applicants herein as identical with any of the persons whose names appear on said rolls.

For the purpose of determining whether Giles Thompson, the ancestor of certain petitioners herein, was ever adopted by an Act of Choctaw Council as alleged in the petition, this office on July 31, 1906, addressed a communication to Edward K. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council adopting said Giles Thompson, if said Act was ever passed. In response to said communication, said E. K. Wilson addressed a letter to the Commissioner on August 6, 1906, in which he stated that there was no such Act on file in the office of the National Secretary. Copies of said communications are made a part of the record hereof.

I am of the opinion that inasmuch as it does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants ever occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation, and inasmuch as it is not alleged in the petition filed January 30, 1906, that any of the said applicants ever occupied such a status, the decision of the Choctaw and Chickasaw Citizenship Court of November 29, 1904, is final, and that the application for the enrollment of such of the applicants as made application

in 1895, and the petition filed January 30, 1906, in so far as same applies to said applicants, should be denied.

I am, therefore, of the opinion that the application for the enrollment of Samuel C. Wall, Sam V. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Winnie Myers, Decosa Randolph, Herman Randolph, Fuchie Randolph, Jesse C. Wheat, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson and Ellen Thompson as citizens of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Ellen Wall, Fuchie Randolph and William T. Wheat as citizens by intermarriage of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioners, Lawrence Harper, Gracie Harper, Gustar Harper, Fuffie Hogg, Nellie Hogg, Lena B. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Glendie Thompson, Giles Thompson and Vinona Thompson, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been dismissed, and Myrtle E. Wheat, whose application for enrollment as a citizen of the Choctaw Nation has heretofore been denied, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioner, William Myers, whose application for enrollment as an intermarried citizen of the Choctaw Nation has heretofore been dismissed, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the minor petitioners, Padelle Wopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson, should be considered as an application for the enrollment of said petitioners as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Elizabeth Wall and Savannah Thompson, for whose enrollment as citizens by intermarriage of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of Fizzie Louisa Hogg, Robert T. Wall and Daisy B. Harper as citizens of the Choctaw Nation should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

(7)

I am further of the opinion that following the ruling of the Department of May 25, 1906 (I. T. D. 9114-1906) in the case of Laura E. Akin, and of October 10, 1906 (I. T. D. 15388, 18926-1906), in the case of Hayne Helms, the petition herein in so far as same applies to the petitioner, May Thompson, should be denied, and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

FEB - 1907

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5.5-C-31

COPY

Muskogee, Indian Territory, February 4, 1907.

William Myers,

Erin Springs, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 4, 1907, denying the petition for your enrollment as a citizen by intermarriage, the application and petition for the enrollment of Minnie Myers, denying the petition for the enrollment of Lelia Blanche and John B. Myers as citizens and dismissing the application for the enrollment of Dick Myers as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

Registered.  
Incl. C-31

57-C-5012.

COPY

Muskogee, Indian Territory, February 4, 1907.

Dick Randolph,

Purcell, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 4, 1907, denying the application and petition for your enrollment as a citizen by intermarriage, for the enrollment of Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph as citizens, denying the petition for the enrollment of Lena R. Randolph Vivian Randolph and dismissing ~~the~~ application for the enrollment of Roy Randolph as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Jame Dixey*  
Commissioner.

Incl. C-31

Registered.

24-C-4979.

COPY

Muskogee, Indian Territory, February 4, 1907.

Samuel C. Wall,

Johnson, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 4, 1907, denying the application and petition for your enrollment and for the enrollment of Sam T. Wall as citizens and for the enrollment of Ellen Wall as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

*Jams Dixey*

Commissioner.

Registered.

Incl.

C-31



C-31

COPI  
Muskogee, Indian Territory, February 4, 1907.

Thomas Wall,  
Johnson, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 4, 1907, denying the application and petition for your enrollment and for the enrollment of Hiram T. Wall, Bessie L. Wall, Robert E. Wall, as citizens, and dismissing the petition for the enrollment of Elizabeth Wall as an intermarried citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

*James E. Dixon*

Commissioner.

Registered.

Vol. C-31

5038

COPY

Muskogee, Indian Territory, February 4, 1907 .

William J. Thompson,

Pauls Valley, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 4, 1907, denying the application and petition for your enrollment and the petition for the enrollment of Winona Thompson as citizens and dismissing the petition for the enrollment of Savannah Thompson as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Dicks*

Commissioner

Registered.

Incl. C-31

8013.

COPY

Muskogee, Indian Territory, February 4, 1907.

Decosa Thompson,

Whitehead, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 4, 1907, denying the application and petition for your enrollment and for the enrollment of Ellen Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby*  
Commissioner.

Registered.

Incl. C-31

C-31-4977

COPY

Muskogee, Indian Territory, February 4, 1907.

Thomas J. Hogg,

Wallville, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 4, 1907, denying the application and petition for the enrollment of Eunice Hogg and Lizzie Louisa Hogg as citizens, denying the petition for the enrollment of Effie Hogg and Nellie Hogg, and dismissing the application for the enrollment of Samuel S. Hogg as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*  
Commissioner.

Registered.  
Incl. C-31

1120-C-31

COPY

Muskogee, Indian Territory, February 4, 1907.

Daisy Harper,  
Johnson, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 4, 1907, denying the application and petition for your enrollment and for the enrollment of Daisy R. Harper, denying the petition for the enrollment of Lawrence Harper, Gracie Harper and Custer Harper and dismissing the application for the enrollment of Rudella Hopper as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *James Bixby*  
Commissioner.

Registered.

Incl. C-31

5037

COPY  
Muskogee, Indian Territory, February 4, 1907.

William E. Wheat,

Pauls Valley, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 4, 1907, denying the application and petition for your enrollment as a citizen by intermarriage and for the enrollment of Jesse G. Wheat and denying the petition for the enrollment of Myrtle Wheat as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamc Bixby*  
Commissioner.

Registered.

Incl. C-51



5026

COPY

Muskogee, Indian Territory, February 4, 1907.

Waldemar Thompson,

Wallville, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 4, 1907, denying the application and petition for your enrollment and for the enrollment of Dollie Thompson as citizens, denying the petition for the enrollment of May Thompson as an intermarried citizen, denying the petition for the enrollment of Giles Thompson and Claudie Thompson and dismissing the application for the enrollment of Arthur Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Jame Bixby*  
Commissioner.

Registered.  
C-31

Incl-

C-31

COPY

Muskogee, Indian Territory, February 4, 1907.

C. P. Hoggard,

Byars, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 4, 1907, denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtie Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Ellen Thompson, Lizzie Louisa Hogg and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtie Wheat as citizens and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

COPY

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C.P.H.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*  
Commissioner.

Reg. Rec. d.

Incl. C-31

COPY

Muskogee, Indian Territory, February 4, 1907.

O. W. Patchell,

Attorney at Law.

Paula Valley, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 4, 1907, denying the application and petition for the enrollment of Samuel S. Wall, Sam W. Wall, Thomas Wall, Hiram T. Wall, Fannie E. Wall, Daisy M. R., George Hogg, Artie Randolph, Fannie Myers, Decora Randolph, Emma Randolph, Fannie Randolph, Jesse G. Wheat, Robert F. Wall, Vildemar Thompson, William J. Thompson, Dollie Thompson, Decora Thompson, Helen Thompson, Lizzie Louisa Hogg and Daisy R. Hogg as citizens, for the enrollment of Ellen Wall, Dick Randolph and William F. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and Ray Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blaine Myers, John B. Myers, Claude Thompson, Giles Thompson, Winona Thompson and Myrtle Wheat as citizens and dismissing the ap-

O.W.P.-2

COPY

plication for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *James Bixby*

Commissioner.

Registered.

Incl. C-31

COPY

Muskogee, Indian Territory, February 4, 1907.

Cruce, Cruce &amp; Bleakmore,

Attorneys at law.

Ardmore, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 4, 1907, denying the application and petition for the enrollment of Samuel W. Wall, Saml. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Deessa Randolph, Herman Randolph, Lizzie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Deessa Thompson, Ellen Thompson, Lizzie Louisa Hogg and Daisy B. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtle Wheat as citizens and dismissing the application for the enrollment of Madella Hopper, Samuel J. Hogg,



C-C& B

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COPY

Boy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

Incl. C-31

## COPY

Muskogee, Indian Territory, February 4, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 4, 1907, denying the application and petition for the enrollment of Samuel W. Wall, Sam P. Wall, Thomas Wall, Wiram T. Wall, Messie L. Wall, Naisy Harper, Eunice Hogg, Lottie Randolph, Minnie Myers, Decosa Randolph, Lerman Randolph, Lurule Randolph, Jesse C. Wheat, Robert P. Wall, Calcegar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Ellen Thompson, Lizzie Louise Hogg and Laisy H. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and Lay Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtle Wheat as citizens and dismissing the application of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

M.MCM.&amp;C

COPY

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

respectfully,

SIGNED *Jame Bixby*  
Commissioner.

Incl.

C-31

COPY

Muskogee, Indian Territory, February 4, 1907.

The Honorable,

The Secretary of the Interior:

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Samuel C. Wall, et al., as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 4, 1907, denying the application and petition for the enrollment of Samuel C. Wall, Sam W. Wall, Thomas Wall, Hiram T. Wall, George L. Wall, Daisy Harper, Eunice Koy, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Eunice Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Ellen Thompson, Minnie Louisa Koy and Daisy A. Warner as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Cueter Harper,

COPY

Effie Hogg, Nellie Hogg, Lena B. Randolph, Vivian Randolph, Lelia  
Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson,  
Winona Thompson and Myrtle Wheat as Citizens and dismissing the ap-  
plication for the enrollment of Sadella Kopper, Samuel J. Kopp, Roy  
Randolph, Dick, Myers and Arthur Thompson as citizens of the Choctaw  
Nation.

Respectfully,

SIGNED *Tams Bixby*  
Commissioner.

D.C. 12437.  
L.R.S.

J.P.  
O.K.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I. T. D.  
8080, 8146, 8148, 8190-1907.  
8194, 8196, 8200, 8208-1907.  
8212, 8214, 8322, 8334-1907.  
8336, 8344, 8346, 8380-1907.  
8388, 8394, 8442 -1907.

February 28, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of Case.	Date of Your Letter of Transmittal.
Walter Henry Farris,	January 16, 1907.
Maggie Bell, et al.,	January 19, 1907.
Clarence Fisher (Freedman),	February 9, 1907.
Mary Ford, et al.,	November 9, 1906.
George M. Carpenter, et al.,	December 24, 1906.
John Burditt, et al.,	December 21, 1906.
Katie Segreves,	January 8, 1907.
Dewey S. Cantrell,	October 19, 1906.
Earl Byron Wood, et al.,	January 17, 1907.
Ida Harrison (intermarried),	January 16, 1907.
Sarah E. Kizer, et al.,	February 5, 1907.
Paul Rowley, et al.,	January 28, 1907.
Joseph C. Smith, et al.,	February 1, 1907.
Kyrie Rainey,	January 28, 1907.
Tennessee Beard (intermarried),	January 28, 1907.
Rena Perry, (intermarried),	November 6, 1906.
Samuel C. Wall, et al.,	February 4, 1907.
Luella Hetchkin,	January 16, 1907.



-2-

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse K. Wilson,

Assistant Secretary.

19 inc. and 42 inc.  
for Ind. Of.

A.F.W.  
3-1-07.

Land  
13244-1907.

Copy.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Samuel C. Wall, et al., as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes dated February 4, 1907, denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Ellen Thompson, Lizzie Louisa Hogg, and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Ouster Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers,

Claudia Thompson, Giles Thompson, Winona Thompson, and Myrtle Wheat, as citizens, and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

It is not alleged in the petition filed with the Commissioner to the Five Civilized Tribes on January 30, 1906, that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation.

Commissioner Bixby reports that it does not appear from the records in the possession of his Office that any of the applicants herein ever occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation.

Therefore, by reason of the provisions of the Act of Congress approved July 1, 1902 (32 Stat.L., 641), and the Act of April 26, 1906 (34 Stat.L., 138), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicants herein as citizens of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KEM-PH.

C-41

Muskogee, Indian Territory, April 6, 1907.

William Myers,

Brin Springs, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of February 4, 1907, denying the petition for your enrollment as a citizen by intermarriage, the application and petition for the enrollment of Linnie Myers, denying the petition for the enrollment of Lelia Blanche and John B. Myers as citizens, and dismissing the application for the enrollment of Dick Myers as citizens, of the Choctaw Nation.

Respectfully,

*D. D. Rogers.*

Acting Commissioner.

C. 2  
Muskogee, Indian Territory, April 6, 1907.

Dick Randolph,

Burcell, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of February 4, 1907, denying the application and petition for your enrollment as a citizen by intermarriage, for the enrollment of Myrtle Randolph, Winnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph as citizens, denying the petition for the enrollment of Lena R. Randolph and Vivian Randolph, and dismissing the application for the enrollment of Roy Randolph as citizens, of the Choctaw Nation.

Respectfully,

Acting Commissioner.

31  
Muskogee, Indian Territory, April 6, 1907.

Samuel C. Wall,

Johnson, Indian Territory.

Dear Sir:

You are hereby advised that on February 23, 1907, the Secretary of the Interior affirmed the decision of this office of February 4, 1907, denying the application and petition for your enrollment and for the enrollment of Sam C. Wall as citizens and for the enrollment of Ellen Wall as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Acting Commissioner.



Muskogee, Indian Territory, April 6, 1907.

Thomas Wall,  
Johnson, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of February 4, 1907, denying the application and petition for your enrollment and for the enrollment of Hiram T. Wall, Bessie L. Wall, Robert E. Wall, as citizens, and dismissing the petition for the enrollment of Elizabeth Wall as an intermarriage citizen of the Choctaw Nation.

Respectfully,

*Geo. D. Rodgers.*

Acting Commissioner.

Muskogee, Indian Territory, April 6, 1907.

William J. Thompson,

Pauls Valley, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of February 4, 1907, denying the application and petition for your enrollment and the petition for the enrollment of Wilona Thompson as citizens, and dismissing the petition for the enrollment of Savannah Thompson as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, April 6, 1907.

Decosa Thompson,

Whitehead, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907 the Secretary of the Interior affirmed the decision of this office of February 4, 1907, denying the application and petition for your enrollment and for the enrollment of Ellen Thompson as citizens of the Creek Nation.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, April 6, 1907.

Thomas J. Hogg,

Wahkiakum, Indian Territory.

Dear Sir:

You are hereby advised that on February 25, 1907, the Secretary of the Interior affirmed the decision of this office of February 4, 1907, denying the application and petition for the enrollment of Eunice Hogg and Lizzie Louisa Hogg as citizens, denying the petition for the enrollment of Effie Hogg and Nellie Hogg and dismissing the application for the enrollment of Samuel J. Hogg as a citizen, of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, April 6, 1907.

Daisy Harper,

Johnson, Indian Territory,

Dear Madam:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of February 4, 1907, denying the application and petition for your enrollment and for the enrollment of Daisy Harper, denying the petition for the enrollment of Lawrence Harper, Gracie Harper and Custer Harper and dismissing the application for the enrollment of Rudella Hopper as citizens, of the Choctaw Nation.

Respectfully,

*Geo. D. Rodgers,*

Acting Commissioner.

C-21

Muskogee, Indian Territory, April 6, 1907.

William E. Wheat,

Pauls Valley, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of February 4, 1907, denying the application and petition for your enrollment as a citizen by intermarriage and for the enrollment of Jesse G. Wheat and denying the petition for the enrollment of Myrtle Wheat as citizens of the Choctaw Nation.

Respectfully,

C. S.  
Acting Commissioner.



Muskogee, Indian Territory, April 6, 1907.

Waldemar Thompson,

Wallville, Indian Territory.

Dear Sir:

You are hereby advised that on February 23, 1907, the Secretary of the Interior affirmed the decision of this office of February 4, 1907, denying the application and petition for your enrollment and for the enrollment of Dollie Thompson as citizens, denying the petition for the enrollment of May Thompson as an intermarried citizen, denying the petition for the enrollment of Giles Thompson and Claudie Thompson and dismissing the application for the enrollment of Arthur Thompson as citizens, of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, April 6, 1907.

C. P. Hoguard,

Adams, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of January 4, 1907, denying the application and petition for the enrollment of Samuel E. Wall, Sam E. Wall, Thomas Wall, Hiram T. Wall, Jesse E. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Harry Randolph, Eudie Randolph, Jesse C. Wheat, Robert E. Wall, Walden Thompson, William J. Thompson, Della Thompson, Decosa Thompson, Ellen Thompson, Lizzie Louisa Hogg and Daisy R. Harper as citizens, for the enrollment of Elie Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtle Wheat as citizens, and dismissing the application for the enrollment of Rudella Hopper Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson.

C. P. H. - #2.

as citizens of the Choctaw Nation.

Respectfully,

Acting Commissioner.

C-51

Muskogee, Indian Territory, April 6, 1907.

O. W. Patchell,

Attorney at Law,

Pauls Valley, Indian Territory.

Dear Sir:

You are hereby advised that on February 23, 1907, the Secretary of the Interior affirmed the decision of this office of February 23, 1907, denying the application and petition for the enrollment of Samuel C. Wall, Sam E. Wall, Thomas Wall, Hiram T. Wall, Bessie E. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Ellen Thompson, Lizzie Louisa Hogg and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William B. Wheat as citizens by inter-marriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtle Wheat as citizens,

O.W.P.-2

and dismissing the application for the enrollment of Rudella Hopper Samuel J. Hogg, Roy Randolph, Dick Myers, and Arthur Thompson as citizens of the Choctaw Nation.

Respectfully,

*Geo. D. Rodgers.*

Acting Commissioner.

Muskogee, Indian Territory, April 6, 1907.

Cruce, Cruce & Bleakmore,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of this office of February 28, 1907, denying the application and petition for the enrollment of Samuel C. Wall, Sam T. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall,aisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Ellen Thompson, Lizzie Louisa Hogg, and Daisy R. Harper, as citizens, for the enrollment of Ellen Wall, Dick Randolph and Willia, E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of Willia, Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtle Wheat as citizens and



C. C. & B. -#2.

dismissing the application for the enrollment of Rudella Hopper,  
Samuel J. Hogg, Roy Randolph, Dick Myers, and Arthur Thompson as  
citizens of the Choctaw Nation.

Respectfully,

Acting Commissioner.

LHM JWH WCP FWL

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

Address only  
The Secretary of the Interior.

File 5-51-Choctaw

March 26, 1909.

Commissioner to the Five Civilized Tribes,

Sir:

Enclosed herewith is a letter dated March 25, 1909, from Messrs. Kapler & Merillat, this city, relative to the enrollment cases of William J. Thompson, Myrtle Randolph, Dick Randolph, Samuel C. Wall, Samuel T. Wall and other (unnamed) members of the Randolph-Thompson and Wall families.

Said Attorneys claim that the names of these persons were stricken from the approved rolls of the Five Civilized Tribes by Secretary Hitchcock, and, as a preliminary step to the institution of mandamus suits against the Secretary of the Interior, now demand that they be restored to the status of recognized citizens of the Choctaw Nation.

You are requested to furnish a report in the matter, based upon the records of your office, following the instructions of departmental letter of March 15, 1909 (File 5-51), and to transmit the same, through the Indian Office to the end that recommendation by the Commissioner of Indian Affairs may also be furnished.

Very respectfully,  
(Signed) Frank Pierce.  
First Assistant Commissioner.

One enclosure  
(Send direct; copy to Indian Office).

Washington, D. C. March 25, 1909.

The Honorable,

The Secretary of the Interior;

Washington, D. C.

Sir:

We are attorneys for William J. Thompson, Myrtle Randolph, Dick Randolph, and certain other members of the Randolph-Thompson family. We are also attorneys for Samuel C. Wall, Samuel F. Wall, and certain other members of their immediate family.

These two families were stricken from the rolls in the Five Civilized Tribes by Secretary Hitchcock, after having been placed on said rolls.

They have instructed us to bring suit to secure their restoration to the rolls, and we herewith request that the same be done, and make respectful demand for their restoration, it being our duty to state that our clients have directed us to proceed by way of mandamus unless they can be restored otherwise.

We trust that you can restore these people to the rolls, as they are certainly entitled, or if you cannot, we would like to know the same at an early date.

Yours respectfully,

(Signed) Kappler & Merillat

Muskogee, Oklahoma, April 7, 1909.

Report on letter of  
Kappler & Merillat in re  
Choctaw enrollment cases  
of William J. Thompson  
and others.

The Honorable,

The Secretary of the Interior.

Sir:

March 26, 1909 (File 5-51, Choctaw), the Department transmitted to this office for report, to be forwarded through the Indian Office, a letter dated March 25, 1909, from Messrs. Kappler & Merillat, Washington, D. C., relative to the enrollment cases of William J. Thompson, Myrtle Randolph, Dick Randolph, Samuel C. Wall, Samuel E. Wall, and other (unnamed) members of the Randolph-Thompson and Wall families.

Messrs. Kappler & Merillat claim that the names of these persons were stricken from the approved rolls of the Five Civilized Tribes, and now demand that they be restored to the status of recognized citizens of the Choctaw Nation.

Reporting in this matter I have the honor to advise that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Samuel C. Wall for the enrollment of himself and his minor son, Sam F. Wall, as citizens of the Choctaw Nation, and for the enrollment of his wife, Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall

(2)

for the enrollment of himself and his minor children, Hiram T. Wall and Bessie Lee Wall, as citizens of the Choctaw Nation; and by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3, 1901, written application was filed for the enrollment of Ora Nellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as citizens of the Choctaw Nation; that on September 14, 1898, application was made by James N. Harper for the enrollment of his wife, Daisy Harper, and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 28, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Custer Harper, minor children of James N. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 14, 1898, application was made by Dick Randolph for enrollment as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtle Randolph, and his minor children, Minnie, Decosa, Herman, Hughie, and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick and Myrtle Randolph, as a citizen of the Choctaw Nation; that on February 9, 1901, written application was filed for the enrollment of Lelia Blanche Myers, and on June 28, 1902, written application was filed for the enrollment of John Boyd Myers, minor children of William Myers and Minnie

Myers (formerly Randolph), as citizens of the Choctaw Nation; that on September 15, 1898, application was made at Pauls Valley, Indian Territory, by Waldemar Thompson for the enrollment of himself and his minor daughter, Dollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudia Ellen Thompson and Giles Elias Thompson, minor children of Waldemar Thompson and May Thompson, as citizens of the Choctaw Nation; that application was made September 15, 1898, by William E. Wheat for the enrollment of himself as an intermarried citizen and for his minor children, Jesse G. and Myrtle E. Wheat, as citizens of the Choctaw Nation; that on the same date application was made by William J. Thompson for enrollment as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made at Atoka, Indian Territory, December 5, 1899, by William Myers for enrollment as an intermarried citizen of the Choctaw Nation; that on September 14, 1898, at Pauls Valley, Indian Territory, application was made for the enrollment of Decosa and Ellen Thompson as citizens of the Choctaw Nation.

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship



in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as Unis Wall), Sam F. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall), and Bessie L. Wall (as Bessie Wall).

Said application was denied by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation. This judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. G. T. Riddle, et al."

This cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on November 29, 1904, in the case entitled "Samuel Wall, et al., vs. Choctaw and Chickasaw Nations," said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisy Wall, Unis Wall,

Sam F. Wall, Thomas Wall or Thom. Wall, Hiram Wall and Bessie Wall, be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Dick Randolph, Myrtie Randolph, Minnie Randolph, Decosa Randolph, Harman Randolph, Hughie Randolph (as Hughie C. Randolph), William M. Wheat (as William Wheat), Myrtie E. Wheat (as Myrtie Wheat), Jesse G. Wheat (as Jesse Wheat), Waldemar Thompson, Dollie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson.

This application was denied December 7, 1896, by the Commission to the Five Civilized Tribes, and an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled "Dick Randolph, et al. vs. Choctaw Nation," rendered a judgment admitting all of said applicants to citizenship, except Myrtie Wheat and May Thompson, whose names were not mentioned in said judgment.

The judgment of the United States Court was subsequently vacated, set aside and held for naught by a decree of the Choctaw-

Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al." Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court for a trial de novo, which court, on November 29, 1904, in the case entitled "Dick Randolph, et al. vs. Choctaw and Chickasaw Nations," rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, De Cosa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed."

On January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph), to citizenship in the Choctaw Nation had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29, 1904.

The Commission to the Five Civilized Tribes on January 23, 1905, issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, and John Boyd Myers, and on January 24, 1905, orders were issued dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decree of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Myrtle B. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition verified by S. C. Wall, W. J. Thompson, Will Myers, W. B. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Samuel Wall, Jr., Thomas Wall, Hiram Wall, Beasie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph,

Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtie Wheat, Waldemar E. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Eliza Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition were that the petitioners were the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with \_\_\_\_\_ Folsom, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners were informed and believed that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that said petitioners were unable to find any records containing said Act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam F. Wall, Thomas Wall, Hiram Wall, Bessie Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Dick Randolph, Myrtie Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Vivian Randolph, William Myers,

Minnie Myers, Lelia Blanche Myers, John B. Myers, William B. Wheat, Jesse Wheat, Myrtie Wheat, Waldemar B. Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

It does not appear that there is any record in this office of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Rudella Hopper, Lissie Hogg, Samuel J. Hogg, Roy Randolph, Dick Myers, May Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898, or any subsequent Act of Congress prior to the filing of the petition herein.

On April 26, 1906, written application was made for the enrollment of Lissie Louise Hogg, born April 7, 1903, minor daughter of Eunice Hogg and J. T. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On July 18, 1906, application was received under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 157), for the enrollment of Robert B. Wall, born April 24, 1903, minor child of Thomas Wall and Elizabeth Wall, as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lissie Hogg and Elmer Wall mentioned in the petition filed January



(10)

30, 1906, and on July 18, 1906, application was received for the enrollment of Daisy R. Harper, born July 31, 1904, minor child of J. H. Harper and Daisy Harper, as a citizen of the Choctaw Nation.

It was not alleged in the petition filed January 30, 1906, that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said Nation.

For the purpose of determining whether Giles Thompson, the ancestor of certain of the petitioners above mentioned, was ever adopted by an Act of Choctaw Council as alleged in the petition, this office on July 31, 1906, addressed a communication to Edward H. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed. In response to said communication, E. H. Wilson addressed a letter to the Commissioner on August 6, 1906, in which he stated that there was no such Act on file in the office of the National Secretary.

On February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Deessa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dellie Thompson, Deessa Thompson, Ellen Thompson, Lissie

(11)

Louisa Hogg and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William N. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtie Wheat as citizens and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, was, on February 4, 1907, transmitted to the Secretary of the Interior for review.

On February 28, 1907, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes of February 4, 1907, in this case.

In reporting on this matter the attention of the Department is respectfully invited to a letter dated February 19, 1907, communicating the opinion of the Attorney General to the Secretary of the Interior in certain Choctaw Indian citizenship cases, among which were the cases of Myrtie Randolph and her brother W. J. Thompson. The opinion of the Attorney General, as to these two

(12)

persons, concludes as follows:

"This disposes of the cases of Myrtle Randolph and her brother W. J. Thompson: whatever their intrinsic merits, these claims have been finally decided adversely to the claimants by the judgment of the Citizenship Court."

In the same letter the Attorney General rendered an opinion as to the rights of Loula (or Lulu) West et al., and stated as follows:

"This case is similar to that of Myrtle Randolph and her brother W. J. Thompson, children of Giles Thompson, above referred to, in that it involves the question of the finality of the judgment of the Citizenship Court, it being contended that the Commission in the first instance and the Citizenship Court ultimately on appeal had no jurisdiction of the case because at the time of her application to the Commission her name was upon a tribal roll.

For the reasons heretofore stated, I think this contention is not well founded, and that the Citizenship Court had jurisdiction of such cases, and its judgments therein were final."

It does not appear that the names of any of the persons concerning whom this report is submitted were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or Commissioner to the Five Civilized Tribes, nor that any of them were ever allowed to select an allotment of land as a citizen of the Choctaw Nation.

The letter of Kappler & Merrillat of March 25, 1909, is returned herewith.

Respectfully,

Through the Commissioner  
of Indian Affairs.

McM 7/2

Acting Commissioner.

NT

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.  
J.W.H.  
W.C.P.  
T W L

Address only  
The Secretary of the Interior.

April 13, 1909.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

Herewith is a letter, dated April 7, 1909, from Messrs. Kappler & Merillat, attorneys at law of this city, wherein, as a preliminary step to the institution of suit against the Secretary of the Interior, they demand that he restore the following persons to the status of recognized citizens of the Choctaw Nation:

Winona Thompson,

Decosa Randolph,

Herman Randolph,

Hugh Roy Randolph,

Lena Randolph,

Vivian Randolph,

Winnie Hall,

Blanch Myers,

Thomas Myers,

Dick Myers.

You are requested to furnish a report concerning the en-  
of said persons, following the general instructions

contained in departmental letter of March 15, 1909 (File 5-51)

Very respectfully,

(Signed) Jesse E. Wilson

1 Enc.  
(Send direct: copy  
to Indian Office.)

Assistant Secretary.

Kappler & Merillat,  
Attorneys and Counsellors at Law  
Bond Building

Washington, D. C. April 7,  
1909.

The Honorable,  
The Secretary of the Interior,  
Washington, D. C.

Sir:

As attorneys for Winona Thompson, Decosa, Herman, Hugh Roy, Lena and Vivian Randolph, Minnie Hall, Blanch, Thomas and Dick Myres, Choctaw Indians who were stricken from the rolls of the Five Civilized Tribes, we hereby respectfully make demand that you cause their names to be restored to the rolls in the Five Civilized Tribes, from which they were stricken by Secretary Hitchcock.

We also give notice, as required by law, that in the event this demand be not complied with, we will be compelled to institute suit to compel their restoration to the rolls.

An early reply hereto is requested.

Yours respectfully,

(Signed) Kappler & Merillat.





1-4

Kappler & Merillat  
Attorneys and Counsellors at Law  
Bond Building

Washington, D. C. April 13, 1909.

The Honorable,  
The Secretary of the Interior,  
Washington, D. C.

Sir:

In behalf of W. E. Thompson, T. J. Hogg, Eunice Hogg,  
J. N. Harper, Daisy Harper and Ella Thompson, we hereby re-  
spectfully make demand that you cause their names to be re-  
stored to the rolls of the Choctaw Tribe of Indians, from which  
they were stricken by the Secretary of the Interior.

At the same time, we desire respectfully to give notice  
that if the demand be not acceded to we will take appropriate  
proceedings in Court to compel their restoration to the rolls.

We make this request and demand in accordance with law,  
and for the reason that we believe the Secretary of the Inte-  
rior was without authority or jurisdiction to strike from the  
rolls the names of persons once placed thereon, especially  
where land had been allotted to the parties, as was the case  
with our clients.

Yours respectfully,  
(Signed) Kappler & Merillat.

D 489-1909  
D 514-1909

Muskogee, Oklahoma, April 23, 1909.

Subject:

Reporting on Departmental  
letters of April 13, 1909,  
and April 17, 1909, rel-  
ative to W. E. Thompson,  
et al. and Winona Thomp-  
son, et al.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of  
April 13, 1909 (File 5-51) transmitting communication of  
April 7, 1909, from Messrs. Kappler & Merrillat, attorneys at  
law, Washington, D. C., wherein, as a preliminary step to the  
institution of suit against the Secretary of the Interior,  
they demand that Winona Thompson, Decosa Randolph, Herman  
Randolph, Hugh Roy Randolph, Lena Randolph and Vivian Ran-  
dolph, Minnie Hall, Blanch Myres, Thomas Myres and Dick Myres  
be restored to the status of recognized citizens of the Chooc-  
law Nation, and requesting a report concerning the enrollment  
of said persons.

Receipt is also acknowledged of Departmental letter of  
April 17, 1909 (File 5-51), transmitting communication of  
April 13, 1909 from Messrs. Kappler & Merrillat, attorneys at

Secretary 2

law, Washington, D. C., wherein they demand, as a preliminary step to the institution of suit against the Secretary of the Interior, that he cause the names of the following persons to be restored to the rolls of citizenship of the Choctaw tribe: W. E. Thompson, T. J. Hogg, Eunice Hogg, J. N. Harper, Daisy Harper and Ella Thompson.

A report is requested in this matter following the general instructions contained in Departmental letter of March 15, 1909, taking particular care in this, as well as in other cases, to state whether certificates of allotment or patents have been issued to or recorded in favor of the applicants.

Reporting in this matter I have the honor to advise that the names of the persons above mentioned are included in the Choctaw enrollment case of Samuel C. Wall, et al. and the facts in this case are as follows:

It appears from the records of this office that application was made to the Commission to the Five Civilized Tribes on September 3, 1896, in Choctaw 1896 Citizenship Case Number 540, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321), of Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as

Secretary 3

Unis Wall), Sam P. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall), and Bessie L. Wall (as Bessie Wall).

This application was denied by the Commission to the Five Civilized Tribes December 2, 1896. From this decision appeal was taken to the United States Court for the Southern District of Indian Territory, which, on January 19, 1898, in case Number 126 on the citizenship docket, reversed the decision of the Commission and admitted the applicants to citizenship in the Choctaw Nation.

This judgment was subsequently annulled, vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of the Choctaw and Chickasaw Nations or Tribes of Indians versus J. T. Riddle, et al.

Subsequently said cause was certified to the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641) for a trial de novo, and on November 29, 1904, in the case entitled Samuel Wall, et al. versus the Choctaw and Chickasaw Nations, Case Number 26 on the Tishomingo Docket, said Court rendered a decree wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisy Wall, Unis Wall,

Secretary 4

Sam P. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in Choctaw 1893 Citizenship Case Number 2182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896, of Dick Randolph, Myrtle Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (an Hughie C. Randolph), William B. Wheat (as William Wheat) Myrtle E. Wheat (as Myrtle Wheat), Jesse G. Wheat (as Jesse Wheat) Waldemar Thompson, Dollie Thompson, William J. Thompson (as William Thompson, Decosa Thompson, Ellen Thompson and May Thompson.

On December 7, 1896, the Commission denied this application. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled Dick Randolph et al. versus the Choctaw Nation, rendered a judgment admitting all of said applicants to citizenship except



Secretary 5

Myrtle Wheat and May Thompson whose names were not mentioned in the judgment.

This judgment was subsequently annulled, vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, and the cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, which court, on November 29, 1904, in case Number 27 on the Tishomingo Docket, entitled Dick Randolph, et al. versus the Choctaw and Chickasaw Nations, rendered a judgment wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, De Cosa Thompson or Decosa Thompson, Klion Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed.

January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the

Secretary 6

enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph) had been denied by the Choctaw and Chickasaw Citizenship Court.

January 23, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lolia Blanche Myers, and John Boyd Myers, and on January 24, 1905, orders were entered by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, for the reason that the rights of the persons through whom these applicants claimed as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

February 4, 1905, the Commission rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition praying for the enroll-

Secretary 7

ment of Samuel C. Wall, Samuel Wall Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Audella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Winnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtle Wheat, Waldemar B. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William R. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

This office could not identify the applicants herein as having been enrolled upon any of the tribal rolls of the Choctaw Nation in its possession.

February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the applications for enrollment of all the persons included in this decision and on the same date the record, together with the decision in this case, was forwarded to the Secretary of the Interior.

February 26, 1907 (Land 13244-1907) the Indian Office

Secretary B

concurring in the decision of the Commissioner of February 4, 1907, denying these applicants, and on February 28, 1907 (X T D 5030, 5143, 5144, 5190, 5194, 5196, 5200, 5204, 5212, 5214, 5322, 5334, 5336, 5344, 5346, 5360, 5352, 5394, 5442-1907), the Department affirmed said decision.

I have the honor to state that no formal allotments were ever made to these persons but applications for lands were made in their behalf which were involved in allotment contests; these contests were afterward dismissed and the lands given to the contestees and patents therefor have undoubtedly been recorded and delivered.

It further appears that T. J. Hogg was the non-citizen husband of Eunice Hogg, nee Wall, and that J. N. Haryer was the non-citizen husband of Daisy Haryer, nee Wall, and that no application was made to the Commission or the Commissioner to the Five Civilized Tribes for their enrollment as citizens of the Choctaw Nation.

It also appears that this office has no record of any favorable decision ever having been rendered by the Department in this case.

The letters of Kayler & Merrillat of April 7, 1909 and

Secretary 9

April 13, 1909 are herewith returned.

Respectfully,

Commissioner.

Choctaw 4997

Through the Commissioner  
of Indian Affairs.

AB

Land:  
27496-1909  
31863-1909  
J E D

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS, D.R.

Enrollment case of  
Samuel C. Wall, et al.

Washington. Jun 4 1909

The Commissioner

to the Five Civilized Tribes,  
Muskogee, Oklahoma,

Sir:

Referring to your reports of April 7 and 23, 1909, relative to the Choctaw enrollment case of Samuel C. Wall, et al., you are advised that on May 28, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S. 249). The Department declined to take any action looking to the enrollment of any of the persons included in the case of Samuel C. Wall et al. A copy of approved Office letter of May 4, 1909, is inclosed for your further information. You are requested to notify the proper parties of this action.

Very respectfully,

C. E. Hauke,

Chief Clerk.

JC-3  
1788



EBM

LHA

LHD

GR

Land  
27496-1909  
31863- "  
J E D

May 4, 1909

Enrollment claims of  
Samuel C. Wall et al.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of March 25, April 13 and 17, 1909 (File 5-51 Choctaw), there are transmitted herewith reports of April 7 and 23 from the Commissioner to the Five Civilized Tribes, in regard to the case of Samuel C. Wall, et al., applicants for enrollment as Choctaw citizens.

The history of the case is set out fully in the reports inclosed. The records show that on February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Ellen Thompson, Liazie Louisa Hogg and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William B. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savan-

nah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtie Wheat as citizens, and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

On February 28, 1907, the Department affirmed the decision of the Commissioner denying the applications.

In this connection your attention is invited to the opinion, dated February 19, 1907, of the Attorney General, in reference to the Choctaw citizenship cases of Myrtie Randolph and her brother, W. J. Thompson, which opinion is referred to by the Commissioner to the Five Civilized Tribes in his report. The Commissioner reports that it does not appear that the names of any of the persons mentioned were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or the Commissioner to the Five Civilized Tribes, or that any of them were ever allowed to select an allotment of land as a citizen of that nation.

Moreover, it does not appear from the records of the Office that the Department ever approved any applications of these persons for enrollment as citizens of the Choctaw Nation. The Office is of the opinion that the case of Samuel C. Wall et al. is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States

in its decision of November 30, 1908 in that case (211 U. S. 249).

It is therefore recommended that the Department take no action looking to the enrollment of any of the persons included in the case of Samuel C. Wall et al.

The record in the case and other papers pertaining thereto are inclosed for your further information.

Very respectfully

OGP-1  
521

(Signed) R. G. Valentine,  
Acting Commissioner.

WCP

JWH

APPROVED: May 28, 1909.

Frank Pierce

First Assistant Secretary.

FWS

Choctaw 4979

Muskogee, Oklahoma, June 11, 1909.

Mr. Samuel C. Wall,  
Johnson, Oklahoma,

Sir:

You are hereby advised that on May 26, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall, et al., is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Choctaw 5012  
Choctaw D 535

Muskogee, Oklahoma, June 11, 1909.

Mr. William Myers,  
Erin Springs, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall, et al. is not analogous to that of John E. Goldsby (211 U. S. 249), and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Choctaw 5012

Muskogee, Oklahoma, June 11, 1909.

Mr. Dick Randolph,  
Purcell, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall, et al., is not identical with that of John E. Goldsby (211 U. S., 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB



Choctaw 4976  
Choctaw Minor  
1093.

Muskogee, Oklahoma, June 11, 1909.

Mr. Thomas Wall,  
Byars, Oklahoma,

Dear Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Choctaw 5038

Muskogee, Oklahoma, June 11, 1909.

Mr. William J. Thompson,  
Pauls Valley, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall, et al., is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Choctaw 5013

Muskogee, Oklahoma, June 11, 1909.

Mr. Decosa Thompson,  
Whitehead, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Choctaw 4977  
Choctaw Minor  
1274

Muskogee, Oklahoma, June 11, 1909.

Mr. Thomas J. Hogg,  
Wallville, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall, et al., is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Choctaw 4978  
Choctaw Miner  
1120.

Muskogee, Oklahoma, June 11, 1909.

Mrs. Daisy Harper,  
Johnson, Oklahoma,

Madam:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall et al. is not analogous to that of John R. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the United States Supreme Court of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Choctaw 5037

Muskogee, Oklahoma, June 11, 1909.

Mr. William E. Wheat,  
Pauls Valley, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall, et al., is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB



Choctaw 5026

Muskogee, Oklahoma, June 11, 1909.

Mr. Waldemar Thompson,  
Wallville, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Choctaw 4979

Muskogee, Oklahoma, June 11, 1909.

Mr. C. P. Hoggard,  
Byars, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Choctaw 4979

Muskogee, Oklahoma, June 11, 1909.

Mr. O. W. Patchell,  
Attorney at Law,  
Pauls Valley, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall, et al., is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Choctaw 4979

Muskogee, Oklahoma, June 11, 1909.

Cruce, Cruce & Bleakmore,  
Attorneys at Law,  
Ardmore, Oklahoma,

Gentlemen:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall, et al., is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Choctaw 4979

Muskogee, Oklahoma, June 11, 1909.

Messrs. Kappler & Merillat,  
Attorneys at Law,  
Bond Building,  
Washington, D. C.

Gentlemen:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel E. Wall, et al., among whom are W. E. Thompson, et al. and Winona Thompson, et al. the subjects of your letters to the Secretary of the Interior of April 7, 1909 and April 13, 1909, is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AD

Refer in reply to the following:

*MS*  
Choctaw 4979

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

*WTH*

Muskogee, Oklahoma, June 11, 1909.

Mr. Samuel C. Wall,  
Johnson, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall, et al., is not analogous to that of John B. Geldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Geldsby case.

Respectfully,

*John Ryan*  
Acting Commissioner.



7-0-24.

Muskogee, Indian Territory, May 13, 1903.

Thomas Wall,

Johnson, Indian Territory.

Dear Sir:

Your letter of April 21st addressed to the Secretary of the Interior has been referred to this office for consideration and appropriate action. You ask if S. C. Wall and family are on the rolls; you further inquire relative to excessive holdings of land in the Choctaw and Chickasaw Nations, and in conclusion, you wish to be informed if court citizens have a right to file on their allotments at this time.

In reply to your letter you are advised that Samuel C. Wall, his wife, Ellen Wall, and child, Sam F. Wall, were admitted to citizenship in the Choctaw Nation, by a judgment of the United States Court for the Southern District of Indian Territory, rendered January 19, 1898, court case (citizenship docket) No. 126. Under the provisions of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations, September 25, 1902, the Commission is prohibited from enrolling or making any allotment of land to those persons whose citizenship is dependent upon judgments of the United States Courts in Indian Territory until their rights to such citizenship have been finally deter-

T. W., 2.

ined.

Relative to the selection of allotments at this time, of so called court citizens, your attention is invited to section fifteen of the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, a copy of which is herewith enclosed you.

You are further advised that the Commission will not allot lands on which so called court claimants have improvements, not in excess of lawful allotments without notice to them of application having been made for said land, and they will then be permitted to institute contest proceedings for the lands on which their improvements are located.

Replying to that part of your letter in which you ask in regard to excessive holdings of land, your attention is invited to sections nineteen, twenty and twenty-one of the act of Congress of July 1, 1902, above referred to, a copy of which is herewith enclosed you.

Respectfully,

Commissioner in Charge.

Rules for allotment.  
Choctaw-Chickasaw agreement.

7-4979

Muskogee, Indian Territory, May 22, 1903.

W. J. FOGG,

Wallville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 17th, 1903, in which you ask if the enrollment of S. C. Wall and family as citizens of the Choctaw Nation has been approved by the Secretary of the Interior, and if they will be permitted to select their allotments at this time.

In reply to your letter you are informed that it appears from our records that Samuel C. Wall, his wife, Ellen Wall and minor child, Sam F. Wall were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory on June 19th, 1898 in Court Case (Citizenship Docket) No. 126.

You are further informed that under the provisions of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25th, 1902, the Commission is prohibited from enrolling or making any allotments to

**T.J. Hogg---2**

citizens, whose rights to citizenship in said nations are dependent upon judgments of the United States Courts in Indian Territory until their right to such enrollment has been finally determined.

**Respectfully,**

**Chairman.**

7-4979  
7-5012

Muskogee, Indian Territory, December 19, 1905.

O. W. Patchell,  
Attorney at Law,  
Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged, of your letter of December 13, 1905, stating that under recent Departmental rulings as reported in the press you believe your clients Dick Randolph et al., and Samuel C. Wall et al. are entitled to a rehearing in the reconsideration of their cases and if it will be permitted you desire to file a formal motion to that effect; you state that the principal ancestors in which applicants in these cases claim were recognized intermarried citizens of the Choctaw Nation and were both mentioned in the Supplemental Treaty of 1830.

In reply to your letter you are advised that if you desire to file formal motion for the reopening in these cases setting up the facts upon which you based the motion and accompanying the same by affidavits in support thereof, the matter will receive further consideration.

Respectfully,

Commissioner.

7-4979  
7-5012

Muskogee, Indian Territory, December 20, 1905.

O. W. Patchell,  
Attorney at Law,  
Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 13, 1905, stating that under recent Departmental rulings as reported in the press you believe your clients Dick Randolph et al., and Samuel C. Wall et al., are entitled to a rehearing and a reconsideration of their cases and if it will be permitted you desire to file a formal motion to that effect; you state that the principal ancestors through whom the applicants in these cases claim were recognized intermarried citizens of the Choctaw Nation and were both mentioned in the Supplement to the treaty of 1850.

In reply to your letter you are advised that if you desire to file formal motion for the reopening of these cases setting up the facts upon which you base the motion and accompanying the same by affidavits in support thereof, the matter will receive further consideration.

Respectfully,

Commissioner.



7-4979  
7-5012

Muskogee, Indian Territory, January 9, 1906.

W. Patchell,  
Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 3, 1906, in which you ask if the judgment of the Choctaw and Chickasaw Citizenship Court rejecting the citizenship claims of Samuel C. Wall et al., and Dick Randolph et al., have ever been approved by the Secretary of the Interior or if any action by the Commission to the Five Civilized Tribes upon said judgment has been so approved.

In order to make your meaning plain you state you have noticed a provision in a bill pending before Congress depriving any one whose application had once been rejected and such action approved by the Secretary of the Interior, from filing any motion or proceeding for reconsideration after sixty days from such approval by the Secretary of the Interior and you desire to know, if such act should become a law, whether or not it would effect your clients in the cases referred to.

In reply to your letter you are advised that no action has been taken upon the judgment of the Choctaw and Chickasaw Citizenship Court in cases of Samuel C. Wall et al., and Dick Randolph et al.

U. V. P. #2

but if it is now desired to file a motion to reopen these cases under the opinions of the Assistant Attorney General in the Mary Elizabeth Martin and Loula West cases there is inclosed herewith for your information circular setting forth the procedure to be followed in the presentation of cases of this character.

Respectfully,

Circular.

Commissioner.

7-4979

Muskogee, Indian Territory, March 24, 1906.

Cruce, Cruce & Bleakmore,  
Attorneys at Law,  
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 20, 1906, in which you ask if S. C. or Samuel C. Wall appears upon the 1885 Choctaw roll.

In reply to your letter you are advised that the name of Samuel C. Wall is not found upon the 1885 Choctaw Census Roll in the possession of this office.

Respectfully,

Acting Commissioner.

C-31  
7-4979  
7-4976  
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7-4978  
7-5012  
7-5026  
7-5037  
7-5038  
7-D-535  
7-5013  
23-1093  
23-1120  
23-1274

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
SAMUEL C. WALL, et al., as citizens of the Choctaw Nation.

D E C I S I O N .

The record herein shows that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Samuel C. Wall for the enrollment of himself and his minor son, Sam P. Wall, as citizens of the Choctaw Nation, and for the enrollment of his wife, Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall to the Commission to the Five Civilized Tribes for the enrollment of himself and his minor children, Wiram T. Wall and Bessie Lee Wall, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3, 1901, written application was filed for the enrollment of Ora Nellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as a citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by James E. Harper for the enrollment of his wife, Daisy Harper and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 24, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Custer Harper, minor children of James E. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by Dick Randolph for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtie Randolph, and his minor children, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick Randolph and Myrtie Randolph, as a citizen of the Choctaw Nation, that on February 9, 1901, written application was filed for the enrollment of Lelia

Blanche Myers, and on June 28, 1902, written application was filed for the enrollment of John Boyd Myers, minor children of William Myers and Minnie Myers (formerly Randolph) as citizens of the Choctaw Nation; that on September 15, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, by Waldemar Thompson for the enrollment of himself and his minor daughter, Lollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudia Allen Thompson and Giles Allen Thompson, minor children of Waldemar Thompson and Lollie Thompson, as citizens of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 15, 1898, by William A. Wheat for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and for the enrollment of his minor children, Jesse G. Wheat and Myrtle A. Wheat, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 15, 1898, by William J. Thompson for the enrollment of himself as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Atoka, Indian Territory, December 5, 1899, by William Myers for the enrollment of himself as an intermarried citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, for the enrollment of Decosa Thompson and Ellen Thompson as citizens of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case C. 340, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), of the following applicants; Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Annie Ross (as Jane Wall), Sam E. Wall, Thomas Wall, Hiram C. Wall (as Hiram Wall), and Bessie L. Wall (as Bessie Wall):

Said application was denied by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision of the Commission appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Kinole et al."

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on November 29, 1904, in the case entitled "Samuel Wall et al., vs. Choctaw and Chickasaw Nations", said Citizenship Court rendered a judgment therein, wherein it was "ordered adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisy Wall, Jane Wall, Sam E. Wall, Thomas Wall or Thom. Wall, Hiram Wall and Bessie Wall,

be determined that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment in such, and not entitled to any rights whatever flowing therefrom.

It further appears from the records of the Commission of the Five Civilized Tribes that the application was made to the Commission to the Five Civilized Tribes on September 7, 1906, in 1896 about the citizenship case No. 1117, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress, approved June 10, 1906 (Act No. 31), of the following applicants: Dick Landolph, Willie Landolph, Annie Landolph, Herman Landolph, Marie Landolph, Emma Landolph, Willie Landolph, John Landolph, Charles Landolph, Walter Thompson, Willie Thompson, Willie Thompson and Willie Thompson. The said application was presented to the Five Civilized Tribes on September 7, 1906, and the Commission to the Five Civilized Tribes advised said application. From the records of the said Commission to the Five Civilized Tribes for the month of August of 1906 Territory, which court, on June 19, 1906, in the said case entitled "Dick Landolph, et al., vs. Choctaw Nation", rendered a judgment in favor of said plaintiffs. The said judgment, however, has been reversed by the Supreme Court of the United States on October 1, 1906, in the said case entitled "Dick Landolph, et al., vs. Choctaw Nation", 211 U.S. 174, 50 S.Ct. 667, 52 L. Ed. 777, 10 Ann. Cas. 1014, 17 S.Ct. 1014, 17 L. Ed. 777, 10 Ann. Cas. 1014. The said judgment of the Supreme Court, approved July 1, 1906 (Act No. 241), for a trial de novo, which court, on November 1, 1904, in the case entitled "Dick Landolph, et al., vs. Choctaw and Chickasaw Nations", rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Landolph, Willie Landolph, Annie Landolph, Herman Landolph, Marie Landolph or Emma Landolph, Willie Landolph or W. Landolph, John Landolph or Charles Landolph, Walter Thompson, Willie Thompson, Willie Thompson, Willie Thompson, and Willie J. Thompson, be granted, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment in such nation, and not entitled to any rights whatever flowing therefrom; and as to the petition of, Marie Landolph and Thompson, the court having no jurisdiction, their petition is dismissed".

On January 14, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of Willie Thompson as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Annie Landolph (nee Annie Landolph), to citizenship in the Choctaw Nation had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 27, 1904.

On January 16, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Allen Harper, James Hunter, Fred, Effie Wood, Ora Bellie Wood, Lena L. Landolph, Edwin Landolph, Belle Planché Myers, and John Wood Myers, and on January 26, 1905, orders were issued by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Willie Thompson, Claudia Allen Thompson and Gil's Clyde Thompson,



said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the records of the Choctaw and Chickasaw Citizenship Courts in the cases above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Lyrta M. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commission to the Five Civilized Tribes January 7, 1906, there was filed on January 30, 1906, by S. W. Patchell, Clerk at Law, Earl Miller, Indian Territory, a petition verified by S. C. Wall, W. J. Thompson, Will Thompson, W. A. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Sarah Wall, Jr., Thomas Wall, Mary Wall, Sarah Wall, Elmer Wall, Elizabeth Wall, Peter Harper, Lawrence Harper, Gracie Harper, Carter Harper, Dudley Hopper, Eunice Hopper, Effie Hopper, Lizzie Hopper, Lizzie Hopper, Mary J. Hopper, Lyrta Randolph, Nancy Randolph, Mary Randolph, Mary Randolph, Lillian Randolph, Lillian Randolph, Annie Hopper, Lelia Blanche Hopper, John Hopper, Lelia Hopper, Jennie Wheat, Artie Wheat, Waldemar S. Thompson, Arthur Thompson, Hollie Thompson, Claude Thompson, Silas Thompson, William J. Thompson, Winona Thompson, and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Lelia Blanche Hopper, Lillian Hopper, and Lillian Hopper, Walling Hopper, Savannah Thompson and Ellen Wall as citizens of the Choctaw Nation.

The material allegations in the petition are that the petitioners are descendants of both Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with \_\_\_\_\_ Tolson, a Choctaw woman by blood, and of Lelia Thompson, also a white woman, who it is alleged became a member of the Choctaw Nation by its intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1814; that the petitioners have been informed and believe that Lelia Thompson was formally adopted by an Act of the Choctaw Council as a citizen of the Choctaw Nation, but that said petitioners have been unable to find any records containing said Act.

The petitioners, Samuel C. Wall, Ellen Wall, Sarah C. Wall, Thomas Wall, Peter Wall, Sarah Wall, Earl Miller, Lawrence Harper, Gracie Harper, Carter Harper, Eunice Hopper, Effie Hopper, Lelia Hopper, Lillian Randolph, Artie Randolph, Nancy Randolph, Lelia Randolph, Lillian Randolph, Lillian Randolph, Vivian Randolph, William Hopper, Lelia Hopper, Lelia Blanche Hopper, John Hopper, William S. Wheat, Jennie Wheat, Lyrta Wheat, Waldemar S. Thompson, Hollie Thompson, Claude Thompson, Silas Thompson, William J. Thompson, Winona Thompson and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 28, 1906 (34 Stat., 425).

This office has no record of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Lelia Hopper, Lizzie Hopper, Samuel C. Wall, Fay Randolph, Lelia Hopper, Peter Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1906, or an subsequent Act of Congress prior to the filing of the petition herein.

On April 16, 1906, written application was made for the enrollment of Lizzie Louisa Hogg, born April 7, 1903, minor daughter of Bunice Hogg and J. P. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On July 18, 1906, application was received under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 127), for the enrollment of Robert W. Wall, born April 24, 1903, minor child of Thomas Wall and Elizabeth Wall, as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Hogg and Robert Wall mentioned in the petition filed January 30, 1906, and for the purposes of this decision will be so considered. On July 18, 1906, application was received for the enrollment of Edley Harper, born July 21, 1904, minor child of J. S. Harper and Mary Harper, as a citizen of the Choctaw Nation.

It is not alleged in the petition filed January 30, 1906, that any of the petitioners were ever recognized or enrolled by the tribal authorities of the Choctaw Nation as citizens of said nation.

The names "Thompson" appear several times in the tribal rolls of the Choctaw Nation. This office is unable however, to identify any of the applicants herein as identical with any of the persons thus named in said tribal rolls.

For the purpose of determining whether said applicants, the members of certain petitioners herein, have ever done any act of which Congress disapproves in the petition, this office on July 31, 1906, addressed a communication to Edward W. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting J. C. Gilman Thompson, if said Act was ever passed. In response to said communication, said E. W. Wilson addressed a letter to the Commissioner on August 1, 1906, in which he states that there was no such Act on file in his office at the National Secretary's Office of said communications referred to in the record hereof.

In view of the opinion that no such act does appear from the records in the possession of the Commissioner to the five Civilized Tribes that any of the applicants ever occupied such status as will entitle them to enrollment as citizens of the Choctaw Nation, and inasmuch as it is not alleged in the petition filed January 30, 1906, that any of the said applicants ever occupied such status, the decision of the Choctaw and Chickasaw Citizens' Court of November 20, 1904, is final, and that the application for the enrollment of such applicants as herein mentioned in the petition filed January 30, 1906, or of persons similarly named as applicants, should be denied.

It is, therefore, the opinion that the application for the enrollment of Samuel C. Wall, G. B. Wall, Thomas Wall, Edgar I. Wall, Padden L. Wall, Edley Harper, Bunice Hogg, Lizzie Louisa Hogg, James E. Hays, Joseph L. Hays, Warner L. Hays, William A. Hays, Isaac L. West, Waldemar Thompson, William J. Thompson, Charles Thompson, Robert Thompson and Allen Thompson as citizens of the Choctaw Nation, and the petition herein in so far as said applicants to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1900 (31 Stat., 641), and it is so ordered.

It is further the opinion that the application for the

enrollment of Ellen Wall, Dick Randolph and Willie E. Wheat as citizens by intermarriage of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioners, Lawrence Harper, Gracie Harper, Buster Harper, Effie Hoop, Nellie Hoop, Lena E. Randolph, Vivian Randolph, Lelia Blanche Myers, John E. Myers, Claude Thompson, Giles Thompson and Winona Thompson, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been dismissed, and Cyrtie E. Wheat, whose application for enrollment as a citizen of the Choctaw Nation has heretofore been denied, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioner, Willie Myers, whose application for enrollment as an intermarried citizen of the Choctaw Nation has heretofore been dismissed, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the minor petitioners, Lucell Hoop, Samuel J. Hoop, Roy Randolph, Dick Myers, and Arthur Thompson, should be considered as an application for the enrollment of said petitioners as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and said application should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Elizabeth Wall and Savannah Thompson, for whose enrollment as citizens by intermarriage of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of Liza E. Louisa Hoop, Robert E. Wall, and Buster E. Harper, as citizens of the Choctaw Nation should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that following the ruling of the Department of the Interior, 1906 (I.D.O. 1114-1906), in the case of Laura E. Amin, and of October 10, 1906, (I.D.O. 1840-1906-1906), in the case of Mary Helms, the petition herein in so far as same applies to the petitioner, W. Thompson, should be denied, and it is so ordered.

Done at the  
Commissioner.

WALDOGE, Indian Territory,  
Feb. 4-1907.

Muskogee, Oklahoma, April 7, 1909.

Report on letter of  
Kappler & Merillat in re  
Choctaw enrollment cases  
of William J. Thompson  
and others.

The Honorable,

The Secretary of the Interior.

Sir:

March 26, 1909 (File 5-51, Choctaw), the Department transmitted to this office for report, to be forwarded through the Indian Office, a letter dated March 25, 1909, from Messrs. Kappler & Merillat, Washington, D. C., relative to the enrollment cases of William J. Thompson, Myrtle Randolph, Dick Randolph, Samuel C. Wall, Samuel F. Wall, and other (unnamed) members of the Randolph-Thompson and Wall families.

Messrs. Kappler & Merillat claim that the names of these persons were stricken from the approved rolls of the Five Civilized Tribes, and now demand that they be restored to the status of recognized citizens of the Choctaw Nation.

Reporting in this matter I have the honor to advise that application was made to the Commission to the Five Civilized Tribes at Pauls, Valley, Indian Territory, September 14, 1898, by Samuel C. Wall for the enrollment of himself and his minor son, Sam F. Wall, as citizens of the Choctaw Nation, and for the enrollment of his wife, Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall

for the enrollment of himself and his minor childred, Hiram F. Wall and Bessie Lee Wall, as citizens of the Choctaw Nation; and by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3, 1901, written application was filed for the enrollment of Ora Nellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as citizens of the Choctaw Nation; that on September 18, 1898, application was made by James N. Harper for the enrollment of his wife, Daisy Harper, and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 28, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Custer Harper, minor children of James N. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 14, 1898, application was made by Dick Randolph for enrollment as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtie Randolph, and his minor children, Minnie, Decosa, Herman, Hughie, and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick and Myrtie Randolph, as a citizen of the Choctaw Nation; that on February 9, 1901, written application was filed for the enrollment of Lelia Blanche Myers, and on June 28, 1902, written application was filed for the enrollment of John Boyd Myers, a minor children of William Myers and Minnie Myers (formerly Randolph), as citizens of the Choctaw Na-

tion; that on September 15, 1898, application was made at Pauls Valley, Indian Territory, by Waldemar Thompson, for the enrollment of himself and his minor daughter, Dollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, minor children of Waldemar Thompson and May Thompson, as citizens of the Choctaw Nation; that application was made September 15, 1898, by William E. Wheat for the enrollment of himself as an intermarried citizen and for his minor children, Jesse G. and Myrtle E. Wheat, as citizens of the Choctaw Nation; that on the same date application was made by William J. Thompson, for enrollment as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made at Atoka, Indian Territory, December 5, 1899, by William Myers for enrollment as an intermarried citizen of the Choctaw Nation; that on September 14, 1898, at Pauls Valley, Indian Territory, application was made for the enrollment of Decosa and Ellen Thompson as citizens of the Choctaw Nation.

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship



in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as Enis Wall), Sam F. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall), and Bessie L. Wall (as Bessie Wall).

Said application was denied by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation. This judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J.T. Riddle, et al."

This cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on November 29, 1904, in the case entitled "Samuel Wall, et al., vs. Choctaw and Chickasaw Nation," said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisy Wall, Unis Wall,

Samuel F. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall, be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Dick Randolph, Myrtie Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtie E. Wheat (as Myrtie Wheat), Jesse G. Wheat (as Jesse Wheat), Waldemar Thompson, Dollie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson.

This application was denied December 7, 1896, by the Commission to the Five Civilized Tribes, and an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled "Dick Randolph, et al vs. Choctaw Nation," rendered a judgment admitting all of said applicants to citizenship, except Myrtie Wheat and May Thompson, whose names were not mentioned in said judgment.

The judgment of the United States Court was subsequently vacated, set aside and held for naught by a decree of the Choctaw-

Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Ridle, et al." Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court for a trial de novo, which court, on November 29, 1904, in the case entitled "Dick Randolph, et al. vs. Choctaw and Chickasaw Nations," rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, DeCora Thompson or Decosa Thompson, Ellen Thomson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed."

On January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph), to citizenship in the Choctaw Nation had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29, 1904.

The Commission to the Five Civilized Tribes on January 23, 1905, issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, and John Boyd Myers, and on January 24, 1905, orders were issued dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decree of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition verified by S. C. Wall, W. J. Thompson, Will Myers, W. E. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Samuel Wall, Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph,

Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtie Wheat, Waldemar E. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William E. Thompson, Winona Thompson and Ella Thompson, as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition were that the petitioners were the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with \_\_\_\_\_ Folsom, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners were informed and believed that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that said petitioners were unable to find any records containing said Act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam P. Wall, Thomas Wall, Hiram Wall, Bessie Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Dick Randolph, Myrtie Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Vivian Randolph, William Myers,

Minnie Myers, Lelia Blanche Myers, John B. Myers, William F. Wheat, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 28, 1898 (30 Stats. 495).

It does not appear that there is any record in this office of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Rudella Hopper, Lizzie Hogg, Samuel J. Hogg, Roy Randolph, Dick Myers, May Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898, or any subsequent Act of Congress prior to the filing of the petition herein.

On April 26, 1906, written application was made for the enrollment of Lizzie Louisa Hogg, born April 7, 1903, minor daughter of Eunice Hogg and J. T. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On July 18, 1906, application was received under the provisions of the Act of Congress approved April 26, 1904 (34 Stats., 137), for the enrollment of Robert E. Wall, born April 24, 1903, minor child of Thomas Wall and Elizabeth Wall, as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Hogg and Elmer Wall mentioned in the petition filed January



30,1906, and on July 18,1906, application was received for the enrollment of Daisy R. Harper, born July 31,1904, minor child of J. N. Harper and Daisy Harper, as a citizen of the Choctaw Nation.

It was not alleged in the petition filed January 30,1906, that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said Nation.

For the purpose of determining whether Giles Thompson, the ancestor of certain of the petitioners above mentioned, was ever adopted by an Act of Choctaw Council as alleged in the petition, this office on July 31,1906, addressed a communication to Edward H. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed. In response to said communication, E. H. Wilson addressed a letter to the Commissioner on August 6,1906, in which he stated that there was no such Act on file in the office of the National Secretary.

On February 4,1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtie Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Ellen Thompson, Lizzie

Louis a Hogg and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Gilas Thompson, Winona Thompson and Myrtie Wheat as citizens and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson, as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, was, on February 4, 1907, transmitted to the Secretary of the Interior for review.

On February 28, 1907, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes of February 4, 1907, in this case.

In reporting on this matter the attention of the Department is respectfully invited to a letter dated February 19, 1907, communicating the opinion of the Attorney General to the Secretary of the Interior in certain Choctaw Indian citizenship cases, among which were the cases of Myrtie Randolph and her brother W. J. Thompson. The opinion of the Attorney General, as to these two

persons, concludes as follows:

"This disposes of the cases of Myrtle Randolph and her brother W. J. Thompson: whatever their intrinsic merits, these claims have been finally decided adversely to the Claimant by the judgment of the Citizenship Court."

In the same letter the Attorney General rendered an opinion as to the rights of Loula (or Lulu) West et al., and stated as follows:

"This case is similar to that of Myrtle Randolph and her brother W. J. Thompson, children of Giles Thompson, above referred to, in that it involves the question of the finality of the judgment of the Citizenship Court, it being contended that the Commission in the first instance and the Citizenship Court ultimately on appeal had no jurisdiction of the case because at the time of her application to the Commission her name was upon a tribal roll.

For the reasons heretofore stated, I think this contention is not well founded, and that the Citizenship Court had jurisdiction of such cases, and its judgments therein were final."

It does not appear that the names of any of the persons concerning whom this report is submitted were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or Commissioner to the Five Civilized Tribes, nor that any of them were ever allowed to select an allotment of land as a citizen of the Choctaw Nation.

The letter of Kappler & Merrillat of March 25, 1909, is returned herewith.

Respectfully,

Acting Commissioner.

Through the Commissioner  
of Indian Affairs.  
McM 7/2

Choc 4980 Sarilda Hendrix

nos 223 Dismissed sept 15, 1904

4980

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----c-----

Record in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of:

OZELLA HENDRIX, ET AL.,

7-4980.

Sarilda Hendrix and others.

Sarilda Hendrix says:

I am 18 . I am the mother of Ozella Hendrix.

She was born December 28th 1897 . I have been living in the Territory 8 years. I live at Johnsonville.

I married Thomas Hendrix December 24th 1896 .

Paul's Valley, Sept. 14 1898.

Sarilda Hendrix  
Ozella Hendrix

enrolled.



CHOCTAW  
14524

20

IN RE

Application for Enrollment of

INFANT CHILD

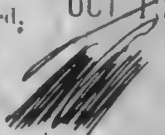
*Effie Florence Hendrix*

as a citizen of

*Choctaw*

Nation.

Approved, OCT 11 1901 190

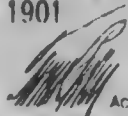


Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 16 1901



ACTING CHAIRMAN

CHOCTAW

4480.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*IN RE* Application for Enrollment, as a citizen of the *Choctaw* Nation,  
 of *Effie Florence Hendrix*, born on the *19* day of *Sept*, 1901  
Here insert name of child  
 Name of Father: *Thomas Hendrix*, a citizen of the *Choctaw* Nation,  
 Name of Mother: *Shrildy Hendrix*, a citizen of the *Choctaw* Nation.  
 Post-office, *Mc Gee I.T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.

INDIAN TERRITORY.

*Southern* District.

*Shrildy Hendrix*, on oath state that I am *21*  
 years of age and a citizen, by *Blood* of the *Choctaw* Nation;  
 that I am the lawful wife of *Thomas Hendrix*, who is a citizen, by  
 of the *Choctaw* Nation, that a *female* child was  
male or female  
 born to me on the *19<sup>th</sup>* day of *Sept*, 1901; that said child has been  
 named *Effie Florence Hendrix*, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

*M. L. Tharr*  
*Elizabeth Thetford*

*Shrildy Hendrix* her  
 mark

Subscribed and sworn to before me this *3<sup>rd</sup>* day of *Oct*, 1901.

*Jos A Edwards*  
 NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.

INDIAN TERRITORY.

*Southern* District.

*Amanda Tyree*, a *Midwife*, on oath state that I  
 attended on Mrs. *Shrildy Hendrix*, wife of *Thomas Hendrix*  
 on the *19* day of *Sept*, 1901; that there was born to her on  
 said date a *Female* child; that said child is now living and is said to have been  
male or female  
 named *Effie Florence Hendrix*.

WITNESSES TO MARK

(Must be Two Witnesses)

*M. L. Tharr*  
*Elizabeth Thetford*

*Amanda Tyree* her  
 mark

Subscribed and sworn to before me this *3<sup>rd</sup>* day of *Oct*, 1901.

*Jos A Edwards*  
 NOTARY PUBLIC

7-4980.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application for the enrollment of Ozella Hendrix and Effie Florence Hendrix as citizens by blood of the Choctaw Nation.

-----0-----

The applicants, Ozella Hendrix and Effie Florence Hendrix, claim their right to enrollment as citizens by blood of the Choctaw Nation through their mother Sarilda Hendrix. The right of the applicants' mother, Sarilda Hendrix, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, June 29, 1904, in case No. 46 upon the Tishomingo docket of said court, it is hereby ordered that the application of Ozella Hendrix and Effie Florence Hendrix for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
Chairman.

Muskogee, Indian Territory,

SEP 15 1904

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Choctaw-4980

COPY!

Muskogee, Indian Territory, September 15, 1904.

Sarilda Hendrix,  
*McGee*  
~~Johnson~~, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 15, 1904, dismissing the application for the enrollment of your minor children, Ozella Hendrix and Effie Hendrix as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED

*Tamm Dixby.*  
Chairman.

Registered.

Incl. 7-4980.

COPY: Choctaw - 980

Muskogee, Indian Territory, September 15, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated September 15, 1904, dismissing the application for the enrollment of Ozella Hendrix and Effie Hendrix as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED

*Tams Dixby.*

Chairman.

Incl. 7-4980.

13524

**Certificate of Record of Marriage.**

UNITED STATES OF AMERICA,  
The Indian Territory,  
SOUTHERN DISTRICT.

I, JOSEPH W. PHILLIPS, Clerk  
of the United States Court in the Territory  
and District aforesaid.

DO HEREBY CERTIFY that the license for  
and certificate of the Marriage of  
Mr. *Henry B. ...*  
M. *Strickland*  
were filed in my office in said Territory and District  
the *17* day of *February*, A. D. 189*7*  
and duly recorded in Book *...* of marriage  
Record page *254*

WITNESS my hand and seal of said Court  
at Ardmore, this *17* day of *February*, A. D. 189*7*  
JOSEPH W. PHILLIPS, Clerk  
Deputy

JAN 18 1897



NO. 196

# Marriage License.

United States of America,  
THE INDIAN TERRITORY,  
Southern District.

To Any Person Authorized By Law to  
Solemnize Marriage—Greeting.

I, *John W. H. ...*  
do hereby certify that the *Persons of Matrimony*  
*do hereby certify that the* *Persons of Matrimony*  
*do hereby certify that the* *Persons of Matrimony*  
*do hereby certify that the* *Persons of Matrimony*

WITNESS My hand and Official Seal this *14* day of *Dec* 189*6*

*John W. H. ...*  
CLERK OF THE U. S. COURT

## CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,  
THE INDIAN TERRITORY,  
SOUTHERN DISTRICT

DO HEREBY CERTIFY, that on the *21* day of *Dec* A. D. 189*6*  
I did duly and according to law, as commanded in the foregoing License, solemnize the  
rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this *21* day of *Dec* A. D. 189*6*.

My credentials are recorded in the office of the Clerk of United States Court,  
Indian Territory, *Southern District*, Book *...* Page *66*  
*John W. H. ...*

NOTE: This License and Certificate of Marriage must be returned to the Office of the  
Clerk of United States Court in the Indian Territory, from whence it was issued, within thirty days from  
the date thereof, or the party to whom the License was issued will be liable in the amount of One Hun-  
dred Dollars (\$100).

Muskogee, Indian Territory, October 16, 1901.

Joseph A. Edwards,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, enclosing marriage license and certificate between Thom. Hendrix and Miss Brildy Nail, and the application for enrollment as a citizen of the Choctaw Nation of Effie Florence Hendrix, the infant daughter of Thomas and Shrildy Hendrix, born September 19, 1901.

The marriage license and certificate has been duly filed with the records of this office and the application for the enrollment of Effie Florence Hendrix, being in proper form, has also been duly filed, and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-4980

Muskogee, Indian Territory, October 22, 1901.

Joseph A. Edwards,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you state that you some time ago forwarded to the Commission, the application for the enrollment of Effie Florence Hendrix, the infant child of Thomas and Shilda Hendrix and you now desire to be advised whether the same has been received and if in proper form.

Replying to your inquiry, you are informed that the Commission on October 16, 1901, acknowledged receipt of the marriage license and certificate between Thomas Hendrix and Miss Sridy Nail and also the application for the enrollment as a citizen of the Choctaw Nation of Effie Florence Hendrix, born September 19, 1901.

The application for the enrollment of the child, being in proper form, was accepted and filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

7-4980

Acting

Choc 4981 John Thomas

4981

John Thomas.

Mary B. Nail says:

I know John Thomas. He is my brother. He is 36 years old. He was admitted by the U.S. Court at Ardmore December 22nd 1897, case 117. He has lived in the Territory 16 or 17 years.

He is now in U.S. Prison at Detroit. He has been there since last December. He was sent up for 2 years.

John Thomas

Pauls Valley, Sept. 14 1898.

enrolled.

Choc 4982 Mary E. Nail

No 7 Dismissed SEPT 15, 1904

4982



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

Record in the matter of the application for enrollment  
as a citizen by blood of the Choctaw Nation of:

YOUNG H. NAIL

7-4982.

IN RE  
Application for Enrollment of  
INFANT CHILD.

*Young H. Train*  
As a citizen of the  
*United States*

Nation.

Approved

Commissioner.

7-4-22

Department of the Interior,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,  
of Henry H. Hail, born on the 22 day of June, 1899.  
Name of father: W. P. Hail, a citizen of the U. S. Nation.  
Name of mother: Mary C. Hail, a citizen of the Cherokee Nation.  
Post Office: Cornville, Ia.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Cornville District.

I, Mary C. Hail, on oath, state that I am 38 years of age and a  
citizen, by blood of the Cherokee Nation; that I am the  
lawful wife of W. P. Hail who is a citizen, by birth of the  
United States Nation; that a male child was born to me on the 22 day  
of June, 1899; that said child has been named Henry H. Hail  
and is now living.

Subscribed and sworn to before me this 14th day of July, 1899.

W. P. Hail  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Cornville District.

I, W. P. Hail, on oath, state that I  
attended on Mrs. Mary C. Hail, wife of W. P. Hail  
on the 22 day of June, 1899, that there was born to her on said date a male child;  
that said child is now living and is said to have been named Henry H. Hail.

Subscribed and sworn to before me this 14th day of July, 1899.

W. P. Hail  
Notary Public.

7-4982.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application for the enrollment  
of Young H. Nail as a citizen by blood of the Choctaw Nation.

-----o-----

The applicant, Young H. Nail, claims his right to enrollment as a citizen by blood of the Choctaw Nation through his mother Mary E. Nail. The right of the applicants' mother, Mary E. Nail, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, June 29, 1904, in case No. 46 upon the Tishomingo docket of said court, it is hereby ordered that the application of Young H. Nail for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

Muskogee, Indian Territory,

SEP 15 1904

Chester-4962

COPY!

Muskogee, Indian Territory, September 14, 1904.

Mary H. Nail,

7 Bensonville, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of  
 the Commission to the Five Civilized Tribes, dated September  
 15, 1904, dismissing the application for the enrollment of your  
 minor child, Young H. Nail as a citizen by blood of the Choctaw  
 Nation.

Respectfully,

(SIGNED)

*Tame Dixby.*

Chairman.

Registered.

Incl. V-4962.

Choctaw-1982

COPY.

Muskogee, Indian Territory, September 15, 1904.

Mansfield, McTurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated September 15, 1904, dismissing the application for the enrollment of Young H. Nail as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

*Tamc Kirby.*

Chairman.

Incl. 7-4982.



Choctaw 4982

Muskegee, Indian Territory, October 29, 1902.

E. Allan Boyd,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th instant, in which you desire to be informed if J. M. Nail is enrolled as a Chickasaw.

In reply to your letter you are advised that it appears from our records that on September 14, 1898, James W. Nail, 16 years of age, was listed for enrollment by this Commission as a citizen of the Choctaw Nation, having been admitted to such citizenship by a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, Indian Territory, December 22, 1896, in Choctaw citizenship case No. 116.

Respectfully,

Acting Chairman.

Mary E. Nail and others.

Mary E. Nail says:

I am 38. I am mother of Sarilda wife of Thomas Hendrix, and James M, admitted as "James A." Nail. My other children are : Charles C., Eli Thomas, admitted as "Thomas Eli", Maud Augusta and Myrtle Florence Nail.

In December 1890 I came from Texas to the Chickasaw Nation. I had been living in Texas 8 or 9 years . When I came from Texas I went to Johnson, Chockasaw Nation. I remained there 8 years. I still live there. I was born in Georgia and have lived in Iowa and Missouri before coming to Texas.

Paul's Valley, Sept. 14 1898.

Mary E. Nail  
James M. Nail  
Charles C. Nail  
Eli T. Nail  
Maudie A. Nail  
Myrtle F. Nail

enrolled.

Choc 4983 A. B. sessums

Nos 3, 4, 5 Dismissed may 27, 1904

4983

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment  
as citizens by blood of the Choctaw Nation of:

Joseph W. Sessums, et al., 7-4983.

-----o-----

IN RE  
Application for Enrollment of  
INFANT CHILD.

*Garcia V. Lassurus.*

As a citizen of the

*Philippine* Nation.

Approved **MAY 24 1900**

*A. S. ...*  
Commissioner.

**FILED**  
**APR 30 1900**  
**COMMISSION TO THE STATES**

*1000  
4785  
C. 28.*

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
of ~~*Grace E. Seearns*~~, born on the *19* day of *February*, 1900.  
Name of father: *Alexander B. Seearns*, a citizen of the *Choctaw* Nation.  
Name of mother: *Marrie T. Seearns*, a citizen of the *Choctaw* Nation,  
by marriage, but not a citizen of the *Choctaw* Nation.  
Post Office: *Palmer, Indian Territory*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
*Southern* District.

I, *Marrie T. Seearns*, on oath, state that I am *32* years of age and a  
citizen, by *marriage*, of the *Choctaw* Nation; that I am the  
lawful wife of *Alexander B. Seearns*, who is a citizen, by *birth*, of the  
*Choctaw* Nation; that a *female* child was born to me on the *19<sup>th</sup>* day  
of *February*, 1900; that said child has been named *Grace E. Seearns*  
and is now living.

*Marrie T. Seearns*

Subscribed and sworn to before me this *13* day of *April*, 1900.

*Commission expires Apr 18 1902* *David Williams*  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE:

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
*Southern* District.

I, *James F. Newcomb*, a *Physician*, on oath, state that I  
attended on Mrs. *Marrie T. Seearns*, wife of *Alexander B. Seearns*,  
on the *19* day of *February*, 1900; that there was born to her on said date a *female* child;  
that said child is now living and is said to have been named *Grace E. Seearns*.

*James F. Newcomb*  
Subscribed and sworn to before me this *16* day of *April*, 1900.

*J. W. W. Coe*  
Notary Public.



INDEXED

CHOCTAW.

20

*IN RE*

Application for Enrollment of

INFANT CHILD

*Charter Miko Sessums*  
as a citizen of

*Choctaw* ..... Nation.

Approved      OCT 2    1902      190

Commissioner.

RECEIVED  
COMMISSIONER

4903

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
 of *Charles Milo* born on the *12<sup>th</sup>* day of *September*, 1902  
 Name of Father: *Alexander Leffums* a citizen of the *Choctaw* Nation.  
 Name of Mother: *Mamie* a citizen of the *United States* Nation.  
 Post-office *Kott Ind. Terr*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
*Southern* District.

I, *Mamie Leffums*, on oath state that I am *35*  
 years of age and a citizen, by *birth* of the *United States* Nation;  
 that I am the lawful wife of *Alexander Leffums*, who is a citizen, by  
*birth* of the *Choctaw* Nation; that a *male* child was  
 born to me on *12<sup>th</sup>* day of *September*, 1902, that said child has been  
 named *Charles Milo*, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this *25<sup>th</sup>* day of *September*, 1902

*C. W. Westhoff*  
 NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
*Southern* District.

I, *A. D. Miller*, a *Physician*, on oath state that I  
 attended on Mrs. *Mamie Leffums*, wife of *Alexander Leffums*  
 on the *12<sup>th</sup>* day of *Sept*, 1902; that there was born to her on  
 said date a *male* child; that said child is now living and is said to have been  
 named *Charles Milo*.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this *25<sup>th</sup>* day of *September*, 1902

*C. W. Westhoff*  
 NOTARY PUBLIC

7-4985.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application for the enrollment of Joseph W. Sessums, Gracie E. Sessums and Charles M. Sessums as citizens by blood of the Choctaw Nation.

-----o-----

The applicants, Joseph W. Sessums, Gracie E. Sessums and Charles M. Sessums, claim their right to enrollment as citizens by blood of the Choctaw Nation through their father A. B. Sessums. The right of the applicants' father, A. B. Sessums, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, March 9, 1904, in case No. 36, upon the South McAlester docket of said court, it is hereby ordered that the application of Joseph W. Sessums, Gracie E. Sessums and Charles M. Sessums for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
Chairman.

Muskogee, Indian Territory,

Chectaw 4983

Snakee, Indian Territory, June 4, 1904.

A. B. Sessums,

Roff, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Chectaw Nation of Joseph W. Sessums, Gracie E. Sessums and Charles M. Sessums.

Respectfully,

Registered.

Incl. 7-4983.

Chairman.

Chootaw 4983

Muskogee, Indian Territory, June 6, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Chootaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Chootaw Nation of Joseph W. Sessums, Gracie E. Sessums and Charles M. Sessums.

Respectfully,

Registered.

Chairman.

Incl. 7-4983.

(See <sup>7</sup>3328 for registry receipt for this letter.)

Muskogee, Indian Territory, October 2, 1903.

Alexander Scumms,

Dooff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Charles Will Scumms, infant son of Alexander and Maria Scumms, born September 12, 1903; and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Respectfully,

Acting Chairman.



A.B.Sessums and others.

A.B. Sessums says:

I am 34 . I am father of Georgia A. and Joseph W. Sessums. We were admitted by the U.S. Court at Ardmore January 20th 1898, case 10.

I came to the Choctaw Nation in 1890. I came to the Chickasaw Nation in June 1897, and have been living here ever since. I am now living at Wynnewood . I was working for the M.K. and T. Ry . Company while in the Choctaw Nation, and was a single man.

A.B.Sessums  
George A. Sessums  
Joseph W. Sessums

Paul's Valley, Sept. 14 1898.

enrolled.

11/17/18  
Choctaw 4983

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 6, 1904.

A. B. Sessums,

Roff, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Joseph W. Sessums, Gracie E. Sessums and Charles M. Sessums.

Respectfully,

Registered.

Chairman.

Incl. 7-4983.

choe 4984 Harrison, Mary E.

NOS Dismissed May 27, 1904

see C-27

Record in Choctaw #5081

4984

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment  
as a citizen by blood of the Choctaw Nation of:

Ruth Hazel Harrison, 7-4984.

-----o-----

IN RE

Application for Enrollment of

AN INFANT CHILD

*Walter Hazel Harrison*

as a citizen of the

*Choctaw*

Nation.

Approved: SEP 24 1902 190



Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE EASTERN TRIBES

FILED

SEP 24 1902

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,  
of Ruth Hope Harrison (insert name of child), born on the 7th day of Sept, 1902  
Name of Father: Walter A. Harrison, a citizen of the Choctaw Nation.  
Name of Mother: Ida Harrison, a citizen of the Choctaw Nation.  
Post-Office: Palmer, P.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Smith District.

I, Ida Harrison, on oath state that I am 26  
years of age and a citizen, by marriage of the Choctaw Nation;  
that I am the lawful wife of Walter A. Harrison, who is a citizen, by  
Blood, of the Choctaw Nation, that a female child was  
born to me on the 7th day of Sept, 1902; that said child has been  
named Ruth Hope Harrison, and is now living.

Witnesses to Mark: Ida Harrison  
(Must be Two Witnesses.)

Subscribed and sworn to before me this 24 day of September, 1902.  
W. H. Powell Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Smith District.

I, W. H. Powell, a Physician, on oath state that I  
attended on Mrs. Ida Harrison, wife of Walter A. Harrison  
on the 7th day of Sept, 1902; that there was born to her on said  
date a female child; that said child is now living and is said to have been  
named Ruth Hope Harrison.

Witnesses to Mark: W. H. Powell, M.D.  
(Must be Two Witnesses.)

Subscribed and sworn to before me this 23 day of Sept, 1902.  
J. M. Webster Notary Public.



*John*  
7-4914.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----  
In the matter of the application for the enrollment of  
Ruth Hazel Harrison as a citizen by blood of the Choctaw Nation.

-----  
The applicant, Ruth Hazel Harrison, claims her right to  
enrollment as a citizen by blood of the Choctaw Nation through her  
father Walter A. Harrison. The right of the applicant's father,  
Walter A. Harrison, to citizenship in the Choctaw Nation having  
been adversely determined by a decree of the Choctaw and Chickasaw  
Citizenship Court, March 9, 1904, in case No. 38, upon the South  
McAlester docket of said court, it is hereby ordered that the ap-  
plication of Ruth Hazel Harrison for enrollment as a citizen by  
blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

Muskogee, Indian Territory,

COPY

Choctaw 4984

Muskogee, Indian Territory, June 6, 1904.

Walter A. Harrison,  
Palmer, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by blood of the Choctaw Nation of Ruth Hazel Harrison.

Respectfully,

SIGNED

*James Dixie*

Chairman.

Registered.

Incl. 7-4984.

Choctaw 4984

Muskogee, Indian Territory, June 6, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order  
of the Commission to the Five Civilized Tribes, dated May 27,  
1904, dismissing the application for enrollment as a citizen  
by blood of the Choctaw Nation of Ruth Hazel Harrison.

Respectfully,

(SIGNED)

Registered.

Chairman.

Incl. 7-4984.

(See Choctaw 3328 for registry receipt for this letter).

Mary E. Harrison and others.

Mary E. Harrison says :

I am 47. I am mother of Walter A. admitted as "W.A.", Eva May, admitted as "E va", Edgar O. admitted as Eddie, Harrison. I have given the names correctly and they are the identical ones that appear in the decree.

My husband F.M. Harrison is a U.S. citizen. I have lived at Wynne-wood since December 1890. I have never lived in the Choctaw Nation.

Mary E. Harrison  
Walter A. Harrison  
Eva May Harrison  
Edgar O. Harrison

Paul's Valley, Sept. 14 1898.

enrolled.

#1560

# Certificate of Record of Marriage

UNITED STATES OF AMERICA,  
INDIAN TERRITORY, )  
Southern District. ) *scf.*

J. C. M. CAMPBELL, Clerk of the United States  
Court, in the Territory and District aforesaid, DO  
HEREBY CERTIFY, that the License for and Cer-  
tificate of Marriage of

Mr. *W. A. Harrison* and

M. *Ida Jacks*

were filed in my office in said Territory and Dis-

trict the *7* day of *May* A. D. 190*1*.

and duly recorded in Book *4* of

Marriage Record, Page *72*

WITNESS my hand and Seal of said Court, at

Armore, this *19* day

of *Feb.* A. D. 190*2*

*J. C. M. Campbell*  
CLERK.

Return this Certificate to the United States Court at Ard-  
more, that it may be recorded, when it will be mailed  
to the proper address.

*Return to Ardmore*  
*J. C. M. Campbell*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
SEP 20 1902

# Marriage License

United States of America,  
INDIAN TERRITORY  
SOUTHERN DISTRICT.

SS:

To Any Person Authorized by Law  
to Solemnize Marriage, Greeting:

You Are Hereby Commanded To solemnize the Rite and publish the  
Banns of Matrimony between Mr. *N. A. Harrison*  
of *Dobergy* in the Indian Territory, aged *28* years and  
Miss *Ida Jacko* of *Palmer*  
in the Indian Territory, aged *25* years, according to law; and do  
you officially sign and return this License to the parties therein named.

Witness My hand and official Seal, this *30* day  
of *October*, A. D. 1901

By *J. J. Manning, Deputy*, *Chas M Campbell*  
Clerk of the United States Court

## Certificate of Marriage.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.  
SOUTHERN DISTRICT.

SS:

do hereby certify, that on the *third* day of *November*, A. D. 1901

I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and  
publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this *3rd* day of *November*, A. D. 1901

My credentials are recorded in the office of the Clerk of the United States Court, Indian  
Territory, Southern District, at Ardmore, Book *A*, Page *141*

(NOTE - The person officiating should fill in the spaces  
for book and page and sign here) SS:

NOTE: a) This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the  
Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the License was issued  
will be liable in the amount of One Hundred Dollars (\$100)

NOTE: b) No person is authorized to perform the Marriage Ceremony in the Southern District unless the proper credentials have  
been recorded in the Clerk's office.



DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the petition for the enrollment of Wilson  
Sessums, et al., as citizens by blood of the Choctaw Nation.

On January 27, 1906, there was filed with the Commissioner  
to the Five Civilized Tribes by J. M. McKeown, attorney for the  
petitioners, petitions for the enrollment of the following persons  
as citizens of the Choctaw Nation: Wilson S. Sessums, Wilson S.  
Sessums, Jr., his two minor children Sealy Caroline Sessums and  
Willie F. Sessums, Mary E. Harrison, Walter A. Harrison and his  
minor child, Ruth Hazel Harrison, Mary Bailey and her two minor  
children, William A. Bailey and Minnie M. Bailey.

On February 9, 1906, J. M. McKeown, attorney for the  
petitioners, filed with the Commissioner, petitions for the enrollment  
of the following persons as citizens of the Choctaw Nation: John  
Sessums, his wife, Mary K. Sessums, and their minor children,  
John S. Sessums, William B. Sessums, Charles E. Sessums and  
Jacob S. Sessums, (now Jesse Arms), Martha Fleming and her minor  
children, Annie S. Fleming, William V. Fleming, Samuel W. Bailey and  
his minor children Henry S. and Walter S. Bailey, Walter Fleming  
and his minor child, Edna Fleming, and A. Sessums and his minor  
child, J. Sessums, and A. Sessums (nowatcher), Annie S. Sessums  
and her minor children, John S. Sessums, and William A. Sessums,  
John Sessums, (now Arms), and his minor children Willie S. and  
John Sessums, (now Arms), and his minor child,  
John Sessums, (now Arms), and his minor children,  
Mary Sessums, John Sessums, and his minor children,  
Mary Sessums, John Sessums, Alberta Sessums, Willie S.  
Sessums and Willie S. Sessums.

These petitions were both considered and all persons  
named therein, in accordance with the provisions of the  
act of Congress, approved August 13, 1903, and the regulations  
thereunder, and the petitioners are hereby enrolled as  
citizens of the Choctaw Nation. The petitioners are the second-  
generation of Pennie Sessums (now Arms), who, by blood,  
is a full-blooded Choctaw Indian, and was duly enrolled and recognized as  
a citizen of the Choctaw Nation. The petitioners claim descent  
from said Pennie Sessums (now Arms), through the following persons and  
William Sessums.

An answer to the petition has been filed by the attorneys  
for the Choctaw and Chickasaw Nations within the fifteen days  
allowed for that purpose by the regulations created by the Com-  
missioner in January, 1906.

The records of this office show that the petitioners  
Wilson S. Sessums (under the name of W. S. Sessums), Wilson S.  
Sessums, Jr. (under the name of W. S. Sessums, Jr.), and his minor  
son Willie F. Sessums, Mary Bailey, William A. Bailey, Minnie  
M. Bailey, (under the name of Minnie S. Bailey), Walter A. Harrison,  
Mary E. Harrison, John S. Sessums, (under the name of J. S.  
Sessums), William S. Sessums, Martha Fleming, Jesse Fleming, now  
Arms, (under the name of Jesse Lee Fleming), Samuel W. Bailey,

Anton Fleming, Isaac A. France, Mary A. Bailey (nowatcher),  
 Artie Sessoms (now Moore), Eva Mae Harrison (now Claxton) and  
 Effie A. Bratcher were denied citizenship in the Choctaw Nation by  
 the Commission to the Five Civilized Tribes under the provision of  
 the Act of Congress approved June 14, 1904, (C. Stat., 321), and  
 on January 12, 1905, they, together with the petitioner Sealy  
 Caroline Sessoms (under the name of Julia Sessoms), were admitted to  
 citizenship in the Choctaw Nation by a judgment of the United States  
 Court for the Central District of Indian Territory, Oklahoma on March  
 28, 1904, they were denied citizenship in the Choctaw Nation by a  
 decree of the United States District Court for the Central District of  
 Oklahoma on the 6th of October 1904.

The records of this office further show that on May 22,  
 1904, the Commission to the Five Civilized Tribes directed the  
 application for the enrollment of later named individuals.  
 Sessoms, Jacob Sessoms, Jacob Fleming, Isaac Fleming,  
 Isaac Bailey, Jacob Sessoms, Mary A. Bratcher, Effie  
 Bratcher and Effie Bratcher as citizens of the Choctaw Nation,  
 it was determined that the persons through whom they obtained citizenship  
 should be reported by the Choctaw and Chickasaw Citizenship Court.

This office has on record no application for having  
 been made for the enrollment of the petitioners Foster A. Hall,  
 John A. Hall, James A. Hall, John A. Hall, William A. Hall, Wil-  
 liam A. Hall, John A. Hall, John A. Hall, John A. Hall, John A. Hall,  
 John A. Hall and Walter W. Sessoms as citizens of the Choctaw  
 Nation, and as to the filing of the petitions for enrollment of these  
 petitioners it is determined that any application for enrollment  
 of the petitioners named above and the other individuals named as  
 citizens of the Choctaw Nation, at any time, have never been  
 made, and that the individuals named above were not admitted to  
 citizenship in the Choctaw Nation by the United States Court of the Central  
 District of Indian Territory, Oklahoma on January 28, 1904, and were denied citizenship in the Choctaw  
 and Chickasaw Citizenship Court on March 28, 1904 and in the  
 United States District Court of said court.

It does not appear from the records of this office, whether  
 mentioned in the petition, that any of the petitioners or their  
 ancestors being Sessoms or William Sessoms were ever admitted or  
 enrolled as citizens of the Choctaw Nation by any duly constitu-  
 ted authority prior to January 28, 1904, the date by which certain  
 of the petitioners had before mentioned, were admitted to citizen-  
 ship in the Choctaw Nation by a judgment of the United States Court  
 for the Central District of Indian Territory. The names of none  
 of the petitioners or of the above named ancestors appear in any  
 of the tribal rolls of the Choctaw Nation in the possession of this  
 office, neither does it appear that any persons (now father) was  
 ever recognized or enrolled as a citizen of the Choctaw Nation by  
 any duly constituted authority, and the documents in any of

the tribal rolls of the Choctaw Nation in the possession of this office.

O R D E R

In view of the opinion that the petitions fail to allege facts sufficient to warrant a hearing relative to the petitioners' alleged rights to enrollment as citizens of the Choctaw Nation; that the principal petitioners having been denied citizenship by the Choctaw and Chickasaw Citizenship Court, and it has been alleged in the petitions or shown by the records of this office, that any of the petitioners were recognized or enrolled citizens of the Choctaw Nation prior to January 22, 1898, the date on which they were admitted to citizenship in the Choctaw Nation by the United States Court, they do not come under the opinion of the Assistant Attorney General of December 8, 1906, in the Choctaw enrollment case of Louis Kent, et al., and that there is no legal basis for the enrollment of any of the petitioners as citizens of the Choctaw Nation; that the petition should be denied, and it is so ordered.

Teste: W. H. P. G. W. H. P. G.

W. H. P. G. W. H. P. G. W. H. P. G. W. H. P. G. W. H. P. G.

W. H. P. G. W. H. P. G. W. H. P. G. W. H. P. G. W. H. P. G.

Muskogee, Indian Territory, June 28, 1900.

Mr. H. Bland,

Palmer, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of June 25th, in which you inquire if Walter A. Harrison or E. A. Harrison have established their rights as Choctaw or Chickasaw Indians.

In reply to your letter, you are advised that Walter A. Harrison, twenty four years of age, of Wynnewood, Indian Territory, is listed for enrollment as a citizen of the Choctaw Nation, and with him are listed Mary E. Harrison, his mother, forty seven years of age, Eva May, his sister, eighteen years of age, and O. Edgar Harrison, his brother, fourteen years of age. The records of the Commission do not show any E. A. Harrison as being listed for enrollment as either a Choctaw or Chickasaw. The information, however, contained in your letter, is too meagre to enable the Commission to identify any party by the name of E. A. Harrison. If you desire any further information in regard to this party, kindly furnish the Commission the full name, age and post office address of the party, the time and place he appeared as an applicant for enrollment, the names of other members of the family who applied at the same time, and any other data that may lead to his identification, and the matter will receive further consideration.

Yours truly,

Muskogee, Indian Territory, January 5, 1901.

W. A. Harrison,

Palmer, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 19th ultimo, in which you desire to be informed as to the present status of the claim to citizenship of M. E. Harrison, Walter Harrison, Eddie Harrison, Eva Harrison, etc.

In reply to your letter, you are informed that the records of the Commission show that Mary E. Harrison, 47 years of age, of Wynnewood, Indian Territory, and her children, Walter A., Eva May and O. Edgar Harrison are listed for enrollment as citizens of the Choctaw Nation, having been admitted to such citizenship by judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, January 20th, 1898, in court case No. 10.

Yours truly,

Acting Chairman.

7-4984

7-4984.

Muskogee, Indian Territory, September 29, 1902.

Walter Harrison,

Palmer, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th inst., enclosing the application for enrollment as a citizen of the Choctaw Nation of Ruth Hazel Harrison, infant daughter of Walter A. and Ida Harrison, born September 7, 1902; and the same being in proper form has been duly filed with the records of the Commission, and the child listed for enrollment as a citizen of the Choctaw Nation.

Receipt is also acknowledged of the marriage license and certificate between F.A. Harrison and Ida Jacks, and you request that the same be returned to you.

You are informed that it will be necessary that this evidence of marriage be filed with our records in the matter of the application for the enrollment of your infant child. Your request for its return, therefore, cannot be complied with at present. Should you desire a certified copy thereof, the same



W H 2

will be furnished upon your written request, stating your reasons therefor.

Respectfully,

Acting Chairman

choc 4985 Martha Fleming

Nos 627 Dismissed May 27, 1904

see c27

Record in choc #5081

4985

20  
Martha Fleming and others.

Martha Fleming says:

I am 38. I am mother of Newton, Joseph, Jesse Lee, admitted as "Jesse". We were admitted by the U.S. Court at South McAlester, January 20th 1898, case 10. My husband John is a U.S. citizen. I have lived in the Territory 6 years. I live near Wynnewood. I came here in January 1892. I have never lived in the Choctaw Nation. I came from Texas. I was raised there.

Pauls Valley, Sept. 14, 1898.

Martha Fleming  
Newton Fleming  
Joseph Fleming  
William Fleming  
Jesse Lee Fleming  
Mamie G. Fleming

enrolled.

IN RE  
Application for Enrollment of  
INFANT CHILD.

*Lizzy V. Flemming*  
As a citizen of the

*Choctaw* Nation.

Approved DEC 17 1909

*A. S. McKinnon*  
Commissioner.

2030

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Lizzy V. Flemming, born on the 21 day of August, 1899  
Name of father: John W. Flemming, a citizen of the Choctaw Nation,  
Name of mother: Martha J. Flemming, a citizen of the Choctaw Nation.  
Post Office: Wynnewood, Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Southern District.

I, Martha J. Flemming, on oath, state that I am 39 years of age and a  
citizen, by birth of the Choctaw Nation; that I am the  
lawful wife of John W. Flemming, who is a citizen, by marriage, of the  
Choctaw Nation; that a female child was born to me on the 21 day  
of August, 1899; that said child has been named Lizzy V. Flemming  
and is now living.

Subscribed and sworn to before me this 25<sup>th</sup> day of September, 1899.  
Commission expires Nov 18

W. J. Flemming  
David Williams  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Southern District.

I, Wm. W. Maxwell, a Physician, on oath, state that I  
attended on Mrs. M. J. Flemming, wife of John W. Flemming  
on the 21 day of August, 1899; that there was born to her on said date a female child;  
that said child is now living and is said to have been named Lizzy V. Flemming

Subscribed and sworn to before me this 26 day of Sept., 1899.

Wm. W. Maxwell M.D.  
Wm. W. Maxwell  
Notary Public.

Wm. W. Maxwell  
1899

7-4985.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----  
In the matter of the application for the enrollment of  
Mamie G. Fleming and Lizzie V. Fleming as citizens by blood of the  
Choctaw Nation.

-----o-----  
The applicants, Mamie G. Fleming and Lizzie V. Fleming,  
claim their right to enrollment as citizens by blood of the Choctaw  
Nation through their mother Martha Fleming. The right of the  
applicants' mother, Martha Fleming, to citizenship in the Choctaw  
Nation having been adversely determined by a decree of the Choctaw  
and Chickasaw Citizenship Court, March 9, 1904, in case No. 36,  
upon the South McAlester docket of said court, it is hereby ordered  
that the application of Mamie G. Fleming and Lizzie V. Fleming for  
enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
Chairman.

Muskogee, Indian Territory,

MAY  
\_\_\_\_\_



Choctaw 4985  
COPY!

Muskogee, Indian Territory, June 6, 1904.

Martha Fleming,  
Wynnewood, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Mamie G. Fleming, and Lizzie V. Fleming.

Respectfully,

(SIGNED)

*Tame Dixby.*

Chairman.

Registered.

Incl. 7-4985.

Choctaw 4985

COPY.

Muskogee, Indian Territory, June 6, 1904.

Manfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of Mamie G. Fleming and Lizzie V. Fleming.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Registered.

Incl. 7-4985.

(See Choctaw 3328 for registry receipt for this letter).

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the petition for the enrollment of Wilson R. Sessums, et al., as citizens by blood of the Choctaw Nation.

On January 27, 1906, there was filed with the Commissioner to the Five Civilized Tribes by Tom D. McKeown, attorney for the petitioners, petitions for the enrollment of the following persons as citizens of the Choctaw Nation: Wilson R. Sessums, Wilson R. Sessums, Jr., his two minor children Sealy Caroline Sessums and Willie P. Sessums, Mary E. Harrison, Walter A. Harrison and his minor child, Ruth Hazel Harrison, Mary Bailey and her two minor children, William A. Bailey and Minnie Kay Bailey.

On February 9, 1906, Tom D. McKeown, attorney for the petitioners, filed with the Commissioner, petitions for the enrollment of the following persons as citizens of the Choctaw Nation: John S. Sessums, his wife, Mary K. Sessums, and their minor children, Lula S., Carrie S., William D., Charlie L. and Jacob O. Sessums, Jesse Fleming (now Jesse Arms), Martha Fleming and her minor children, Fannie S., and Lizzie V. Fleming; Emanuel W. Bailey and her minor children Homer S. and Fester S. Bailey, Lewton Fleming and her minor child, Lois Fleming, Rosa A. Hansey and her minor child, James Hansey, Mary A. Bailey (now Bratcher, Annie S. Hill and her minor children, Joseph S., Dorothy S., and William A. Hill, Myrtle Sessums, (now Moore), and her minor children Mattie S. and Rosa M. Moore, Eva Fay Harrison (now Clayton) and her minor child, Mable Thelma Clayton, Elsie A. Bratcher and her minor children, Earl D. Bratcher, Bessie Bratcher, Elberta Bratcher, Willie A. Bratcher and Walter S. Bratcher.

These petitions have been consolidated and will be considered as one case, inasmuch as the alleged rights of the petitioners to enrollment are derived from the same source.

The petitioners allege that the petitioners are all descendants of Fennie Sessums (nee Fisher), who, it is claimed, was a full blood Choctaw Indian, and was duly enrolled and recognized as a citizen of the Choctaw Nation. The petitioners claim descent from said Fennie Sessums (nee Fisher), through Hedding Sessums and William Sessums.

In answer to the petition has been filed by the attorneys for the Choctaw and Chickasaw Nations within the fifteen days allowed for that purpose by the regulations adopted by the Commissioner January 1, 1906.

The records of this office show that the petitioners Wilson R. Sessums (under the name of W. S. Sessums), Wilson R. Sessums, Jr. (under the name of W. S. Sessums, Jr.), and his minor son Willie P. Sessums, Mary Bailey, William A. Bailey, Minnie Kay Bailey, (under the name of Minnie B. Bailey), Walter A. Harrison, Mary E. Harrison, John P. Sessums, (under the name of J. P. Sessums), William D. Sessums, Martha Fleming Jesse Fleming, now Arms, (under the name of Jessie Lee Fleming,) Emanuel W. Bailey,



the tribal rolls of the Choctaw Nation in the possession of this office.

ORDER

I am of the opinion that the petitions fail to allege facts sufficient to warrant a hearing relative to the petitioners' alleged rights to enrollment as citizens of the Choctaw Nation; that the principal petitioners having been denied citizenship by the Choctaw and Chickasaw Citizenship Court, and it not being alleged in the petitions or shown by the records of this office that any of the petitioners were recognized or enrolled citizens of the Choctaw Nation prior to January 20, 1898, the date on which they were admitted to citizenship in the Choctaw Nation by the United States Court, they do not come under the opinion of the Assistant Attorney General of December 9, 1905, in the Choctaw enrolling case of Loula West, et al., and that there is no authority of law for the enrollment of any of the petitioners as citizens of the Choctaw Nation; that the petition should be denied, and it is so ordered.

Thos. Kirby,

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS.

Wakooee, Indian Territory, May 1, 1906.

Choc 4986 L. A. Fleming

No 6 Dismissed May 27, 1904

see PET #C-103

4986



Choctaw Court Card C. 31

In re application of Laura Fleming and others.

Sworn by Commissioner McKennon.

Laura Fleming says:

I am 38. I am mother of Bessie, Frank, Ada, Earl, and Jewell Fleming. They were admitted by the U.S. court at South McAlester, except Jewell who was born March 3d 1898. I came to Wynnewood January 1st 1892. I lived there 2 years and then went to the Choctaw Nation. I lived there 3 years and then came back to the Chickasaw Nation. I came back in August 1897.

Laura Fleming  
Bessie Fleming  
Frank Fleming  
Ada Fleming  
Earl Fleming  
Jewell Fleming

Pauls Valley, Sept. 14, 1898.

enrolled.

*Handwritten initials*

7-4523.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

-----

In the matter of the application for the enrollment of Jewel Fleming as a citizen by blood of the Choctaw Nation.

-----

The applicant, Jewel Fleming, claims his right to enrollment as a citizen by blood of the Choctaw Nation through his mother Laura Fleming. The right of the applicant's mother, Laura Fleming, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, February 1, 1904, in case No. 30, upon the South McAlester Circuit of said court, it is hereby ordered that the application of Jewel Fleming for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Handwritten signature*

Chairman.

Muskogee, Indian Territory,

MAY 1904

COPY.

Choctaw 4986  
Muskogee, Indian Territory, June 6, 1904.

Laura Fleming,  
McGee, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by blood of the Choctaw Nation of Jewel Fleming.

Respectfully,

*Taine Kirby*  
Chairman.

Registered.

Incl. 7-4986.

COPY. Choctaw 4986  
Muskogee, Indian Territory, June 6, 1904.

Alvin W. Pyeatt,  
Attorney at Law,  
Pauls Valley, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by blood of the Choctaw Nation of Jewel Fleming.

Respectfully,

Registered.

Chairman.

Incl. 7-4986.

Choctaw 4986

Muskogee, Indian Territory, June 6, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as a citizen by blood of the Choctaw Nation of Jewel Fleming.

Respectfully,

Registered.

Chairman.

Incl. 7-4986.

IN THE DEPARTMENT OF THE INTERIOR  
BEFORE THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
AT MUSKOGEE.

In the Matter of the Application of )  
Laura A. Fleming and her minor children to ) PETITION.  
be enrolled as members of the Choctaw )  
Tribe of Indians. )

To Honorable Tams Bixby, Commissioner of the United States to the  
Five Civilized Tribes:-

Your petitioner would respectfully represent that she and her  
minor children Willia F. Fleming, age 16 years; Ada B. Fleming, age  
14 years; Robert E. Fleming, age 10 years; and Jewel Fleming age  
7; are entitled to be enrolled as members of the Choctaw Tribes of  
Indians.

That petitioner resided in the Indian Territory in the year  
1892 and has resided here continuously since that time.

Petitioner applied to the Commission to the Five Civilized  
Tribes to be enrolled as a member of said Nation or Tribe of  
Indians but was refused the right to be enrolled.

That subsequent to that time petitioner and her minor child-  
ren were duly enrolled as members of the Choctaw Nation or Tribe of  
Indians by a judgment in the United States District Court in the  
Central District of the Indian Territory in the case of John T. Hays  
vs Choctaw Nation.

That subsequent to the rendition of said judgment petitioner  
and her minor children have been refused the right to be enrolled  
as members of the Choctaw Tribe of Indians by the Citizenship Court.

That petitioner and her minor children are descendants of a  
duly recognized and enrolled Choctaw citizen by blood.

That petitioner is the daughter of Alfred Hays; and that the



said Alfred Hays was a duly recognized member of the Choctaw Tribe and was a member of said Tribe by blood.

That petitioner is the sister of Mary L. Derrough and John T. Hays and that they are the only brother and sister of petitioner now living.

WHEREFORE petitioner prays that she and her minor children be enrolled as members of the Choctaw Tribe of Indians by blood and that they have all the rights and privileges of duly enrolled members of said Tribe.

Respectfully submitted,

(Signed) Tom D. McKeown, Atty for  
Petitioner, Ada, I.T.

United States of America )  
Southern District ) ss.  
Indian Territory )

Laura A. Fleming, being duly sworn according to law says that I have read the foregoing petition and that the facts contained in the same are true as she verily believes.

(Signed) Laura Fleming.

Subscribed and sworn to before me this 16th day of February 1906.  
(Seal) (Signed) E. S. Horn, Notary Public.

United States of America )  
Southern District ) ss.  
Indian Territory )

I, Tom D. McKeown, do solemnly swear that I have today mailed a true copy of the foregoing petition by registered mail addressed to Messers. Mansfield, McMurray & Cornish of South McAlister, I.T. and a receipt of registration is hereto attached, the same being received from the Postmaster of Ada, I.T. and made a part hereof. This 20th day of February 1906.

(Signed) Tom D. McKeown

Subscribed and sworn to before me this 20th day of February 1906.  
(Seal) (Signed) W. H. Ebey, Notary Public.  
(Registry receipt attached)

Endorsed as follows:

No. 103

In the matter of the application of Laura Fleming and her minor children to be enrolled as members of the Choctaw Tribe of Indian.

PETITION.

Department of the Interior,  
Commissioner to the Five Civilized Tribes.

FILED Mar 14 1906 (Stamped) Tams Bixby Commissioner.

Tom D. McKeown, Atty for Petitioner, Ada, I.T.

DEPARTMENT OF THE INTERIOR, ICG.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the enrollment of  
Laura Fleming et al., as citizens of the Choctaw Nation.

DECISION.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Laura Fleming, for the enrollment of herself and her children, Bessie Fleming, Frank Fleming, Ada Fleming, Earl Fleming and Jewel Fleming, as citizens of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that the applicants, Laura Fleming, Bessie Fleming, Frank Fleming, Ada Fleming and Earl Fleming, were applicants to the Commission to the Five Civilized Tribes for admission to citizenship in the Choctaw Nation, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), in 1896 Choctaw Citizenship Case No. 430; that they were denied such admission by the Commission to the Five Civilized Tribes on December 2, 1896.

From this decision an appeal was taken to the United States Court for the Central District of Indian Territory, and on January 19, 1898, said Court entered of record a judgment "nunc pro tunc" to reform judgment rendered therein August 26, 1897, and in said "nunc pro tunc" order it was decreed by the Court that the plaintiffs.....Laura Fleming, Bessie Fleming, Frank Fleming, Ada Fleming and Earl Fleming.....be admitted to all the rights of citizens by blood of the Choctaw Nation.

This judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, in the last case of "Choctaw and Chickasaw Nations, or Tribes vs. J. T. Fiddle et al".

Said cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court, created by the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on February 1, 1904, said Citizenship Court in the case entitled "John T. Hays et al. vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court, Case No. 31, South McAlester Tocket), rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs.....Laura Fleming, Bessie Fleming, Frank Fleming, Ada Fleming and Earl Fleming.....be denied, and that they be not admitted to citizenship or enrollment as citizens of the Choctaw Nation".

On May 27, 1904, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of Jewel Fleming, for the reason that the right of her mother, Laura Fleming, to citizenship in the Choctaw Nation had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on March 14, 1906, a petition praying for the enrollment of Laura A. Fleming, William F. Fleming, Ada Fleming, Robert F. Fleming and Jewel Fleming as citizens of the Choctaw Nation.

It is alleged in the petition that the principal petitioner, Laura Fleming, has resided in Indian Territory since the year 1892; that she and her minor children are citizens by blood of the Choctaw Nation; that she is the daughter of Alfred Hays, and that said Alfred Hays was a duly recognized member of the Choctaw Nation, and was a member of said tribe by blood.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants were ever recognized or enrolled as citizens of the Choctaw Nation by any duly constituted authority. Their names do not appear upon any of the tribal rolls of the Choctaw Nation in the possession of this office.

I am of the opinion that inasmuch as it is not shown by the records in the possession of the Commissioner to the Five Civilized Tribes and it is not alleged in the petition that the applicants have at any time occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation, the judgment of the Choctaw and Chickasaw Citizenship Court denying the application for the admission of Laura Fleming, Bessie Fleming, Frank Fleming, Ada Fleming and Earl Fleming to citizenship in the Choctaw Nation is final, and that the application for the enrollment of said Laura Fleming, Bessie Fleming, Frank Fleming, Ada Fleming, and Earl Fleming, as citizens by blood of the Choctaw Nation, and the petition for their enrollment as such should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 61), and it is so ordered.

I am further of the opinion that the order of the Commissioner to the Five Civilized Tribes of May 27, 1904, admitting the application for the enrollment of Jewel Fleming as a citizen by blood of the Choctaw Nation should be affirmed, and that the petition in so far as it relates to said applicant should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 61), and it is so ordered.



Commissioner.

Muskogee, Indian Territory.

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C-103  
7-4986.

Muskogee, Indian Territory, November 17, 1906.

Laura Fleming,

Civet, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 17, 1906, denying the application and petition for the enrollment of Laura Fleming, Bessie Fleming, Frank Fleming, Ada Fleming and Earl Fleming, and the petition for the enrollment of Jewel Fleming, as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl. C-103,  
7-4986.

Commissioner:

C-103.  
7-4986.

Muskogee, Indian Territory, November 17, 1906.

Alvin F. Pycatt,

Attorney at Law,

Pauls Valley, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 17, 1906, denying the application and petition for the enrollment of Laura Fleming, Bessie Fleming, Frank Fleming, Ada Fleming and Earl Fleming, and the petition for the enrollment of Jewel Fleming, as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl. C--103.  
7-4986.

C-103.  
7-4986.

Muskogee, Indian Territory, November 17, 1906.

Tom D. McKeown,  
Attorney at Law,  
Ada, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on November 17, 1906, rendered his decision denying the application and petition for the enrollment of Laura Fleming, Bessie Fleming, Frank Fleming, Ada Fleming and Earl Fleming, and the petition for the enrollment of Jewel Fleming, as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl. C-103.  
7-4986.



C-103  
7-4986.

Muskogee, Indian Territory, November 17, 1906.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 17, 1906, denying the application and petition for the enrollment of Laura Fleming, Bessie Fleming, Frank Fleming, Ada Fleming and Earl Fleming, and the petition for the enrollment of Jewel Fleming, as citizens by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Incl. C-103, 7-4986.

Muskogee, Indian Territory, November 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Laura Fleming, et al., as citizens by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated November 17, 1906, denying the application and petition for the enrollment of Laura Fleming, Bessie Fleming, Frank Fleming, Ada Fleming and Earl Fleming, and the petition for the enrollment of Jewel Fleming, as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner.

Incl. C-103, 7-4986.

Through the

Commissioner to the Five Civilized Tribes.

DEPARTMENT OF THE INTERIOR, WASH., D.C.

WASHINGTON, D.C.

1033-1907.

1033-1907.

October 25, 1907.

Direct.

Commissioner of the General Land Office,  
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your letter of the 19th inst., in relation to the application for a lease of land in the public domain in the State of California, and to inform you that the same has been referred to the proper authorities for their consideration. The same will be given due consideration as soon as possible.

Very respectfully,  
Your obedient servant,  
John W. Foster,  
Assistant Secretary.

1 in file to 1033-1907.

1033-1907.

100-100000-100000  
Following:

100-100000-100000  
Office of the Commissioner,  
Bureau of Indian Affairs,  
Washington, D.C.

100-100000-100000  
Date: February 14, 1907.

February 14, 1907.

The Secretary of the Interior.

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner of the  
Bureau of Indian Affairs, dated October 11, 1906, transmitting  
for your consideration the application of certain individuals for  
enrollment as citizens of the Choctaw Nation.

On October 11, 1906, the Commissioner advised me  
that the following individuals had applied for enrollment of their  
self and their children, Miss, Frank, Ada, Pearl and George  
as citizens of the Choctaw Nation. On November 17, 1906, the Commissioner  
informed me that the applicants were not entitled to the enrollment.  
The report also states that the applicants are so enrolled  
with the Nation of the Choctaw Nation.

The decision of the Commissioner is hereby approved and is  
recommended for approval.

Very respectfully,  
C. J. ...  
Assistant Commissioner.

100-100000-100000

JWH

C-103  
7-4986.

Muskogee, Indian Territory, April 10, 1907.

Laura Fleming,

Civet, Indian Territory.

Dear Madam :--

You are hereby advised that on February 13, 1907, the Secretary of the Interior affirmed the decision of this office of November 17, 1906, denying the application and petition for the enrollment of Laura Fleming, Bessie Fleming, Frank Fleming, Ada Fleming and Earl Fleming, and the petition for the enrollment of Jewel Fleming, as citizens by blood of the Choctaw Nation.

Respectfully,

*C. P. Rodgers*

Acting Commissioner.

C-103  
7-4986.

Muskogee, Indian Territory, April 10, 1907.

Alvin F. Pyeatt,  
Attorney at Law,  
Pauls Valley, Indian Territory.

Dear Sir :--

You are hereby advised that on February 18, 1907,  
the Secretary of the Interior affirmed the decision of this  
office of November 17, 1906, denying the application and petition  
for the enrollment of Laura Fleming, Bessie Fleming, Frank Fleming,  
Ada Fleming and Earl Fleming, and the petition for the enrollment  
of Jewel Fleming, as citizens by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.



C-103  
7-4966.

Muskogee, Indian Territory, April 10, 1907.

Tom D. McKeown,  
Attorney at Law,  
Ada, Indian Territory.

Dear Sir :--

You are hereby advised that on February 18, 1907, the Secretary of the Interior affirmed the decision of this office of November 17, 1906, denying the application and petition for the enrollment of Laura Fleming, Bessie Fleming, Frank Fleming, Ada Fleming and Karl Fleming, and the petition for the enrollment of Jewel Fleming, as citizens by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

C-103  
7-4986.

Muskogee, Indian Territory, April 10, 1907.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:--

You are hereby advised that on February 18, 1907, the Secretary of the Interior affirmed the decision of this office of November 17, 1906, denying the application and petition for the enrollment of Laura Fleming, Bessie Fleming, Frank Fleming, Ada Fleming and Earl Fleming, and the petition for the enrollment of Jewel Fleming, as citizens by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, August 30, 1901.

Mr. J. M. Salf,  
Lehigh, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant, requesting to be advised whether or not Henry Fleming and his wife Laura (nee Hayes) are listed for enrollment as citizens of the Choctaw Nation.

You are informed that Laura Fleming and her five minor children were duly listed for enrollment as citizens of the Choctaw Nation September 14, 1898, having been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, at South McAlester, I. T., August 26, 1897, in Court Case #40.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, October 15, 1901.

Laura Fleming,

McGee, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter without date, requesting that you be informed if John T. Hayes, M. L. Darough and Laura Fleming and children are listed for enrollment.

Replying to your inquiry you are informed that John T. Hayes, of Roberts, Indian Territory, and his two children, Marvin V. and George Hayes are listed for enrollment as citizens of the Choctaw Nation. Mary L. Darough, of Roberts, Indian Territory, and her two children, Benjamin D. Duncan and Victoria Darough, and Laura Fleming, and her children, Bessie, Frank, Ada, Earl and Jewel Fleming are listed for enrollment as citizens of the Choctaw Nation.

All of the above parties are so listed in pursuance of a judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, Indian Territory, on August 26, 1897, admitting them to citizenship in the Choctaw Nation.

Yours truly,

Acting Chairman.

7-4986

Muskogee, Indian Territory, November 18, 1903.

Alvin F. Pyeatt,

Attorney at Law,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 11, in which you ask if one, L. A. Fleming, and children, Frank, Bessie and Ada and two younger children whose names you do not know, have been listed for enrollment as Choctaws or Mississippi Choctaws, you also state that her husband, Henry Fleming, does not claim citizenship.

In reply to your letter you are informed that it appears from our records that Laura Fleming, wife of Henry Fleming, and her children, Bessie, Frank, Ada, Earl and Jewel, were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of Indian Territory, rendered August 26, 1897 in Court Case (Citizenship Docket), number 40.

Under the provisions of the Act of Congress of July 1, 1902, the Commission is prohibited from enrolling, or making any allotment of land in the Choctaw and Chickasaw Nations to persons whose citizenship is dependent upon judgments of the United States

A.F.P.

Courts in the Indian Territory, until their right to such citizenship has been finally determined.

Respectfully,

Chairman.



Choctaw 4986  
Choctaw D 17

Mustang, Indian Territory, February 15, 1903.

M. M. Byford,  
Coffee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 9, asking for a map or plan of the Chickasaw Nation. You also ask the status of your case, and wish to be informed if Mrs. L. A. Fleming is on the Choctaw roll.

In reply to your letter you are advised that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, and that your final right to such enrollment has not yet been determined. As soon as a decision is reached in your case you will be notified of the action of the Commission.

You are further advised that it appears from our records that Laura Fleming, of Wynnewood, Indian Territory, was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, August 26, 1902, in citizenship case Number 40. On December 17, 1902, the "Choctaw-Chickasaw Citizenship Court", created under the provisions of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25,

H M B 2

1902, vacated and set aside all decisions of the United States Courts in Indian Territory, admitting persons to citizenship in the Choctaw and Chickasaw Nations.

It may be added, however, that lands upon which so-called court claimants have improvements, not in excess of lawful allotments will not be allotted to any citizen until the rights of the said court claimants are finally determined.

Sectional maps of the Chickasaw Nation may be secured by sending one dollar to H. Van V. Smith, Special Disbursing Agent, Muskogee, Indian Territory.

Respectfully,

Acting Chairman.

*Substitute*

7-4986.

Muskogee, Indian Territory, September 17, 1903.

Isaac Fulson,

Hart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you desire to be informed if Henry Fleming has been enrolled by this Commission as a citizen by blood of the Choctaw Nation.

In reply to your inquiry, you are advised it appears from our records that Laura Fleming and her minor children were admitted to citizenship in the Choctaw Nation by judgment of the United States Court for the Central District of the Indian Territory, at South McAlester, Indian Territory, August 26, 1897.

The husband of Laura Fleming appears upon our records as Henry Fleming, a non-citizen white man, and it is our presumption that this is the party to whom your letter refers. Henry Fleming is not in any manner entitled to recognition as a citizen of the Choctaw Nation, and the rights of his wife and children are entirely dependent upon the judgment of the United States Court above referred to. Their rights as citizens of the Choctaw Nation are now being contested by legal proceedings before the Choctaw and Chickasaw Citizenship Court created by the Act of Congress, approved July 1, 1902, and in this

I.P.

-2-

connection your attention is invited to the following provisions of the above referred to Act:

"That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined."

Under this provision of law the Commission is estopped from taking any action relative to the enrollment of, or the allotment of land to, Laura Fleming until their rights are determined by the Choctaw and Chickasaw Citizenship Court.

Respectfully,

Chairman.

Choctaw 4985

Muskogee, Indian Territory, July 21, 1904.

Laura Fleming,

Civet, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of July 15, in which you state that you have received notice that Jewel Fleming had been dismissed from the rolls. You ask to be advised if Laura Fleming and the other children are also dismissed.

In reply to your letter you are advised that on February 1, 1904, the Choctaw and Chickasaw Citizenship Court rendered its decree denying the citizenship in the Choctaw Nation of Laura Fleming and her children, Bessie, Frank, Ada and Earl Fleming. The Choctaw and Chickasaw Citizenship Court certified to the Commission this decree, and the citizenship of Laura Fleming having been denied by said court, the Commission therefore dismissed the application of Jewel Fleming, her child, not included in the decree of said court above referred to, for enrollment as a citizen of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

COPY.

JRP-6.

Muskogee, Indian Territory, March 15, 1906.

Tom D. McKeown,

Ada, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of a petition filed by you on March 14, 1906, for the enrollment of Laura Fleming, et al, as citizens of the Choctaw Nation.

You will be advised of any action taken by this office on said petition.

Respectfully,

*Wm. C. Scott*

Acting Commissioner.



g h.

DEPARTMENT OF THE INTERIOR, ILL.  
WASHINGTON,

D.C. 10335-1907.  
I.T.D. 3486-1907.

February 18, 1907.

L RS.

Direct.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of February 14, 1907 (Land 102747-1906), copy whereof is inclosed for your information, your decision of November 17, 1906, denying the application for the enrollment of Laura Fleming, Bessie Fleming, Frank Fleming, Ada Fleming, and Earl Fleming as citizens by blood of the Choctaw Nation, and dismissing the application for the enrollment of Jewel Fleming as a citizen by blood of the Choctaw Nation, is hereby affirmed.

You will advise applicants and their attorney of this action.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan.  
First Assistant Secretary.

1 inc and 2 to Ind. Of.

A F Mc  
2-19-07.

Refer in reply to the following:

Copy-

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

D.C. 10335-1907.  
Land  
102747-1906.

WASHINGTON.

February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated November 17, 1906 transmitting the record relative to the application of Laura Fleming et al., for enrollment as citizens by blood of the Choctaw Nation.

On September 14, 1898, Laura Fleming applied to the Commission to the Five Civilized Tribes for the enrollment of herself and her children, Bessie, Frank, Ada, Earl and Jewel Fleming as citizens by blood. On November 17, 1906, the Commissioner held that the applicants were not entitled to such enrollment.

The record shows that the applicants are not enrolled as citizens by blood of the Choctaw Nation.

The decision of the Commissioner adverse to them is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

H.R.D.-NL.

Choc 4987 Roberta Olive

#3 Dismissed Nov 12, 1904

see record in 7-5278

4987

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
as a citizen by blood of the Choctaw Nation of-

NETTIE OLIVE

74987.

*ANB*  
*D. H. D.*

9-4987

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application for the enrollment of  
Hettie Olive as a citizen by blood of the Choctaw Nation.

-----  
COPY.

The applicant, Hettie Olive, claims her right to enrollment  
as a citizen by blood of the Choctaw Nation through her mother,  
Roberta Olive (or Roberta Oliver).

The right of the applicant's mother, Roberta Olive (or  
Roberta Oliver), to citizenship in the Choctaw Nation having been  
adversely determined by a decree of the Choctaw and Chickasaw Citizen-  
ship Court of September 19, 1904, in case No. 89 upon the Tishomingo  
Docket of said court, it is hereby ordered that the application of  
Hettie Olive for enrollment as a citizen by blood of the Choctaw  
Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

*Tamm Bixby*

\_\_\_\_\_  
Chairman.

Muskogee, Indian Territory.

NOV 12 1904

Chootaw 4987

C. Y.

Muskogee, Indian Territory, November 12, 1904.

Roberta Olive,  
Center, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing the application for the enrollment of your minor child, Hettie Olive as a citizen by blood of the Chootaw Nation.

Respectfully,

Registered.

Chairman.

Incl. 7-4987.



Choctaw 4987

COPY.

Muskogee, Indian Territory, November 12, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated November 12, 1904, dismissing the application for the enrollment of Hettie Olive as a citizen by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

12000 21001

Incl. 7-4987.

Chairman.

C--122

7-D-112

7--4987

4988

4989

4990

5278

23-1276

23-1277.

23-1278.

COPY

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----  
In the matter of the application for the enrollment of  
L. F. RHOADES, et al., as citizens of the Choctaw Nation.

DECISION.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Duncan, Indian Territory, on October 17, 1898, by J. F. Rhoades for the enrollment of himself as an intermarried citizen of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, on September 14, 1898, by Andrew O. Rhoades for the enrollment of himself and his minor son, Jessie J. Rhoades as citizens of the Choctaw Nation; that on May 24, 1900, written application was filed for the enrollment of Roy Cecil Rhoades, minor son of Andrew O. Rhoades and Ada A. Rhoades and on January 14, 1902, written application was filed for the enrollment of Floyd Rhoades, minor son of Andrew O. Rhoades, and Ada A. Rhoades, as citizens of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Burnett J. Rhoades for the enrollment of himself as a citizen of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Thomas G. Olive for the enrollment of Roberta Olive and Jesse Lee Olive as citizens of the Choctaw Nation; that on October 30, 1899, application was made for the enrollment of Hettie Olive, minor daughter of Thomas G. Olive and Roberta Olive as a citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, by T. J. Rigby for the enrollment of Ella N. Rigby as a citizen of the Choctaw Nation; that on January 14, 1899, application was made for the enrollment of Cora Patry Rigby, and on December 27, 1900, written application was filed for the enrollment of Beatrice Rigby, minor children of T. J. Rigby and Ellen N. Rigby as citizens of the Choctaw Nation; it appears from the census card record that application was made to the Commission to the Five Civilized Tribes on November 22, 1898, for the enrollment of Ethel Rhoades as a citizen by intermarriage of the Choctaw Nation.

April 26, 1906, applications were made to the Commissioner to the Five Civilized Tribes for the enrollment of Julius Clayton Rhoades, born February 10, 1904, Callie May Rhoades, born June 27, 1903, and Bessie Rigby, born October 24, 1904, as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 7, 1896, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the applicants L. F. Rhoades, Andrew O. Rhoades, Burnett J. Rhoades, Ella N. Rigby (as Ella N.

Rhoades), Roberta Olive (as Roberta Rhoades Olive) and Jesse Lee Olive (as Jessie Lee Olive). The name of Thomas G. Olive was also included in said application.

On December 1, 1896, the Commission denied said application.

From this decision appeal was taken to the United States Court of the Southern District of Indian Territory, which Court on December 22, 1897, rendered a judgment admitting Andrew O. Rhoades, Emmet L. Rhoades, Ella N. Rigby (as Ella N. Rhoades), Roberta Olive (as Mrs. Roberta Oliver) and Jesse Lee Olive (as Jesse Lee Oliver) as citizens of the Choctaw Nation.

On September 28, 1898, said Court issued an order nunc pro tunc admitting L. F. Rhoades as a citizen by intermarriage of the Choctaw Nation. The name of Thomas G. Olive was not included in said judgment.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on September 19, 1904, in the case entitled "L. F. Rhoades, et al. vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court, Case No. 89, Tishomingo Docket), said Citizenship Court rendered a judgment therein wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, L. F. Rhoades, Andrew O. Rhoades, . . . Emmet L. Rhoades, Ella N. Rhoades, Roberta Olive or Roberta Oliver and Jesse Lee Olive or Jesse Lee Oliver be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom.

On November 4, 1904, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of Ethel Rhoades as a citizen by intermarriage of the Choctaw Nation for the reason that the citizenship of her husband, Emmet L. Rhoades, had been adversely determined by the Choctaw and Chickasaw Citizenship Court.

On November 12, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lessie L. Rhoades, Roy Cecil Rhoades, Floyd Rhoades, Cora Patry Rigby, Beatrice Rigby and Hattie Olive as citizens of the Choctaw Nation for the reason that the citizenship of the persons through whom said applicants claim a right to enrollment had been adversely determined by the Choctaw and Chickasaw Citizenship Court.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on May 7, 1906, by Cruce, Cruce & Bleakmore, attorneys for the petitioners, a petition praying for the enrollment of L. F. Rhoades, A. O. Rhoades, Leslie Lee Rhoades, Roy Cecil Rhoades, Floyd Rhoades, Roberta Olive, T. G. Olive, Jessie Olive, Hattie Olive, E. L. Rhoades, Ethel Rhoades, Nora Rigby, T. J. Rigby, Cora Rigby and Beatrice Rigby, as citizens of the Choctaw Nation. The petitioners, with the exception of T. G. Olive and T. J. Rigby, are identical with the persons for whose enrollment application was made under the provisions of the Act of Congress approved June 28, 1898.

The record herein shows that the applicant, L. F. Rhoades, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage in 1896 to Cleopatra Askew, now deceased, whose brothers and sisters, it is alleged, were admitted to citizenship in the Choctaw Nation. The applicants, Andrew O. Rhoades, Roberta Olive, Emmet L. Rhoades, Ella N. Rigby,

(mentioned in the petition as Nora Rigby) are the children of said L. F. Rhoades and Cleopatra Rhoades, deceased. The petitioner, T. G. Olive, is the husband of Roberta Olive. The applicant, Ethel Rhoades, is the wife of Emmet L. Rhoades. The petitioner, T. J. Rigby, is the husband of Ellen N. Rigby. Leslie Rhoades, Roy Cecil Rhoades, Floyd Rhoades and Julius Clayton Rhoades are the children of the applicant, Andrew O. Rhoades, and Ada Rhoades. Jesse Lee Olive and Hettie Olive are the children of Roberta Olive and T. G. Olive. Cora Rigby, Beatrice Rigby and Bessie Rigby are the children of Ellen N. Rigby and T. J. Rigby. Callie May Rhoades is the daughter of Emmet L. Rhoades and Ethel Rhoades.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any application was ever made for the enrollment of the petitioner, T. J. Rigby, as a citizen by blood or intermarriage of the Choctaw Nation prior to December 1, 1905. Neither does it appear that any application was ever made for the enrollment of T. G. Olive as a citizen by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898, or any subsequent Act of Congress prior to December 1, 1905.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants herein were ever recognized and enrolled as citizens of the Choctaw Nation by the tribal authorities of said nation and their names do not appear upon any of the tribal rolls of the Choctaw Nation in the possession of this office. Neither does it appear that Cleopatra Rhoades, nee Askew, was ever recognized or enrolled as a citizen of the Choctaw Nation by any duly constituted authority. Her name does not appear upon any of the tribal rolls of the Choctaw Nation in the possession of this office.

I am of the opinion that the record herein fails to show that the petitioners ever at any time occupied such a status as would entitle them to enrollment in the Choctaw Nation; that the action of the Choctaw-Chickasaw Citizenship Court of September 18, 1904, is final, and that I am without authority to take any further action looking toward the enrollment of L. F. Rhoades, Andrew O. Rhoades, Emmet L. Rhoades, Ella N. Rigby, Roberta Olive and Jesse Lee Olive as citizens of the Choctaw Nation.

I am, therefore, of the opinion that the application for the enrollment of L. F. Rhoades as a citizen by intermarriage of the Choctaw Nation and the petition herein, in so far as same applies to said applicant, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Ella N. Rigby, Roberta Olive, Jesse Lee Olive, Andrew O. Rhoades and Emmet L. Rhoades as citizens of the Choctaw

Nation and the petition herein in so far as same applies to said applicants should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Cora Peary Rigby, Beatrice Rigby, Hettie Olive, Ethel Rhoades, Leslie Lee Rhoades, Roy Cecil Rhoades and Floyd Rhoades, whose applications for enrollment have heretofore been dismissed by the Commission to the Five Civilized Tribes, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioners, T. G. Olive and T. J. Rigby, should be dismissed, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.



I am further of the opinion that the applications made for the enrollment of Julius Clayton Rhoades, Callie May Rhoades and Bessie Rigby as citizens of the Choctaw Nation, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

SIGNED *Tamc Dixby*  
Commissioner.

Muskogee, Indian Territory,

FEB 14 1907

Choc 4988 Ella N. Rigsby

# 2,3 Dismissed Nov 12, 1904

Record in Choc #5278

see C. 122

4988  
886h



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of citizens of the Cherokee Nation of-

CORA PATSY RIBSEY 7-4988.

ART  
DCL

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications of Cora Patsy Rigsby and  
Beatrice Rigsby for enrollment as citizens of the Choctaw Nation.

-----O-----

The applicants, Cora Patsy Rigsby and Beatrice Rigsby,  
claim the right to enrollment as citizens of the Choctaw Nation  
through their mother, Ellen N. Rigsby.

The right of the applicants' mother, Ellen N. Rigsby  
(as Ella E. Rhodes,) to citizenship in the Choctaw Nation having  
been adversely determined by a decree of the Choctaw and Chick-  
asaw Citizenship Court, on September 19, 1904, in case number 89  
upon the Tishomingo docket of said court, it is hereby ordered  
that the applications of Cora Patsy Rigsby and Beatrice Rigsby for  
enrollment as citizens of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby,

Chairman.

Muskogee, Indian Territory,  
Nov. 12, 1904.

Choctaw 4988

COPY.

Muskogee, Indian Territory, November 12, 1904.

Ellen N. Rigsby,  
Center, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing the application for the enrollment of your minor children, Cora Patsy Rigsby and Beatrice Rigsby as citizens of the Choctaw Nation.

Respectfully,

Registered.

Chairman.

Incl. 7-4988.

Choctaw 4988

COPY.

Muskogee, Indian Territory, November 12, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of  
this Commission dated November 12, 1904, dismissing the application  
for the enrollment of Cora Patsy Rigby and Beatrice Rigby as  
citizens of the Choctaw Nation.

Respectfully,

SIGNED

Incl. 7-4988.

Chairman.

COMMISSIONERS

HENRY L. DAWES,  
TANS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 27, 1900.

Mrs. Ellen W. Rigby.

Center, Ind. Ter.

Dear Madam:-

The Commission is in receipt of the application for enrollment as a citizen of the Choctaw Nation, of Beatrice Rigby, the infant daughter of T. J. and Ellen W. Rigby, born November 19, 1900, and the same being in proper form, has been duly filed with the records of this Commission, and the child listed for enrollment as a citizen of the Choctaw Nation.

Respectfully.

7-4988.

Acting Chairman.

Chastain  
Court Case No. 33



Center  
Name

1842  
The first of the year  
was a very dry one  
and the crops were  
very poor. The  
winter was also  
very dry and  
the ground was  
very hard.

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23-1276  
23-1277  
23-1278

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----  
In the matter of the application for the enrollment of  
L. F. RHOADES, et al., as citizens of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Duncan, Indian Territory, on October 17, 1898, by L. F. Rhoades for the enrollment of himself as an intermarried citizen of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, on September 14, 1898, by Andrew O. Rhoades for the enrollment of himself and his minor son, Lessie L. Rhoades as citizens of the Choctaw Nation; that on May 24, 1900, written application was filed for the enrollment of Roy Cecil Rhoades, minor son of Andrew O. Rhoades and Ada A. Rhoades and on January 14, 1902, written application was filed for the enrollment of Floyd Rhoades, minor son of Andrew O. Rhoades, and Ada A. Rhoades, as citizens of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Emmett L. Rhoades for the enrollment of himself as a citizen of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Thomas G. Olive for the enrollment of Roberta Olive and Jesse Lee Olive as citizens of the Choctaw Nation; that on October 30, 1899, application was made for the enrollment of Hettie Olive, minor daughter of Thomas G. Olive and Roberta Olive as a citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, by T. J. Rigby for the enrollment of Ella N. Rigby as a citizen of the Choctaw Nation; that on January 14, 1899, application was made for the enrollment of Cora Patry Rigby, and on December 27, 1900, written application was filed for the enrollment of Beatrice Rigby, minor children of T. J. Rigby and Ellen W. Rigby as citizens of the Choctaw Nation; it appears from the census card record that application was made to the Commission to the Five Civilized Tribes on November 22, 1898, for the enrollment of Ethel Rhoades as a citizen by intermarriage of the Choctaw Nation.

April 26, 1906, applications were made to the Commissioner to the Five Civilized Tribes for the enrollment of Julius Clayton Rhoades, born February 10, 1904, Callie May Rhoades, born June 27, 1903, and Bessie Rigby, born October 24, 1904, as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137).

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 7, 1896, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the applicants L. F. Rhoades, Andrew O. Rhoades, Emmett L. Rhoades, Ella N. Rigsby (as Ella N. Rhoades), Roberta Olive (as Roberta Rhoades Olive) and Jesse Lee Olive (as Jessie Lee Olive). The name of Thomas G. Olive was also included in said application.

On December 1, 1896, the Commission denied said application.

From this decision appeal was taken to the United States Court of the Southern District of Indian Territory, which Court on December 23, 1897, rendered a judgment admitting Andrew O. Rhoades, Emmet L. Rhoades, Ella N. Rigsby (as Ella N. Rhoades), Roberta Olive (as Mrs. Roberta Oliver) and Jesse Lee Olive (as Jesse Lee Oliver) as citizens of the Choctaw Nation.

On September 28, 1898, said Court issued an order nunc pro tunc admitting L. F. Rhoades as a citizen by intermarriage of the Choctaw Nation. The name of Thomas G. Olive was not included in said judgment.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on September 19, 1904, in the case entitled "L. F. Rhoades, et al. vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court, Case No. 39, Tishomingo Docket), said Citizenship Court rendered a judgment therein wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, L. F. Rhoades, Andrew O. Rhoades, . . . Emmet L. Rhoades, Ella N. Rhoades, Roberta Olive or Roberta Oliver and Jesse Lee Olive or Jesse Lee Oliver be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On November 4, 1904, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of Ethel Rhoades as a citizen by intermarriage of the Choctaw Nation for the reason that the citizenship of her husband, Emmet L. Rhoades, had been adversely determined by the Choctaw and Chickasaw Citizenship Court.

On November 12, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lessie L. Rhoades, Roy Cecil Rhoades, Floyd Rhoades, Cora Patry Rigsby, Beatrice Rigsby and Hattie Olive as citizens of the Choctaw Nation for the reason that the citizenship of the persons through whom said applicants claim a right to enrollment had been adversely determined by the Choctaw and Chickasaw Citizenship Court.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on May 7, 1906, by Cruce, Cruce & Bleakmore, attorneys for the petitioners, a petition praying for the enrollment of L. F. Rhoades, A. O. Rhoades, Leslie Lee Rhoades, Roy Cecil Rhoades, Floyd Rhoades, Roberta Olive, T. G. Olive, Jessie Olive, Hattie Olive, R. O. Rhoades, Ethel Rhoades, Nora Rigsby, T. J. Rigsby, Cora Rigsby and

Beatrice Rigby, as citizens of the Choctaw Nation. The petitioners, with the exception of T. G. Olive and T. J. Rigby, are identical with the persons for whose enrollment application was made under the provisions of the Act of Congress approved June 28, 1898.

The record herein shows that the applicant, L. F. Rhoades, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage in 1896 to Cleopatra Askew, now deceased, whose brothers and sisters, it is alleged, were admitted to citizenship in the Choctaw Nation. The applicants, Andrew O. Rhoades, Roberta Olive, Emmet L. Rhoades, Ella W. Rigby, (mentioned in the petition as Nora Rigby) are the children of said L. F. Rhoades and Cleopatra Rhoades, deceased. The petitioner, T. G. Olive, is the husband of Roberta Olive. The applicant, Ethel Rhoades, is the wife of Emmet L. Rhoades. The petitioner, T. J. Rigby, is the husband of Ellen W. Rigby. Leslie Rhoades's, Roy Cecil Rhoades, Floyd Rhoades and Julius Clayton Rhoades are the children of the applicant, Andrew O. Rhoades, and Ada Rhoades. Jesse Lee Olive and Hattie Olive are the children of Roberta Olive and T. G. Olive. Cora Rigby, Beatrice Rigby and Bessie Rigby are the children of Ellen W. Rigby and T. J. Rigby. Callie May Rhoades is the daughter of Emmet L. Rhoades and Ethel Rhoades.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any application was ever made for the enrollment of the petitioner, T. J. Rigby, as a citizen by blood or intermarriage of the Choctaw Nation prior to December 1, 1905. Neither does it appear that any application was ever made for the enrollment of T. G. Olive as a citizen by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898, or any subsequent Act of Congress prior to December 1, 1905.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants herein were ever recognized and enrolled as citizens of the Choctaw Nation by the tribal authorities of said nation and their names do not appear upon any of the tribal rolls of the Choctaw Nation in the possession of this office. Neither does it appear that Cleopatra Rhoades, nee Askew, was ever recognized or enrolled as a citizen of the Choctaw Nation by any duly constituted authority. Her name does not appear upon any of the tribal rolls of the Choctaw Nation in the possession of this office.

I am of the opinion that the record herein fails to show that the petitioners ever at any time occupied such a status as would entitle them to enrollment in the Choctaw Nation; that the action of the Choctaw-Chickasaw Citizenship Court of September 19, 1904, is final, and that I am without authority to take any further action looking toward the enrollment of L. F. Rhoades, Andrew O. Rhoades, Emmet L. Rhoades, Ella W. Rigby, Roberta Olive and Jesse Lee Olive as citizens of the Choctaw Nation.

I am, therefore, of the opinion that the application for the enrollment of L. F. Rhoades as a citizen by intermarriage of the Choctaw Nation and the petition herein, in so far as same applies to said applicant, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Ella W. Rigby, Roberta Olive, Jesse Lee Olive, Andrew O. Rhoades and Emmet L. Rhoades as citizens of the Choctaw Nation and the petition herein in so far as same applies to said applicants should be denied, under the provisions of the Act of

Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Cora Patry Rigby, Beatrice Rigby, Hettie Olive, Ethel Rhoades, Lessie Lee Rhoades, Roy Cecil Rhoades and Floyd Rhoades, whose applications for enrollment have heretofore been dismissed by the Commission to the Five Civilized Tribes, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioners, T. G. Olive and T. J. Rigby, should be dismissed, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the applications made for the enrollment of Julius Clayton Rhoades, Callie May Rhoades and Bessie Rigby as citizens of the Choctaw Nation, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

(Signed) Tans Bixby,  
Commissioner.

Muskogee, Indian Territory,  
Feb 14 1907

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Choc 4989 Emmet L. Rhoades

Record in Choctaw #5278

see C-122

4989  
686h



Muskogee, Indian Territory, February 4, 1902.

H. A. Hugh,

Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 29, 1902, in which you desire to be informed if Emmet L. Rhoades and his wife, Ethel Rhoades have been enrolled as citizens of the Choctaw Nation.

Replying to your inquiry you are informed that it appears from our records that on September 14, 1898, Emmett L. Rhoades, 28 years of age, of Center, Indian Territory, was listed for enrollment by the Commission as a citizen of the Choctaw nation, having been admitted to such citizenship by a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, Indian Territory, December 22, 1897 in Choctaw citizenship case No. 128.

You are further advised that on November 22, 1898, Ethel Rhoades, 17 years of age, a white woman and the wife of Emmett L. Rhoades, made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation. The Commission has not up to this time rendered any final decision as to the rights of these two persons to enrollment as citizens of the Choctaw Nation.

H A H 2

and it is probable that no such action will be taken for some time to come.

Yours truly,

Acting Chairman,

7 D 112

7 4989

19-54  
7-4969  
17-D-142

Muskogee, Indian Territory, October 12, 1903.

J. W. Perry,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 21, 1903, requesting to be advised relative to the enrollment of J. T. Hendricks, Aaron Newberry, W. K. (Choctaw) Brown, Emmett Rhoads and Mason Clark (colored).

You are advised that Mason Clark has been enrolled by this Commission as a Chickasaw freedman and his enrollment as such is proved by the Secretary of the Interior December 12, 1902.

You are further advised that Emmett L. Rhoades, now about 26 years of age, of Center, Indian Territory, was admitted to citizenship in the Choctaw Nation by a judgment of the United States court for the Southern District of Indian Territory, December 22, 1897, and his right to enrollment is now being contested by legal proceedings before the Choctaw-Chickasaw citizenship court instituted under the provisions of the Act of Congress approved July 1, 1902.

You are further advised that Aaron Newberry, 60 years of age, of Pontotoc county, is an applicant to this Commission for enrollment as a Choctaw freedman but his rights to final enrollment have not yet been determined.

The Commission is unable to identify J. T. Hendricks

J. M. P. 2

or W. K. (Choctaw) Brown as applicants for enrollment as citizens  
of the Choctaw or Chickasaw Nation.

Respectfully,

Chairman.

C---122  
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23-1278

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----  
In the matter of the application for the enrollment of  
L. F. RHOADES, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Duncan, Indian Territory, on October 17, 1898, by L. F. Rhoades for the enrollment of himself as an intermarried citizen of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, on September 14, 1898, by Andrew O. Rhoades for the enrollment of himself and his minor son, Jessie E. Rhoades as citizens of the Choctaw Nation; that on May 24, 1900, written application was filed for the enrollment of Roy Cecil Rhoades, minor son of Andrew O. Rhoades and Ada A. Rhoades and on January 14, 1902, written application was filed for the enrollment of Floyd Rhoades, minor son of Andrew O. Rhoades, and Ada A. Rhoades, as citizens of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Emmett L. Rhoades for the enrollment of himself as a citizen of the Choctaw Nation; that on the same date a plication was made to the Commission to the Five Civilized Tribes by Thomas G. Olive for the enrollment of Roberta Olive and Jesse Lee Olive as citizens of the Choctaw Nation; that on October 30, 1899, application was made for the enrollment of Hattie Olive, minor daughter of Thomas G. Olive and Roberta Olive as a citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, by T. J. Rigsby for the enrollment of Ella W. Rigsby as a citizen of the Choctaw Nation; that on January 14, 1899, application was made for the enrollment of Corn Patry Rigsby, and on December 27, 1900, written application was filed for the enrollment of Beatrice Rigsby, minor children of T. J. Rigsby and Ellen W. Rigsby as citizens of the Choctaw Nation; it appears from the census card record that application was made to the Commission to the Five Civilized Tribes on November 22, 1894, for the enrollment of Ethel Rhoades as a citizen by inter-marriage of the Choctaw Nation.

April 26, 1906, applications were made to the Commissioner to the Five Civilized Tribes for the enrollment of Julius Clayton Rhoades, born February 10, 1904, Callie May Rhoades, born June 27, 1903, and Bessie Rigsby, born October 24, 1904, as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137).



It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 7, 1896, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the applicants L. F. Rhoades, Andrew O. Rhoades, Emmet L. Rhoades, Ella W. Rigby (as Ella N. Rhoades), Roberta Olive (as Roberta Rhoades Olive) and Jesse Lee Olive (as Jessie Lee Olive). The name of Thomas G. Olive was also included in said application.

On December 1, 1896, the Commission denied said application.

From this decision appeal was taken to the United States Court of the Southern District of Indian Territory, which Court on December 22, 1897, rendered a judgment admitting Andrew O. Rhoades, Emmet L. Rhoades, Ella W. Rigby (as Ella N. Rhoades), Roberta Olive (as Mrs. Roberta Olive) and Jesse Lee Olive (as Jesse Lee Olive) as citizens of the Choctaw Nation.

On September 28, 1898, said Court issued an order nunc pro tunc admitting L. F. Rhoades as a citizen by intermarriage of the Choctaw Nation. The name of Thomas G. Olive was not included in said judgment.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on September 19, 1904, in the case entitled "L. F. Rhoades, et al. vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court, Case No. 39, Tishomingo Docket), said Citizenship Court rendered a judgment wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, L. F. Rhoades, Andrew O. Rhoades, . . . Emmet L. Rhoades, Ella W. Rhoades, Roberta Olive or Roberta Oliver and Jesse Lee Olive or Jesse Lee Oliver be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On November 4, 1904, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of Ethel Rhoades as a citizen by intermarriage of the Choctaw Nation for the reason that the citizenship of her husband, Emmet L. Rhoades, had been adversely determined by the Choctaw and Chickasaw Citizenship Court.

On November 12, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Leslie L. Rhoades, Roy Cecil Rhoades, Floyd Rhoades, Cora Patsy Rigby, Beatrice Rigby and Hattie Olive as citizens of the Choctaw Nation for the reason that the citizenship of the persons through whom said applicants claim a right to enrollment had been adversely determined by the Choctaw and Chickasaw Citizenship Court.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on May 7, 1906, by Cruce, Cruce & Bleakmore, attorneys for the petitioners, a petition praying for the enrollment of L. F. Rhoades, A. O. Rhoades, Leslie Lee Rhoades, Roy Cecil Rhoades, Floyd Rhoades, Roberta Olive, T. G. Olive, Jessie Olive, Hattie Olive, R. O. Rhoades, Ethel Rhoades, Vera Rigby, T. J. Rigby, Cora Rigby and



Beatrice Rigby, as citizens of the Choctaw Nation. The petitioners, with the exception of T. G. Olive and T. J. Rigby, are identical with the persons for whose enrollment application was made under the provisions of the Act of Congress approved June 28, 1898.

The record herein shows that the applicant, L. F. Rhoades, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage in 1896 to Cleopatra Askew, now deceased, whose brothers and sisters, it is alleged, were admitted to citizenship in the Choctaw Nation. The applicants, Andrew O. Rhoades, Roberta Olive, Emmet L. Rhoades, Ella W. Rigby, (mentioned in the petition as Nora Rigby) are the children of said L. F. Rhoades and Cleopatra Rhoades, deceased. The petitioner, T. G. Olive, is the husband of Roberta Olive. The applicant, Ethel Rhoades, is the wife of Emmet L. Rhoades. The petitioner, T. J. Rigby, is the husband of Ellen W. Rigby. Leslie Rhoades, Roy Cecil Rhoades, Floyd Rhoades and Julius Clayton Rhoades are the children of the applicant, Andrew O. Rhoades, and Ada Rhoades. Jesse Lee Olive and Nettie Olive are the children of Roberta Olive and T. G. Olive. Cora Rigby, Beatrice Rigby and Bessie Rigby are the children of Ellen W. Rigby and T. J. Rigby. Callie May Rhoades is the daughter of Emmet L. Rhoades and Ethel Rhoades.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any application was ever made for the enrollment of the petitioner, T. J. Rigby, as a citizen by blood or intermarriage of the Choctaw Nation prior to December 1, 1905. Neither does it appear that any application was ever made for the enrollment of T. G. Olive as a citizen by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898, or any subsequent Act of Congress prior to December 1, 1905.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants herein were ever recognized and enrolled as citizens of the Choctaw Nation by the tribal authorities of said nation and their names do not appear upon any of the tribal rolls of the Choctaw Nation in the possession of this office. Neither does it appear that Cleopatra Rhoades, nee Askew, was ever recognized or enrolled as a citizen of the Choctaw Nation by any duly constituted authority. Her name does not appear upon any of the tribal rolls of the Choctaw Nation in the possession of this office.

I am of the opinion that the record herein fails to show that the petitioners ever at any time occupied such a status as would entitle them to enrollment in the Choctaw Nation; that the action of the Choctaw-Chickasaw Citizenship Court of September 19, 1904, is final, and that I am without authority to take any further action looking toward the enrollment of L. F. Rhoades, Andrew O. Rhoades, Emmet L. Rhoades, Ella W. Rigby, Roberta Olive and Jesse Lee Olive as citizens of the Choctaw Nation.

I am, therefore, of the opinion that the application for the enrollment of L. F. Rhoades as a citizen by intermarriage of the Choctaw Nation and the petition herein, in so far as same applies to said applicant, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Ella W. Rigby, Roberta Olive, Jesse Lee Olive, Andrew O. Rhoades and Emmet L. Rhoades as citizens of the Choctaw Nation and the petition herein in so far as same applies to said applicants should be denied, under the provisions of the Act of

Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Cora Patry Rigby, Beatrice Rigby, Hettie Olive, Ethel Rhoades, Lessie Lee Rhoades, Roy Cecil Rhoades and Floyd Rhoades, whose applications for enrollment have heretofore been dismissed by the Commission to the Five Civilized Tribes, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioners, T. G. Olive and T. J. Rigby, should be dismissed, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the applications made for the enrollment of Julius Clayton Rhoades, Callie May Rhoades and Bessie Rigby as citizens of the Choctaw Nation, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

(Signed) Tans Bixby,  
Commissioner.

Muskogee, Indian Territory,  
Feb 14 1907

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Choc 4990 Andrew O. Rhodes

# 2-3-4 Dismissed Nov 12, 1904

Record in Choctaw #5278

see C-122

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066h

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
as citizens of the Choctaw Nation of

LESSIE L. RHOADES, ET AL.

7-1990.

AKB  
D. B. W.

7-4290.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

In the matter of the applications for the enrollment of Lessie L. Rhoades, Roy Cecil Rhoades and Floyd Rhoades as citizens of the Choctaw Nation.

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The applicants, Lessie L. Rhoades, Roy Cecil Rhoades and Floyd Rhoades, claim the right to enrollment as citizens of the Choctaw Nation through their father Andrew O. Rhoades.

The right of the applicants' father, Andrew O. Rhoades, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on September 19, 1904, in case number 89 upon the Tishomingo docket of said court, it is hereby ordered that the applications of Lessie L. Rhoades, Roy Cecil Rhoades and Floyd Rhoades for enrollment as citizens of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tame Dixie*

Chairman.

Muskogee, Indian Territory.

NOV 12 1904



Choctaw 4990

Muskogee, Indian Territory, November 12, 1904.

Andrew O. Rhoades,  
Genter, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing the application for the enrollment of your minor children, Lessie L. Rhoades, Roy Cecil Rhoades and Floyd Rhoades as citizens of the Choctaw Nation.

Respectfully,

Registered.

Chairman.

Incl. 7-4990.



Choctaw 4990

Muskogee, Indian Territory, November 12, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated November 12, 1904, dismissing the application for the enrollment of Leslie L. Rhoades, Roy Cecil Rhoades and Floyd Rhoades as citizens of the Choctaw Nation.

Respectfully,

(S)

Incl. 7-4990

Chairman.

copy.                      Cootaw 4990

Muskogee, Indian Territory, November 12, 1904.

Grigsby & Grigsby,  
Attorneys at Law,  
Center, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing the application for the enrollment of Lessie J. Rhoades, Roy Cecil Rhoades and Floyd Rhoades as citizens of the Cootaw Nation.

Respectfully,

(SIGNED)

Registered.

Chairman.

Incl. 7-4990

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, I.T., September 18th., 1898.

Hon. Tams Bixby,  
Acting Chairman,  
Ardmore, I.T.

Dear Sir:

As directed in your letter of the 15th. inst. I enclose herewith marriage licenses and certificates in the following cases:

Joseph Willaford, et al,  
Mrs Edna Kaney,  
J.M.Penn,  
W.V.Taylor, et al,  
P.O.Grow, et al,  
Cassie Archard, et al,  
E.A.Benner,  
John S.Irwin,  
Haidee Cotton, et al,  
U.O.Brooks, et al,  
William Brooks, et al,  
A.D.Patterson,  
Ada Rhoades,  
H.B.Lockett,  
Josie Stever.

In the following cases there are no marriage licenses or certificates attached to the papers:

J.B.Gilbert, et al,  
Mannie L.James, et al,  
W.H.Brown, et al.

Kelley.

There are no papers in this office in the case of W.H.

Very truly yours,

Secretary.

Enc.

Muskogee, Indian Territory, March 4, 1901.

Grigsby & Grigsby,  
Attorneys at Law,  
Center, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th of February in which you desire to be informed if O. A. or A. O. Rhodes is enrolled as a Choctaw or Chickasaw Indian, whether Albert Stevenson is enrolled as a Chickasaw freedman and whether Len Armstrong is enrolled as a Chickasaw freedman.

You state in your letter that the Commission in its letter of January 10th, informed you that Henry C. Couch was not enrolled as a Chickasaw Indian and that Mr. Couch has called on you recently and claimed that he has been admitted or has obtained a judgment in United States Court at Ardmore since the date of the Commission's letter, and in which you desire further information regarding the same.

Replying to your letter, you are informed that the records of the Commission show that Andrew O. Rhoades, 25 years of age of Center, Indian Territory, his son Jessie L. and his son Roy Cecil Rhoades, are listed for enrollment as citizens of the Choctaw Nation, having been so listed in pursuance of a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, Indian Territory, on November 15th, 1897 in court case No. 125, admitting Andrew O. Rhoades to citizen-

C & C 2

ship in the Choctaw Nation.

As to Albert Stevenson, the records of the Commission show that Albert Stevenson, 41 years of age of Center, Indian Territory and his children Ida and Carrie Stevenson and grand child Dewey Humby, are listed for enrollment as Chickasaw freedmen.

As to Lou Armstrong, the records of the Commission show that Lucy Armstrong, 50 years of age of Hollenville, Indian Territory and her children Thomas Phillips, Amos Sampson, Manuel Walker and Rena Williams are listed for enrollment as Chickasaw freedmen.

Relative to Henry C. Couch, the records of the Commission show that on January 4th, 1901, the Commission wrote you as follows regarding this party:

"- Henry C. Couch 39, years of age, of Ardmore, Indian Territory, was admitted to citizenship in the Chickasaw nation by judgment of the United States Court for the Southern District of the Indian Territory rendered at Ardmore, Indian Territory, April 8th, 1898 in court case No. 78. Subsequently thereto, however, a supplemental judgment was rendered by said court striking the name of Henry C. Couch from the original judgment for the reason that his name was not in the original application for citizenship but had been interpolated in the appeal and therefore the court was without jurisdiction to consider his application."

The Commission has no knowledge of any subsequent judgment of the United States Court for the Southern District of the Indian Territory admitting Mr. Couch to citizenship in the Choctaw Nation and if he has such a judgment as claimed in your letter, and desires to make application for enrollment in pursuance thereof, it will be necessary for him to present himself in person before the Commission as an applicant for enrollment and offer such judgment in evidence.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 14, 1902.

D. G. Bartlett,

Marietta, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant enclosing an application for the enrollment as a citizen of the Choctaw Nation of Floyd Rhoades, born January 3, 1902, the infant son of A. A. and A. O. Rhoades, and the same being in proper form has been accepted by the Commission as evidence of the birth of this child and the said Floyd Rhoades has been listed for enrollment as a citizen of the Choctaw Nation in pursuance of a judgment of the United States Court in Indian Territory.

The Commission has to note that the evidence of the marriage of Andrew O. and Ada Rhoades now on file is not sufficient and has to request that there be supplied either the original or certified copy of their marriage license and certificate.

This matter should receive the early attention of Mr. Rhoades as such evidence is essential in the matter of the application for the enrollment of his three minor children as citizens of the Choctaw Nation.

Yours truly,

Commissioner in Charge.



Muskogee, Indian Territory, January 22, 1902.

D. J. Bartlett,

Marietta, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant enclosing certified copy of the marriage license and certificate of Andrew O. Rhoades and Ada Barnell of the 25th day of May, 1896, and the same has been accepted and filed with the records of the Commission in the matter of the application for the enrollment of Jessie L., Roy Cecil and Floy Rhoades, the children of Andrew O. and Ada Rhoades, as citizens of the Choctaw Nation.

Yours truly,

Residing Chairman.

7-4990

7-4990

Waskogee, Indian Territory, April 27, 1906.

Andrew O. Rhoades,

Marietta, Indian Territory.

Dear Sir:

Your letter of April 13, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you ask relative to your right to enrollment as a citizen by blood of the Choctaw Nation you state that you were admitted by the United States Court and subsequently were denied by the Choctaw and Chickasaw Citizenship Court; that your uncle B. P. Askew and other members of his family have been enrolled and you desire to establish your right to enrollment in the Choctaw Nation.

In reply to your letter you are advised that it appears from the records of this office that you were denied by the Choctaw and Chickasaw Citizenship Court in case No. 89 on the Tishomingo docket, but if you now desire to submit a formal petition for your enrollment under the opinions of the Assistant Attorney General in the Choctaw enrollment case of Loula West there are inclosed herewith copy of the opinions of the Assistant Attorney General in the

A. O. R. #2

case above referred to and rules of procedure to be followed in  
the presentation of cases of this character.

Respectfully,

L W

Commissioner.

Circular.

Indian Territory, ) The applicant, Moran Scott, of the Chickasaw Nation, )  
Chickasaw Nation. ) duly sworn, says:--

That he is postmaster of the town of Ardmore, I.T., and that  
that he did, as postmaster aforesaid, on the 24th day of August, 1897,  
receive a letter, duly paid to him by U.S.A.C & M.C. Bruce, addressed  
to the undersigned at Ardmore, Indian Territory, containing  
a true copy of the application of Ada Rhodes, et al. vs. Gustav  
Horton, and a true copy of the marriage license under which Ada and  
Andrew G. Rhodes were married, said registered letter being No. 162

*J. G. Smith*

Moran Scott

Subscribed and sworn to before me by Moran Scott, this 24  
day of August, 1897.

Charles G. Smith

Notary Public, South Dist., I.T.

Dep. Com. No. \_\_\_\_\_

U.S. Court No. \_\_\_\_\_

Before the Commission to the  
Five Civilized Tribes of In-  
dians, at Fort Gibson, I.T.

Ala Roads, and  
Andrew O. Roads,  
vs.  
CHOCTAWATION.

CLAIM TO CITIZENSHIP.

(U.S. Address: Carter, I.T.)

RECORDED

NOV 3 1907

W. W. Jones

clerk

W. J. A. ...  
Attorney for ...  
Archer, I.T.

Chas H 10

REPORT OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES OF INDIANS, AT  
FORT GIBSON, I.T.

Age Rhoads, and  
Andrew O. Rhoads, her husband,

APPLICATION FOR CITIZENSHIP.

Chickasaw Nation.

Andrew O. Rhoads says: That he is a Choctaw Indian by blood, and is now residing near Fort Gibson, Chickasaw Nation, I.T., and has lived in the Chickasaw Nation for the last ten years; that he is a son of L. M. Rhoads and Cleopatra Rhoads, whose maiden name was Elizabeth Asher, and that his said mother is a grand-daughter of Aaron Asher, who lived for many years in the State of Mississippi, and who was a one-half Choctaw Indian.

He says that his name was included in an application filed before this Commission styled L. M. Rhoads, et al., filed in the latter part of August or the first of September, 1890; and that said application was filed by this Commission; that the same was filed in the office of the Commissioner of the Interior at Fort Gibson, which said office holds the records of the Choctaw and Chickasaw Tribes, together with the Choctaw Indians by blood, and he collects the same and will file the same.

He says that he will file a copy of the application of the court upon said application as it is read, and make it a part of this application.

He says that he has been approved in the Chickasaw Nation, and is holding them as a one-half of the Choctaw tribe of Indians, and his right to do so has never been disputed by the Indian authorities.

He says that he was, on the 31st day of May, 1890, married in the Indian Territory, to the applicant Ada Rhoads, whose maiden name was Ada Pernell, who was and is a U.S. citizen; that he was married under the U.S. laws and there files a copy of the same with the Commissioner of the Interior, and will file a copy of the same.



He says that at the time of his said marriage there was no law in force in the Choctaw Nation, or any statute in force, requiring Choctaw Indians to procure other than ordinary license to marry white women, and the Choctaw law in force at that time, in respect to marriages between Choctaws and U.S. citizens applied only to white men wishing to marry Choctaw women, and not to Choctaw men wishing to marry white women.

He says that by reason of the facts herein alleged, the applicant, Adie Woodard is a member of the Choctaw tribe of Indians, and that she should be enrolled as such.

WHEREFORE, he prays that she be enrolled as a member of the Choctaw tribe of Indians by infirmaries, and that all other proper relief be granted.

Walter C. Rhoades

SUBSCRIBED AND SWORN TO before me, by ADIE WOODARD,

THIS 20th day of August, A.D., 1907.

W. Johnson

Notary Public within and for  
the Southern District of the In-  
dian Territory, at Ardmore.

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Indian Territory

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23-1277  
23-1278

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----  
In the matter of the application for the enrollment of  
J. R. RHOADES, et al., as citizens of the Choctaw Nation.

DECISION.

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Duncan, Indian Territory, on October 17, 1898, by L. T. Rhoades for the enrollment of himself as an intermarried citizen of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, on September 14, 1898, by Andrew O. Rhoades for the enrollment of himself and his minor son, Lessie L. Rhoades as citizens of the Choctaw Nation; that on May 24, 1900, written application was filed for the enrollment of Roy Cecil Rhoades, minor son of Andrew O. Rhoades and Ada A. Rhoades and on January 14, 1902, written application was filed for the enrollment of Floyd Rhoades, minor son of Andrew O. Rhoades, and Ada A. Rhoades, as citizens of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Bennett L. Rhoades for the enrollment of himself as a citizen of the Choctaw Nation; that on the same date a plication was made to the Commission to the Five Civilized Tribes by Thomas G. Olive for the enrollment of Roberta Olive and Jesse Lee Olive as citizens of the Choctaw Nation; that on October 30, 1899, application was made for the enrollment of Hettie Olive, minor daughter of Thomas G. Olive and Roberta Olive as a citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, by T. J. Rigsby for the enrollment of Ella W. Rigsby as a citizen of the Choctaw Nation; that on January 14, 1899, application was made for the enrollment of Corn Betsy Rigsby, and on December 27, 1900, written application was filed for the enrollment of Beatrice Rigsby, minor children of T. J. Rigsby and Ellen W. Rigsby as citizens of the Choctaw Nation; it appears from the census card record that application was made to the Commission to the Five Civilized Tribes on November 22, 1898, for the enrollment of Ethel Rhoades as a citizen by intermarriage of the Choctaw Nation.

April 26, 1906, applications were made to the Commissioner to the Five Civilized Tribes for the enrollment of Julius Clayton Rhoades, born February 10, 1904, Callie May Rhoades, born June 27, 1903, and Bessie Rigsby, born October 24, 1904, as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat., 137).

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 7, 1896, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the applicants L. F. Rhoades, Andrew O. Rhoades, Emmett L. Rhoades, Ella N. Rigby (as Ella N. Rhoades), Roberta Olive (as Roberta Rhoades Olive) and Jesse Lee Olive (as Jessie Lee Olive). The name of Thomas G. Olive was also included in said application.

On December 1, 1896, the Commission denied said application.

From this decision appeal was taken to the United States Court of the Southern District of Indian Territory, which Court on December 22, 1897, rendered a judgment admitting Andrew O. Rhoades, Emmett L. Rhoades, Ella N. Rigby (as Ella N. Rhoades), Roberta Olive (as Mrs. Roberta Oliver) and Jesse Lee Olive (as Jesse Lee Oliver) as citizens of the Choctaw Nation.

On September 28, 1898, said Court issued an order nunc pro tunc admitting L. F. Rhoades as a citizen by intermarriage of the Choctaw Nation. The name of Thomas G. Olive was not included in said judgment.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on September 19, 1904, in the case entitled "L. F. Rhoades, et al. vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court, Case No. 39, Tishomingo Docket), said Citizenship Court rendered a judgment wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, L. F. Rhoades, Andrew O. Rhoades, . . . Emmet L. Rhoades, Ella N. Rhoades, Roberta Olive or Roberta Oliver and Jesse Lee Olive or Jesse Lee Oliver be denied and that they be declared not citizens of the Choctaw Nation and not entitled to enrollment as such citizens and not entitled to any rights whatever flowing therefrom".

On November 4, 1904, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of Ethel Rhoades as a citizen by intermarriage of the Choctaw Nation for the reason that the citizenship of her husband, Emmet L. Rhoades, had been adversely determined by the Choctaw and Chickasaw Citizenship Court.

On November 12, 1904, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lessie L. Rhoades, Roy Cecil Rhoades, Floyd Rhoades, Cora Patry Rigby, Beatrice Rigby and Nettie Olive as citizens of the Choctaw Nation for the reason that the citizenship of the persons through whom said applicants claim a right to enrollment had been adversely determined by the Choctaw and Chickasaw Citizenship Court.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on May 7, 1906, by Cruce, Cruce & Blackmore, attorneys for the petitioners, a petition praying for the enrollment of L. F. Rhoades, A. O. Rhoades, Leslie Lee Rhoades, Roy Cecil Rhoades, Floyd Rhoades, Roberta Olive, T. G. Olive, Jessie Olive, Nettie Olive, E. O. Rhoades, Ethel Rhoades, Nora Rigby, T. J. Rigby, Cora Rigby and

Beatrice Rigby, are citizens of the Choctaw Nation. The petitioners, with the exception of T. G. Olive and T. J. Rigby, are identical with the persons for whose enrollment application was made under the provisions of the Act of Congress approved June 28, 1893.

The record herein shows that the applicant, L. F. Rhoades, claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage in 1896 to Cleopatra Askew, now deceased, whose brothers and sisters, it is alleged, were admitted to citizenship in the Choctaw Nation. The applicants, Andrew O. Rhoades, Roberta Olive, Emmet L. Rhoades, Ella V. Rigby, (mentioned in the petition as Vera Rigby) are the children of said L. F. Rhoades and Cleopatra Rhoades, deceased. The petitioner, T. G. Olive, is the husband of Roberta Olive. The applicant, Ethel Rhoades, is the wife of Emmet L. Rhoades. The petitioner, T. J. Rigby, is the husband of Ellen V. Rigby. Leslie Rhoades, Roy Cecil Rhoades, Floyd Rhoades and Julius Clayton Rhoades are the children of the applicant, Andrew O. Rhoades, and Ada Rhoades. Jesse Lee Olive and Hetie Olive are the children of Roberta Olive and T. G. Olive. Cora Rigby, Beatrice Rigby and Bessie Rigby are the children of Ellen V. Rigby and T. J. Rigby. Callie May Rhoades is the daughter of Emmet L. Rhoades and Ethel Rhoades.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any application was ever made for the enrollment of the petitioner, T. J. Rigby, as a citizen by blood or intermarriage of the Choctaw Nation prior to December 1, 1904. Neither does it appear that any application was ever made for the enrollment of T. G. Olive as a citizen by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1893, or any subsequent Act of Congress prior to December 1, 1904.

It does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants herein were ever recognized and enrolled as citizens of the Choctaw Nation by the tribal authorities of said nation and their names do not appear upon any of the tribal rolls of the Choctaw Nation in the possession of this office. Neither does it appear that Cleopatra Rhoades, nee Askew, was ever recognized or enrolled as a citizen of the Choctaw Nation by any duly constituted authority. Her name does not appear upon any of the tribal rolls of the Choctaw Nation in the possession of this office.

I am of the opinion that the record herein fails to show that the petitioners ever at any time occupied such a status as would entitle them to enrollment in the Choctaw Nation; that the action of the Choctaw-Chickasaw Citizenship Court of September 19, 1904, is final, and that I am without authority to take any further action looking toward the enrollment of L. F. Rhoades, Andrew O. Rhoades, Emmet L. Rhoades, Ella V. Rigby, Roberta Olive and Jesse Lee Olive as citizens of the Choctaw Nation.

I am, therefore, of the opinion that the application for the enrollment of L. F. Rhoades as a citizen by intermarriage of the Choctaw Nation and the petition herein, in so far as same applies to said applicant, should be denied, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 141), and it is so ordered.

I am further of the opinion that the application for the enrollment of Ella V. Rigby, Roberta Olive, Jesse Lee Olive, Andrew O. Rhoades and Emmet L. Rhoades as citizens of the Choctaw Nation and the petition herein in so far as same applies to said applicants should be denied, under the provisions of the Act of

Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Cora Patry Rigby, Beatrice Rigby, Hettie Olive, Ethel Rhoades, Lessie Lee Rhoades, Roy Cecil Rhoades and Floyd Rhoades, whose applications for enrollment have heretofore been dismissed by the Commission to the Five Civilized Tribes, should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioners, T. G. Olive and T. J. Rigby, should be dismissed, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the applications made for the enrollment of Julius Clayton Rhoades, Callie May Rhoades and Bessie Rigby as citizens of the Choctaw Nation, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

(Signed) Tans Rixby,  
Commissioner.

Muskogee, Indian Territory,  
Feb 14 1907.

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COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. E. BRECKINRIDGE  
WM. O. BEALE  
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Choctaw 4990

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 12, 1904.

Grigsby & Grigsby,  
Attorneys at Law,  
Center, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated November 12, 1904, dismissing the application for the enrollment of Lessie L. Rhoades, Roy Cecil Rhoades and Floyd Rhoades as citizens of the Choctaw Nation.

Respectfully,

Registered.

Incl. 7-4990

Chairman.



Choc 4991 Alpha Puthuff

nos Dismissed may 27, 1904

4991

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment  
as a citizen by blood of the Choctaw Nation of:

Nora Puthuff,

7-4991.

-----o-----

Alpha Puthuff and others.

Alpha Puthuff says:

I am 27. I am wife of William and mother of Osa L., Carrie, and Herman Puthuff. All except my husband were admitted by the U.S. Court at South McAlester Jan 19th 1898 case 162. I have lived in the Chickasaw Nation 12 years. I was in Oklahoma 2 years. I went with my family to Oklahoma 6 years ago and remained there 4 years. I have never lived in the Choctaw Nation.

My child Nora was born April 5th 1898.

Paul's Valley, Sept. 14 1898.

Alpha Puthuff  
Osa Lee Puthuff  
Carrie Puthuff  
Herman Puthuff  
Nora Puthuff

enrolled.


7-4991.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Nora Puthuff as a citizen by blood of the Choctaw Nation.

The applicant, Nora Puthuff, claims her right to enroll-  
ment as a citizen by blood of the Choctaw Nation through her mother  
Alpha Puthuff. The right of the applicant's mother, Alpha  
Puthuff, to citizenship in the Choctaw Nation having been adversely  
determined by a decree of the Choctaw and Chickasaw Citizenship  
Court, January 25, 1904, in case No. 35, upon the South McAlester  
docket of said court, it is hereby ordered that the application of  
Nora Puthuff for enrollment as a citizen by blood of the Choctaw  
Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

Muskogee, Indian Territory,

Choctaw 4991.

Muskogee, Indian Territory, June 8, 1904.

Alpha Puthuff,  
Aaron, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order  
of the Commission to the Five Civilized Tribes, dated May 27,  
1904, dismissing the application for the enrollment as a citizen  
by blood of the Choctaw Nation of Nora Puthuff.

Respectfully,

(SIGNED)

*Tama Bixby.*

Chairman.

Registered.

Incl. 7-4991.

Choctaw 4991.

Copy.

Muskogee, Indian Territory, June 8, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for the enrollment as a citizen by blood of the Choctaw Nation of Nora Puthuff.

Respectfully,

SIGNED)

*James Bixby*

Chairman.

Registered.

Incl. 7- 4991.

(See Choctaw 3328 for registry receipt for this letter.)



Muskogee, Ind. Ter., March 23, 1901.

Mrs. Alpha Puthuff,

Aaron, Indian Territory.

Dear Madam:-

The Commission is in receipt of your reply to its letter of February 25, and desires to thank you for the information therein contained as to your daughter Gracie Puthuff.

Replying to your inquiry relative to the enrollment of your baby, Norrah Florence Puthuff, beg to say that there is listed with you on Choctaw card #4991, as your youngest child, Nora Puthuff, born April 5, 1898. We presume this is the child you inquire about under the name of Norrah Florence.

Yours very truly,

Acting Chairman.

7-4991

11710  
Choctaw 4991.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 6, 1904.

Alpha Puthuff,  
Aaron, Indian Territory,  
Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for the enrollment as a citizen by blood of the Choctaw Nation of Nora Puthuff.

Respectfully,

Registered.

Chairman.

Incl. 7- 4991.

Choc 4992 Thomas P. Brown

No 8 Dismissed May 27, 1904

4992

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment  
as a citizen by blood of the Choctaw Nation of:

Homer Barnes,

7-4992.

-----o-----

United States of America }  
Indian Territory }

Southern District

I Sarah E. Shober & Alpha O. Puthuff  
do, aish state that we, was present, on  
the 4<sup>th</sup> day of Sept. A.D. 1899, and on said date  
there was born to Mrs Mary E. Barnes  
wife of Charles E. Brown a male child  
said child is now living & named Homer  
Barnes

Sarah E. Shober

Alpha O Puthuff

Subscribed & sworn to before me a Notary Public  
This 19<sup>th</sup> day of Oct 1899.

J W Cagwin

Notary Public

210

IN RE

Application for Enrollment of  
INFANT CHILD.

*Homer Barnes*

As a citizen of the

*Choctaw*

Nation.

Approved DEC 13 1900 1

*A. S. [unclear]*

Commissioner.

2037



## Department of the Interior,

## COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
 of Green Springs, Ft., born on the 4 day of Sept, 1899.  
 Name of father: Charles Barnes, a citizen of the Choctaw Nation.  
 Name of mother: Mary E. Barnes, a citizen of the Choctaw Nation.  
 Post Office: Green Springs, Ft.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
Southern District.

I, Mary E. Barnes, on oath, state that I am 23 years of age and a  
 citizen, by C. D. Blood, of the Choctaw Nation; that I am the  
 lawful wife of Charles Barnes who is a citizen, by Adoption, of the  
Choctaw Nation; that a Male child was born to me on the 4 day  
 of Sept, 1899; that said child has been named Homer Barnes  
 and is now living.

Subscribed and sworn to before me this

7 day of Oct, 1899.

J. McEgan

Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
Southern District.

I, Physician, on oath, state that I  
 attended on Mrs. Mary E. Barnes, wife of Charles Barnes  
 on the 4 day of Sept, 1899; that there was born to her on said date a Male child;  
 that said child is now living and is said to have been named Homer Barnes.

Subscribed and sworn to before me this

day of

, 1899.

Notary Public.

7-4992.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

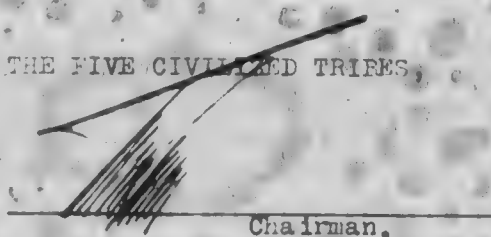
-----o-----

In the matter of the application for the enrollment of  
Homer Barnes as a citizen by blood of the Choctaw Nation.

-----b-----

The applicant, Homer Barnes, claims his right to enrollment as a citizen by blood of the Choctaw Nation through his mother Mary E. Barnes. The right of the applicant's mother, Mary E. Barnes, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, January 20, 1904, in case No. 33, upon the South McAlester docket of said court, it is hereby ordered that the application of Homer Barnes for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

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C  
Choctaw 4992.

COPY.

Muskogee, Indian Territory, June 6, 1904.

Mary E. Barnes,  
Rush Springs, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for the enrollment as a citizen by blood of the Choctaw Nation of Homer Barnes.

Respectfully,

(SIGNED)

*Tams. Soby.*  
Chairman.

Registered.

Incl. 7-4992.

Choctaw 4992.

COPY.

Muskogee, Indian Territory, June 6, 1904.

Mr. J. C. L. Guest,  
Attorney at Law,  
Duncan, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for the enrollment as a citizen by blood of the Choctaw Nation of Homer Barnes.

Respectfully,  
(SIGNED)

*James Dixby.*  
Chairman.

Registered.

Incl. 7- 4992.

Choctaw 4992.

COPY.

Muskogee, Indian Territory, June 6, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of  
the Commission to the Five Civilized Tribes, dated May 27, 1904,  
dismissing the application for the enrollment as a citizen by  
blood of the Choctaw Nation of Homer Barnes.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Registered.

Incl. 7- 4992.

(See Choctaw 3328 for registry receipt for this letter.)

COMMISSIONERS.

HENRY L. DAWES,  
TAMM BIXBY,  
ARCHIBALD S. MCKENNON,  
THOMAS H. VARDEN.

ALLISON L. ABERNETHY, Secretary

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Erin Springs, Indian Territory, Oct., 19th, 1899.

Department of the Interior,

Commission to the Five Civilized Tribes.

Gents:--

Enclosed please find affidavit of two parties in attendance at the birth of a child born to Mrs. Mary E. Barnes wife of Charles Barnes. Said Mary E. Barnes was formally Mary E. Brown and registered as Brown, has never been registered as Barnes. Please ~~advise~~ instruct if further affidavit is necessary. The attending physician has since the birth of the child departed for parts unknown hence unable to furnish affidavit of Attending Physician.

Yours very respt

Chas. E. Barnes

by I. W. Eagan.



Muskogee, Indian Territory, February 23, 1900.

Mr. J. S. L. Guest,  
Attorney at Law,  
Duncan, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 15, requesting information as to whether Mrs. L. J. Adams is on the Chickasaw or Choctaw rolls. Also if Robert J. Brown is on the Choctaw roll. You are informed that there is a Robert J. Brown aged sixteen, whose residence is given as Duncan, duly listed for enrollment as a citizen of the Choctaw Nation, but as to Mrs. L. J. Adams, the information is not definite enough to fully identify her. The rolls of these two Nations contain a large number of Adams, among whom are many Louisas and Lucindas. If you will inform the Commission as to Mrs. Adams' full name, the time and place of her enrollment, her age, the names of other members of her family, and other information that may lead to her identification, the matter will receive further consideration.

Yours truly,

Acting Chairman.

In replying to this letter,  
please refer to Choctaw C 37.

Muskogee, Indian Territory, August 9, 1900

Mr. A. H. Swan,

Muncie, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of August 6th, in which you state that Mrs. Cynthia A. Brown, Mary E. Brown, Samuel E. Brown, Robert L. Brown, Martha J. Brown and Henry B. Brown were not at first recognized by the Commission as entitled to enrollment as citizens of the Choctaw Nation, but afterward were admitted to citizenship by the Court; that they appeared before the Commission at Pauls Valley and were put upon a card. You ask to be advised the status of their case.

In reply to your letter, you are advised that the records of the Commission show that Thomas P. Brown, Cynthia A. Brown, Mary E. Brown, Samuel E. Brown, Robert L. Brown, Martha J. Brown, Henry B. Brown were listed for enrollment September 14th, 1898, pursuant to a judgment of the United States Court for the Indian Territory, Southern District, rendered January 19th, 1898 in case number 122.

You are advised that the opening of the land office at Atoka has been indefinitely postponed.

Yours truly,

Muskogee, Indian Territory, August 15, 1900.

Mr. William Carson,

Ninnekah, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of August 10th, in which you state that the parties concerning whom you desire information claim rights in the Choctaw Nation. You state that their names are T. P. Brown, Minerva Brown, W. J. Brown, D. T. Brown, W. B. Brown, R. L. Brown, and some others whom you cannot remember.

In reply to your letter, you are advised that Thomas P. Brown, Cynthia T. Brown, his wife, Mary E. Barnes, his daughter, Daniel P. Brown, Robert L. Brown, Mary J. Brown, his sons, and Martha Brown, his daughter, were listed for enrollment on September 14th 1896, pursuant to a judgment of the United States Court in the Indian Territory, Southern District, rendered January 15th, 1896, in court case number 162.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, March 13, 1901.

Ike Hunnicut,

Rush Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant in which you desire to be informed if Henry B. Brown, Laura Gray and Pearl Gray have been listed for enrollment as citizens of the Chickasaw Nation.

Replying to your letter the Commission has to inform you that it appears from our records that Laura Gray, 13 years of age and Pearl Gray, 9 years of age, the minor children of John G. Gray, a non citizen white man, and Ellen Gray, a citizen by blood of the Choctaw Nation, were listed for enrollment as citizens of the Choctaw Nation on September 15th, 1898. The post office address of these parties as given at the time they were so listed for enrollment is Rush Springs, Indian Territory.

Our records further show that Henry B. Brown, 11 years of age, the minor son of Thomas P. and Cynthia Brown, was listed for enrollment as a citizen of the Choctaw Nation September 14th, 1898. The post office address of the parents of this child given at the time application was made for his enrollment was Duncan, Indian Territory. The name of Henry B. Brown is not found upon any of the tribal rolls of citizens of the Choctaw Nation but he was admitted to Choctaw citizenship by a judgment of the United States

I H 2

Court for the Southern District of the Indian Territory, rendered  
at Ardmore, Indian Territory, on January 19th, 1898, in court  
case No. 162.

Yours truly,

Acting Chairman.

7- 189

7-4992

7-4902

Muskogee, Indian Territory, February 25, 1902.

Robert S. Brown,

Erin Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant requesting to be advised as to the steps necessary for you to take to have your wife listed for enrollment as an intermarried citizen of the Choctaw Nation.

You are informed that if your wife desires to apply for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary for her to appear in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of an examination under oath. Such appearance may be made at any time prior to the closing of the final rolls of the citizens of the Choctaw and Chickasaw Nation, but if it her intention to make such application, it is suggested that she should do so as early in the near future as practicable.

Yours truly,

Commissioner in Charge.



Choctaw 4992

Muskogee, Indian Territory, March 7, 1902.

Robert J. Brown,

Brinsprings, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant in which you desire to be informed if you can send your marriage license and certificate to the Commission for the purpose of having your wife enrolled as a citizen by intermarriage of the Choctaw Nation.

Replying to your inquiry you are advised that the Commission cannot consider or make any record of the application of your wife for enrollment as a citizen by intermarriage of the Choctaw Nation until her personal appearance at the office of the Commission at Muskogee, Indian Territory, for the purpose of an examination under oath.

The Commission fully advised you in regard to this matter in our letter of February 25, 1902.

If your wife anticipates making such application she should do so as early as practicable.

Yours truly,

7-4992

Muskogee, Indian Territory, December 12, 1905.

R. L. Brown,

Bradley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 27, 1905, addressed to the Secretary of the Interior which has been by him referred to this office for consideration and appropriate action. Therein you state that you are a son of Thomas B. Brown and that you have a judgment of the United States Court at South McAlester admitting you to citizenship; you therefore ask if you will be allowed to file on land or have the same set aside.

In reply to your letter you are advised if you claim you are entitled to enrollment as a citizen of the Choctaw Nation and that you had tribal enrollment and recognition prior to 1896 and that some other person has filed on land on which you own improvements you will be permitted to make application to file contest therefor, upon your appearance at the land office for the nation in which your land is located. Your testimony will then be taken and transmitted to this office for consideration.

Respectfully,

Acting Commissioner.

Thomas P. Brown and others.

Thomas P. Brown says:

I am 56. I am husband of Cynthia M. and father of Mary E., Daniel S., Robert L., Martha J., Henry B., and David T. Brown all admitted by the U.S. Court at South McAlester, Jan 19th 1898, case 152. The persons mentioned in the decree with single names are the same persons that have been placed upon the case with double names. I have lived in the Chickasaw Nation 12 years. I came here with my family in October 1886. I came from Texas where I had been living some 20 years. I went from the Choctaw Nation to Texas when I was about 15 years old.

Paul's Valley, Sept 14, 1898.

Thomas P. Brown  
Cynthia M. Brown  
Mary E. Brown  
Daniel P. Brown  
Robert L. Brown  
Martha J. Brown  
Henry B. Brown

enrolled.

Choc 4993 David T. Brown

No 2 Dismissed May 13, 1904

4993

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment  
as a citizen by intermarriage of the Choctaw Nation of:

Mary F. Brown ----- 9-4993.

-----o-----

Commission to the Five Civilized Tribes,  
South McAlester, Ind. Ter.

In the enrollment of Mary F. Brown as an intermarried Choctaw;  
Thomas P. Brown being sworn and examined by Com'r McKennon states:

Q What is your name? A Thomas P. Brown.

Q How old are you? A Fifty-Seven.

Q How old is Mary F.? A Eighteen years old.

Q Is this a second marriage? A No sir.

Q She was never married to this man before, David T. Brown?

A No sir.

Q How long has she been living in the Nation? A Ever since  
she was a little child.

Q Her husband, David Brown, was admitted by the United States  
Court at South McAlester? A Yes sir.

Q Where were they living when they were married under this li-  
cense? A In the Chickasaw Nation, in the western part.

Q This license was issued by the Clerk of the United States Court  
at Ardmore, February 2nd 1899? A Yes sir.

(Com'r McKennon: Certificate shows marriage took place 7th of  
February 1899.)

-----  
Department of the Interior,

Commissioner of the Five Civilized Tribes

I hereby certify that the foregoing is a true and correct copy of the  
enrollment of Mary F. Brown as an intermarried Choctaw, and that this  
enrollment was made in accordance with the provisions of the Act of  
February 2nd 1899.

M. McKennon



## Certificate of Record of Marriage.

UNITED STATES OF AMERICA, )  
THE INDIAN TERRITORY, ) S.C.  
SOUTHERN DISTRICT.

I, C. M. CAMPBELL, Clerk of the United States Court in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for, and Certificate of Marriage of Mr. *David T. Brown* and M. *Mary H. Fry* were filed in my office in said Territory and District the *9* day of *July*.

A. D. 189*4*, and duly recorded in Book *D* of Marriage Record, page *48*.

WITNESS my hand and seal of said Court, at Ardmore, this *16* day of *July*.

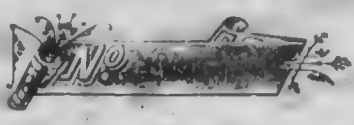
A. D. 189*4*

*C. M. Campbell* CLERK.

ARDMORETYPE JOB PRINT, ARDMORE, I. T.

RECORDED  
INDEXED  
AUG 9 1894  
C. M. CAMPBELL, CLERK

195



# MARRIAGE LICENSE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
SOUTHERN DISTRICT.

SS. To Any Person Authorized by Law  
to Solemnize Marriage—Creeting:

You Are Hereby Commanded, To solemnize the Rite and  
publish the **BANNS OF MATRIMONY** between  
Mr. David T. Brown, of Fairbairn,  
in the Indian Territory, aged twenty-five years, and  
Miss Mary Smith, of Fairbairn,  
in the Indian Territory, aged eighteen years,  
according to law; and do you officially sign and return this License  
to the parties therein named.

Witness my hand and official seal, this second day  
of February, 1899.  
J. J. Bailey, Clerk of the United States Court.

## Certificate of Marriage.

UNITED STATES OF AMERICA, I, J. J. Bailey,  
THE INDIAN TERRITORY, SS. a Minister of the Gospel,  
SOUTHERN DISTRICT, do hereby certify, that on the 7 day of February, A. D. 1899, I  
did duly, and according to law, as commanded in the foregoing License, solemnize the  
Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this 7 day of February, A. D. 1899.  
My credentials are recorded in the office of the Clerk of the United States Court,  
Indian Territory, Southern District, at Ardmore, Book C Page 97  
J. J. Bailey  
A Minister of the Gospel

NOTE: a. This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court  
in the Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the License  
was issued will be liable in the amount of One Hundred Dollars \$100.  
NOTE: b. No person is authorized to perform the marriage ceremony in the Southern District, unless the proper creden-  
tials have first been recorded in the Clerk's office at Ardmore.

7-4993.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary F. Brown for enrollment as a citizen by intermarriage of the Choctaw Nation.

The applicant, Mary F. Brown, nee Fry, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one David T. Brown. The right of the applicant's husband, David T. Brown, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of January 25, 1904, in case No. 33, upon the South McAlester docket of said court, it is hereby ordered that the application of Mary F. Brown for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

Muskogee, Indian Territory,

May 11 1904

Choctaw 4993

Muskegee, Indian Territory, May 13, 1904.

Mary F. Brown,

Bailey, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing your application for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

Chairman.

Registered.

Incl. 2-4993.

Choctaw 4993

COPY.

Muskogee, Indian Territory, May 13, 1904.

Manfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated May 13, 1904, dismissing the application of Mary F. Brown for enrollment as a citizen by inter-marriage of the Choctaw Nation.

Respectfully,

(SIGNED)

*James Dixey.*

Chairman.

Incl. 7-4993.

MEMORANDA.

(Date) ..... 1899.

Name .....

Choctaw? County ..... Year ..... No. ....

Chickasaw? County ..... Year ..... Page .....

Citizen by blood? Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, .....

18 / Wife's name, .....

Choctaw? County ..... Year ..... No. ....

Chickasaw? County ..... Year ..... Page .....

Citizen by blood? Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, .....

Names of children:

.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.
.....	County	Year	Page	No.

*Handwritten notes and signatures*

*David T. Brown*



David T. Brown.

(See testimony of Thomas P. Brown, Choctaw Court Card 37)

David T. Brown

enrolled.

COMMUNICATIONS  
TAMM BOND  
THOMAS H. NEEDLES  
U. S. DEPARTMENT OF INTERIOR

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

ENTER IN REPLY TO THE FILE WITH

Choctaw 4993

Muskogee, Indian Territory, May 13, 1904.

Mary F. Brown,  
Bailey, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 13, 1904, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

  
Chairman.

Registered.

Incl. 7-4993.

Choc 4994 William J. Brown

no 4 Dismissed May 27, 1904

4994  
hbhh

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

Record in the matter of the application for enrollment  
as a citizen by blood of the Choctaw Nation of:

Edward L. Brown, 7-4-94.

-----

William J. Brown and others.

William J. Brown says:

I am 29. I father of Bertha A., James P.,  
and Edward L. Brown, all admitted by the U.S. Court at South McAlester  
Jan 19th 1898 # case 162, except Edward L.

The persons appear in the decree under single names and are the  
same persons placed upon the card under double names. I have been  
living in the Chickasaw Nation for 12 years. I came from Texas. I  
had been living there all my life. I have never lived in the  
Choctaw Nation.

Paul's Valley, Sept. 14 1898.

William J. Brown  
Bertha A. Brown  
James P. Brown  
Edward L. Brown

enrolled.

2600

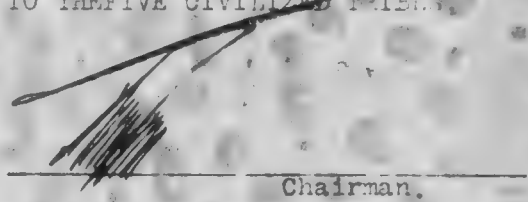
7-4994.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the latter of the application for the enrollment of Edward L. Brown as a citizen by blood of the Choctaw Nation.

The applicant, Edward L. Brown, claims his right to enrollment as a citizen by blood of the Choctaw Nation through his father William J. Brown. The right of the applicant's father, William J. Brown, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, January 25, 1904, in case No. 33, upon the South McAlester docket of said court, it is hereby ordered that the application of Edward L. Brown for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory,



Choctaw 4994.

COPY.

Muskogee, Indian Territory, June 6, 1904.

William J. Brown,  
Burt, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for the enrollment as a citizen by blood of the Choctaw Nation of Edward I. Brown.

Respectfully,

(SIGNED)

*Tame Dixey.*

Chairman.

Registered.

Incl. 7- 4994.

Chootaw 4994.

COPY.

Muskogee, Indian Territory, June 6, 1904.

J. E. Riddle,

Attorney at Law,

Chickasha, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for the enrollment as a citizen by blood of the Chootaw Nation of Edward L. Brown.

Respectfully,

(SIGNED)

*Tame Dixby.*  
Chairman.

Registered.

Incl. 7- 4994.

Choctaw 4994.

COPY:

Muskogee, Indian Territory, June .., 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,  
Gentlemen:

Inclosed herewith you will find a copy of the order of  
the Commission to the Five Civilized Tribes, dated May 27, 1904,  
dismissing the application for the enrollment as a citizen by  
blood of the Choctaw Nation of Edward L. Brown.

Respectfully,

(SIGNED)

*Tame Dixby.*

Chairman:

Registered.

Incl. 7- 4994.

(See Choctaw 5328 for registry receipt for this letter.)

Muskogee, Indian Territory, February 4, 1902.

J. E. Riddle,

Attorney at Law,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 30, 1902, in which you desire to be advised as to the present status of the citizenship of one, W. J. Brown, of Hinekah, Indian Territory, as a citizen of either the Choctaw or Chickasaw Nations.

Replying to your inquiry you are informed that it appears from our records that on September 14, 1898, William J. Brown, 29 years of age, of Burt, Indian Territory, was listed for enrollment by the Commission as a citizen of the Choctaw Nation, having been admitted to such citizenship by a judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, Indian Territory, January 19, 1898, in Choctaw citizenship case No. 162.

Yours truly,

Acting Chairman.

# MEMORANDA.

(Date) Sept 11 1899.

Name .....

Choctaw? County ..... Year ..... No. ....

Chickasaw? County ..... Year ..... Page .....

Citizen by blood? Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

22 Wife's name. B. J. ...

Choctaw? Y County ..... Year ..... No. ....

Chickasaw? Y County ..... Year ..... Page .....

Citizen by blood? Y Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

County	Year	Page	No.
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
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.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

*[Handwritten notes and signatures at the bottom of the page, including the number 434.]*

Indian Territory, /  
Third Division, / S. S.

I, WILLIAM NELSON, Clerk of the United States Court in the  
Indian Territory, do hereby certify that the above license for and certificate of marriage

of *Mr W. J. Brown* and *Mrs Fannie A. Warren*  
were, on the *30<sup>th</sup>* day of *Sept*, A. D. 1891, filed in my office in  
the Third Judicial Division; and that the same are duly recorded on page *348*  
Book *72* of Marriage Records.

Witness my hand and official seal at Ardmore, this *18* day of *Sept*,  
A. D. 1891.

*Wm Nelson*  
Clerk



FILED

Sept 1897  
Am. Librarian

7-4996

No. \_\_\_\_\_  
**MARRIAGE LICENSE**



United States of America,  
INDIAN TERRITORY,  
Third Judicial Division.

To Any Person Authorized by Law to  
Solemnize Marriage—Greeting:

You are hereby Commanded to solemnize the Rite and publish the Banns of Matrimony  
between Mr. W. J. Brown of Peru  
in the Chickasaw Nation aged Twenty three years, and  
Miss Fannie C. Warren of Peru in the  
Chickasaw Nation aged Twenty years according to  
law, and do you officially sign and return this License to the parties therein named.

Witness my hand and Official Seal, this 28 day of August A. D. 1897

W. Nelson  
Clerk of the U. S. Court.

By A. D. Matthews Deputy.

**Certificate of Marriage.**

United States of America,  
INDIAN TERRITORY,  
Third Judicial Division.

1. M. Lambright  
Ordained Minister Gospel

Do hereby Certify, that on the 30 day of August A. D. 1897  
I did duly, and according to law, as commanded in the foregoing License, solemnize the Rite and publish the  
Banns of Matrimony between the parties therein named.

Witness my hand this 30 day of August A. D. 1897

My credentials are recorded in the Office of the Clerk of the United States Court, Indian Territory,  
Third Judicial Division, Book A Page 60

M. Lambright  
Ordained Minister Gospel

NOTE—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable in the amount of One Hundred Dollars (\$100).

Commission to the Five Civilized Tribes,  
South McAlester, Ind. Ter.

In the enrollment of Fannie Brown as an intermarried Choctaw;  
Thomas P. Brown being sworn and examined by Com'r McKennon states:

- Q. What is your name? A. Thomas P. Brown.  
Q. How old are you? A. Fifty-seven.  
Q. How long has Fannie been living in the Choctaw nation?  
A. She has been here I reckon about eight or ten years.  
Q. All the while? A. Yes sir.  
Q. Hasn't been living anywhere else during that time? A. No sir.  
Q. What is her husband's name? A. William J. Brown.  
He was admitted by the United States Court.

Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify on my official oath as  
Secretary to the above named Commission, that this  
transcript is a true, full and correct translation of  
my stenographic notes.

*M. J. Green*

Choc 4995 usley mainord

4995  
566h

Muskogee, Indian Territory, September 13, 1900

Elisha W. Ivey,

Felson, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 9th instant in which you desire to be furnished with a copy of your enrollment and also of your mother, Usley Maynard and your child, Bertie L. Ivey.

You are informed that the Commission cannot at this time furnish any certificate as to enrollment. The rolls of citizens of the Choctaw Nation will not become final until approved by the Secretary of the Interior, and parties whose names now appear thereon have only been listed for enrollment and their enrollment will not be final until such action is taken by the Secretary of the Interior.

The records of the Commission show, however, that Usley Mainard and Elisha W. Ivey and Bertie L. Ivey were listed for enrollment by this Commission as citizens of the Choctaw Nation, September 14th, 1898, having been admitted to citizenship by a judgment of the United States Court for the Southern District of the Indian Territory rendered at Ardmore, Indian Territory, December 22nd, 1897, in court case No. 115.

Yours truly,

Usley Mainard and others.

Usley Mainard says:

I am 62. I am mother of Elisha W. Ivey. He is father of Bertha L. Ivey.

I have lived in the Choctaw Nation 12 years. I went there from the Chickasaw Nation where I had lived 2 years. I came from Texas where I had lived ever since 1849. Elisha W. Ivey came from Texas to the Territory 14 years ago.

Paul's Valley, Sept. 14 1898.

Usley Mainard  
Elisha W. Ivey  
Bertie L. Ivey

enrolled.



Choc 4996 Nancy Ann STEPECK

# 8-9 Dismissed Jan 23, 1905

4996

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of:

JAMES CLARENCE STEPPICK

27-4996.

41  
Nancy Ann Steppick and others.

Nancy Ann Steppick says:

I and my family were admitted in the name of "Steppeck" I am the mother of John H. Gregory and Charles F., Thomas J., George W., William O., Bessie and James C. Steppick. All were admitted by the U.S. Court at Ardmore december 22 nd 1897, case 115, except James C. born June 27th 1897. I have lived in the Nation 21 years. I came from Texas to the Choctaw Nation. I lived here 2 years and moved back to Texas. I remained there 2 years and moved to the Chickasaw Nation, and lived there 2 years and then went to the Choctaw Nation and have lived there ever since, with my family.

Paul's Valley, Sept. 14 1898.

Nancy Ann Steppick  
John H. Gregory  
Charles F. Steppick  
Thomas J. Steppick  
George W. Steppick  
William O. Steppick  
Bessie L. Steppick  
James C. Steppick

enrolled.

IN RE

Application for Enrollment of  
INFANT CHILD.

*Jessie Clarence*  
*Stephens* citizen of the  
*Choctaw* Nation.

Approved \_\_\_\_\_ 1 \_\_\_\_\_

Commissioner.

*2100*  
*C. III*

*(21-10)*  
*(16-7)*

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
 of *James Clarence Steppick* born on the *27<sup>th</sup>* day of *June*, 1897.  
 Name of father: *Joseph Steppick*, a citizen of the *United States*.  
 Name of mother: *Nancy Ann Steppick*, a citizen of the *Choctaw* Nation.  
 Post Office: *Falson, Ky.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
*Central* District.

I, *Nancy Ann Steppick*, on oath, state that I am *11 3/4* years of age and a  
 citizen, by *Blood*, of the *Choctaw* Nation; that I am the  
 lawful wife of *Joseph Steppick*, who is a citizen, of the *United States*  
 Nation; that a *male* child was born to me on the *27<sup>th</sup>* day  
 of *June*, 1897; that said child has been named *James Clarence Steppick*  
 and is now living.

Subscribed and sworn to before me this *31* day of *January*, 1900.  
*J. L. Reeder*  
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
*Central* District.

I, *Mrs. Mary Hainert*, a *midwife*, on oath, state that I  
 attended on Mrs. *Nancy Ann Steppick*, wife of *Joseph Steppick*  
 on the *27<sup>th</sup>* day of *June*, 1897; that there was born to her on said date a *male* child;  
 that said child is now living and is said to have been named *James Clarence Steppick*

*E. H. Holman*  
*J. L. Reeder*  
 Subscribed and sworn to before me this *31* day of *January*, 1900.  
*J. L. Reeder*  
 Notary Public.

7-4 96.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Clarence Steppick as a citizen by blood of the Choctaw Nation.

-----oOo-----

The applicant, James Clarence Steppick, claims the right to enrollment as a citizen of the Choctaw Nation through his mother Nancy Ann Steppick.

The right of the applicant's mother, Nancy Ann Steppick to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 28, 1904 in case No. 75 upon the Tishomingo docket of said court, it is hereby ordered that the application of James Clarence Steppick for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN 27, 1905

---



Choctaw 4996

COPY.

Muskogee, Indian Territory, January 23, 1905.

Nancy Ann Steppick,

Wida, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your minor son, James Clarence Steppick as a citizen by blood of the Choctaw Nation.

Respectfully,

W. B. BARNES

W. B. Barnes

Chairman.

Registered.

Incl. 7-4996.

Choctaw 4996

COPY.

Muskogee, Indian Territory, January 23, 1906.

J. F. Sharp,

Attorney at Law,

Parcell, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1906, dismissing the application for the enrollment of James Clarence Steppick as a citizen by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

*James B. Cox*

Registered.

Chairman.

Incl. 7-4996.

Choctaw 4996

COPY.

Muskogee, Indian Territory, January 23, 1905.

Mansfield, Mcurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find copies of the orders of this Commission dated January 23, 1905, dismissing the applications for the enrollment of James Clarence Steppick and Sabra Luigean Gregory as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

*L. M. DIXON*

Chairman.

2 Incl. 7-4996.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of:

SABRA LUGGEAN GREGORY

7-4/96.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE UNDEVELOPED TRIBES

**FILED**

MAR 27 1903

*[Handwritten signature]*

CHOSIA...

4776

(C O P Y).

MARRIAGE CERTIFICATE.

THIS IS TO CERTIFY

That J.H. Gregory, of I.T.  
and Evie Marks, of I.T.

were by me joined together in

H O L Y M A T R I M O N Y

at Sherman, Texas, according to the Laws of the State of Texas, on  
the 15<sup>th</sup> day of June, 1901.

WITNESS my hand and Seal the day and year last above  
written.

(Signed) J.D. Woods,

(SEAL)

County Judge, Grayson County, Texas.

-----  
Endorsed:

Department of the Interior,  
Commission to the Five Civilized Tribes.  
F I L E D

Tams Bixby, Chairman.

Choctaw 4996.  
-----

Beryl Ingram being duly sworn upon her oath states that  
as stenographer to the Commission to the Five Civilized Tribes  
she made the above copy on the 27th day of March, 1903; and that  
the above and foregoing is a full, true and correct copy of the  
original marriage certificate between J.H. Gregory and Evie Marks,  
as offered for filing with the records of said Commission.

*Beryl Ingram*  
Subscribed and sworn to before me this 27th day of March, 1903.

*William D. ...*  
Notary Public.



IN RE

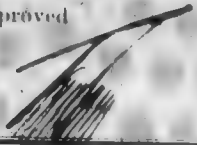
Application for Enrollment of  
INFANT CHILD

*Sabra Luque Grayson*  
as a citizen of

*Choctaw* Nation

Approved

1902



Commissioner.

*Application received first Nov. 20, 1902*  
*Returned for evidence of marriage.*

COMMISSION TO THE  
INDIAN TRIBES

CHAPMAN

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
 of *Sabra Luqian Gregory* born on the *10* day of *Aug*, 18*92*  
(Here insert name of child)  
 Name of Father: *John H. Gregory* a citizen of the *Choctaw* Nation.  
 Name of Mother: *Eva Gregory* a citizen of the *Choctaw* Nation.  
 Post-office *Falkam 9 T*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY  
*Central* District.

I, *Eva Gregory*, on oath state that I am *18*  
 years of age and a citizen, by *marriage* of the *Choctaw* Nation;  
 that I am the lawful wife of *John H. Gregory*, who is a citizen, by  
*blood* of the *Choctaw* Nation; that a *female* child was  
 born to me on *10* day of *Aug*, *Nov* that said child has been  
 named *Sabra Luqian Gregory* and is now living.

WITNESSES TO MARK

(Must be two)  
Witnesses

Subscribed and sworn to before me this *15* day of *Nov*, 190*2*  
*J. G. Ruder*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY  
*Central* District.

I, *Dr R P Dickey*, a *physician*, on oath state that I  
 attended on Mrs. *Eva Gregory*, wife of *John H. Gregory*  
 on the *10* day of *Aug*, *Nov*; that there was born to her on  
 said date a *female* child; that said child is now living and is said to have been  
 named *Sabra Luqian Gregory*.

WITNESSES TO MARK

(Must be two)  
Witnesses

Subscribed and sworn to before me this *1* day of *1*, 190*2*

7-4996.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of Sabra Luegean Gregory as a citizen by blood of the Choctaw  
Nation.

-----oOo-----

The applicant, Sabra Luegean Gregory, claims the  
right to enrollment as a citizen by blood of the Choctaw  
Nation through her father John H. Gregory.

The right of the applicant's father, John H.  
Gregory, to citizenship in the Choctaw Nation having been  
adversely determined by a decree of the Choctaw and Chickasaw  
Citizenship Court of November 28, 1904 in case No. 75 upon  
the Tishomingo docket of said court, it is hereby ordered  
that the application of Sabra Luegean Gregory for enrollment  
as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

Muskogee, Indian Territory,

JAN 2 1905

Choctaw 4996

COPY:

Muskogee, Indian Territory, January 23, 1905.

John H. Gregory,

Roff, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your minor child, Sabra Luegean Gregory, as a citizen by blood of the Choctaw Nation.

Respectfully,

W. H. H. H.

Registered.

Chairman.

Incl. 7-4996

Choctaw 4996

COPY.

Muskogee, Indian Territory, January 20, 1905.

Mansfield, LeBaron & Cornish,

Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find copies of the orders of this Commission dated January 18, 1905, dismissing the applications for the enrollment of James Clarence Steppick and Fabre Judgen Gregory as citizens by blood of the Choctaw Nation.

Respectfully,

W. W. W.

2 Incl. 7-4996.

Chairman.

Muskogee, Indian Territory, February 9, 1900.

Mr. J. W. Sharp,

Attorney at Law,

Purcell, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of February 3, enclosing the application of James Clarence Steppick for enrollment as a citizen of the Choctaw Nation. The same is returned to you for the reason that the signature of Usalley Mainard, being by mark, it will be absolutely necessary to have the signatures of two disinterested parties as witnesses. Kindly supply this omission and return the application for enrollment, and the matter will receive further attention.

Yours truly,

Acting Chairman.

Inclosure-4-8.



Muskogee, Indian Territory, November 2, 1900.

Joseph Steppeak,

Folsom, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of the 30th of October, in which you desire information relative to the rights of a citizen to hold more than one hundred and sixty acres as his prospective allotment of the lands of the Choctaw and Chickasaw Nations.

You are informed that the agreement of April 23rd, 1897, known as the "Atoka Agreement" under which the allotment of lands to the citizens of the Choctaw and Chickasaw Nations will be made, provides:

"That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians shall be allotted to the members of said tribes so as to give to each member of those tribes so far as possible a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands."

Also that Section Seventeen of the act of Congress of June 28th, 1898, (Curtis Act) provides as follows:

"That it shall be unlawful for any citizen of any one of said tribes to invade or in any manner, by himself or through another, directly or indirectly, to hold possession of any greater amount of lands or other property belonging to any such nation or tribe and that of his wife and minor children as per allotment herein provided; and any person found in such possession of lands or other property in excess of his share and that of his family, as aforesaid, or having the same in any manner possessed, at the expiration of nine months after the passage of this Act, shall be deemed guilty of a misdemeanor."

The Commission cannot at this time determine what would be the amount of acreage to which each citizen of the Choctaw and

J S 2

Chickasaw Nations would be entitled in the final allotment of the lands of these two Nations nor can such be determined until the completion of the classification and the appraisement of the lands of these two Nations and the approval of the rolls thereof by the Secretary of the Interior.

yours truly,

Acting Chairman.

7-4996

Muskeges, Indian Territory, April 9, 1901.

Mr. A. J. Stewart,  
Wida, Indian Territory,

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 1st inst., requesting to be advised relative to the citizenship of one, Joe Steppick, and family, as citizens of the Choctaw Nation.

You are informed that the names of Nancy Ann Steppick, 42 years old and whose postoffice address is given as Fulson, Indian Territory, and her minor children, Chas. F., Thos. J., Geo. W., Wm. O., Bessie L., and James C. Steppick, appear on Choctaw card No. 4996. All of these people, except the one last mentioned, were admitted upon a judgment of the United States Court for the Southern District of Indian Territory at Ardmore, I.T., December 22, 1897, in court case No. 119. An application for the enrollment of James C. Steppick was received by the Commission and duly filed February 27th, 1900.

The name of Joe Steppick does not appear upon any of the records in the possession of the Commission as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-4996.

Muskogee, Indian Territory, November 20, 1902.

John H. Gregory,

Folsom, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Sabra Eugene Gregory, infant daughter of John H. and Eva Gregory, born August 10, 1902; and the same is returned to you herewith.

You are informed that the mother of the child, being a non-citizen, it will be necessary that you furnish the Commission with either your original marriage license and certificate, or a certified copy thereof.

Upon receipt of such evidence of marriage and return of the application for the enrollment of your child, the matter will receive further consideration.

Respectfully,

Acting Chairman.

Enc B I 55.

Choctaw 4996

Muskogee, Indian Territory, February 28, 1903.

Joe Steppick,

Nida, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 21, stating that you are a court claimant and would like to be informed whether it is absolutely necessary for you to appeal to the Citizenship Court before March 17, 1903. You state that you have been advised that persons cannot appeal after that date, and wish to know if this is correct.

In reply to your letter you are advised that it appears from our records that Nancy Ann Steppick, John H. Gregory, Charles F. Steppick, Thomas J. Steppick, George W. Steppick, William O. Steppick and Bessie L. Steppick were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory, rendered December 22, 1897, in citizenship case Number 115, on appeal from a decision of the Commission to the Five Civilized Tribes denying their applications for citizenship under the provisions of the act of Congress of June 10, 1896. It does not appear that Joe Steppick was admitted to citizenship in the Choctaw Nation by a judgment of said court.

J S 2

Replying to that part of your letter in which you ask when appeals must be taken to the Choctaw-Chickasaw Citizenship Court, your attention is invited to sections thirty one, thirty two and thirty three of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, a copy of which is herewith inclosed for your information.

Respectfully,

Chairman.

Choctaw-Chickasaw  
agreement.



7-4936.

Muskogee, Indian Territory, March 30, 1903.

John H. Gregory,

Reef, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st inst., enclosing the certificate of marriage between J.H. Gregory and Evie Marks; also the application for enrollment as a citizen of the Choctaw Nation of Sabra Lugean Gregory, infant daughter of John H. and Eva Gregory, born August 10, 1902; which it appears from our records was first received at this office November 20, 1902, and returned to you for evidence of your marriage to the non-citizen mother of your child. The application now being in proper form has been duly filed with our records.

It also appears from the records of the Commission that you were admitted by a judgment of the United States Court for the Southern District of Indian Territory, and you are advised that by a decree of the "Choctaw-Chickasaw Citizenship Court" created by the provisions of the act of Congress approved July 1, 1902 (31 Stats., 641) all judgments of the United States Courts in Indian

J H C 2

Territory admitting persons to citizenship in the Choctaw and Chickasaw Nations under the provisions of the act of Congress approved June 10, 1896, were vacated and set aside.

A certified copy of your marriage certificate having been prepared and filed with our records in the matter of the application for enrollment of your infant child, the original document is returned you herewith.

Respectfully,

Chairman.

Enc B I 27-32.

Muskogee, Indian Territory July 7, 1903.

Annie Steppick,  
Wolsom, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 27, in which you state that you have a citizenship case pending and in order to secure all information possible you desire to be informed if this Commission, while in Mississippi, enrolled any persons by the name of Bottoms.

In reply to your letter you are informed that it does not appear from our records that any persons by the name of Bottoms were applicants to this Commission for identification as Mississippi Choctaws, during its sessions in Mississippi or at its offices in Indian Territory. You are advised however that it does appear from our records that certain persons by the name of Bottoms have been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory.

Respectfully,

Commissioner in Charge.

Choctaw 4996

Muskogee, Indian Territory, August 26, 1903.

John Casteel,

Attorney at Law,

Roff, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 22, 1903, relative to the application of Emily Peters, now Emily Smith, and her child, Hardy Smith, born September 5, 1902, who has died subsequent to September 25, 1902, and who, you say, was never enrolled.

In reply to your letter you are informed that the information contained in your letter is not sufficient to enable the Commission to locate the Emily Peters or Smith referred to in your letter nor her son Hardy Smith. If you will state when and where she appeared before the Commission as an applicant for identification as a Mississippi Choctaw, her age, the names of her parents and any other information you may possess which would enable the Commission to identify her upon its records the matter of your inquiry will receive further consideration.

Replying to that portion of your letter in which you ask if John Gregory is on the roll you are informed that it appears from

J C 2

our records that John H. Gregory, of Fulsom, Indian Territory, about twenty seven years of age, son of Nancy Ann Steppick and John Gregory, was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, December 22, 1897, in court case, citizenship docket, Number 115.

It is believed that this is the person referred to in your letter.

Respectfully,

Commissioner in Charge.

7-1-1901

Lawson, Indian Territory, February 26, 1901

Stowick, Mr.,

Finley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th inst., requesting information relative to the enrollment of Nellie Locke.

You are advised it appears from our records that Nellie Locke, 4 years of age, of Kosoma, Indian Territory, was listed for enrollment on November 15, 1899, as a citizen by blood of the Choctaw Nation, but before the application for her enrollment can be given further consideration, it will be necessary that further information relative to the names of her parents, her birth and residence, be supplied the Commission.

You are therefore kindly requested to read carefully the list of interrogatories enclosed herewith, writing your answers opposite each question, and after the same is completed and duly acknowledged by you before a Notary Public, who must affix his notarial jurat and seal thereto, please return the interrogatories in the enclosed envelope.

This matter should receive prompt attention.

Respectfully,

Commissioner in Charge.



Mary Ann <sup>and</sup> Joe  
Steppick for their  
son James Marcua  
Steppick.

v.

Choctaw Station

**FILED**

AUG 17 1897

W. W. Faraway  
Sec'y.

No P.O. address

Choctaw Nation Indian Territory  
August 1<sup>st</sup> 1897 -

To the Hon Dawes  
Commission in vacation -  
Your Petitioners Mrs Nancy Ann  
and Joe Steppick, Citizens of  
the Choctaw Nation Indian  
Territory, would respectfully repre-  
-sent, that since June 10<sup>th</sup> 1896  
there has been born to us one  
heir - whose name is James  
Clarence - and that under the  
law passed by the last session  
of Congress it is necessary to  
apply to your honorable body  
to have said heir enrolled  
as a citizen of said Choctaw  
Nation - therefore we request  
you to enroll said heir  
as entitled to draw his  
proportion of land in the  
final allotment -  
Said heir was born on the  
27<sup>th</sup> day of June 1897 -

Nancy Ann Steppick  
Joe Steppick

There was no letter came with this, giving  
the P.O. address, and the post name was blurred &  
same could not be made, and paper could not  
be sent to applicants for service as directed.

W. W. Steppick

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. E. BRACKENRIDGE,  
WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

PLEASE TO REPLY TO THE FOLLOWING:

Choctaw 4996

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1905.

John H. Gregory,  
Roff, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your minor child, Sabra Luegean Gregory, as a citizen by blood of the Choctaw Nation.

Respectfully,

Registered.

Incl. 7-4996

Chairman.

Choc 4997 Thos. L. Ivey

# 2-3 Dismissed Jan 23, 1905

4997

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of:

WILLIE L. IVBY, ET AL,

7-4997

7-4997.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Willie L. Ivey and Walter Taylor Ivey as citizens by blood of the Choctaw Nation.

-----oOo-----

The applicants, Willie L. Ivey and Walter Taylor Ivey, claim the right to enrollment as citizens by blood of the Choctaw Nation through their father Thomas L. Ivey.

The right of the applicants' father, Thomas L. Ivey, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 28, 1904 in case No. 75 upon the Tishomingo docket of said court, it is hereby ordered that the application of Willie L. Ivey and Walter Taylor Ivey for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN 2 1905



Choctaw 4997

COPY,

Muskogee, Indian Territory, January 23, 1905.

Thomas L. Ivey,

Roff, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your minor children, Willie L. Ivey and Walter Taylor Ivey as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED:

*James Birby*

Chairman.

Registered.

Incl. 7-4997.

Choctaw 4997

COPY.

Muskogee, Indian Territory, January 23, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 23, 1905, dismissing the application for the enrollment of Willie L. Ivey and Walter Taylor Ivey as citizens by blood of the Choctaw Nation.

Respectfully,  
SIGNED

*James Dixey*

Chairman.

Incl. 7-4997.

*IN RE*

Application for Enrollment of  
INFANT CHILD.

*Miss L. King*

As a citizen of the

*Belgian*

Nation.

Approved

1

Commissioner.

1042

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
of *Willie L. Gray*, born on the *23* day of *August*, 18*97*.  
Name of father: *Thomas L. Gray*, a citizen of the *Choctaw* Nation.  
Name of mother: *Lue H. Gray*, a citizen of the *Choctaw* Nation.  
Post Office: *Kaldam*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
*Central* District.

I, *Lue H. Gray*, on oath, state that I am *20* years of age and a citizen, by *interracial*, of the *Choctaw* Nation; that I am the lawful wife of *Thomas L. Gray*, who is a citizen, by *blood*, of the *Choctaw* Nation; that a *Boy* child was born to me on the *23* day of *August*, 18*97*; that said child has been named *Willie L. Gray* and is now living.

Subscribed and sworn to before me this *25* day of *August*, 18*97*.

*A. G. Reader*  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
*Central* District.

I, *R. P. Sickey*, a *Physician*, on oath, state that I attended on Mrs. *Lue H. Gray*, wife of *Thomas L. Gray*, on the *23* day of *August*, 18*97*; that there was born to her on said date a *Boy* child; that said child is now living and is said to have been named *Willie L. Gray*.

Subscribed and sworn to before me this *25* day of *August*, 18*97*.

*R. P. Sickey M.D.*  
*A. G. Reader*  
Notary Public.

Muskogee, Indian Territory, July 8, 1901.

Mr. M. L. Ivey,  
Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in which you desire information relative to the enrollment of the families of yourself and your brother.

Replying to your inquiry you are informed that it appears from our records that Thos. H. Ivey, thirty-four years of age, was, on September 14, 1898, listed for enrollment as a citizen of the Choctaw Nation in pursuance of a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, I. T., December 22, 1897, in the case of Z. T. Bottoms et al vs. the Choctaw Nation.

There have since that time been listed for enrollment Willie J. and Walter Taylor Ivey, the children of Thos. L. and Lué H. Ivey, upon presentation of proper evidence as to their births; these children having been born subsequent to the filing of the original application in the case of Z. T. Bottoms et al.

It further appears from our records that Marcus L. Ivey, thirty-eight years of age, on September 14, 1898, made personal application to this Commission for the enrollment of himself and his seven minor children, James L., William J., Thos. F., Nora E.,

M. I. I.--2.

Louis A., Elizabeth U. and Marcus A. Ivey; Marcus L. Ivey and his five minor children having been admitted to citizenship in the Choctaw Nation by judgment of the United States Court, in the case of Z. T. Bottoms et al. above referred to.

It appears that Elizabeth U. and Marcus A. Ivey were born subsequent to the filing of the original application to the Commission to the Five Civilized Tribes, in the case of Z. T. Bottoms et al. There is not on file with our records any proofs of birth of these two children. It is advisable that such proofs of birth be furnished at the earliest date possible, and there is enclosed you herewith two blanks for the enrollment of children. In having the same executed be careful to see that all blanks are properly filled; all names written in full, and in event either of the persons whose names are to be affixed to the affidavits are unable to write, and their signatures are by mark, that such signatures be attested by two disinterested parties, witnesses thereto. The Notary Public before whom the acknowledgments of the mother, the attending physician or nurse are made, must affix his notarial jurat and seal to each separate affidavit.

It further appears from the records in the case of Z. T. Bottoms et al. vs. the Choctaw Nation, that on March 3, 1899, the United States Court for the Southern District of the Indian Territory, corrected the judgment theretofore rendered in that case by strik-



N. L. I.--3.

ing therefrom the names of Bertha Ann Bottoms, Sallie Gracie Kirkland and James I. Ivey, for the reason that they were erroneously and by mistake inserted in the judgment heretofore rendered in this cause.

In pursuance of such order of the Court correcting this judgment, there has been entered opposite the name of James I. Ivey upon the rolls as being prepared of citizens of the Choctaw Nation, notation as follows:

"Name stricken from ~~Rolls~~ judgment by order of the United States Court."

Yours truly,

Commissioner in Charge.

7-4887  
7-4888

808

Choctaw 4997

Muskogee, Indian Territory, October 20, 1902.

Thomas L. Ivey,

Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you state that you have been informed your name has been stricken from the Choctaw roll, and if such is the case, you desire to know the reason therefor.

In reply to your letter you are advised that it appears from our records that on September 14, 1898, Thos. L. Ivey, 34 years of age, of Eufaula, Indian Territory, was listed for enrollment by this Commission as a citizen of the Choctaw Nation, having been admitted to such citizenship by judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, Indian Territory, on December 22, 1897, in Choctaw citizenship case No. 115.

Your name is not found upon any of the tribal rolls of the Choctaw Nation in the possession of this Commission and it does not appear that you have ever been recognized in any manner by the tribal authorities of the Choctaw Nation as a citizen of that tribe, your rights to citizenship being entirely dependent upon the judgment of the United States Court for the Southern District

TLI 2

of the Indian Territory above referred to.

On September 25, 1902, there was ratified by the citizens of the Choctaw and Chickasaw Nations, an agreement which now governs this Commission in the preparation of the rolls of the citizens of the Choctaw and Chickasaw Nations.

There was created by this agreement a court to be known as "The Choctaw and Chickasaw Citizenship Court", for the purpose of determining the rights of persons to participate in the distribution of the tribal property of the Choctaw and Chickasaw Nations, who were admitted to citizenship in these two tribes by the United States Courts in Indian Territory, under the provisions of the act of Congress of June 10, 1896.

This agreement further provides, that,

"No person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in Indian Territory under the act of June 10, 1896 ( 29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined."

The Commission cannot advise you relative to the probable action to be taken by the recently created Choctaw-Chickasaw Citizenship Court and until the final disposition of the question submitted to this court, this Commission cannot enroll you as a

T L I 3

citizen of the Choctaw Nation.

Respectfully,

Acting Chairman.

Thomas L. Ivey.

Thomas L. Ivey says:

I am 34. I was admitted by the U.S. Court at Ardmore, December 22nd 1897, case 115. I have lived in the Territory 14 years, and lived in the Choctaw Nation until 2 years ago.

I am now living in the Creek Nation I came from Texas to the Territory.

Paul's Valley, Sept. 14 1898.

Thomas L. Ivey

enrolled.

# Certificate of True Copy.

United States of America, )

INDIAN TERRITORY, ) SS.

Northern District.

~~JAMES A. WILSON~~ Clerk of the United States Court in the Northern District, Indian Territory, and ex-officio recorder of said Territory, do hereby certify that the instrument hereto attached is a full, true and correct copy of a ~~Chattel Mortgage~~ filed in my office on the 11 day of March 1890 at 11 o'clock A.M. and Renewal Affidavit filed 1890

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 11 day of March A.D. 1890

By

*James A. Wilson*  
Clerk and ex-officio Recorder.

*Deputy Clerk.*



CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

ss.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District,  
Indian Territory, do hereby certify that the instrument, hereto attached was filed in my office  
the 17 day of June 1890 at Muskogee, M., and duly recorded  
in Book 10, Marriage Record, Page 100.

WITNESS my hand and seal of said Court at Muskogee, in said  
Territory, this 17 day of June A. D. 1890  
James A. Winston Clerk.

By \_\_\_\_\_ Deputy.



# MARRIAGE LICENSE.



UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

No. 3810

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE, GREETING:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. *A. J. [unclear]* of *Leefarica* in the Indian Territory, aged *31* years, and Mrs. *L. H. [unclear]* of *Leefarica* in the Indian Territory, aged *27* years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at *Washington* Indian Territory, this *9* day of *March* A. D. *1896*  
*Jas. [unclear]*  
By *[unclear]* Deputy Clerk of U.S. Court.

## CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Northern District.

*I, [unclear]* Minister of the Gospel  
DO HEREBY CERTIFY that on the *9* day of *March*  
A. D. *1896*, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.  
WITNESS my hand this *9* day of *March*, A. D. *1896*

My Commission expires on the *31* day of *March*, A. D. *1896*  
Book *[unclear]* Page *[unclear]*  
*[unclear]* Minister of the Gospel

NOTE: This License is valid only when the parties thereto are in the Indian Territory Northern District.

Muskogee, Indian Territory, February 8, 1901.

Thomas L. Ivey,

Beff, Indian Territory.

Dear Sir:

The Commission is in receipt of the application for enrollment as a citizen of the Choctaw Nation of Walter Taylor Ivey, the infant son of Thomas L. and Lee H. Ivey, born January 29th, 1901, and the same being in proper form has been duly filed with the records of this Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-4997

*IN RE*

Application for Enrollment of

INFANT CHILD

*Walter Taylor Gray*  
as a citizen of the

*Choctaw* Nation.

Approved. **FEB - 6 1901**

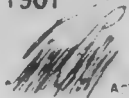


*Commissioner.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

**FEB 6 1901**



ACTING CHAIRMAN

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IX. RE Application of *Luce H. Ivey* as a citizen of the *Choctaw* Nation.  
 of *Walter Taylor Ivey*, born on the *29* day of *January*, 1901.  
 Name of Father: *Thomas L. Ivey*, a citizen of the *Choctaw* Nation.  
 Name of Mother: *Luce H. Ivey*, a citizen of the *Choctaw* Nation.  
 Postoffice: *Roff, T. T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, )  
 INDIAN TERRITORY, )  
*Southern* District. )

I, *Luce H. Ivey*, on oath state that I am *23*  
 years of age and a citizen, by *marriage* of the *Choctaw* Nation;  
 that I am the lawful wife of *Thomas L. Ivey*, who is a citizen, by  
*Blood* of the *Choctaw* Nation; that a *male* child was  
 born to me on the *29* day of *January*, 1901; that said child has been  
 named *Walter Taylor Ivey*, and is now living.

WITNESSES TO MARK

*Luce H. Ivey*

Subscribed and sworn to before me this

*4* day of *Febry*, 1901  
*John A. Clark*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, )  
 INDIAN TERRITORY, )  
*Southern* District. )

I, *C. A. Steward*, a *Physician*, on oath state that I  
 attended on Mrs. *Luce H. Ivey*, wife of *Thomas L. Ivey*,  
 on the *29* day of *January*, 1901; that there was born to her on  
 said date a *male* child; that said child is now living and is said to have been  
 named *Walter Taylor Ivey*.

WITNESSES TO MARK

*C. A. Steward*

Subscribed and sworn to before me this

*4* day of *Febry*, 1901  
*John A. Clark*

Choc 4998 Marcus L. Ivoy

#7-8 Dismissed Jan 23, 1905

#2 Dismissed Jan 24, 1905

4998  
8666



7

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of-

James L. Ivey

C-499b.

Marcus L. Ivey and others.

Marcus L. Ivey says:

I am 38 . I am father of James L., William J., Thomas F., Nora E., Louis A., Elizabeth U., and Marcus A. Ivey.

All of these except the last 2 were admitted by the U.S. Court at Ardmore, december 22nd 1897, case 115.

Elizabeth U was born October 22nd 1896; Marcus A. was born feb. 22nd 1898.

I came to the Chickasaw Nation 12 years ago and remained one year and 8 months. I moved back to Texas and remained until last November when I moved back to the Choctaw nation. I have lived all my life in Texas except the time I have been in the Territory.

Paul's Valley, Sept. 14 1898.

Marcus L. Ivey  
 James L. Ivey  
 William J. Ivey  
 Thomas F. Ivey  
 Nora E. Ivey  
 Louis A. Ivey  
 Elizabeth U. Ivey  
 Marcus A. Ivey

enrolled.

7-4998.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James L. Ivey for enrollment as a citizen by blood of the Choctaw Nation.

-----o-----

It appears from the records of the Commission that on September 8, 1896, in the case entitled "Zachariah T. Bottoms vs. Choctaw Nation" (1896 Choctaw Citizenship docket, case No. 8) original application was made to this Commission for the admission to citizenship in the Choctaw Nation of (among others), the applicant herein (James L. Ivey); that on December 1, 1896, this Commission rendered its decision denying said application; that from this decision of the Commission an appeal was taken to the United States Court for the Southern District of the Indian Territory, which Court, on December 22, 1897, in the case entitled "Zachariah T. Bottoms, et al. vs. Choctaw Nation" (Citizenship case No. 115), entered of record a judgment reversing the decision of this Commission, and admitting the applicant herein (among others), to citizenship in said Nation, and on March 3, 1899, entered of record an order "nunc pro tunc" as of December 22, 1897, striking from the said original judgment the name of the applicant herein James L. Ivey.

It further appears from the records of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court created by the Act of Congress approved July 1, 1902, (32 Stat., 641), "set aside annulled, vacated and held for naught" the aforesaid judgment of the of the United States Court for the Southern District of the Indian Territory admitting the parties therein named to citizenship in the Choctaw Nation.

It further appears that as to certain of the applicants herein said cause was duly certified to said Choctaw and Chickasaw Court for a trial de novo, within the time prescribed by the provisions of said Act of Congress approved July 1, 1902, (32 Stat., 641), but that as to the applicant herein, said Choctaw and Chickasaw Citizenship Court on November 26, 1904, in case No. 57 upon its Tishomingo docket, entered of record a decree dismissing his petition for want of jurisdiction.

In accordance with the opinion of the Acting Attorney General dated May 9, 1904, (I.I.D. 324-1904), and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904, (I.I.D. 446-1904), the Commission to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of the applicant herein, James L. Ivey, as a citizen by blood of the Choctaw Nation, and it is therefore, hereby ordered that the application for the enrollment of James L. Ivey as a citizen by blood of the Choctaw Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Washoe, Indian Territory,

JAN. 1. 1905

Chairman.

Choctaw 4998

COPY!

Muskogee, Indian Territory, January 24, 1905.

Marcus L. Ivey,  
Roff, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes dated January 24, 1905, dismissing the application for the enrollment of your son, James L. Ivey, as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

*W. H. Ivey*  
Chairman.

Registered.

Incl. 7-4998

Choctaw 4998

COPY.

Muskogee, Indian Territory, January 24, 1905.

J. V. Sharp,  
Attorney at Law,  
Purcell, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 24, 1905, dismissing the application for the enrollment of James L. Ivey as a citizen by blood of the Choctaw Nation.

Respectfully,

W. H. RIGGERS

Chairman.

Registered.

Incl. 7-4998.

Choctaw 4998.

COPY.

Muskogee, Indian Territory, January 24, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 24, 1905, dismissing the application for the enrollment of James L. Ivey as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

James L. Ivey

Chairman.

Incl. 7-4998.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of:

ELISABETH U. IVEY, ET AL.,

7-4998.

IN RE

Application for Enrollment of

INFANT CHILD

*Elizabeth U Sney*

as a citizen of

*Choctaw*

Nation.

Approved *[Signature]* JUL 19 1901

190

*[Large Signature]*  
Commissioner

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 19 1901

*[Signature]*  
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY RE Application for Enrollment, as a citizen of the **Choctaw** Nation.  
of **Elisabeth U. Ivey**, born on the **26** day of **Aug**, 1896  
(Here insert name of child)  
Name of Father: **Marcus L Ivey**, a citizen of the **Choctaw** Nation,  
Name of Mother: **Mary Elisabeth Ivey**, a citizen of the **Choctaw U S** Nation.  
Post-office, **Roff I F.**

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
**Southern** District.

I, **Mary Elisabeth Ivey**, on oath state that I am **38**  
years of age and a citizen, by **Marriage** of the **Choctaw** Nation;  
that I am the lawful wife of **Marcus L Ivey**, who is a citizen, by  
**Blood** of the **Choctaw** Nation, that a **Female** child was  
born to me on the **26** day of **August**, 1896, that said child has been  
named **Elisabeth U. Ivey**, and is now living. **True**

WITNESSES TO MARK

(Must be Two)  
Witnesses

**J. B. [Signature]**  
**[Signature]**

**Mary Elisabeth Ivey**  
**[Signature]**

Subscribed and sworn to before me this

**11** day of **July**

1901.

**John A. Clark**  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
District.

I, **R. H. Crabb**, a **Physician**, on oath state that I  
attended on Mrs. **Mary Elisabeth Ivey**, wife of **Marcus L Ivey**  
on the **26** day of **August**, 1896, that there was born to her on  
said date a **Female** child; that said child is now living and is said to have been  
named **Elisabeth U. Ivey**.

WITNESSES TO MARK

(Must be Two)  
Witnesses

**J. W. [Signature]**  
**A. G. Rose**

**R. H. Crabb M.D.**

Subscribed and sworn to before me this

**13th** day of **July**

1901.

**J. W. [Signature]**  
NOTARY PUBLIC

IN RE

Application for Enrollment of

INFANT CHILD

*Marcus A. Grey*  
as a citizen of

*Choctaw* Nation.

Approved, JUL 15 1901 190

*[Signature]*  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 15 1901

*[Signature]*  
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation.  
 of *Marcus A. Ivey*, born on the *22* day of *July*, 1898.  
 Name of Father: *Marcus L. Ivey*, a citizen of the *Choctaw* Nation.  
 Name of Mother: *Mary Elisabeth Ivey*, citizen of the *U.S.* Nation.  
 Post-office, *Roff I.T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.

*Southern* DISTRICT OF *INDIAN* TERRITORY.

I, *Mary Elisabeth Ivey*, on oath state that I am *38*  
 years of age and a citizen, by *Marriage* of the *Choctaw* Nation;  
 that I am the lawful wife of *Marcus L. Ivey*, who is a citizen, by  
*Blood* of the *Choctaw* Nation, that a *male* child was  
 born to me on the *22* day of *July*, 1898, that said child has been  
 named *Marcus A. Ivey*, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

*Marian Shields*  
*Marion Gore*

Subscribed and sworn to before me this *11* day of *July*, 1901.  
*John C. Clark*  
 NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.

*Southern* DISTRICT OF *INDIAN* TERRITORY.

I, *Kittie McLellan*, a *midwife*, on oath state that I  
 attended on Mrs. *Mary Elisabeth Ivey*, wife of *Marcus L. Ivey*,  
 on the *22* day of *July*, 1898, that there was born to her on  
 said date a *Male* child; that said child is now living and is said to have been  
 named *Marcus A. Ivey*.

WITNESSES TO MARK

(Must be Two Witnesses)

*John C. Clark*  
*Marian Shields*

Subscribed and sworn to before me this *11* day of *July*, 1901.  
*John C. Clark*  
 NOTARY PUBLIC

7-4898

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

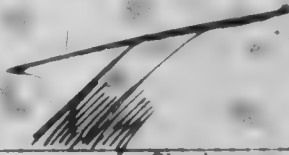
In the matter of the application for the enrollment of Elisabeth U. Ivey and Marcus A. Ivey as citizens by blood of the Choctaw Nation.

-----00-----

The applicants, Elisabeth U. Ivey and Marcus A. Ivey, claim the right to enrollment as citizens by blood of the Choctaw Nation through their father Marcus L. Ivey.

The right of the applicants' father, Marcus L. Ivey, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 28, 1904 in case No. 75 upon the Tishomingo docket of said court, it is hereby ordered that the application of Elisabeth U. Ivey and Marcus A. Ivey for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN 9



Choctaw 4998

COPY

Muskogee, Indian Territory, January 23, 1906.

Marcus L. Ivey,

Roff, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1906, dismissing the application for the enrollment of your minor children, Elizabeth U. Ivey and Marcus A. Ivey as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

*Tamm Birney*

Chairman.

Registered.

Incl. 7-4998

Choctaw 4998

COPY

Muskogee, Indian Territory, January 23, 1905.

J. P. Sharp,

Attorney at Law,

Purcell, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of Elizabeth W. Ivey and Marcus A. Ivey as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED

*James Dixie*  
Chairman.

Registered.

Incl. 7-4998.

Choctaw 4998

COPY.

Muskogee, Indian Territory, January 23, 1905.

Manfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,  
Gentlemen:

Inclosed herewith you will find a copy of the order of  
this Commission dated January 23, 1905, dismissing the application  
for the enrollment of Elizabeth D. Ivey and Marcus A. Ivey as  
citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED,

*Wm. Dixey*

Chairman.

Incl. 7-4998

Muskogee, Indian Territory, July 8, 1901.

Mr. M. L. Ivey,

Hoff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in which you desire information relative to the enrollment of the families of yourself and your brother.

Replying to your inquiry you are informed that it appears from our records that Thos. L. Ivey, thirty-four years of age, was, on September 14, 1898, listed for enrollment as a citizen of the Choctaw Nation in pursuance of a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, I. T., December 22, 1897, in the case of E. T. Bottoms et al vs. the Choctaw Nation.

There have since that time been listed for enrollment Willie L. and Walter Taylor Ivey, the children of Thos. L. and Lue H. Ivey, upon presentation of proper evidence as to their births; these children having been born subsequent to the filing of the original application in the case of E. T. Bottoms et al.

It further appears from our records that Marcus L. Ivey, thirty-eight years of age, on September 14, 1898, made personal application to this Commission for the enrollment of himself and his seven minor children, James L., William J., Thos. J., Nora E.,

Louis A., Elizabeth U. and Marcus A. Ivey; Marcus L. Ivey and his five minor children having been admitted to citizenship in the Choctaw Nation by judgment of the United States Court, in the case of Z. T. Bottoms et al. above referred to.

It appears that Elizabeth U. and Marcus A. Ivey were born subsequent to the filing of the original application to the Commission to the Five Civilized Tribes, in the case of Z. T. Bottoms et al. There is not on file with our records any proofs of birth of these two children. It is advisable that such proofs of birth be furnished at the earliest date possible, and there is enclosed you herewith two blanks for the enrollment of children. In having the same executed be careful to see that all blanks are properly filled; all names written in full, and in event either of the persons whose names are to be affixed to the affidavits are unable to write, and their signatures are by mark, that such signatures be attested by two disinterested parties, witnesses thereto. The Notary Public before whom the acknowledgements of the mother, the attending physician or nurse are made, must affix his notarial jurat and seal to each separate affidavit.

It further appears from the records in the case of Z. T. Bottoms et al. vs. the Choctaw Nation, that on March 3, 1899, the United States Court for the Southern District of the Indian Territory, corrected the judgment theretofore rendered in that case by strik-

M. I. I.--3.

ing therefrom the names of Bertha Ann Bottoms, Sallie Gracie Kirkland and James I. Ivey, for the reason that they were erroneously and by mistake inserted in the judgment heretofore rendered in this cause.

In pursuance of such order of the Court correcting this judgment, there has been entered opposite the name of James I. Ivey upon the rolls as being prepared of citizens of the Choctaw Nation, notation as follows:

"Name stricken from ~~the~~ final judgment by order of the United States Court."

Yours truly,

Commissioner in Charge.

7-4997  
7-4998

McM



Muskogee, Indian Territory, July 15, 1901.

Mr. Marcus L. Ivey,

Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Marcus A. Ivey, the infant son of Marcus L. and Mary Elisabeth Ivey, born February 28, 1898 and the same being in proper form has been duly filed with the records of the Commission as evidence of the birth of your child, Marcus A. Ivey.

Your attention is called to our letter of the 8th instant enclosing you blanks for proof of birth of your two minor children born subsequent to the filing of the original application in the case of Z. T. Bottoms et al, and you are informed that it would be advisable that such proofs of birth be furnished the Commission at the earliest date possible. You are requested to state the reason why you have not submitted proof of birth of Elisabeth U. Ivey. Please give this matter prompt attention.

Yours truly,

7-4998.

Acting chairman.

Muskogee, Indian Territory, July 19, 1901.

Mr. Marcus L. Ivey,  
Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Elisabeth U. Ivey, the infant daughter of Marcus L. and Mary Elisabeth Ivey, born August 26, 1896, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-4996

Muskogee, Indian Territory, August 22, 1901.

Mr. J. P. Sharp,

Attorney at Law,

Purcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant requesting to be advised whether or not proper evidence of the birth of James L. Ivey, son of Marcus L. Ivey and whose name was stricken from the original judgment rendered by the United States Court for the Southern District at Ardmore, Indian Territory, December 22, 1897, in court case number 115, has ever been filed with the records of the Commission.

You are informed that no affidavit relative to the birth of James L. Ivey has ever been filed with the records in this office.

Yours truly,

Commissioner in charge.

Muskogee, Indian Territory, October 21, 1901.

J. F. Sharp,

Attorney at Law,

Purcell, Indian Territory.

Dear Sir:

Replying to your letter of August 29, 1901, relative to the rights to enrollment as a citizen of the Choctaw Nation of James L. Ivey in pursuance of a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, I. T., December 22, 1897, in court case No. 115, Z. T. Bottoms et al. vs the Choctaw Nation, you are informed that from an examination of the original papers in this case that it appears as follows:

In the caption to the application for citizenship in the Choctaw Nation of Z. T. Bottoms et al., the following names are included: Marcus L. Ivey and Mary E. (Lively) Ivey, husband and wife, and James L., William J., Thomas F., Nora E., and Lewis A. Ivey, their children. In the petition however the names of this family appear as follows: "That Marcus L. Ivey, your petitioner, was lawfully married September 17th, 1884, to Mary E. Lively, in Fannin County, Texas, and are the parents of five living children, Fannie L. Ivey, aged ten years, William J. Ivey, aged eight years, Thomas F. Ivey, aged six years, Nora E. Ivey, aged four years and

J F S 2/

Lewis A. Ivey, aged one year, and all of whom are at present living at Leonard, in the State of Texas."

In the affidavit of Mary E. Ivey attached to the petition, the names of her children are given as follows: James L. Ivey, aged ten years, William J. Ivey, aged eight years, Thomas F. Ivey, aged six years, Nora E. Ivey, aged four years and Lewis A. Ivey, aged one year.

You will note that in the petition the name of James L. Ivey was omitted and as the United States Court for the Southern District of the Indian Territory held that he was not a party to the original application in this case, that his name was erroneously and by mistake inserted in the judgment rendered in this cause and on March 3, 1899 issued an order correcting the judgment theretofore rendered by striking out the name of the said James L. Ivey.

The Commission has no further jurisdiction in these cases of persons admitted to citizenship by judgment of the United States Court, than to recognize and obey the mandates of the Court.

Yours truly,

Acting Chairman.

7-4998

Choc 4999 Thos. W. Segrouer

#10-11-12 Dismissed

4999



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of:

DOROTHY MAY SEGROVES

7-4999.

7-4999.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

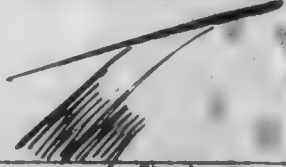
In the matter of the application for the enrollment of Dorothy May Segroves as a citizen by blood of the Choctaw Nation.

-----oOo-----

The applicant, Dorothy May Segroves, claims the right to enrollment as a citizen by blood of the Choctaw Nation through her father James B. Segroves.

The right of the applicant's father, James B. Segroves, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 28, 1904, in case No. 75 upon the Tishomingo docket of said court, it is hereby ordered that the application of Dorothy May Segroves for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN 25 1905

11  
Thomas W. Segroves and others.

Thomas W. Segroves says:

I am 52. I and my family were admitted by the U.S. Court at Ardmore, December 22 1897, case 115. I am husband of Elizabeth and father of James B., Charley W., George F., Doc Thomas William C., Zachariah, and Paralee Segroves.

I have lived in the Choctaw and Chickasaw Nations 25 years. I have lived in the Chickasaw Nation 12 years. I came from Texas to the Territory. I was never recognized as a citizen until admitted by court.

I know Emmett Montgomery. He has lived in the Choctaw Nation 12 years. I know Thomas Atwood. He lives near White Bead Hill and has lived in the Territory about 16 years.

Thomas W. Segroves  
Elizabeth Segroves  
James B. Segroves  
Charley W. Segroves  
George F. Segroves  
Doc Thomas Segroves  
William C. Segroves  
Zachariah Segroves  
Paralee Segroves

Paul's Valley, Sept. 14 1898.

Enrolled.

Charles W. Segroves says: My wife is Louie. I was married to her October 4th 1898. She was a United States citizen.

(License issued by Simon Wolf, County and Probate Judge of Pontotoc County, Chickasaw Nation. License issued for Charles W. Segroves to marry Miss Louise Speare, a United States citizen, October 3d 1898)

Louie Segroves

Paul's Valley, Sept. 14 1898.

enrolled.

7-4999.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Louie Segroves as a citizen by intermarriage of the Choctaw Nation.

-----c0c-----

The applicant, Louie Segroves, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to one Charley W. Segroves.

The right of the applicant's husband, Charley W. Segroves (as Charles Webster Segroves), to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of November 28, 1904, in case No. 75 upon the Tishomingo docket of said court, it is hereby ordered that the application of Louie Segroves for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN 1 1905

Choctaw 4999

COPY

Muskogee, Indian Territory, January 23, 1905.

James B. Segroves,

Marietta, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your minor child, Dorothy May Segroves, as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

*Thomas*

Chairman.

Registered.

Incl. 7-4999.

Choctaw 4999

COPY:

Muskogee, Indian Territory, January 23, 1905.

D. G. Bartlett,

Varietta, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of Dorothy May Segroves as a citizen by blood of the Choctaw Nation.

Respectfully,

~~SIGNED~~

Registered.

Chairman.

Incl. 7-4999.



Choctaw 4999

COPY.

Muskogee, Indian Territory, January 23, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find copies of the orders of this Commission dated January 23, 1905, dismissing the applications for the enrollment of Ethel Lillian Segroves and Dorothy May Segroves as citizens by blood, and of Louis Segroves as a citizen by intermarriage, of the Choctaw Nation.

Respectfully,

(SIGNED).

*James Dixey*

Chairman.

3 Incl. 7-4999.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of:

ETHEL LILLIAN SEGROVES

7-4999.

981  
2-4999.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

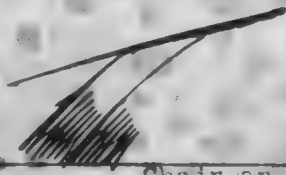
In the matter of the application for the enrollment of Ethel Lillian Segroves as a citizen by blood of the Choctaw Nation.

-----c00-----

The applicant, Ethel Lillian Segroves, claims the right to enrollment as a citizen by blood of the Choctaw Nation through her father Charley W. Segroves.

The right of the applicant's father, Charley W. Segroves (as Charles Webster Segroves), to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 28, 1904, in case No. 75, upon the Tishomingo docket of said Court, it is hereby ordered that the application of Ethel Lillian Segroves for enrollment, as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN 10 1905

INDEXED

CHOCTAW.

20

IN RE

Application for Enrollment of

INFANT CHILD

*Dorothy May Segroves*

as a citizen of the

*Choctaw* Nation.

Approved

JUL 18 1902

190

Commissioner.

CHOCTAW.

444

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chocktaw Nation,  
 of Corothy May Seymons, born on the 17 day of June, 1902  
(Here insert name of child.)  
 Name of Father: James Seymons, a citizen of the Chocktaw Nation.  
 Name of Mother: Loyis Seymons, a citizen of the U S Nation.  
 Post-Office: Moriatta 17

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, )

INDIAN TERRITORY,

Southern District. }

I, Georgie Seymons, on oath state that I am 27  
 years of age and a citizen, by blood, of the U S Nation;  
 that I am the lawful wife of James Seymons, who is a citizen, by  
blood, of the Chocktaw Nation, that a Female child was  
(Male or female)  
 born to me on the 17 day of June, 1902; that said child has been  
 named Corothy May Seymons, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this

16

day of

July

1902

D J Bantell

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, )

INDIAN TERRITORY,

Southern District. }

I, James Whitfield, a Physician, on oath state that I  
 attended on Mrs. Georgie Seymons, wife of James Seymons,  
 on the 17 day of June, 1902; that there was born to her on said  
 date a Female child; that said child is now living and is said to have been  
(Male or female)  
 named Corothy May Seymons

Witnesses to mark:

(Must be Two Witnesses.)

Subscribed and sworn to before me this

16

day of

July

1902

D J Bantell

Notary Public.

Choctaw 4999

COPY.

Muskogee, Indian Territory, January 23, 1905

Louie Segroves,

Woolsey, Indian Territory,

Dear Madam:

Inclosed herewith you will find copies of the orders of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the applications for the enrollment of yourself, as a citizen by intermarriage, and of your minor child, Ethel Eillian Segroves, as a citizen by blood, of the Choctaw Nation.

Respectfully,

EDWARD

Chairman

Chairman.

Registered.

2 Incl. 7-4999.



Choctaw 4999

COPY.

Washkoga, Indian Territory, January 23, 1905.

Manfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,  
Gentlemen:

Inclosed herewith you will find copies of the orders of this Commission dated January 23, 1905, dismissing the applications for the enrollment of Ethel Lillian Segroves and Dorothy May Segroves as citizens by blood, and of Louie Segroves as a citizen by intermarriage, of the Choctaw Nation.

Respectfully,

(SIGNED),

*James D. Dwyer*

Chairman.

3 Incl. 7-4999.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of:

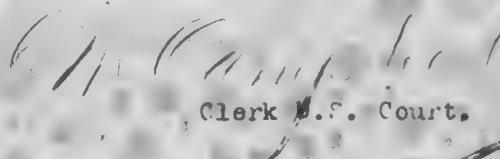
LOUIE SEGROVES

7-4999.

Indian Territory,  
Southern District.

I, C. M. Campbell, Clerk of the United States Court, within and for the Southern District of the Indian Territory, do hereby certify that J. E. Burch is a duly appointed, qualified and acting Notary Public within the Southern District of the Indian Territory; that his commission was dated the 14th day of April, 1899 and will expire on the 14th day of April, 1903; that his acts as such Notary is entitled to full faith and credit.

In Testimony whereof, witness my hand and official seal at my office in Ardmore, Indian Territory, this the 18th day of Oct. 1899.

  
Clerk U.S. Court.

60 44

IN RE

Application for Enrollment of  
INFANT CHILD.

Orlando H. Segrove

is a citizen of the

Choctaw

Nation.

Approved DEC 13 1899

1

J. S. Malcom

Commissioner.

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Application for Enrollment, as a citizen of the Choctaw Nation,  
 of Indian Territory, born on the 10<sup>th</sup> day of August, 1899.  
 Name of father: Charles W. Dugrove, a citizen of the Choctaw Nation.  
 Name of mother: Louie Dugrove, a citizen of the \_\_\_\_\_ Nation.  
 Post Office: McIntosh

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
Southwest District.

I, Louie Dugrove, on oath, state that I am 22 years of age and a  
 citizen, by intermarriage of the Choctaw Nation; that I am the  
 lawful wife of Charles W. Dugrove, who is a citizen, by blood of the  
Choctaw Nation; that a female child was born to me on the 10<sup>th</sup> day  
 of August - 1899; that said child has been named Ethel William Dugrove  
 and is now living.

Subscribed and sworn to before me this 15<sup>th</sup> day of August - 1899.

W. B. Burch Jr  
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
Southwest District.

I, W. B. Burch Jr, a physician on oath, state that I  
 attended on Mrs. Charles W. Dugrove, wife of Charles W. Dugrove  
 on the 10<sup>th</sup> day of August, 1899; that there was born to her on said date a female child;  
 that said child is now living and is said to have been named Ethel William Dugrove

Subscribed and sworn to before me this 15<sup>th</sup> day of August, 1899.

W. B. Burch Jr  
 Notary Public.

Choctaw 4999

COPY

Muskogee, Indian Territory, January 23, 1906.

Louie Segroves,

Woolsey, Indian Territory,

Dear Madam:

Inclosed herewith you will find copies of the orders of the Commission to the Five Civilized Tribes, dated January 23, 1906, dismissing the applications for the enrollment of yourself, as a citizen by intermarriage, and of your minor child, Ethel William Segroves, as a citizen by blood, of the Choctaw Nation.

Respectfully,

J. W. B. JENNINGS

Registered.

2 Incl. 7-4999.

Chairman.



Choctaw 4999

Muskogee, Indian Territory, January 23, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find copies of the orders of this Commission dated January 23, 1905, dismissing the applications for the enrollment of Ethel Lillian Segroves and Dorothy May Segroves as citizens by blood, and of Louie Segroves as a citizen by intermarriage, of the Choctaw Nation.

Respectfully,

SIGNED,

James G. ...

Chairman.

3 Incl. 7-4999.

Learn Legation

Washington

Wife of Charles H. Legation

Received by James H. Legation  
National Bank of the  
City of Washington  
as a check on the  
Merchants Trust Company  
with a check for \$5000  
dated Oct 1st 1905  
and cashed

Chectaw 4999

Muskogee, Indian Territory, July 19, 1902.

D. G. Bartlett,

Marietta, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, enclosing marriage license and certificate between J. B. Segreves and Georgie Ghouley, and also enclosing the application for enrollment as a citizen of the Chectaw Nation of Dorothy May Segreves, the infant daughter of James and Georgie Segreves born June 17, 1902.

The evidence of marriage enclosed in your letter has been duly filed with the records of this office and the application for the enrollment of Dorothy May Segreves being in proper form, has also been duly filed and the child listed for enrollment as a citizen of the Chectaw Nation.

Yours truly,

Commissioner in Charge.

7-D-25  
7-C-44. 10000

Muskogee, Indian Territory, August 20, 1902.

G. B. Bowles,

Marietta, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 13th instant, requesting information as to the enrollment of the Bowles and Segroves families as Indian citizens, and also requesting information as to how much land a citizen is entitled to hold.

In reply you are advised that the records of the Commission show that on September 16, 1898, John Bowles, fifty-two years of age, of Purcell, Indian Territory, made application to the Commission for enrollment as an intermarried citizen of the Choctaw Nation, having been admitted to such citizenship by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, Choctaw citizenship case No. 893.

No other persons by the name of Bowles appear among the records of the Commission as applicants for enrollment as citizens of either the Choctaw or Chickasaw Nations.

It further appears that on September 14, 1898, Thomas V. Segroves, his wife, Elizabeth Segroves, and their seven minor children, James B., Charley V., George F., Dee Thomas, William C., Sack-

G. S. B., 2.

arith and Maralee Segroves, made application to the Commission for enrollment as citizens of the Choctaw Nation, having been admitted to such citizenship by a judgment of the United States Court for the Southern District of Indian Territory, under the act of Congress of June 10, 1896, in Court case No. 114. Subsequently application was made for the enrollment of Louise Segroves, Ethel I. Segroves and Dorothy May Segroves. The Commission has not taken any final action in the applications of these persons for enrollment as citizens of the Choctaw Nation, but it is probable that the same will be taken up for consideration at an early date, at which time they will be informed of the decision of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

Under the pending agreement with the Choctaw and Chickasaw Nations, each person whose name is on the final roll as a citizen of either of said nations will be entitled to three hundred and twenty acres of the average allotable land of said Nations, and it is probable that the amount of land allotted to each citizen will not exceed three hundred and twenty acres whether said agreement is ratified or not.

Yours truly,

Acting Chairman.

COMMISSIONERS:  
TAMM HIXBY,  
THOMAS B. NEEDLES,  
C. E. BRECKINRIDGE.  
WM. B. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Choctaw 4999

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1905.

James B. Segroves,  
Marietta, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your minor child, Dorothy May Segroves, as a citizen by blood of the Choctaw Nation.

Respectfully,

Registered.

Incl. 7-4999.

Chairman.



Choc 5000 Emmett Montgomery

5000

Emmett Montgomery.

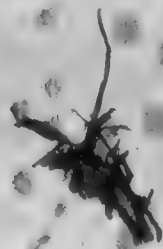
(See testimony of Thomas W. Segroves, Choctaw Court Card C44)

Emmett Montgomery

enrolled.

Choc 5001 Thos Atwood

5001



Muskogee, Indian Territory, October 18, 1900.

W. H. Harlas,

Berwyn, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 15th instant in which you desire to be informed if G. T. Whittington and Thomas Atwood are recognized citizens of the Chickasaw Nation and entitled to hold lands and rent the same in that Nation.

You are informed that the records of this Commission do not show that any party by the name of G. T. Whittington has ever been listed for enrollment as a citizen of either the Choctaw or Chickasaw Nation. It does appear, however, that Julia A. Whittington of Berwyn, Indian Territory, appeared before this Commission at Colbert, Indian Territory, on June 20th, 1900, and there made application for the enrollment of herself and her four minor children, Arthur L., Katie, Marion and Ruby W. In her testimony given at that time she states that her husband's name is John Whittington and the Commission is led to believe that this is the party of whom you inquire by reason of their post-office address being the same as yours. There was offered in evidence and for the consideration of the Commission, a number of affidavits, exhibits and other papers in support of this application and the Commission after carefully considering the same on October 1st, 1900, rendered a decision refusing the application of Mrs. Whittington and her children for enrollment in the Choctaw Nation. A Copy of the

W H H  
decision was mailed to her at Berwyn on October 1st.

As to Thomas Atwood, the records of this Commission show that he appeared and made application for enrollment as a citizen of the Choctaw Nation on September 14th, 1898, and was duly listed for enrollment as a citizen of that Nation by this Commission in pursuance of a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore on December 22nd, 1897 in Court case No. 115.

Yours truly,

Acting Chairman.

7-5091

7-2458

30  
Thomas Atwood

(See testimony of Thomas W. Segroves, Choctaw Court Card C. 44).

Thomas Atwood

enrolled.



Choc 5002 Sam m. segroves

# 2-3-4 Dismissed Jan 23, 1905

5002

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of:

ROSA LEM SEGROVES, ET AL. 7-5002.

In re

Application for Enrollment  
in the State

Rowan Lee W. Graves

Rockwell Station

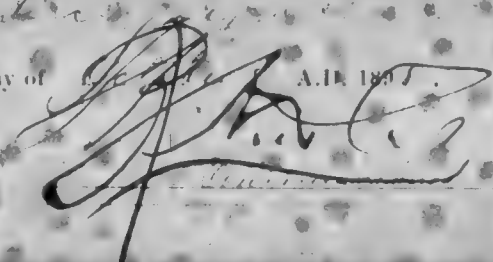
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

*Southern* Judicial District.

*George W. ...* being first duly  
sworn states that ~~he is a~~ citizen of the ~~United States of India~~. That he  
heretofore made application to the Commission to the Five Civilized Tribes for the enrollment of  
~~his daughter~~ <sup>son for record</sup> ~~and family~~. That ~~he is a~~ *George W. ...* the father, ~~enrolled by~~  
~~said tribe in~~ <sup>was admitted to citizenship in the said Nation by the office</sup> ~~and the mother~~  
~~in~~ *County of Southern District*. That since the date of said enrollment by said Commission,  
there has been born to said *George W. ...* to-wit: on the  
*11<sup>th</sup>* day of *July* A.D. 18*95*, a *male* child, which has been  
named *George W. ...*

Subscribed and sworn to before me this *11<sup>th</sup>* day of *July* A.D. 18*95*.



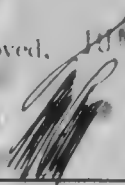
*IN RE*

Application for Enrollment of  
INFANT CHILD

*Pauler May Agroves*  
as a citizen of the

*Cherokee* Nation.

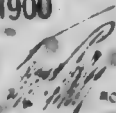
Approved, JUN 26 1900 190



Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
JUN 26 1900



ACTING CHAIRMAN.

5009

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE: Application for Enrollment, as a citizen of the *Choctaw* Nation,  
 of *Ouler May Segroves*, born on the *1st* day of *October*, 18*99*  
 Name of Father: *Sam M. Segroves*, a citizen of the *Choctaw* Nation.  
 Name of Mother: *Elsa Idelar Segroves*, a citizen of the *Choctaw* Nation.  
 Postoffice, *Marion, S. T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY.

*Southern* District. )

I, *Elsa I Segroves*, on oath state that I am *27*  
 years of age and a citizen, by *intermarriage*, of the *Choctaw* Nation;  
 that I am the lawful wife of *Sam M Segroves*, who is a citizen, by  
*Blood*, of the *Choctaw* Nation; that a *female* child was  
 born to me on the *first* day of *October*, 18*99*; that said child has been  
 named *Ouler May Segroves*, and is now living.

WITNESSES TO MARK

(Must be Two)  
 Witnesses: *W L Keyser*  
*W. H. Oliver*

*Elsa Idelar Segroves*

Subscribed and sworn to before me this *18* day of *April*, 1900

*C. W. Bennett*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY.

*Southern* District. )

I, *A. E. Martin*, physician, on oath state that I  
 attended on Mrs. *Elsa I Segroves*, wife of *Sam M Segroves*,  
 on the *1st* day of *October*, 18*99*; that there was born to her on  
 said date a *female* child; that said child is now living and is said to have been  
 named *Ouler May Segroves*.

WITNESSES TO MARK

(Must be Two)  
 Witnesses: *C. W. Smellie*  
*Geo. W. Burnett*

*A. E. Martin, M.D.*

Subscribed and sworn to before me this *14* day of *April*, 1900

*C. W. Bennett*



IN RE

Application for Enrollment of

INFANT CHILD

*William E. DeGroves*

as a citizen of

Nation.

Approved

JUL 21 1902

Commissioner.

I.P.R.  
COMMISSIONER

FILED

JUL 23 1902

5012

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

I, *RE* Applicant for Enrollment, as a citizen of the *Choctaw* Nation,  
 of *William Edgar Segraves* born on the *7* day of *Oct*, 190*1*  
 (Here insert name of child.)  
 Name of Father: *J M Segraves* a citizen of the *Choctaw* Nation.  
 Name of Mother: *Elsie Della Segraves* a citizen of the *Ms* Nation.  
 Post-office *Monetta*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
*Southern* District.

I, *Elsie Della Segraves*, on oath state that I am *20*  
 years of age and a citizen, by *Ms* of the *Choctaw* Nation;  
 that I am the lawful wife of *J M Segraves*, who is a citizen, by  
*Choctaw* of the *Choctaw* Nation; that a *male* child was  
 (male or female)  
 born to me on *7* day of *Oct*, 190*1*, that said child has been  
 named *William Edgar Segraves*, and is now living.

WITNESSES TO MARK:

*Elsie Della Segraves*

(Must be Two Witnesses.)

Subscribed and sworn to before me this *16* day of *July*, 190*1*  
*D. G. Bristow*  
 NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
*Southern* District.

I, *D. A. C. Country*, a *Physician*, on oath state that I  
 attended on Mrs. *Elsie Della Segraves*, wife of *J M Segraves*  
 on the *7* day of *Oct*, 190*1*, that there was born to her on  
 said date a *male* child; that said child is now living and is said to have been  
 (male or female)  
 named *William Edgar Segraves*.

WITNESSES TO MARK:

*D. A. C. Country, M.D.*

(Must be Two Witnesses.)

Subscribed and sworn to before me this *16* day of *July*, 190*1*  
*D. G. Bristow*  
 NOTARY PUBLIC

7-5002.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

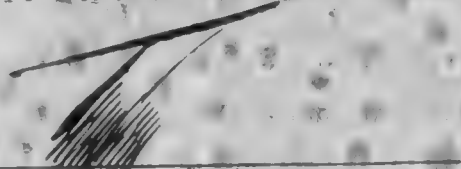
In the matter of the application for the enrollment of Rosa Lee Segroves, Buler May Segroves and William Edgar Segroves as citizens by blood of the Choctaw Nation.

---o0o---

The applicants, Rosa Lee Segroves, Buler May Segroves and William Edgar Segroves, claim the right to enrollment as citizens by blood of the Choctaw Nation through their father Sam. M. Segroves.

The right of the applicants' father, Sam. M. Segroves (as Samuel Montgomery Segroves), to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of November 28, 1904, in case No. 75 upon the Tishomingo docket of said court, it is hereby ordered that the application of Rosa Lee Segroves, Buler May Segroves and William Edgar Segroves for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

AN. 1904

Choctaw 5002

Wetumpka, Indian Territory, January 23, 1905.

Sam W. Segroves,

Marietta, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your minor children, Rosa Lee Segroves, Euler May Segroves and William Edgar Segroves, as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED

Registered.

Chairman.

Incl: 7-5002.

Choctaw 5002

COPY

Muskogee, Indian Territory, January 23, 1905.

D. G. Bartlett,

Marietta, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of Rosa Lee Segroves, Buler May Segroves and William Edgar Segroves, as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED

*James Dixey*

Chairman.

Registered.

Incl. 7-5002.

Choctaw 5002

COPY.

Muskogee, Indian Territory, January 23, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 23, 1905, dismissing the application for the enrollment of Rosa Lee Segroves, Buler May Segroves and William Edgar Segroves, as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

Chairman.

Incl. 7-5002



Muskogee, Indian Territory, July 24, 1902.

D. G. Bartlett,

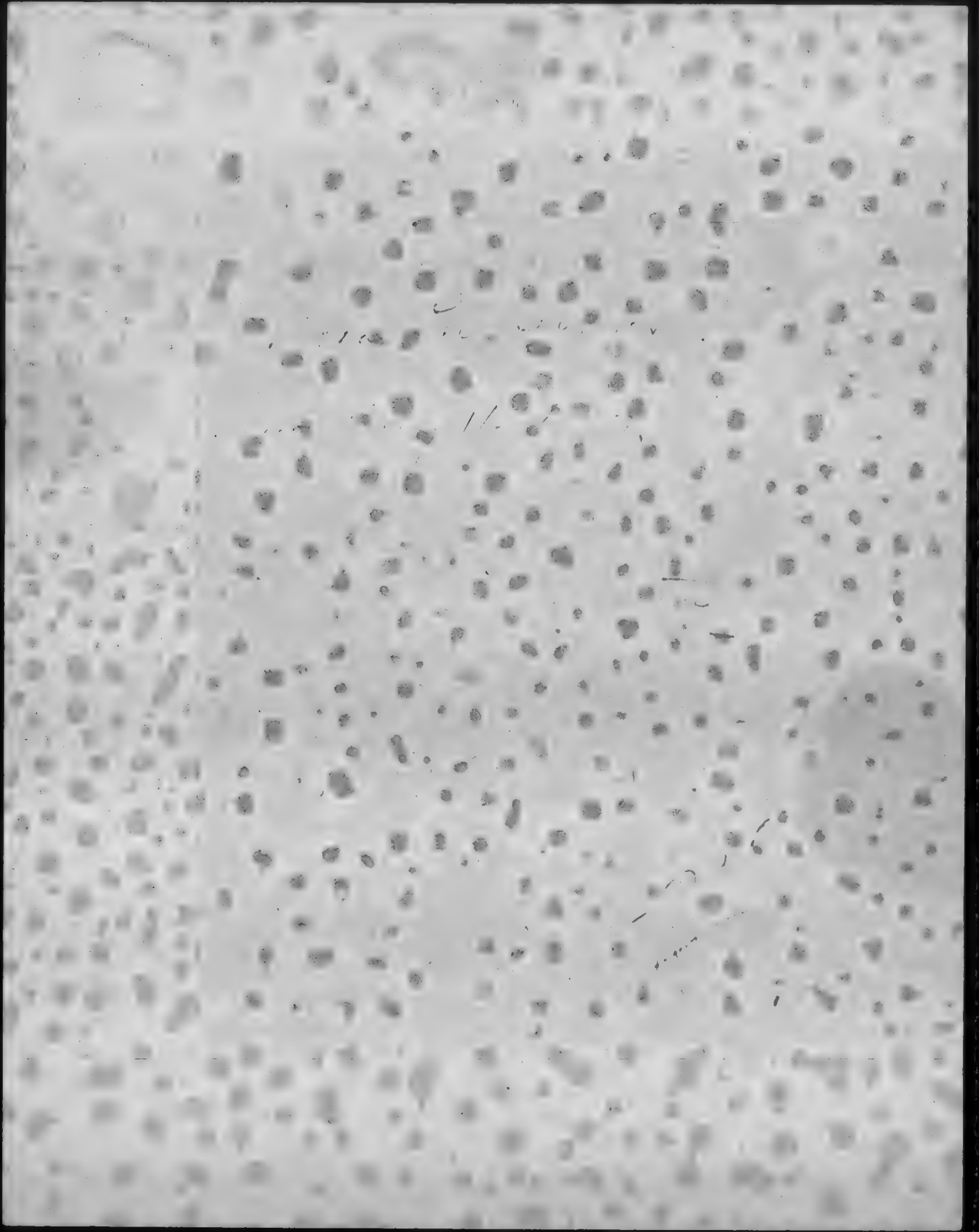
Marietta, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th inst., enclosing the application for enrollment as a citizen of the Choctaw Nation of Edgar Segroves, infant son of S. M., and Elsie Ideller Segroves, born October 7, 1901, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in charge.



Sam M. Segroves.

Samuel M. Segroves says:

I am 26. I was admitted by the U.S. COURT  
at Ardmore, D cember 22nd 1897, case 115.

I have lived in the Chickasaw Nation 12 years. I came from Texas  
whene I had lived all my life. I do not know where I was born. I have  
one daughter Rosa Lee, born January 11th 1896.

Samuel M. Segroves

Paul's Valley, Sept. 14 1898.

enrolled.

---

## Certificate of Record of Marriage

---

UNITED STATES OF AMERICA,  
INDIAN TERRITORY  
THIRD JUDICIAL DIVISION

I, JOSEPH W. PHILLIPS, Clerk of  
the United States Court in the Territory and  
Division aforesaid,

DO HEREBY CERTIFY that the License for,  
and certificate of the Marriage of

Mr. *Samuel Seagraves* and  
Mrs. *Maria Leupp*

were filed in my office in said Territory and Di-  
vision the \_\_\_\_\_ day of \_\_\_\_\_

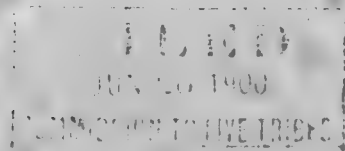
A. D. 1896 and duly recorded in Book *7*  
of Marriage Records, page *10217*

WITNESS my hand and seal of said Court, at  
Ardmore, this *6<sup>th</sup>* day of *Jan*, A. D. 1896-

JOSEPH W. PHILLIPS, Clerk.

By *J. L. Garrett* Deputy.

---



*7-5002*

# MARRIAGE LICENSE

United States of America,  
INDIAN TERRITORY,  
THIRD JUDICIAL DIVISION.

To Any Person Authorized by Law to  
Solemnize Marriage—Greeting.

You are now commanded to solemnize  
the Rite and publish the Banns of Matrimony between  
*Samuel Nagroos, Paola*  
in the Indian Territory, aged 22 years, and  
*Miss Alice Capps, Paola*  
in the Indian Territory, aged 17 years,  
according to law, and do you officially sign and return this  
License to the parties therein named.

WITNESS my hand and Official Seal this *3rd* day of *Jan* A. D. 1894

*D L Garrett*  
CLERK

## CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
THIRD JUDICIAL DIVISION.

*L. H. ...*  
*...*

DO HEREBY CERTIFY That on the *27* day of *Jan* A. D. 1894

I and a notary acting to law, as commanded by the foregoing License, solemnize the Rite and pub-  
lish the Banns of Matrimony between the parties therein named.

WITNESS my hand this *7th* day of *Jan* A. D. 1894

My records are recorded in the office of the Clerk of the United States Court  
Indian Territory *Third* Judicial Division, Book *A* Page *52*

*L. H. ...*  
*...*

Note: This License and Certificate of Marriage must be returned to the office of the Clerk of  
the United States Court in the Indian Territory from whence it was issued, within sixty days from  
the date thereof, or the party to whom the License was issued will be liable in the amount of One  
Hundred Dollars (\$100).

INDIAN TERRITORY )  
                          ) 88  
SOUTHERN DISTRICT )

J. B. SHARP being of lawful age and first duly sworn according to law deposes and states that on the 28th day of August, A. D. 1897, he saw J. B. Sharp, Attorney at Law, deposit for Registration, in the Post-Office at Purcell, addressed to the Governor of the Choctaw <sup>at Sau Bois, Ark.</sup> Nation, a true and complete copy of the attached Application for Citizenship of \_\_\_\_\_

Rosa Belle Segroves in the Choctaw Nation, together with a copy of Affidavits of Sam'l M. Segroves and Elsie Segroves together with copy of motion in Chauveny - W. H. Campbell's Report in case of B. T. Bottoms vs Choctaw Nation

That affiant compared said copies with the original hereto attached and that the same is in every respect a true copy thereof.

Affiant further states that he has no interest in said case and is not in any way related to any of the parties thereto.

Witness my hand this the 28th day of August, A. D. 1897.

J. B. Sharp

Subscribed and sworn to before me this the day and year last aforesaid.

J. P. King  
Notary Public.



before the Honorable Commission to the Five Civilized Tribes of the Indian Territory.

In the matter of the application for citizenship and enrollment in the Choctaw Nation of Rosa Belle Segroves, a minor child.

P E T I T I O N.

YOUR petitioner, Rosa Belle Segroves, by her father, Sam'l M. Segroves, states that said petitioner is a citizen of the Choctaw Nation by blood and a resident of near Paoli, I. Ty., the same being in the Chickasaw nation. That said petitioner was born January 11th, A. D. 1897, at the home of her parents near Paoli.

Your petitioner further states that her said parents made application for citizenship in the Choctaw nation, for themselves and the members of their family, under Act of Congress of June 10th, 1896, and that their said application was by your Honorable Commission, rejected: that an appeal was prosecuted to the United States Court for the Southern District of the Indian Territory at Ardmore and after a hearing before the Master in Chancery, to whom said hearing had been duly referred by the court, a report was filed in said court recommending the admission of the members of your petitioner's family as citizens of the Choctaw nation. That said Report for want of opportunity, owing to the illness and absence of the U. S. Judge, has never been acted upon. A copy of said report is here-with filed marked exhibit "A".

W h e r e f o r e, Your petitioner prays that the said minor child ~~be~~, Rosa Belle Segroves, be enrolled as a member of the Choctaw Tribe of Indians under the law providing for enrollment of children born since June 10th, A. D. 1897.

Indian Territory

Southern District Samuel M. Segroves being duly sworn upon oath states that the allegations contained in the fore-going petition are true.

Subscribed and sworn to before me this the 21st day of August, A. D. 1907.

Witness my hand

Notary Public

*Witness to mark*  
*Ad Hawk*  
*Sam'l M. Segroves*  
*Witness to mark*  
*Ad Hawk*  
*Sam'l M. Segroves*  
*Witness to mark*  
*Ad Hawk*  
*Sam'l M. Segroves*

Indian Territory )  
Southern District )

ss

Before me *J. Mark* a Notary

Public in and for the Southern District of the Indian Territory,  
this day personally appeared Samuel M. Segroves and Elsie Segroves,  
husband and wife who after being first duly sworn according to  
law upon oath state that they are the parents of the petitioner,  
Rosa Belle Segroves, who was born January 11th, A.D. 1897 at their  
home near Paoli, Indian Territory.

Affiants state that said petitioner is now living with them and  
that they are the same Samuel M. Segroves and Elsie Segroves as are  
included ~~in~~ in the application for citizenship in the Choctaw Nat-  
ion filed before your Honor ble Commission and entitled "In Re  
Z.T. Bottoms et al" #2713. Said affiants state that the copy of the  
Report filed with the petition in this case is a true copy of the  
report of the Master in Chancery for the Southern District of the  
Indian Territory.

In witness whereof the said parties have hereunto set their  
hands this the 28 day of August, A.D. 1897.

*Witness to mark*  
*Ad Hawk*

*his mark*  
*Same signature* *Samuel Segroves*

*Elsie Segroves* *Elsie Segroves*

Subscribed and sworn to before me this the day and year last afore-  
said.

*Notary here*

*J. Mark*  
Notary Public

(Copy)

UNITED STATES COURT SOUTHERN DISTRICT AT ANKMORE INDIAN TERRITORY

Z. T. Bottoms et al }  
vs }  
Choctaw Nation }

Master's Report.  
~~XXXXXXXXXXXXXXXXXXXX~~

TO THE HON. C.B. KILGORE, JUDGE OF SAID COURT:-

The applicants in this case are about One Hundred; their contention is, that William Bottoms, commonly known as Uncle Billie Bottoms, whose Indian name was "Wockahtubbe" was a one-half or three fourths Choctaw Indian by blood, and was married to Ann Meshalahtubbe, a full blooded Choctaw Indian and resided with the Choctaw Indians in the Choctaw Nation in Mississippi, before their removal to the Indian Territory. Of this union there has been born several children. The testimony <sup>in this case</sup> shows that the applicants, except those that were inter-married, were descendants of William and Ann Bottoms. The evidence in the case further shows that William and Ann Bottoms were Choctaw Indians.

There are quite a number of applicants, about thirty four in number, who are non-residents of the Indian Territory, or inter-married not in accordance with the laws of the Choctaw Nation. Their names are set up as follows:-

- Wm. F. Bottoms, Latha, Fernando, Pearl, Pauline E. Bottoms, Jno. W. Morrow, Mary L. Bottoms, Ezekel Putnam, and Hattie Jane, and Frankie Lee Putnam Orton Bennitt, Emiline Sherwood Bottoms, Mary F. Bottoms, Sirena Bottoms, Geo. Atwood Thomas Segroves, Elsie Capps Segroves, Ophelia Segroves, Sarah Kirkland, Ernie Jones Kirkland, Inez Lock Kirkland, Joseph Steppick, Charles E. Steppick, Marcus L. Ivey, Mary E., Wm. J., Th. Thomas, Nora Lewis, and Sedenie White Ivey, Lou H. Ivey Wilbern Crawford
- The following <sup>are</sup> are the lineal descendants of William and Ann Bottoms who reside in the Indian Territory;

Thereby certify that the above foregoing  
is a true & correct copy of the report in the  
Case of J. N. Bottoms et al vs Choctaw Nation  
filed by me in the Clerk's office of the United  
States Court for the Southern District of  
Indian Territory at Ardmore,

W. L. Campbell  
Master in Chancery

Subscribed & sworn to before me this  
21<sup>st</sup> day of August 1891

E. H. Bond  
Notary Public,

It will be noticed that referred are sent out for the distribution of  
copy.

and John H. ~~Stewart~~ and Robert H. Ivey Nora Lee and Kettle Kieran Gray  
and William ~~Gray~~ Gabelick, Thomas J. Lee, W. S. Beale, H. Gabelick

and Gabelick, Howard Ivey, Thomas H. Ivey, Kettle W. Ivey Hager, Ivey,

Rosa, White, James and Rufus Kirkland, Moses and Lee Kirkland, etc.

Belton, Kirkland Kirkland, William Wilson Kirkland, William, Emma, Rosa,

James, and Charles W. Lee Thomas, William, Jacobus and Paul

Wine, W. R. Thomas, Thomas A. Lee, E. Ernest Henderson, Hixson, Lee, Lee,

Lee, Sarah Lee Thomas, William H. Beeson, Francis Caroline Beeson,

and Aaron Beeson, William I. Beeson, George Beeson, Beeson, Lee, Beeson,

Lee, William B. Switzer, Beeson, Lee, Beeson, Beeson, Beeson, Beeson,

William H. Beeson, Rosa Bell and William Kincaid Beeson, Beeson, Lee

(2)

(2)

William H. Bottoms, Rosa Bell and William Elmore Bottoms, Rebecca Morrow, William P. Walter, Lettitia, Tewell, Beulah, Minnie, Winnie, Morrow and Newton Bottoms, William I. Bottoms, Claude Bottoms, Betsey Jane Bottoms, Zaharie Thomas Bottoms, William L. Bottoms, Francis Caroline Bottom Jane Z., Bertha May, Samuel and Easter E. Bottoms, William A. Bottoms, Allie A. Bottoms Thomas Atwood, E. Emmett Montgomery, Elizabeth Segrove, Jane, Samuel M., Charles W., Doc Thomas, William, Zachariah and Paral Segrove, Elridge Kirkland, William Walter Kirkland, William, Laura, Inez, Roxy, Sallie, James and Beulah Kirkland, Monta and Lee Kirkland Nancy Ann Steppick, Marvus Ivey, Thomas L. Ivey, Elisha W. Ivey, Usley Ivey, and William Oscar Steppick, Thomas J. & Geo. W. & Bessie L. Steppick and John H. Gregory, and Robert L. Ivey, Nora Lee and Kittie Ragan Crawford.

It will be noticed that neither the testimony nor the application shows by what law, quite a number, if any at all, of the inter-marriages of the inter-married applicants were solemnized. It appears that the Choctaw Nation has constantly resisted the claims to Citizenship of these applicants, and I think that the burden is upon the applicants to show that they were married in accordance with the Choctaw laws.

I therefore recommend that these inter-married persons be allowed an opportunity to show to the Court that they have married in accordance with the laws of the Choctaw Nation, and if this testimony is not procured, that I recommend that their claim to citizenship be rejected; however, I do not think that they should be rejected without an opportunity to show that they have married in accordance with the laws. The record is silent upon that point if any of them were married in accordance with the Choctaw laws. I recommend that the lineal descendants of William and Ann Bottoms <sup>as</sup> contained in this record, who reside in the Indian Territory be admitted to enrollment as members of the Choctaw tribe.

(Signed)

W. H. ...  
Master in Chancery



Choc 5003 Wm I. Bottoms

5003

William I. Bottoms and others.

Mary B. Bottoms says:

I am 33 . I am mother of William I., Claudia M. and Bettie J. Bottoms., admitted by the U.S. Court at Ardmore December 22nd 1897, case 115 . I have been living in the Choctaw and Chickasaw Nations 6 years. I came from Texas. I am now living with these children in the Chickasaw Nation. I came from Mississippi to Texas, where I lived 2 years. I was born and raised in Mississippi. My post office is Heard.

Parla Valley, Sept. 14 1898.

William I. Bottoms  
Claudia M. Bottoms  
Bettie J. Bottoms

enrolled.

Choc 5004 Inez Kirkland

5004

## Inez Kirklin and others.

Sarah Kirklin says:

I am about 50. I am mother of Inez, Roxy A., and Sallie Kirklin admitted by the U.S. Court at Ardmore December 22nd 1897, case 115. These children have been living near Chickasaw in the Chickasaw Nation. I have lived in the Territory 21 years.

I came from Texas. I have lived there 16 or 20 years. I lived in the Choctaw Nation one year and the remainder of that time I have lived in the Chickasaw Nation. Two years ago I moved to Texas with my family and lived one year. I came back after Christmas in the year 1897.

Paul's Valley, Sept. 14 1898.

Inez Kirklin  
Roxy A. Kirklin  
Sallie Kirklin

enrolled.

Choc 5005 Kate Crawford

#3 Dismissed Jan 23, 1905

5005

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of:

WILLIAM J. B. CRAWFORD

7-5005.



Kate Crawford and others.

Katie Crawford says:

I am 24. I am mother of Nora Lee and William Jennings Bryan Crawford. Myself and Nora Lee were admitted by the U.S. Court at Ardmore, December 22nd 1897, case 115.

William J.B. Crawford was born december 11th 1897. I came from Texas and have lived in the Chickasaw Nation 12 years.

Kate Crawford  
Nora L. Crawford  
William J.B. Crawford

Paul's Valley, Sept. 14 1898.

enrolled.

7-5095.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

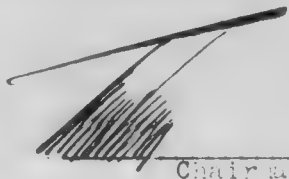
In the matter of the application for the enrollment of William J. B. Crawford as a citizen by blood of the Choctaw Nation.

-----610-----

The applicant, William J. B. Crawford, claims the right to enrollment as a citizen by blood of the Choctaw Nation through his mother Kate Crawford.

The right of the applicant's mother, Kate Crawford (as Katie Crawford), to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of November 28, 1904, in case No. 75 upon the Tishomingo docket of said court, it is hereby ordered that the application of William J. B. Crawford for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN 1905

---

Choctaw 5005

COPY.

Muskogee, Indian Territory, January 23, 1905.

Kate Crawford,

Elmore, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your minor child, William J. B. Crawford, as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

John A. Jones

Chairman.

Registered.

Incl. 7-5005

Choctaw 5005

COPY.

Muskogee, Indian Territory, January 23, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 23, 1905, dismissing the application for the enrollment of William J. B. Crawford as a citizen by blood of the Choctaw Nation.

Respectfully,

(SIGNED).

*James Dixby*

Chairman.

Incl. 7-5005

Choc 5006 Lutitia Hatcher

# 2-3-4 Dismissed Jan 23, 1905

5006

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of:

JOHN A. HATCHER, ET AL.,

7-5006.



*IN RE*

Application for Enrollment of

INFANT CHILD.

*George A. Tower*

As a citizen of the

*United States*

Nation.

Approved **DEC 13 1899** 1

*A S McKeown*  
Commissioner.

72006

2-51

Department of the Interior,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,  
of Pontotoc, born on the 15 day of October, 1887.  
Name of father: C. J. Hatcher, a citizen of the U. S. Nation.  
Name of mother: S. Hatcher, a citizen of the Chickasaw Nation.  
Post Office: Stewartville

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
Southern District. }

I, S. Hatcher, on oath, state that I am 17 years of age and a  
citizen, by birth, of the Chickasaw Nation; that I am the  
lawful wife of C. J. Hatcher, who is a citizen, by marriage, of the  
U. S. Nation; that a male child was born to me on the 15 day  
of October, 1887; that said child has been named John Andrew,  
and is now living.

Subscribed and sworn to before me this 7 day of Nov, 1899.  
W. F. Bowman  
Notary Public Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
See District. }

I, W. F. Bowman, a midwife, on oath, state that I  
attended on Mrs. S. Hatcher, wife of C. J. Hatcher  
on the 15 day of October, 1887; that there was born to her on said date a male child;  
that said child is now living and is said to have been named John Andrew.

Subscribed and sworn to before me this 7 day of Nov, 1899.  
W. F. Bowman  
Notary Public Notary Public.

CHOCIAW.

INDEXED

IN RE

Application for Enrollment of  
INFANT CHILD.

*Oliver Everett Fletcher*

As a citizen of the

*Choclaw*

Nation.

Approved

JUN - 8 1901

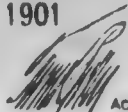


Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

JUN 8 1901



ACTING CHAIRMAN

CHOCIAW.

\*5006

V

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
 of Ollie Emeret Hatcher, born on the 13 day of April, 1901.  
 Name of father: E. M. Hatcher, a citizen of the U. S. Nation.  
 Name of mother: Loutishie Hatcher, a citizen of the Choctaw Nation.  
 Post Office: Beber Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
Southern District.

I, Loutishie Hatcher, on oath, state that I am 18 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of E. M. Hatcher, who is a citizen, by marriage, of the Choctaw Nation; that a Male child was born to me on the 13<sup>th</sup> day of April, 1901; that said child has been named Ollie Emeret Hatcher and is now living.

Subscribed and sworn to before me this 4<sup>th</sup> day of June, 1901.  
Loutishie Hatcher  
L. C. McLaughlin  
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
Southern District.

I, Rebecca Morrow, a Midwife, on oath, state that I attended on Mrs. Loutishie Hatcher, wife of E. M. Hatcher, on the 13 day of April, 1901; that there was born to her on said date a Male child; that said child is now living and is said to have been named Ollie Emeret Hatcher.

Subscribed and sworn to before me this 2<sup>nd</sup> day of June, 1901.  
Rebecca Morrow  
L. C. McLaughlin  
 Notary Public.

*IN RE*

Application for Enrollment of

INFANT CHILD

*Bew Noble Hatchler*  
as a citizen of

*Choctaw* Nation.

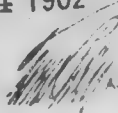
Approved, ~~AUG 11 1902~~ 190



Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**  
AUG 14 1902

  
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
 of *Ben Noble Natcher*, born on the *18<sup>th</sup>* day of *July*, 1902  
here insert name of child  
 Name of Father: *E. M. Natcher*, a citizen of the *Choctaw* Nation.  
 Name of Mother: *Loutishie Natcher*, a citizen of the *Choctaw* Nation.  
 Post-office, *Paoli, I. T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

*Southern* District.

*Loutishie Natcher*, on oath state that I am *19*  
 years of age and a citizen, by *Blood* of the *Choctaw* Nation;  
 that I am the lawful wife of *E. M. Natcher*, who is a citizen, by  
*Marriage*, of the *Choctaw* Nation; that a *male* child was  
(male or female)  
 born to me on the *18<sup>th</sup>* day of *July*, 1902 that said child has been  
 named *Ben Noble Natcher*, and is now living.

WITNESSES TO MARK

x *Loutishie Natcher*.

(Must be Two Witnesses)

Subscribed and sworn to before me this *11<sup>th</sup>* day of *August*, 1902

*E. N. McLeod*

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

*Southern* District.

I, *J. B. Maples*, a *Physician*, on oath state that I  
 attended on Mrs. *Loutishie Natcher*, wife of *E. M. Natcher*,  
 on the *18<sup>th</sup>* day of *July*, 1902; that there was born to her on  
 said date a *male* child; that said child is now living and is said to have been  
 named *Ben. Noble Natcher*

WITNESSES TO MARK

*J. B. Maples M. D.*

(Must be Two Witnesses)

Subscribed and sworn to before me this *11<sup>th</sup>* day of *August*, 1902

*E. N. McLeod*

NOTARY PUBLIC



7-5006.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Andrew Hatcher, Ollie Everet Hatcher and Ben Noble Hatcher as citizens by blood of the Choctaw Nation.

-----oOo-----

The applicants, John Andrew Hatcher, Ollie Everet Hatcher and Ben Noble Hatcher, claim the right to enrollment as citizens by blood of the Choctaw Nation through their mother Lutitia Hatcher.

The right of the applicants' mother, Lutitia Hatcher (as Letitia Morrow), to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 28, 1904, in case No. 75 upon the Tishomingo docket of said court, it is hereby ordered that the application of John Andrew Hatcher, Ollie Everet Hatcher and Ben Noble Hatcher for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
Chairman.

Muskogee, Indian Territory,

JAN 13 1905

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Choctaw 5006

COPY.

Muskogee, Indian Territory, January 23, 1905.

Lutitia Hatcher,

Paoli, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your minor children, John Andrew Hatcher, Ollie Everet hatcher and Ben Noble Hatcher, as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED,

*Tams Dixey*

Chairman.

Registered.

Incl. 7-5006.

Choctaw 5006

COPY.

Muskogee, Indian Territory, January 23, 1905.

E. H. McCord,

Paoli, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of John Andrew Hatcher, Ollie Everet Hatcher and Ben Noble Hatcher as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

*Lewis Dickey*  
Chairman.

Registered.

Incl. 7-5006

Choctaw 5006

COPY

Muskogee, Indian Territory, January 23, 1905.

Wansfield, McMurray & Corrish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 23, 1905, dismissing the application for the enrollment of John Andrew Hatcher, Ollie Everet Hatcher and Ben Noble Hatcher as citizens by blood of the Choctaw Nation.

Respectfully,

JENNEDY

J. J. JENNEDY

Incl. 7-5006

Chairman.

Muskogee, Indian Territory, June 8, 1901.

E. M. Hatcher,

Bebee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Ollie Everet Hatcher, the infant son of E. M. and Leutishie Hatcher, born April 13, 1901.

The same being in proper form has been accepted and filed with the records of this Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-5096

7-5006.

Muskogee, Indian Territory, August 14, 1903.

Loutishie Hatcher,

Paoli, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Ben Noble Hatcher, infant son of E.M. and Loutishie Hatcher, born July 18, 1902; and the same being in proper form has been duly filed with the records of the Commission, and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.



7-8006.

Muskogee, Indian Territory, August 14, 1902.

E.H. McGord,

Paoli, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th inst., enclosing the application for enrollment as a citizen of the Choctaw Nation of Ben Noble Hatcher, infant son of E.H. and Loutishie Hatcher, born July 18, 1902.

In accordance with your request, acknowledgment has been made this day to Loutishie Hatcher, Paoli, Indian Territory.

Yours truly,

Acting Chairman.

Lutitia Hatcher.

Lutitia Hatcher says:

I am 15. I was married to my husband Martin,  
July 25th last, under under U.S. License, at Ada.

I came from Texas to the Territoey 6 years ago. I have lived in the  
Chickasaw Nation since that time. I was admitted at "Lutitia  
Morrow ", by the U.S. Court at Ardmore, December 22nd 1896, case 115.

Lutitia Hatcher

enrolled.

*Paul's Valley, Sent 14 1898.*

Choc 5007 Martha J. Jones

5007

Martha J. Jones.

Martha J. Jones says:

I am 58. I was admitted by the U.S. Court at Ardmore, December 21st 1897 .

I first lived in Mississippi. My father started to the Territory and he died and I lived four years in Arkansas. I lived the balance of the time in Texas. I moved with my family to the Chickasaw Nation 13 years ago. My husband died in Texas in 1883. I have never lived in the Choctaw Nation.

About 12 or 13 years ago I made application to the Choctaw Council for citizenship, but was rejected. We appealed the case and it was never tried, and it was not tried until we applied to the

Dawes Commission in 1896/

Paul's Valley, Sept. 14 1898.

Martha J. Jones

enrolled.

Choc 5008 W<sup>m</sup> F. BOTTOMS

5008

South McAlester, Indian Territory, September 11, 1900.

Mr. W. P. Bottoms,  
Dryden, Texas.

Dear Sir:-

Your letter of August 22nd, 1899, to the Secretary of the Interior, stating that you were admitted by the United States Court at Ardmore to citizenship in the Chickasaw Nation, and asking if you can hold your citizenship and live in Texas, or must you move back to the Nation, was by the Secretary referred to this Commission for consideration and answer; and in reply we have to say that the provision of section 22 of the act of June 26th, 1896, known as the Curtis bill, reads as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

This clause will exclude anyone from enrollment who did not, prior to June 26th, 1896, remove to and settle within the tribe in which he claims citizenship, and would certainly apply to your case. You were placed on a white card by the Commission, subject to this provision of law.

Very truly yours,

*A. S. McPherson*

Commissioner.



570

William F. Bottoms.

William F. Bottoms says:

I am 63. I was admitted by U.S. court at Ardmore, December 22nd 1897, case 115.

I live at Bryson, Texas. I have lived there 20 years. In 1884 I lived in the Territory 1 year. I lived in the Choctaw Nation and did not bring my family. One married son was with me in the Territory. I went to Oklahoma in 1889 and remained there 2 years and went back to Texas. I have lived there ever since. I am father of a number of persons in the decree above mentioned.

My daughter Pauline Bennett mentioned in the decree is living on my farm in Texas. She has lived there all her life.

William F. Bottoms

Paul's Valley, Sept. 14 1898.

enrolled.

Choc 5009 Charles Winter

Dismissed Jan 26, 1905

5009

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of:

Charles Winter

7-5009.

51  
Charles Winter.

Charles Winter says :

I am 63. I was admitted by the U.S. court at Ardmore, November 15th 1897,.

I married my first wife in 1862, at Fort Washita, Chickasaw Nation. She was a half breed Chickasaw. She died and I married another Chickasaw woman in 1864. I married a white woman in 1869, according to Chickasaw law. She is living. I have one child by her. I have been living in the Chickasaw Nation all the while. I claim citizenship for myself only .

Paul's Valley, Sept. 14 1898.

Charles Winter

enrolled.

7-5009.

DEPARTMENT OF THE INTERIOR,  
COMMISSION FOR THE FIVE CIVILIZED TRIBES.

In the latter of the application for the enrollment of Charles Winter as a citizen by intermarriage of the Choctaw Nation.

-----oOo-----

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Chas. Winter vs Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 519), original application was made to this Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for the admission of the applicant, Charles Winter, as a citizen by intermarriage of the Choctaw Nation, and on December 2, 1896 said applicant was by this Commission denied admission as a citizen by intermarriage of the Choctaw Nation. From this decision of the Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court on March 11, 1898, in the case entitled "Chas. Winter, vs. Choctaw Nation" (Citizenship Case, number 146, reversed the decision of the Commission denying the said Charles Winter admission to citizenship in the Choctaw Nation and admitted said applicant (as Chas. Winter) as a citizen of said nation.

It further appears from the records in the possession of the Commission that on December 19, 1902, the Choctaw and Chickasaw Citizenship Court, created by the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of Indian Territory. Said cause has not been appealed or certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the provisions of said act of Congress approved July 1, 1902.

In accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.S. 3824-1904) and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.S. 5246-1904) the

2.

Commission to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of Charles Winter as a citizen by intermarriage of the Choctaw Nation, and it is, therefore, hereby ordered that the application of Charles Winter for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

NOV 6 1905



Choctaw 5009.

COPY.

Muskogee, Indian Territory, January 26, 1905.

Charles Winter,

Roberson, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

*Fame Dixey*  
Chairman.

Registered.

Incl. 7-5009.

Choctaw 5009.

COPY.

Muskogee, Indian Territory, January 26, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 26, 1905, dismissing the application for the enrollment of Charles Winter as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

*Iamo Dixey*

Chairman.

Incl. 7-5009.

Choc 5010 Lieveella Pyburn

Nos 627 Dismissed may 27, 1904

5010

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment  
as citizens by blood of the Choctaw Nation of:

John F. Pyburn, et al.,

7-5010.

-----o-----

## Luella Pyburn and others.

Luella Pyburn says:

I am mother of M. H., Benjamin H., James B., Mary L., and John F. Pyburn.

These were admitted by the U.S. court at South McAlester, August 25th 1897, except John F., born January 1st 1898.

I have been living in the Chickasaw Nation 6 years. I have never lived in the Choctaw Nation. I came from Arkansas.

Luella Pyburn  
M.H. Pyburn  
Benjamin H. Pyburn  
James B. Pyburn  
Mary L. Pyburn  
John F. Pyburn

Paul's Valley, Sept. 14 1898.

enrolled.

*IN RE*

Application for Enrollment of  
INFANT CHILD

*Willie Ann Spurn*  
as a citizen of the

*Choctaw* Nation.

Approved, *[Signature]* 1000 100

*[Signature]*

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

JUL 20 1900

*[Signature]*

ACTING CHAIRMAN.

AW.

5010.



## Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
 of *Minnie Ann Pylburn*, born on the *25* day of *March*, 1900  
 Name of Father: *Jos. W. Pylburn*, a citizen of the *United States* Nation.  
 Name of Mother: *Linnella Pylburn*, a citizen of the *Choctaw* Nation.  
 Postoffice: *...*

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, )

INDIAN TERRITORY.

*Southern* District. )

I, *Linnella Pylburn*, on oath state that I am *thirty two*  
 years of age and a citizen, by *Birth*, of the *Choctaw* Nation;  
 that I am the lawful wife of *Jos. W. Pylburn*, who is a citizen, by  
*Birth*, of the *United States* Nation; that a *female* child was  
 born to me on the *25* day of *March*, 1900; that said child has been  
 named *Minnie Ann*, and is now living.

WITNESSES TO MARK

*Linnella Pylburn*

(Witnesses)

Subscribed and sworn to before me this *...* day of *July*, 1900*M. T. Bell*

NOTARY PUBLIC

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, )

INDIAN TERRITORY.

*Southern* District. )

I, *Jos. J. Morrow*, a *Physician*, on oath state that I  
 attended on Mrs. *Linnella Pylburn*, wife of *Jos. W. Pylburn*,  
 on the *25* day of *March*, 1900; that there was born to her on  
 said date a *female* child; that said child is now living and is said to have been  
 named *Minnie Ann*.

WITNESSES TO MARK

*Jos. J. Morrow*Subscribed and sworn to before me this *...* day of *July*, 1900

NOTARY PUBLIC

*Sloto*

7-5010.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

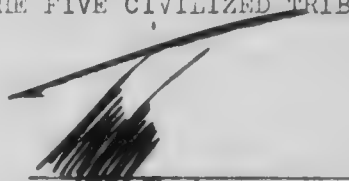
-----o-----

In the matter of the application for the enrollment of John F. Pyburn and Willie Ann Pyburn as citizens by blood of the Choctaw Nation.

-----o-----

The applicants, John F. Pyburn and Willie Ann Pyburn, claim their right to enrollment as citizens by blood of the Choctaw Nation through their mother Lieuella Pyburn. The right of the applicants' mother, Lieuella Pyburn, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, April 18, 1904, in case No. 101, upon the South McAlester docket of said court, it is hereby ordered that the application of John F. Pyburn and Willie Ann Pyburn for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
Chairman.

Muskogee, Indian Territory,

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

Choctaw 5010.

COPY.

Muskogee, Indian Territory, June 6, 1904.

Lieueella Pyburn,

Purdy, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for enrollment as citizens by blood of the Choctaw Nation of John F. Pyburn and Willie Ann Pyburn.

Respectfully,

(SIGNED)

*Jame Bixby.*  
Chairman.

Registered.

Incl. 7- 5010.

Choctaw 5010.

Muskogee, Indian Territory, June 6, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for the enrollment as citizens by blood of the Choctaw Nation of John F. Pyburn and Willie Ann Pyburn.

Respectfully,

(SIGNED)

Chairman.

Registered.

Incl. 7- 5010.

(See Choctaw 3328 for registry receipt for this letter.)

Muskogee, Indian Territory, July 20, 1900.

Mr. John W. Rayburn,

Purdy, Indian Territory,

Dear Sir:

The Commission is in receipt of the application for enrollment as a citizen of the Choctaw Nation of Willie Ann Rayburn, the infant daughter of Llewella and John W. Rayburn, born March 25th, 1900, and the same, being in proper form, has been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

7-5010

Choc 5011 Emma J. Welch

Nos 728 Dismissed May 27, 1904

Dismissed Jan 26, 1905

5011



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen of the Choctaw Nation of-

William M. Welch.

7-5011.

Choctaw Court Card C. 56.

IN RE application of Emma J. Welch and others.

Sworn by Commissioner McKennon.

Emma J. Welch says:

I am 28. I am wife of John T. Welch. I am mother of Adella B., John N., Christina P., William M., Docia A., and Rosa M. Welch.

These were admitted by the U. S. Court at South McAlester, August 25th 1897, except Rosa M. born January 16th 1898.

I live at Elmore and have lived in the Chickasaw Nation 5 years.

I came from Arkansas where I had been born and raised.

Pauls Valley, Sept. 14 1898.

Emma J. Welch  
Adella B. Welch

John N. Welch  
Christina P. Welch  
William M. Welch  
Docia A. Welch  
Rosa M. Welch

enrolled.

11-1011.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William M. Welch for  
citizenship in the Choctaw Nation.

-----0-----

It appears from the records in the possession of the Commission that on September 3, 1896, in the case entitled "John Mitchell vs. Choctaw Nation" (1896 Choctaw citizenship docket case No. 29) original application was made to this Commission, under the provisions of the Act of Congress approved June 10, 1894, (23 Stat., 521) for the admission (among others), of the applicant William M. Welch (as Milton Welch) to citizenship in the Choctaw Nation, and on December 1, 1896, this Commission rendered its decision denying said application. From this decision of the Commission an appeal was taken to the United States Court, for the Central District of the Indian Territory, which Court on August 25, 1897, in the case entitled "John Mitchell, et al. vs. Choctaw Nation" (Citizenship case No. 115), rendered a judgment reversing the decision of this Commission, and admitting the applicant herein (as Milton Welch) as a citizen of the Choctaw Nation.

It further appears from the records of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court created by the Act of Congress approved July 1, 1902, (32 Stat., 641) "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of Indian Territory, admitting the applicant herein to citizenship in the Choctaw Nation. Said cause as to the applicant herein has not been appealed or certified to said Choctaw and Chickasaw Citizenship Court, for a trial *de novo*, within the time limited by the provision of said Act of Congress approved July 1, 1902, (32 Stat., 641).

In accordance with the opinion of the Acting Attorney General dated May 9, 1904, (I.T.D. 3624-1904), and the opinion of the Assistant Attorney General for the Department of the Interior dated June 30, 1904, (I.T.D. 3214-1904), the Commission to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of the applicant herein William M. Welch, as a citizen of the Choctaw Nation, and it is, therefore, hereby ordered, that the application for the enrollment of William M. Welch as a citizen of the Choctaw Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

  
Chairman.

-----  
J.M. [unclear]

Choctaw 5011.

COPY!

Muskogee, Indian Territory, January 26, 1905.

Emma J. Welch,

Elmore, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of your minor child, William M. Welch, as a citizen of the Choctaw Nation.

Respectfully,

JEDM

*John E. Doby*

Chairman:

Registered.

Incl. 7-5011.

Choctaw 5011.

COPY.

Muskogee, Indian Territory, January 26, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 26, 1905, dismissing the application for the enrollment of William M. Welch as a citizen of the Choctaw Nation.

Respectfully,  
(SIGNED)

*Sam D. Dancy*

Chairman.

Incl. 7-5011.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

Record in the matter of the application for enrollment  
as citizens by blood of the Choctaw Nation of:

Rosa M. Welch, et al.,

7-5011.

---o---

50  
Emma J. Welch and others.

Emma J. Welch says:

I am 28. I am wife of John T. Welch. I am mother of Adella B., John N., Christina P., William M., Docia A., and Rosa M. Welch.

These were admitted by the U.S. Court at South McAlester, August 2<sup>nd</sup> 1897, except Rosa M. born January 16<sup>th</sup> 1898.

I live at Elmore and have lived in the Chickasaw Nation 5 years.

I came from Arkansas where I had been born and raised.

Emma J. Welch  
Adella B. Welch  
John N. Welch  
Christina P. Welch  
William M. Welch  
Docia A. Welch  
Rosa M. Welch

Paul's Valley, Sept. 14 1898.

enrolled.



2610

7-5011.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

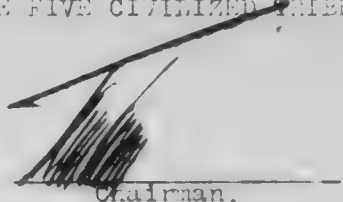
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In the matter of the application for the enrollment of Rosa M. Welch and Joe Ella Welch as citizens by blood of the Choctaw Nation.

-----

The applicants, Rosa M. Welch and Joe Ella Welch, claim their right to enrollment as citizens by blood of the Choctaw Nation through their mother Emma J. Welch. The right of the applicants' mother, Emma J. Welch, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, April 13, 1904, in case No. 101, upon the South McAlester docket of said court, it is hereby ordered that the application of Rosa M. Welch and Joe Ella Welch for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

-----

Choctaw 5011.

COPY.

Muskogee, Indian Territory, June 6, 1904.

Emma J. Welch,

Wynnewood, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for the enrollment as citizens by blood of the Choctaw Nation of Rosa M. Welch and Joe Ella Welch.

Respectfully,

(SIGNED)

*Tams Pixby.*

Chairman.

Registered.

Incl. 7- 5011.

*Remains to Elmore J. J.  
1-24-05*

Choctaw 5011.

COPY.

Muskogee, Indian Territory, June 6, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,  
Gentlemen:

Inclosed herewith you will find a copy of the order of  
the Commission to the Five Civilized Tribes, dated May 27, 1904,  
dismissing the application for the enrollment as citizens by  
blood of the Choctaw Nation of Ross M. Welch and Joe Ella Welch.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Registered.

Incl. 7- 5011.

(See Choctaw 3328 for registry receipt for this letter.)

IN RE

Application for Enrollment of

INFANT CHILD

*Joe Ella Welch*

as a citizen of

*Choctaw*

Nation.

Approved

.190

*[Signature]*  
Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE CHOCTAW

FILED

DEC 13 1901

*[Signature]*  
ACTING COMMISSIONER

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
 of *Joe Cella* born on the *28* day of *October*, 1901  
 (Here insert name of child)  
 Name of Father: *John Thomas Welch* a citizen of the *Choctaw* Nation.  
 Name of Mother: *Emma J Welch* a citizen of the *Choctaw* Nation.  
 Post-office: *Hymers*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
*Southern* DISTRICT.

I, *Emma J Welch*, on oath state that I am *32*  
 years of age and a citizen, by *Birth*, of the *Choctaw* Nation;  
 that I am the lawful wife of *J. Thomas Welch*, who is a citizen, by  
*Marriage*, of the *Choctaw* Nation; that a *female* child was  
 (male or female.)  
 born to me on *28<sup>th</sup>* day of *October* 1901; that said child has been  
 named *Joe Cella*, and is now living.

WITNESSES TO MARK:  
 (Must be Two Witnesses.)  
*Emma J Welch*  
*O. L. Smith*  
*J. Payne*

Subscribed and sworn to before me this *10<sup>th</sup>* day of *December* 1901.  
*M. L. Cochran*  
 NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
*Southern* DISTRICT.

I, *Geo. W. Roberts*, a *Physician*, on oath state that I  
 attended on *Emma J Welch*, wife of *J. Thomas Welch*  
 on the *28<sup>th</sup>* day of *October* 1901; that there was born to her on  
 said date a *female* child; that said child is now living and is said to have been  
 (male or female.)  
 named *Joe Cella Welch*.

WITNESSES TO MARK:  
 (Must be Two Witnesses.)  
*Geo. W. Roberts*  
*M. L. Cochran*  
*L. P. Oberly*

Subscribed and sworn to before me this *10<sup>th</sup>* day of *December* 1901.  
*M. L. Cochran*  
 NOTARY PUBLIC

Muskogee, Indian Territory, December 13, 1901.

John Thomas Welch,

Wynnswood, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Joe Ella Welch, the infant daughter of John Thomas and Emma J. Welch, born October 28, 1901, and the same being in proper form has been duly filed with the records of this office and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

7-6011

Choc 5012 Dick Randolph

# 7-8-9-10 Dismissed Jan 23, 1905

see C-31

see choc 4979 for record

April 13, 1909 & April 17, 1909 The Dept forwarded  
letters from Kappler & Merritt for report

April 23, 1909 report to Dept as to all parties in case

5012



Muskogee, Indian Territory, January 23, 1901.

N. W. Palmer,

Chickasha, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 9th instant, in which you desire to be informed if C. C. Quillan, William Edwards and Richard Randolph, or any of them are enrolled as members of either the Choctaw or Chickasaw Nation, and if not enrolled have any of them applied for enrollment, and what action has been taken by the Commission in the matter of their applications.

Replying to your letter you are informed that the records of the Commission show as follows:

That Charles C. Quilling, 32 years of age, of Comanche, Indian Territory, in August, 1899, at Durant, Indian Territory, appeared before the Commission and made an application for enrollment as a citizen of the Choctaw Nation and his enrollment was at that time refused.

As to this party, the records of the Commission further show that on June 21st, 1900, he appeared before the Commission at Colbert, Indian Territory and made application for identification of himself and his four children, Mary J., Virginia P., Carry C. and Daisy V. Quillin as Mississippi Choctaws. As to this application the Commission has as yet rendered no decision in the same but contemplates doing so in the near future when a copy of such decision stating fully therein the reason for any action that may

H W Palmer 2

be taken by the Commission, will be mailed to Mr. Quillin, at the post-office given at the time of his appearance, Chickasha, Indian Territory.

The records of the Commission show that a Carl C. Quillin of Sherman, Texas, also made application for identification as a Mississippi Choctaw but it is presumed by the Commission that it is of Charles C. Quillin that you inquire.

William Edwards, 26 years of age of White, Indian Territory, together with his wife, Dixie Edwards and ~~son~~ Edwards and ward, William Reebuck, are listed for enrollment as citizens of the Choctaw Nation, William Edwards and his child and ward as citizens by blood and Dixie Edwards as a citizen by inter-marriage of said Nation.

Dick Randolph, 40 years of age of Wallville, Indian Territory together with his wife Myrtle and their five minor children, are listed for enrollment as citizens of the Choctaw Nation, having been admitted to such citizenship by a judgment of the United States Court for the Southern District of the Indian Territory rendered at Ardmore, Indian Territory, January 19th, 1898 in court case No. 125.

Yours truly,

Acting Chairman.

M. R. R 469  
7- 3012  
7-1452  
7-R458

Muskogee, Indian Territory, March 8, 1901.

Dick Randolph,

Wallville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo in which you desire to be informed if the Commission has received the application for enrollment as a citizen of the Choctaw Nation of Vivian Randolph, the infant daughter of Dick and Myrtle Randolph.

Replying to your letter you are informed that the records of the Commission do not show that an application for the enrollment of a child by the name of Vivian Randolph, has ever been received by this Commission.

~~The records do~~ Yours truly,

Acting Chairman.

7-8912

Muskogee, Indian Territory, November 6, 1901.

Patchell & Pyeatt,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 4th instant, requesting that you be informed if this office has received proof of the birth of Vivian Randolph, the daughter of Dick and Myrtle Randolph, born October 18, 1899, and that you be furnished with a dozen blank applications for the enrollment of infant children.

You are informed that the records of this office do not show that an application for the enrollment of a child by the name of Vivian Randolph, has ever been received by this Commission.

In accordance with your request there are enclosed you herewith twelve blanks for applications for enrollment of infant children.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, November 26, 1901.

Dick Randolph,

Wallville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Vivian Randolph, the infant daughter of Dick and Myrtle Randolph, born October 18, 1899, and the same being in proper form has been duly filed with the records of this office and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-5012

Choctaw 5012

Muskogee, Indian Territory, June 28, 1902.

William Myers,

Erin Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of John Boyd Myers, the infant son of William and Minnie Myers, born May 10, 1902, and the same being in proper form has been duly filed with the records of this office and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

7-6012

Muskogee, Indian Territory, January 2, 1905.

O. W. Patchell,  
Attorney at Law,  
Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 26, 1905, inclosing motion for rehearing in the matter of the application of Dick Randolph et al for enrollment as citizens of the Choctaw Nation and requesting that the record before the citizenship court be considered in the determination of this case.

In reply to your letter you are advised that this motion has been filed with the record in the matter of the application for the enrollment of Dick Randolph et al as citizens of the Choctaw Nation and in the event further evidence is necessary to enable this office to determine whether or not this case comes within the rulings of the Department in the Mary Elizabeth Martin and Loula West cases you will be notified.

Respectfully,

Commissioner.



Muskogee, Indian Territory, July 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of June 8, 1905 (I.T.D. 3879, 4683, 6194-1905) relative to a letter of April 22, 1905 from W. J. Thompson and an undated letter from Mrs. Myrtle Randolph a sister of W. J. Thompson, concerning their rights as citizens of the Choctaw Nation. From these letters it appears that said persons were parties applicant in the case of Dick Randolph et al., versus the Choctaw and Chickasaw Nations, No. 27, which case was decided by a judgment of the citizenship court of November 29, 1904, refusing to enroll the applicants.

The Department further states that it appears from the Indian office report of May 24, 1905, and from the letters referred to therein, that Giles Thompson, the father of W. J. Thompson and Mrs. Randolph, was registered as a citizen of the Choctaw Nation in 1830 and that he migrated to the Choctaw Nation west in 1832 and 1833, and there resided for many years, marrying therein in accordance with the tribal laws; that his estate was administered under the supervision

of the tribal authorities and that the writers of the letters referred to were enrolled in 1892 by a tribal committee on citizenship; that if the allegation of these persons are true their status is apparently that of B. J. Vaughan and that the Commission to the Five Civilized Tribes and the courts acted without jurisdiction in their cases; the Department therefore requests a report in full concerning the Dick Randolph case as to any information the records may afford showing that the applicants therein were recognized as citizens of the Nation by the Choctaw tribal authorities prior to the act of June 10, 1896.

Reporting in this matter I have the honor to advise that on September 8, 1896 there was filed with the Commission to the Five Civilized Tribes, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321) the petition of Dick Randolph, Myrtle Randolph, Minnie Randolph, De Cosa Randolph, Herman Randolph, Hughie C. Randolph, William Wheat, Myrtle Wheat, Jessie Wheat, De Cosa Thompson, Ellen Thompson, Waldemar Thompson, May Thompson, Dollie Thompson, and William Thompson for citizenship in the Choctaw Nation, all claiming their rights thereto by blood except Dick Randolph, William Wheat and May Thompson, who claim by marriage. The answer of the Choctaw Nation was filed to

this petition and on December 7, 1896, the Commission to the Five Civilized Tribes denied the application. From this decision appeal was taken to the United States Court for the Southern District of Indian Territory at Ardmore, Indian Territory, which court on January 18, 1898 admitted all of these applicants except Myrtle Wheat and May Thompson, who were not named therein. Appeal was subsequently taken in this case to the Choctaw and Chickasaw Citizenship Court which on November 29, 1904, rendered its decree denying the citizenship in the Choctaw Nation of Dick Randolph, Myrtle or Myrtle Randolph, Minnie Randolph, De Cosa Randolph, Herman Randolph, Muchie C. Randolph, William Wheat, Jesse Wheat, De Cosa Thompson, Ellen Thompson, Waldemar Thompson and William J. Thompson and as to Myrtle Wheat and Ma Thompson their petition was dismissed.

A certified copy of this decree of the Choctaw and Chickasaw Citizenship Court and a certified copy of the opinion of said court in this case have been heretofore forwarded the Department.

I have further to advise that it does not appear from the records of this office that the names of any of the above named persons are found on the 1880 census roll, the 1893 leased district payment roll, or the 1896 census roll

of the Choctaw Nation, nor does it appear that any of the persons above named have been admitted to citizenship by said Nation by an act of the Choctaw Council.

It is alleged in the petition filed with the Commission to the Five Civilized Tribes in 1896 which is now a part of the records of the Choctaw and Chickasaw Citizenship Court that Giles Thompson, the father of W. J. Thompson and Myrtle Randolph, was a white man who married in 1824 in the State of Mississippi, Sallie Wall, a Choctaw Indian, and removed with the Choctaw tribe in 1833 to the present Choctaw Nation.

After the death of Sallie Wall, Giles Thompson in 1834 married Charlotte Wall, a full sister of Sallie Wall, in accordance with the marriage customs then prevailing in the Choctaw Nation and they lived together as husband and wife until the death of Charlotte Thompson in 1862; that subsequently in 1863 Giles Thompson married Ellen Wall a white woman and a certified copy of the records of the Third Judicial District of the Choctaw Nation showing the marriage of Giles Thompson and Ellen Wall is attached to the petition; that the persons named in the petition to the Commission to the Five Civilized Tribes in 1896 are descendants of Giles Thompson and his wife Ellen Thompson, except the applicants who claim by intermarriage with the descendants of said

Giles and Ellen Thompson.

I have further to report that the name of Giles Thompson appears on P 28, Vol. 1 of the record in the case of the Choctaw Nation versus the United States in the court of claims as having taken land under the provisions of the nineteenth article of the treaty of 1830. His name also appears on P 64, Vol. VII. American State Papers (Public Lands) as a beneficiary under article nineteen of said treaty.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

7-4979  
7-5012

Muskogee, Indian Territory, December 20, 1905.

O. W. Patchell,

Attorney at Law,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 13, 1905, stating that under recent Departmental rulings as reported in the press you believe your clients Dick Randolph et al., and Samuel C. Wall et al., are entitled to a rehearing and a reconsideration of their cases and if it will be permitted you desire to file a formal motion to that effect; you state that the principal ancestors through whom the applicants in these cases claim were recognized intermarried citizens of the Choctaw Nation and were both mentioned in the Supplement to the treaty of 1830.

In reply to your letter you are advised that if you desire to file formal motion for the reopening of these cases setting up the facts upon which you base the motion and accompanying the same by affidavits in support thereof, the matter will receive further consideration.

Respectfully,

Commissioner.

7-4979  
7-5012

Muskogee, Indian Territory, January 9, 1906.

O. W. Patchell,  
Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 3, 1906, in which you ask if the judgment of the Choctaw and Chickasaw Citizenship Court rejecting the citizenship claims of Samuel C. Wall et al., and Dick Randolph et al., have ever been approved by the Secretary of the Interior or if any action by the Commission to the Five Civilized Tribes upon said judgment has been so approved.

In order to make your meaning plain you state you have noticed a provision in a bill pending before Congress depriving any one whose application had once been rejected and such action approved by the Secretary of the Interior, from filing any motion or proceeding for reconsideration after sixty days from such approval by the Secretary of the Interior and you desire to know, if such act should become a law, whether or not it would effect your clients in the cases referred to.

In reply to your letter you are advised that no action has been taken upon the judgment of the Choctaw and Chickasaw Citizenship Court in cases of Samuel C. Wall et al., and Dick Randolph et al.



W. P. #2

but if it is now desired to file a motion to reopen these cases under the opinions of the Assistant Attorney General in the Mary Elizabeth Martin and Loula West cases there is inclosed herewith for your information circular setting forth the procedure to be followed in the presentation of cases of this character.

respectfully,

Circular.

Commissioner.

7-5012

Muskogee, Indian Territory, January 24, 1906.

Mrs. Myrtle Randolph,  
Purcell, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 16, 1906, asking if you can now bring evidence to show that you are the daughter of Giles Thompson who was on the record of 1830 as a Choctaw.

In reply to your letter you are advised that if you claim the right to enrollment under the rulings of the Department in the Loula West and the Mary Elizabeth Martin cases, there is inclosed for your information circular giving the procedure to be followed in the presentation of cases of this character; also copy of the opinions of the Assistant Attorney General in these two cases.

Respectfully,

Acting Commissioner.

I. W.  
M. E. K.  
Circular.

7-5012

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Lena F. Randolph and Vivian Pandolph as citizens by blood of the  
Choctaw Nation.

-----0-----

The applicants, Lena R. Randolph and Vivian Randolph,  
claim the right to enrollment as citizens by blood of the Choctaw  
Nation through their mother Myrtie Randolph.

The right of the applicants' mother, Myrtle Pandolph  
(as Myrtie Pandolph or Myrtle Pandolph), to citizenship in the  
Choctaw Nation having been adversely determined by a decree of  
the Choctaw and Chickasaw Citizenship Court of November 29, 1904,  
in case No. 27 upon the Tishomingo docket of said court, it is  
hereby ordered that the application of Lena R. Randolph and  
Vivian Pandolph for enrollment as citizens by blood of the Choc-  
taw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby,  
Chairman.

Muskogee, Indian Territory,  
Jan. 23, 1905.

Choctaw 5012

COPY.

Muskogee, Indian Territory, January 23, 1905.

Myrtle Randolph,

Wallville, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your minor children, Lena R. Randolph and Vivian Randolph, as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED).

*W. H. D. D. D.*  
Chairman.

Registered.

Incl. 7-5012

Chootaw 5012

COPY.

Muskogee, Indian Territory, January 23, 1905.

Patchell & Pyeatt,

Attorneys at Law,

Pauls Valley, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of Lena R. Randolph and Vivian Randolph, as citizens by blood of the Chootaw Nation.

Respectfully,

(SIGNED)

*Wm Bixby*

Chairman.

Registered.

Incl. 7-5012

Choctaw 5012

COPY

Muskogee, Indian Territory, January 23, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find copies of the orders of this Commission dated January 23, 1905, dismissing the applications for the enrollment of Lena R. Randolph and Vivian Randolph, Lelia Blanche Myers and John Boyd Myers, as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED

2 Incl. 7-5012

Chairman.

7-5012.

OPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of Lelia Blanche Myers and John Boyd Myers as citizens by  
blood of the Choctaw Nation.

-----oOo-- --

The applicants, Lelia Blanche Myers and John Boyd  
Myers, claim the right to enrollment as citizens by blood of  
the Choctaw Nation through their mother Minnie Myers.

The right of the applicants' mother Minnie Myers  
(as Minnie Randolph), to citizenship in the Choctaw Nation  
having been adversely determined by a decree of the Choctaw  
and Chickasaw Citizenship Court, of November 29, 1904, in  
case No. 27 upon the Tishomingo docket of said court, it is  
hereby ordered that the application of Lelia Blanche Myers  
and John Boyd Myers for enrollment as citizens by blood of  
the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED,

*Tom. Dwyer*

Chairman.

Muskogee, Indian Territory,

JAN 23 1905



COPY

Choctaw 5012

Muskogee, Indian Territory, January 23, 1905.

Minnie Myers,

Erin Springs, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your minor children, Lelia Blanche Myers and John Boyd Myers, as citizens by blood of the Choctaw Nation.

Respectfully,

Registered.

Chairman.

Incl. 7-5012

Choctaw 5012

COPY.

Muskogee, Indian Territory, January 23, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find copies of the orders of this Commission dated January 23, 1905, dismissing the applications for the enrollment of Lena A. Randolph and Vivian Randolph, Lelia Blanche Myers and John Boyd Myers, as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED).

2 Incl. 7-5012

Chairman.

C- 31  
7-4979  
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7-5013  
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23-1120  
23-1274.

WCY

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
SAMUEL C. WALL, et al., as citizens of the Choctaw Nation.

D E C I S I O N .

The record herein shows that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Samuel C. Wall for the enrollment of himself and his minor son, Sam W. Wall, as citizens of the Choctaw Nation, and for the enrollment of his wife, Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall to the Commission to the Five Civilized Tribes for the enrollment of himself and his minor children, Hiram T. Wall and Bessie Lee Wall, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3, 1901, written application was filed for the enrollment of Ora Nellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as a citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by James N. Harper for the enrollment of his wife, Daisy Harper, and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 28, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Custer Harper, minor children of James N. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by Dick Randolph for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtle Randolph, and his minor children, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick Randolph and Myrtle Randolph, as a citizen of the Choctaw Nation; that on February 9, 1901, written application was filed for the enrollment of Lelia Blanche Myers,

and on June 28, 1902, written application was filed for the enrollment of John Boyd Myers, minor children of William Myers and Minnie Myers (formerly Randolph), as citizens of the Choctaw Nation; that on September 15, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, by Waldemar Thompson for the enrollment of himself and his minor daughter, Dollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudia Ellen Thompson and Giles Glide Thompson, minor children of Waldemar Thompson and May Thompson, as citizens of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 15, 1898, by William E. Wheat for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and for the enrollment of his minor children, Jesse G. Wheat and Myrtle E. Wheat, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by William J. Thompson for the enrollment of himself as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Atoka, Indian Territory, December 5, 1899, by William Myers for the enrollment of himself, as an intermarried citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, for the enrollment of Decosa Thompson and Ellen Thompson as citizens of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants; Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as Unis Wall), Sam W. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall), and Pessie J. Wall (as Bessie Wall).

Said application was denied by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision of the Commission appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial

de novo, and on November 29, 1904, in the case entitled "Samuel Wall, et al., vs. Choctaw and Chickasaw Nations", said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisey Wall, Unis Wall, Sam W. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall, be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom".

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 1132, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Dick Randolph, Myrtie Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtle E. Wheat (as Myrtle Wheat), Jesse G. Wheat (as Jesse Wheat), Waldemar Thompson, Dollie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson. On December 7, 1896, the Commission to the Five Civilized Tribes denied said application. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled "Dick Randolph, et al., vs. Choctaw Nation", rendered a judgment admitting all of said applicants to citizenship, except Myrtle Wheat and May Thompson, whose names were not mentioned in said judgment. Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al.". Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 541), for a trial de novo, which court, on November 29, 1904, in the case entitled "Dick Randolph, et al., vs. Choctaw and Chickasaw Nations", rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtie Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, De Cosa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed".

On January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Winnie Myers (as Winnie Randolph), to citizenship in the Choctaw Nation

had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29, 1904.

On January 23, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, and John Boyd Myers, and on January 24, 1905, orders were issued by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition verified by S. C. Wall, W. J. Thompson, Will Myers, W. E. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Samuel Wall, Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition are that the petitioners are the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with \_\_\_\_\_ Folsom, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners have been informed and believe that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that said petitioners have been unable to find any records containing said Act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam F. Wall, Thomas Wall, Hiram Wall, Bessie Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Dick Randolph, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Vivian Randolph, William Myers, Minnie Myers, Lelia Blanche Myers, John B. Myers, William

E. Wheat, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson, and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

This office has no record of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Rudella Hopper, Lizzie Hogg, Samuel J. Hogg, Roy Randolph, Dick Myers, May Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898, or any subsequent Act of Congress prior to the filing of the petition herein.

On April 26, 1906, written application was made for the enrollment of Lizzie Louisa Hogg, born April 7, 1903, minor daughter of Eunice Hogg and J. T. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On July 18, 1906, application was received under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the enrollment of Robert E. Wall, born April 24, 1903, minor child of Thomas Wall and Elizabeth Wall, as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Hogg and Elmer Wall mentioned in the petition filed January 30, 1906, and for the purposes of this decision will be so considered. On July 18, 1906, application was received for the enrollment of Daisy R. Harper, born July 31, 1904, minor child of J. N. Harper and Daisy Harper, as a citizen of the Choctaw Nation.

It is not alleged in the petition filed January 30, 1906, that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said nation.

The surname "Thompson" appears several times upon the tribal rolls of the Choctaw Nation. This office is unable, however, to identify any of the applicants herein as identical with any of the persons whose names appear on said rolls.

For the purpose of determining whether Giles Thompson, the ancestor of certain petitioners herein, was ever adopted by an Act of Choctaw Council as alleged in the petition, this office on July 31, 1906, addressed a communication to Edward H. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed. In response to said communication, said E. H. Wilson addressed a letter to the Commissioner on August 6, 1906, in which he stated that there was no such Act on file in the office of the National Secretary. Copies of said communications are made a part of the record hereof.

I am of the opinion that inasmuch as it does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants ever occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation, and inasmuch as it is not alleged in the petition filed January 30, 1906, that any of the said applicants ever occupied such a status, the decision of the Choctaw and Chickasaw Citizenship Court of November 29, 1904, is final, and that the application for the enrollment of such of the applicants as made application



in 1898, and the petition filed January 30, 1906, in so far as same applies to said applicants, should be denied.

I am, therefore, of the opinion that the application for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson and Ellen Thompson as citizens of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioners, Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson and Winona Thompson, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been dismissed, and Myrtle E. Wheat, whose application for enrollment as a citizen of the Choctaw Nation has heretofore been denied, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioner, William Myers, whose application for enrollment as an intermarried citizen of the Choctaw Nation has heretofore been dismissed, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the minor petitioners, Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson, should be considered as an application for the enrollment of said petitioners as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Elizabeth Wall and Savannah Thompson, for whose enrollment as citizens by intermarriage of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of Lizzie Louisa Hogg, Robert E. Wall and Daisy R. Harper as citizens of the Choctaw Nation should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that following the ruling of the Department of May 25, 1906 (I. T. D. 9114-1906), in the case of Laura E. Akin, and of October 10, 1906 (I. T. D. 18388, 18926-1906), in the case of Hayne Helms, the petition herein in so far as same applies to the petitioner, May Thompson, should be denied, and it is so ordered.

(Signed) Tams Pixby,

Commissioner.

Muskogee, Indian Territory,

FEB 4-1907

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COPY

DEPARTMENT OF JUSTICE.

WASHINGTON.

February 19, 1907.

The Secretary of the Interior.

Sir:

I have the honor to communicate to you my opinion in certain Choctaw Indian citizenship cases, the first two submitted by your letter of May 29, 1906, and the others by the direction of the President under date of January 19, 1907.

1. The first case is that of Myrtie Randolph and her brother W. J. Thompson, in regard to which you say:

Myrtie Randolph and W. J. Thompson are children of Giles Thompson, white, intermarried in the Choctaw Nation in Mississippi prior to the treaty of September 27, 1830 (7 Stat., 333), and was one of the parties named by supplementary article II (ib.340,) as entitled to a section and a half, reserved to him from the ceded lands, to be so selected as "to include their present residence and improvement." His first and second wives were Choctaws. His name appears on page 64, volume 7, American State Papers (Public Lands), as a beneficiary of Article XIX of the treaty of September 27, 1830, and on page 28, volume 1 of the record in suit of the Choctaw Nation v. United States, Court of Claims. He was registered under the treaty as citizen of the Choctaw Nation, Mushulatubbee's District, and with his family was transported under the treaty as Choctaws at expense of the United States, from Mississippi to the Choctaw Nation, west, prior to October 24, 1833, when he petitioned the President, from Doakesville, near the Red River, in the southern part of the Choctaw Nation, to approve sale of his Mississippi lands to James Gay, of Mississippi, and for issue of patent therefor (copy A enclosed). In the Choctaw Nation, west, in Indian Territory, in 1863, in accordance to Choctaw law, he married a white woman, citizen of the United States, of whom the applicants were born. He was living October 19, 1865, and was paid by the Choctaw Nation for beeves furnished June 1865. (Copy of Act of Council of October 19, 1865, is enclosed, B). He continued to live

in the Nation, and was recognized as a citizen, until his death, aged seventy-six years, and his estate was administered in the Choctaw Courts as that of an Indian and within their jurisdiction. The applicants--his children--were born in the Choctaw Nation, were admitted to and attended the Choctaw schools as Choctaws, and in all respects enjoyed and were accorded the privileges of native born Choctaws. The applicants were enrolled by the Choctaw Committee on Citizenship in 1892, as Choctaw citizens. The Department is not yet advised whether they are borne on any other of the Choctaw rolls. They settled and improved tribal lands, as the father before had done in Mississippi, as Choctaws, erected homes, and were never ousted or objected to or regarded as intruders.

September 8, 1896, these applicants and others applied to the Commission to the Five Civilized Tribes for enrollment under the Act of June 10, 1896 (29 Stat., 321, 339), and December 7, 1896, were denied. Applicants appealed to the United States Court, Southern District, Indian Territory, which, January 18, 1898, reversed the Commission, and admitted the applicants. From this judgment the Nation appealed and the judgment was affirmed (reported as *Stephens v. Cherokee Nation and Choctaw Nation v. Robinson*, 174 U.S., 445, foot-note page 469, case No. 587; same v. *Randolph et al.*). Subsequently, under the act of July 1, 1902 (32 Stat., 641, 646-9), the matter was brought by appeal of the nations to the Choctaw-Chickasaw Citizenship Court, which, November 29, 1904, denied the application--copy of opinion wherein and in *Wall v. Choctaw Nation et al.*, and in *E. H. Bounds v. Choctaw and Chickasaw Nations*, whereon both were founded are enclosed (C,D,E).

The validity and finality of the Citizenship Court are therefore a vital feature of this case. In regard to its judgment you say in your letter:

Bearing upon the validity of this judgment, your attention is called to the fact that the act of June 10, 1896 gave no power to the Commission to the Five Civilized Tribes to purge the tribal rolls, which were by the act confirmed. Power to purge the rolls was first conferred on the Commission by the Act of June 7, 1897 (30 Stat., 84), and further by Section 21, act of June 28, 1898 (30 Stat., 495, 502). Wherefore this Department holds that no jurisdiction was given the Commission, or to the Courts on appeal therefrom, to exclude persons having tribal recognition and borne on the tribal rolls, but that such persons, notwithstanding prior adverse action by the Commission, or the courts, are entitled to enrollment under the act of 1898 and supplementary acts,

unless their inscription on the tribal rolls was procured by fraud or was without authority of law. Such has been the rule of this Department since decision in the case of Wiley Adams May 21, 1903, discussed and concurred in by the Assistant Attorney-General, Interior Department (opinions of March 24, 1905, in cases of Benjamin J. Vaughn and Mary Elizabeth Martin. In Vaughn's case counsel for the nations acceded to it as the proper rule.

To determine the validity and finality of the judgment of the Citizenship Court, as well as other questions arising in these cases, it is necessary to consider carefully the entire legislation of the Congress on this subject.

The act of June 10, 1896 (29 Stat. 321, 339), directed the Commission to the Five Civilized Tribes in the Indian Territory to continue the exercise of the authority theretofore conferred upon them to negotiate with such tribes for the extinguishment of the tribal title to their lands, by the cession of the same or a part thereof to the United States, or their allotment in severalty to the members of such tribes, with a view to the ultimate creation of a State or States embracing such lands.

That act also provided:

That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled; Provided, however, That such application shall be made to such Commissioners within three months after the passage of this Act. The said Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all

treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes. And provided, further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving such testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: Provided, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this Act, it or he may appeal from such decision to the United States district court; Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

That the said commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this Act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

The commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs to remain there for use as the final judgment of the duly constituted authorities.

The act of June 7, 1897 (30 Stat. 62,84) contained this provision:

That said commission shall continue to exercise all authority heretofore conferred on it by law to negotiate

with the Five Tribes, and any agreement made by it with any one of said tribes, when ratified, shall operate to suspend any provisions of this Act if in conflict therewith as to said nation; Provided, That the words "rolls of citizenship", as used in the act of June tenth, eighteen hundred and ninety-six, making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian Tribes for the fiscal year ending June thirtieth, Eighteen hundred and ninety-seven, shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation, and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the council of such nation, the duly authorized Courts thereof, or the commission under the act of June tenth, eighteen hundred and ninety-six. And all other names appearing upon such rolls shall be open to investigation by such commission for a period of six months after the passage of this Act. And any name appearing on such rolls and not confirmed by the Act of June tenth, eighteen hundred and ninety-six, as herein construed, may be stricken therefrom by such commission where the party affected shall have ten days previous notice that said commission will investigate and determine the right of such party to remain upon such roll as a citizen of such nation; Provided, also, That any one whose name shall be stricken from the roll by such commission shall have the right of appeal, as provided in the Act of June tenth, eighteen hundred and ninety-six.

The act of June 28, 1898 (30 Stat. 495, 502-3), provided:

Sec. 21. That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose



names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such inter-married white persons as may be entitled to citizenship under Cherokee laws.

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Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes.

X X X X X X X X X

The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

The act of May 31, 1900 (31 Stat. 221, 236), provided:

That said commission shall continue to exercise all authority heretofore conferred upon it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior.

The act of March 3, 1901 (31 Stat., 1058, 1077), contained this provision:

The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized and directed to fix a time by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto.

The act of July 1, 1902 (32 Stat. 641) ratified an agreement made by the Commission to the Five Civilized Tribes with the Commission representing the Choctaw and Chickasaw Tribes. This agreement was subsequently ratified by those two nations as required therein. In regard to rolls of citizenship it provided:

27. The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 28, 1898 (30 Stat., 495), and the act of Congress approved May 31, 1900 (31 Stat., 221), except as herein otherwise provided: Provided, That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined.

28. The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws.

29. No person whose name appears upon the rolls made by the Commission to the Five Civilized Tribes as a citizen or freedman of any other tribe shall be enrolled as a citizen or freedman of the Choctaw or Chickasaw nations.

30. For the purpose of expediting the enrollment of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen, the said Commission shall, from time to time, and as early as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Choctaw and Chickasaw tribes and of

Choctaw and Chickasaw freedmen, upon which allotment of land and distribution of other tribal property shall be made as herein provided. Lists shall be made up and forwarded when contests of whatever character shall have been determined, and when there shall have been submitted to and approved by the Secretary of the Interior lists embracing names of all those lawfully entitled to enrollment, the rolls shall be deemed complete. The rolls so prepared shall be made in quintuplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Choctaw Nation, one with the governor of the Chickasaw Nation, and one to remain with the Commission to the Five Civilized Tribes.

31. It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in the Indian Territory acting under the Act of Congress approved June 10, 1896, have admitted persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in such courts being given to each of said nations; and it being insisted by said nations that, in such proceedings, notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in the Indian Territory, under the said Act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such commission, and should not have extended to a trial de novo of the question of citizenship; and it being desirable to finally determine these questions, the two nations, jointly, or either of said nations acting separately and making the other a party defendant, may, within ninety days after this agreement becomes effective, by a bill in equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decisions by said courts. Ten persons so admitted to citizenship or enrollment by said courts, with notice to one but not to both of said nations, shall be made defendants to said suit as representatives of the entire class of persons similarly situated, the number of such persons being too numerous to require all of them to be made individual parties to the suit; but any person so situated may, upon his application, be made a party defendant to the suit. Notice of the institution of said suit shall be personally served upon the chief executive of the defendant nation, if either nation be made a party defendant as aforesaid, and upon each of said ten representative defendants,

and shall also be published for a period of four weeks in at least two weekly newspapers having general circulation in the Choctaw and Chickasaw Nations. Such notice shall set forth the nature and prayer of the bill, with the time for answering the same, which shall not be less than thirty days after the last publication. Said suit shall be determined at the earliest practicable time, shall be confined to a final determination of the questions of law here named, and shall be without prejudice to the determination of any charge or claim that the admission of such persons to citizenship or enrollment by said United States courts in the Indian Territory was wrongfully obtained as provided in the next section. In the event said citizenship judgments or decisions are annulled or vacated in the test suit hereinbefore authorized, because of either or both of the irregularities claimed and insisted upon by said nations as aforesaid, then the files, papers, and proceedings in any citizenship case in which the judgment or decision is so annulled or vacated, shall, upon written application therefor, made within ninety days thereafter by any party thereto, who is thus deprived of a favorable judgment upon his claimed citizenship, be transferred and certified to said citizenship court by the court having custody and control of such files, papers and proceedings, and upon the filing in such citizenship court of the files, papers and proceedings in any such citizenship case, accompanied by due proof that notice in writing of the transfer and certification thereof has been given to the chief executive officer of each of said nations, said citizenship case shall be docketed in said citizenship court, and such further proceedings shall be had therein in that court as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes, and as if no judgment or decision had been rendered therein.

32. Said citizenship court shall also have appellate jurisdiction over all judgments of the courts in Indian Territory rendered under said Act of Congress of June tenth, eighteen hundred and ninety six, admitting persons to citizenship or to enrollment as citizens in either of said nations. The right of appeal may be exercised by said nations jointly or by either of them acting separately at any time within six months after this agreement is finally ratified. In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of

law, and may, whenever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy. And said court shall have power to make all needful rules and regulations prescribing the manner of taking and conducting said appeals and of taking additional evidence therein. Such citizenship courts shall also have like appellate jurisdiction and authority over judgments rendered by such courts under the said act denying claims to citizenship or to enrollment as citizens in either of said nations. Such appeals shall be taken within the time hereinafore specified and shall be taken, conducted and disposed of in the same manner as appeals by the said nations, save that notice of appeals by citizenship claimants shall be served upon the chief executive officer of both nations; Provided, That paragraphs thirty-one, thirty-two and thirty-three hereof shall go into effect immediately after the passage of this Act by Congress.

33. A court is hereby created to be known as the Choctaw and Chickasaw Citizenship Court, the existence of which shall terminate upon the final determination of the suits and proceedings named in the last two preceding sections, but in no event later than the thirty-first day of December, nineteen hundred and three. Said court shall have all authority and power necessary to the hearing and determination of the suits and proceedings so committed to its jurisdiction, including the authority to issue and enforce all requisite writs, process and orders, and to prescribe rules and regulations for the transaction of its business. It shall also have all the powers of a circuit court of the United States in compelling the production of books, papers and documents, the attendance of witnesses, and in punishing contempt. Except where herein otherwise expressly provided, the pleadings, practice and proceedings in said court shall conform, as near as may be, to the pleadings, practice and proceedings in equity causes in the Circuit Courts of the United States. The testimony shall be taken in court or before one of the judges, so far as practicable. Each judge shall be authorized to grant, in vacation or recess, interlocutory orders and to hear and dispose of interlocutory motions not affecting the substantial merits of the case. Said court shall have a chief judge and two associate judges, a clerk, a stenographer, who shall be deputy clerk, and a bailiff. The judges shall be appointed by the President, by and with the advice and consent of the Senate, and shall each receive a compensation

of five thousand dollars per annum, and his necessary and actual traveling and personal expenses while engaged in the performance of his duties. The clerk, stenographer, and bailiff shall be appointed by the judges, or a majority of them, and shall receive the following yearly compensation: Clerk, two thousand four hundred dollars; stenographer, twelve hundred dollars; bailiff, nine hundred dollars. The compensation of all these officers shall be paid by the United States in monthly installments. The moneys to pay said compensation are hereby appropriated, and there is also appropriated the sum of five thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, to pay such contingent expenses of said court and its officers as to such Secretary may seem proper. Said court shall have a seal, shall sit at such place or places in the Choctaw and Chickasaw nations as the judges may designate, and shall hold public sessions, beginning the first Monday in each month, so far as may be practicable or necessary. Each judge and the clerk and deputy clerk shall be authorized to administer oaths. All writs and process issued by said court shall be served by the United States marshal for the district in which the service is to be had. The fees for serving process and the fees of witnesses shall be paid by the party at whose instance such process is issued or such witnesses are subpoenaed, and the rate or amount of such fees shall be the same as is allowed in civil causes in the circuit court of the United States for the western district of Arkansas. No fees shall be charged by the clerk or other officers of said court. The clerk of the United States Court in Indian Territory, having custody and control of the files, papers, and proceedings in the original citizenship cases, shall receive a fee of two dollars and fifty cents for transferring and certifying to the citizenship court the files, papers, and proceedings in each case, without regard to the number of persons whose citizenship is involved therein, and said fee shall be paid by the person applying for such transfer and certification. The judgment of the citizenship court in any or all of the suits or proceedings so committed to its jurisdiction shall be final. All expenses necessary to the proper conduct, on behalf of the nations, of the suits and proceedings provided for in this and the two preceding sections shall be incurred under the direction of the executives of the two nations, and the Secretary of the Interior is hereby authorized, upon certificate of said executives, to pay such expenses as in his judgment are reasonable and necessary out of any of the joint funds of said nations in the Treasury of the United States.

It appears that the agreement in these paragraphs provides for the establishment of the Choctaw and Chickasaw Citizenship Court, and gives it jurisdiction of a test suit to annul and vacate the decisions of the United States courts in the Indian Territory admitting persons to citizenship and enrollment as citizens of the Choctaw and Chickasaw nations, respectively, on the ground of want of notice to both of said nations and because the United States courts tried such cases de novo, with a right in the event such judgments should be annulled because of either or both of the irregularities mentioned, on the part of any party thus deprived of a favorable judgment to remove his case to the Citizenship Court, where such further proceedings were to be had therein "as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes, as if no judgment or decision had been rendered therein; and also "appellate jurisdiction over all judgments of the courts in Indian Territory, rendered under said act of Congress of June tenth, eighteen hundred and ninety-six, admitting persons to citizenship or to enrollment in either of said nations." In the exercise of such appellate jurisdiction the citizenship court was "authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, whenever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and pre-



sent such further evidence as may be necessary to enable said court to determine the very right of the controversy."

It will be noted that the agreement further provides (paragraph 33) that "the judgment of the citizenship court in any or all of the suits or proceedings so committed to its jurisdiction shall be final."

The agreement also contained this provision:

34. During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents", and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act of Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whomsoever for enrollment shall be received after the expiration of the said ninety days; Provided, That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws, for whom provision has herein otherwise been made.

By the Act of April 21, 1904 (33 Stat. 189,204), it was provided that the Commission to the Five Civilized Tribes should conclude its work and terminate on or before July 1, 1905, and cease to exist on that date, the powers theretofore conferred upon it being continued.

By the Act of March 3, 1905 (33 Stat. 1048,1060), it was provided "that the work of completing the unfinished business,

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if any, of the Commission to the Five Civilized Tribes shall devolve upon the Secretary of the Interior, and that all the powers heretofore granted to the said Commission to the Five Civilized Tribes are hereby conferred upon the said Secretary on and after the first of July, nineteen hundred and five."

By the act of April 26, 1906 (34 Stat. 137), it was provided:

That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive in evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this act, in which cases such motion shall be made within sixty days after the passage of this act. x x x

By that act the rolls of citizenship of the several tribes were required to be completed March 4, 1907.

After very carefully considering this legislation, in the light of the circumstances under which it was enacted, I am constrained to the conclusion that the Citizenship Court had jurisdiction of the cases now under consideration, and that its judgment therein is final.

By the act of June 10, 1896, the Commission to the Five Civilized Tribes was "authorized and directed to proceed at once

to hear and determine the application of all persons who may apply to them for citizenship in any of said nations." It is true that this act also confirmed the then existing rolls of the several tribes, but the question whether an applicant was, as matter of fact, already duly enrolled upon one of the rolls so confirmed constituted, in my opinion, an issue upon which the Commission was authorized and required to pass: the applicant may be fairly held to have waived by his application the conclusiveness of the confirmation of the rolls in his case.

Independently of any such waiver, I do not see how the proposition that the Commission did not have jurisdiction of the case of a person whose name was upon a tribal roll can be maintained, in the face of the provision of the act of June 10, 1896, that "in determining all such applications said Commission shall x x x give due force and effect to the rolls, usages and customs of each of said nations or tribes." I think that act left it to the Commission to determine whether or not the applicant was upon a roll which was confirmed, and evidently it did not so hold in these cases.

It is unnecessary, however, to determine what might have been the effect of an adverse judgment in the case of an applicant whose name was upon a roll so confirmed for such confirmation was certainly and very materially modified by the act of June 7, 1897, and apparently altogether withdrawn by the act of June 28, 1898. The act of June 7, 1897, provided that the words "rolls of citizenship" as used in the act of June 10, 1896, should be con-

strued to mean the "last authenticated rolls of each tribe which Have been approved by the council of the nation". I am informed that there never was any such an authenticated roll of the Choctaw Tribe, either at the time of the passage of the act of June 10, 1896, or subsequently thereto. Moreover, by the act of June 28, 1898, it was provided that in making rolls of citizenship of the several tribes, the Commission should take the Cherokee roll of 1880 as the only roll intended to be confirmed by that and preceding acts of Congress: it seems to be clear from the further provisions of the Act that the Congress did not here refer to the Cherokee rolls only but had in mind those of all the Tribes. To my mind, however, the decisive consideration is that Congress, knowing there were certain cases of contested citizenship in the Choctaw and Chickasaw Nations, referred these cases, under carefully defined conditions, to the Citizenship Court and made the determination of that Court in those cases final. This provision of law repealed, as to cases in this category, any inconsistent provisions (if any there were) in the Act of 1896 or any other prior act. These cases were unquestionably within the terms of the law: the claimants had been admitted to citizenship by decisions of the United States courts, and it seems clear that, under the agreement with the Choctaw and Chickasaw Nations ratified by the act of July 1, 1902, it was intended that the Citizenship Court should have a revisory jurisdiction of judgments of the

United States courts in the Indian Territory in citizenship cases, irrespective of the grounds on which these suits had been entertained by the said courts. That agreement was made after the confirmation given to the tribal rolls had been qualified if not with drawn, and, we must presume with a knowledge of the fact that the Commission, under the act of June 10, 1896, had exercised jurisdiction in the case of persons whose names appeared upon some of the rolls of the tribes. Its action seems to show that Congress did not intend to confirm any roll of the Choctaw and Chickasaw tribes, but, however that may be when, with a knowledge of all that had gone before, it created the Citizenship Court, this was done, in my opinion, with the evident purpose of giving it jurisdiction of all citizenship cases which had been decided by the United States courts for the Indian Territory on appeal from the judgments of the Commission. As neither Congress nor the Nations made any distinction in the act and agreement referred to as to the cases of persons whose names were on a tribal roll which might have been confirmed by the act of June 10, 1896, if Congress had not decided otherwise I do not think any other authority can make this distinction. Indeed, as I have suggested, the applicants themselves, having voluntarily submitted to the jurisdiction of the Commission, might be fairly held estopped to now deny it.

I understand that it is not contended, nor do I think it could be successfully maintained that any authority to review the

judgments of the Citizenship Court was intended to be conferred upon you by Congress when it made the rolls, as finally compiled, subject to your approval (see paragraph 30 of the agreement ratified by the act of July 1, 1902.) Neither do I think that the provision in the act of April 26, 1906, above quoted, as to enrolling persons and entertaining motions to reopen or reconsider citizenship cases, was intended to recognize or confer any such authority, the purpose of that provision being simply to limit the time in which the authority previously conferred might be exercised. To hold thus would be to treat the later act as a repeal of so much of the former as expressly declared the judgments of the Citizenship Court to be final, which seems to me untenable.

This disposes of the cases of Myrtle Randolph and her brother W. J. Thompson: whatever their intrinsic merits, these claims have been finally decided adversely to the claimants by the judgment of the Citizenship Court.

2. The second case is that of Cyrus H. Kingsbury and Lucy E. Littlepage, in regard to whom you say:

Cyrus H. Kingsbury and Lucy E. Littlepage are children of John Parker-Kingsbury and wife, Hannah Mariah, white, affiliated by act of the Choctaw Council of November 15, 1854, which enacted:

That all rights, privileges and immunities of Choctaw citizens are hereby granted unto John Parker-Kingsbury and to his wife Hannah Mariah, and they shall enjoy all the benefits to which the citizens of this nation may hereafter be entitled, except in the participation of any sum of money which may now be due the nation under treaty stipulations heretofore made.

Both applicants were born in the Choctaw Nation and have always resided there as its recognized citizens. Both are on the tribal Choctaw 1885 census roll, Atoka County, Nos. 819, 821. September 7, 1896, they applied to the Commission to the Five Civilized Tribes under the act of June 10, 1896, were enrolled, and no appeal was taken. Cyrus H. Kingsbury is on the 1896 Choctaw census roll. Lucy H. Littlepage is on the partial roll of Choctaw citizens by blood, and her husband, Patrick H. Littlepage, on the roll of intermarried citizens--both rolls approved by the Secretary of the Interior, October 21, 1904. Patent, signed and executed by the principal chief of the Choctaw nation, conveying to Cyrus H. Kingsbury allotted tribal lands as a citizen by blood, is now before the Secretary of the Interior for approval, but is not yet approved, or delivered. No objection to occupation of tribal lands was ever made against either applicant as an intruder.

Paragraph 27 of the agreement with the Choctaw and Chickasaw Nations ratified by the act of July 1, 1902, provides that the rolls of Choctaw and Chickasaw citizens shall be made by the Commission to the Five Civilized Tribes "in strict compliance" with the acts of June 28, 1898, and May 31, 1900.

Section 21 of the act of June 28, 1898, after providing that in making rolls of citizenship of the several tribes the Commission shall take the roll of Cherokee citizens of 1880 as the only roll intended to be confirmed by that and preceding acts of Congress, and providing for the enrollment of the Cherokees, authorizes and directs the Commission "to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were



made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

It might be held that the only white person intended to be enrolled by this Act were such intermarried ones as were entitled to citizenship under the treaties and laws of the tribes, if it were not for the reference to the tribal rolls, on which, as appears from your statement as to these parties, there were undoubtedly the names of adopted whites. The only names which the Act declares shall be <sup>eliminated</sup> from the tribal rolls are those placed thereon by fraud or without authority of law, and it is not suggested that the names of these parties were open to either of those objections.

Light, it seems to me, is thrown on this matter by the Act of May 31, 1900, which was also directed to be strictly complied with in making the rolls of citizenship of these tribes. That act is plainly intended to be of a restrictive nature, yet a fair construction of it would seem to authorize the enrollment of these parties. It provides that the Commission shall continue to exercise all authority theretofore conferred upon it by law, "but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as

such, and its refusal of any such application shall be final when approved by the Secretary of the Interior."

This act recognizes the authority of the Commission to receive, consider and record the application of a recognized citizen of any of the tribes referred to who has been duly and lawfully enrolled or admitted as such, its refusal of the application of any person not so qualified being made final when approved by the Secretary of the Interior.

These applicants appear to possess all of these qualifications. Your letter states that they were born and have always resided in the Choctaw Nation as its recognized citizens; that their names appear upon various tribal rolls, and that they were admitted by the Commission in 1896 as citizens, no appeal from the decision of the Commission being taken by the Nation. That they were duly and lawfully enrolled by the tribal authorities would seem to result from the fact that both of their parents had been adopted into the tribe, and the failure to contest the action of the Commission in admitting them would indicate that their citizenship rights were regarded as indisputable.

You say that you would not have doubt that these applicants, born to the allegiance of the Choctaw Nation, are entitled to be enrolled, but for the report of my predecessor to the President of February 24, 1906, in the case of persons without Indian blood,

and the order to you of February 27, 1906, that "in the President's judgment, without reference to the act of Congress, it is perfectly clear equity demands that the son of white parents, who has no Indian blood in his veins, even though one of these parents has been adopted into the tribe, should not be treated as an Indian".

The report of Mr. Moody and the order of the President thereon, had reference to the case of children of white persons, one of whom had previously acquired Indian citizenship by virtue of his marriage into the Choctaw tribe, but had afterwards, upon the death of his Indian spouse, married a white person. Mr. Moody was of opinion that the right of citizenship acquired by an intermarried white was a personal right, and could not be conferred upon children by such subsequent marriage, which is also the view taken by the Citizenship Court.

I see no reason to question the soundness of that conclusion, assuming that the matter is still open for consideration. It is expressly provided by the Choctaw act of November 9, 1875, providing for the intermarriage of whites with Choctaws, that a white person intermarrying into the tribe in pursuance of that act should forfeit his rights of citizenship acquired thereunder if upon the death of his Indian Spouse he married "a white man or woman, or person, as the case may be, having no rights of Choctaw citizenship by blood."

I am aware that it has been held by one of the United States Courts in the Indian Territory that this law is inconsistent with

the treaty of April 28, 1866, but with great respect for the said Court, I do not so consider it. That treaty provides:

Article 28. Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation and shall be subject to the laws of the Choctaws and Chickasaw Nations according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects as though he was a native Choctaw.

This article merely recognizes a pre-existing custom of the Choctaw and Chickasaw Nations as to the intermarriage and adoption of white persons, and cannot fairly be said to have been intended to prevent them from decitizenizing an intermarried person for good cause: and what better cause could there be than that the tie which bound him to the tribe, and because of which alone citizenship was granted, was broken?

An act of the Choctaw Nation, approved October 30, 1896, providing for the enrollment of Choctaw citizens, provided that "the Commission shall enroll as citizens all who come under any one of the following heads, and all such persons are hereby declared citizens of the Choctaw Nation:"

x x x x x x x x

V. All white men who have married Choctaw women by blood in strict conformity to the laws of the Choctaw Nation of 1875 regulating inter-marriage, or the Chickasaw law of 1876 regulating inter-marriage, and have not been divorced from same nor married any other than a Choctaw woman by blood since said marriage.

x x x x x x x x

VIII. All white women who have married Choctaws by blood legally and have not been divorced from them nor since married any other than a Choctaw by blood, a recognized citizen and resident of the Choctaw or Chickasaw Nation.  
 x x x x x x

That act further provided that "the Commissions are especially prohibited from enrolling as citizens any persons coming under the following heads:"

x x x x x x

II. The children of any marriage where neither the father nor mother are Choctaws by blood, though one or both of said childrens' parents may have enjoyed intermarried rights.

III. All persons who, though they had at one time intermarried rights, afterwards married a person not a Choctaw by blood (being the father or mother of Choctaw children shall not save a person from this clause.)

x x x x x x

VI. All white persons who have been admitted to citizenship with their wife or husband by the General Council and afterward the wife of husband, Choctaw by blood, dying, the surviving party, being a white person, has intermarried with a person not a Choctaw by blood.  
 x x x x x x

It is clear that, at least since 1875, the Choctaw Nation never intended that a white person, intermarrying into the tribe, should have power to confer citizenship upon his children by a subsequent marriage to other than a citizen by blood. The informal opinion of Attorney General Moody unquestionably had reference to cases of this character.

The case of the present applicants is quite different from that just referred to. Here both parents were adopted into the tribe. It must have been contemplated that they might have

children, and if so, what was to be their citizenship if not that of their parents?

The facts in the present case answer this inquiry. Your letter states that these applicants have always been recognized as citizens of the **Choctaw** Nation, that their names appear on the tribal census roll of 1885, as well as upon the rolls prepared in pursuance of the Choctaw act of October 30, 1896. It seems clear, therefore, irrespective of the action of the Commission in admitting them as citizens in pursuance of the authority granted to it by the act of June 10, 1896, that they are clearly entitled to be enrolled for allotment purposes.

3. The Case of Loula (or Lulu) West, et al.

It appears from the papers in this case that Loula West applied to the Commission to the Five Civilized Tribes, pursuant to the Act of June 10, 1896, for admission to citizenship in the Choctaw Nation, and was admitted as a citizen by blood; that the Choctaw Nation appealed to the United States court for the Central District of the Indian Territory, which affirmed the judgment of the Commission; that this judgment was annulled and vacated by the judgment of the Citizenship Court in the test case provided for by the Act of July 1, 1902, (32 Stat.641,647); and thereupon she removed her case to that court, which denied her application.

This case is similar to that of Myrtle Randolph and her brother W. J. Thompson, children of Giles Thompson, above referred

to, in that it involves the question of the finality of the judgment of the Citizenship Court, it being contended that the Commission in the first instance and the Citizenship Court ultimately on appeal had no jurisdiction of the case because at the time of her application to the Commission her name was upon a tribal roll.

For the reasons heretofore stated, I think this contention is not well founded, and <sup>that</sup> the Citizenship Court had jurisdiction of such cases, and its judgments therein were final.

4. The Case of William C. Thompson et al.

In this case the record shows that Thompson applied to the Commission to the Five Civilized Tribes, pursuant to the act of June 10, 1896, for the enrollment of himself, his wife, and children with the exception of a daughter Mary M. McNeese, who made a separate application for herself, her husband, a white man, and their children. The Commission denied Thompson's application, and also that of his daughter. No appeal was taken from these judgments, and it is contended, on behalf of the Nation, that under the act of June 10, 1896, they were final and conclusive against the right of these parties to be enrolled.

The claimants, however, rely upon the fact that their names appear upon the tribal roll prepared in pursuance of the Choctaw acts of September 18 and October 30, 1896.



In my judgment, the action of the Commission, under the act of June 10, 1896, not having been appealed from, was final and conclusive against the right of these parties to be admitted to citizenship, and the Choctaw Nation, even if it attempted to do so, had no right thereafter to admit them. It will be observed that the act of June 10, 1896, provided that applications should be made to the Commission within three months after the passage of the act, and that the Commission should decide all such applications within ninety days after they were made; that the rolls of citizenship of the several tribes as then existing were confirmed, and "any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof:" and that "if the tribe, or any person be aggrieved with the decision of the tribal authorities or the Commission provided for in this Act, it or he may appeal from such decision to the United States District Court: Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

As I read this Act, it authorized application to be made either to the Commission to the Five Civilized Tribes or the

"legally constituted court or committee" of such tribes, with a right of appeal by the party aggrieved by the decision of either to the United States court. Therefore, and in view also of the fact that the act contemplated contemporaneous action by the Commission and the tribal courts, I think it clear that the provision that "any person who shall claim to be entitled to be added to said rolls (the existing rolls of the tribe) as a citizen of either of said tribes whose right thereto has either been denied or not acted upon, "had reference to a previous denial or failure to act of the tribal authorities, and not to the subsequent action or non-action of the Commission, the tense of the verbs-"has either been denied or not acted upon", not "shall be denied or not acted upon"-indicating that past action or non-action was referred to. Prior to the passage of this act the Commission had no jurisdiction of these citizenship matters.

When, therefore, as here, the claimant had applied to the Commission to be admitted and enrolled, and his application denied, his only remedy, under the act in question, lay in an appeal to the United States court. It is true Thompson claims to have received no notice of the denial of his application by the Commission, but that is not a valid excuse.

But aside from this question of jurisdiction in the Choctaw Nation to admit persons to citizenship who had been denied by the Commission, it appears that the Nation never undertook to au-

thorize the admission or enrollment of these parties, and that, in any aspect of the case, they were enrolled without authority of law and their names should, in pursuance of the mandate in the act of Congress of June 28, 1898, be eliminated from the tribal rolls.

The Choctaw Nation does not appear to have proceeded under the authority of the act of Congress of June 10, 1896, authorizing the establishment by the several tribes of a court or committee for the purpose of passing upon applications for citizenship as provided therein. It was not until September 18, 1896, ten days after the expiration of the period in which applications for citizenship were to be submitted to the "legally constituted court or committee" of the tribes under the act of June 10, 1896, that the Choctaw Council passed the act above referred to. That act provided for the appointment of census commissioners in each county, with authority "to enroll all recognized citizens of the Choctaw Nation by blood, intermarriage and adoption who are recognized as citizens of the Choctaw Nation under the treaties, constitution and law of the said nation." It further provided that "the rolls when completed by said commissioners shall be certified to by said commissioners and delivered to the Principal chief of the Choctaw Nation on or before the twentieth day of October, 1896, to be revised and approved by the next General Council of the Choctaw Nation."

It is manifest that this act conferred no power upon such commissioners to admit any person to citizenship, but only to enroll "recognized citizens." Yet in virtue thereof one of the county committees assumed to pass upon a petition prepared by Thompson's attorney, under date of August 1, 1896, and addressed to the General Council of the Choctaw Nation, "at its regular session October 1896," praying that "all rights, privileges and immunities of the Choctaw Nation" be granted to himself, his wife, family and certain other relatives," and they be enrolled with the legal citizenship of said Nation."

This petition does not appear ever to have been presented to the Choctaw Council or referred by any competent authority to the committee which assumed to pass upon it. Upon its back is the following endorsement:

William C. Thompson together with the names appearing on the face of the within application, lineal descendants of Margaret McCoy are hereby recognized and admitted to the citizenship of the Choctaw Nation or Tribe of Indians, by the legally constituted Choctaw Census Commission duly assembled at Kiowa, I. T. this the 8th day of October, 1896, upon the testimony of Henry Perkins, Mrs. Lavinia Franklin, they being enrolled Choctaw Indians by blood. The within names parties not being present were passed for further enrollment.

A. G. Folsom,

Secretary of Census Committee.

This was a manifest attempt to exercise an authority not delegated to the committee.

On October 30, 1896, the Choctaw Council, at its regular session, passed an act creating three commissions, one from each District, one member of each of which to be designated as "Chief

Commissioner", "to make a complete roll of the citizens of the Choctaw Nation." By that act it was made the duty of said commissions "to examine the rolls made by the commissions under the act of September 18, 1896, and also to expunge from said rolls of September 18, 1896, the names of all persons whom they shall adjudge not to be citizens." It was further provided:

The Commission shall enroll as citizens all who come under any of the following heads, and all such persons are hereby declared citizens of the Choctaw Nation:

1. All Choctaws by blood born and raised in the Choctaw Nation.

11. All Choctaws by blood who have been admitted to citizenship by the General Council and now residents of the Nation.

x            x            x            x            x            x

It was provided that "at the expiration of the time allowed the commissions in each District, the Chief Commissioner shall meet at Tushka Homma at their earliest convenience and not later than the first Monday in December 1896, and shall revise the Rolls made by their respective District Commissions during the succeeding ten days after they meet". The Chief Commissioners were authorized to "enroll the name of any citizen who for any good cause failed to appear before the District Commissions". It was further provided that "the Roll as completed and signed by the Chief Commissioners, when approved by the Principal Chief, shall be the legal and authorized roll of citizens of the Choctaw Nation".

These parties were enrolled by the revisory board, but that their enrollment was unauthorized is clear. The act just referred

to only authorized the enrollment of Choctaws by blood who were "born and raised" in the Choctaw Nation or had "been admitted to citizenship by the General Council." The applicants possessed neither of these qualifications. According to his own statement, William C. Thompson was not raised in the Choctaw Nation, having been taken to Mississippi shortly after his birth, and returning only once during his boyhood for about a year. It is further stated that he remained in Mississippi until the war, when he went to Texas, not returning again to the Choctaw Nation until 1887. He had never been "admitted to citizenship by the General Council". His wife and children could claim no greater rights than he possessed. The other applicants named in his petition were descendants of his brother, who was born in Mississippi and whose record appears to be otherwise about the same as William C. Thompson's.

Moreover, it appears from the opinion of the Assistant Attorney General for the Interior Department of March 24, 1905, in the case of Mary Elizabeth Martin, that on July 17, 1897, the Principal Chief of the Choctaw Nation advised the Commission to the Five Civilized Tribes that he had refused to approve the last revised roll made in accordance with the act of October 30, 1896, because he was satisfied there were some names thereon "that have been registered through fraud or misrepresentation." As such approval was necessary in order to make the roll so prepared "the

legal and authorized roll of citizens of the Choctaw Nation," it would seem that in no aspect of the case could these parties be said to be lawfully admitted and enrolled.

It further appears that these applicants, or some of them, including William C. Thompson, applied in 1900 to the Commission for the Five Civilized Tribes for identification as Mississippi Choctaws under the following provision of section 21 of the act of June 28, 1898:

Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty and to that end they may administer oaths, examine witnesses, and prepare all other acts necessary thereto and make report to the Secretary of the Interior.

Article 14 of the treaty of September 27, 1830, provided:

ARTICLE XIV. Each head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half t at quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

The only evidence adduced in any way tending to show a compliance with the terms of this article were statements to the ef-



fect that William C. Thompson's grandfather applied for land under the treaty of 1830 but was refused by the Indian agent. Congress, however, by the acts of March 3, 1837, and August 23, 1842, (5 Stat.180, 513), appointed Commissioners for the purpose of adjusting claims of this kind, and there was no evidence to the effect that the ancestors of the claimants had endeavored to comply with the provisions of those acts, or received patents or certificates for land as therein provided for. The Commission properly held, therefore, that it was impossible to identify the applicants as Mississippi Choctaws.

Upon the whole case, it seems to me clear that these applicants, and those claiming intermarried rights with them, should be denied enrollment.

The other cases consolidated with this are of a similar nature, and under the views above stated the parties referred to therein are, in my judgment, not entitled to be enrolled.

5. The Case of Richard B. Coleman et al.

The enrollment of the parties referred to in this case depends upon the effect to be given to the following act of the General Council of the Choctaw Nation passed November 8, 1889:

An Act to establish the citizenship of R. B. Coleman, his wife and their children.

Sec.1. Be it enacted by the General Council of the Choctaw Nation Assembled, That Richard Benjamin Coleman, and their children as follows: Richard St. Clair, age 15 years, Ida Clay, age 13, Bennetta, age 11, Pettie Withers, age 9, Henry

Alen, age 6, Willie Norma Coleman, age 4 years, are hereby admitted to citizenship in the Choctaw Nation with its rights, privileges, and immunities, and that this act shall take effect and be in force from and after its passage.

It is contended that this act was procured by fraud and bribery, and that, therefore, the names of Coleman and his family should be eliminated from the tribal rolls upon which they appear, under the act of Congress of June 28, 1898, which provides:

Said Commission is authorized and directed to make correct rolls of citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto x x x.

The Commission held that they had no authority to go behind the act of the Choctaw Council referred to, but in an informal opinion rendered you December 7, 1904, Acting Attorney General Day, after quoting the above provision, said:

It appears to me the above quoted provisions of the statute impose upon the Commission to the Five Civilized Tribes the duty and gave it the power to determine whether any name appearing upon a tribal roll was placed there by fraud or without authority of law, and that the mere fact that such enrollment was by virtue of an act of the National Council is not sufficient to preclude an inquiry. An act of the Council should be treated with respect as prima facie valid and efficacious, and nothing done as the result thereof should be lightly set aside; but if it clearly appears that the act was procured by deliberate fraud and perjury I do not think that Congress intended that benefits thereunder should be enjoyed.

Mr. Day did not pass upon the facts of this case. Subsequently, the Assistant Attorney General for the Interior Department, upon a consideration of the record, held that it did not clearly appear therefrom that the act in question had been fraudu-

lently procured.

In my judgment the record in this case clearly shows deliberate fraud on the part of Richard B. Coleman in procuring the passage of the act admitting him to citizenship. It appears that Coleman came into the Choctaw Nation about 1880. In 1887 he made application to the citizenship committee of the Choctaw Council for admission as a citizen by blood, representing by himself and witnesses he brought before the committee that his father was a Choctaw boy named Frank Coleman, the son of a John Coleman and Chapponia, a full blood Choctaw, who had lived in Mississippi with his parents prior to the migration in 1830. The boy Frank it was testified, had been sent to Kentucky to school and nothing afterwards heard of him.

The testimony adduced on behalf of the Nation before the Commission to the Five Civilized Tribes shows that the father of Coleman was Francis S. Coleman, a son of a Francis Coleman who was born and raised in Orange County, Virginia, and was not a Choctaw. This testimony was given in the form of a deposition by Mrs. Harriet Henry, a sister of Francis S. Coleman, and R. L. Coleman a nephew, residing at Columbia, Missouri. The identity of Francis S. Coleman with the father of the applicant appears from the fact, testified to by the applicant as well as the two witnesses just referred to, that he married Ann Elizabeth Bedford, the daughter of John Bedford, in Kentucky, and the testimony of all parties that

Francis S. Coleman went to Denton, Texas, and died there. Although duly advised as to the intention of the attorneys for the Choctaw Nation to take this testimony, no effort was made by Coleman or his attorney to file cross interrogatories or in any way rebut it, but they confined themselves to an endeavor to have the testimony stricken from the records as not having been taken in accordance with law. The authority of the Commission to take the testimony in this way is clear, under the act of June 28, 1898 (30 Stat. 495), which provides:

Said commission shall make such rolls descriptive of the persons thereon, so that they may be thereby identified, and it is authorized to take a census of each of said tribes, or to adopt any other means by them deemed necessary to enable them to make such rolls.

This testimony was further enforced by another deposition of said R. L. Coleman, taken by Commissioner Tams Bixby, in which R. L. Coleman stated further that he knew the applicant Richard B. Coleman, that he was his cousin. A motion was likewise made to strike this testimony from the record, because taken without notice to the applicant, but it was overruled by the Commission, who held that under the authority of the above act they could take such measures as they deemed necessary to satisfy themselves as to the justice of the applicant's claim. I do not think it is shown that they abused their discretion in this matter.

It appears that the application of Richard B. Coleman to be enrolled as a citizen by blood of the Nation, upon the grounds

above stated, was passed over by the citizenship committee of the Council in 1887; taken up again in 1888 and a bill of rejeotment passed by the committee or the Council; renewed at the session of 1889, and a bill of admission introduced into the House of Representatives which was rejected, and then a new bill introduced and enacted into the law above quoted.

I think it sufficiently appears from the testimony in this case, particularly that given by and on behalf of the applicant himself, that the Council in admitting him and his family to citizenship did so upon the strength of the testimony adduced by him before the Committee on Citizenship that he was a Choctaw by blood, descended as he represented. It is to be observed that he and his family all claim that he was admitted as a Choctaw by blood.

Some testimony was introduced for the purpose of showing that Coleman had bribed one Roebuck, the member of the Council who introduced the second bill, but the evidence on that point is not sufficient to establish the fact.

In October, 1898, the General Council of the Choctaw Nation passed an act repealing the act of November 8, 1889, admitting Coleman and his family to citizenship. This act was, however, disapproved by President McKinley, upon the recommendation of the Secretary of the Interior, under the authority of the act of Congress of June 28, 1898, which required the approval of the President to all acts of the Choctaw and Chickasaw Nations in any manner affecting the lands of the tribes.

Although this act was thus invalidated, it may fairly be taken to indicate the sense of the Nation at that time that Cole-

man was improperly admitted. The reason for its disapproval does not appear, but it might reasonably have been rejected on the ground that by the act of June 28, 1898, the work of making up the rolls of citizenship and eliminating therefrom those placed thereon by fraud was committed entirely to the Commission to the Five Civilized Tribes.

It is to be observed that Commissioner Bixby, who was the only Commissioner who considered this case on its merits, was "clearly of the opinion from such evidence as has been presented to this Commission that the evidence presented to and acted upon by the Citizenship Committee of the Choctaw General Council, which passed upon the petition of these applicants, and upon which evidence their admission to Choctaw Citizenship was based, was fraudulent, false and misleading."

In my opinion, these parties should be stricken from the rolls.

6. The Case of Ethel Pierson.

This case presents the question of your authority to enroll the children of Choctaw freedmen who were minors living March 4, 1906. The decision of this question turns upon the construction to be given to section 2 of the Act of April 26, 1906 (34 Stat. 137), as amended by the act of June 21, 1906 (34 Stat. 342). The act referred to originally provided:

Sec. 2. That for ninety days after approval hereof

applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled. If any citizen of the Cherokee tribe shall fail to receive the full quantity of land to which he is entitled as an allotment, he shall be paid out of any of the funds of such tribe a sum equal to twice the appraised value of the amount of land thus deficient. The provisions of section nine of the Creek agreement ratified by Act approved March first, nineteen hundred and one, authorizing the use of funds of the Creek tribe for equalizing allotments, are hereby restored and reenacted, and after the expiration of nine months from the date of the original selection of an allotment of land in the Choctaw Chickasaw, Cherokee, Creek, or Seminole tribes, and after the expiration of six months from the passage of this Act as to allotments heretofore made, no contest shall be instituted against such allotment: Provided, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date: Provided further, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: Provided, That nothing herein shall apply to the intermarried whites in the Cherokee Nation, whose cases are now pending in the Supreme Court of the United States.

The amendatory act provided, (34 Stat. 341-2):

That section two of the Act entitled "An Act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April twenty-sixth, nineteen hundred and six, be, and the same is hereby, amended by striking out thereof the words "Provided further, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: Provided further, That nothing herein shall apply to the intermarried whites in the Cherokee Nation whose cases are now pending in the Supreme Court of the United States." And insert in said Act in lieu of the mat-



ter repealed, the following: Provided further, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes, except for minors the children of Indians by blood, or of freedmen members of said tribes, or of Mississippi Choctaws identified under the fourteenth article of the treaty of eighteen hundred and thirty, as herein otherwise provided, and the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment.

In the agreement with the Choctaw and Chickasaw Nation ratified by the act of July 1, 1902 (32 Stat. 641), it was provided (paragraphs 1 and 3) that the words "member" or "members" and "citizen" or "citizens", "whenever used in this agreement", shall be held to mean members or citizens of the Choctaw or Chickasaw tribe of Indians in Indian Territory, not including freedmen."

The Commissioner to the Five Civilized Tribes in passing upon this case held that, in view of the above definition, the act of April 26, 1906, as amended, was not intended to apply to the children of freedmen in the Choctaw and Chickasaw Nations, but only to those of the Cherokee and Creek Nations.

There would be some force in the argument that minors, the children of freedmen members of the Choctaw Nation were not included in the act of April 26, 1906, if it were not for the proviso substituted by the amendatory act of June 21, 1906. That proviso was, as the Commissioner said, "in the nature of a construction by Congress of the meaning intended to be conveyed by the section as originally enacted." It says, in so many words, that minors the children of freedmen members of said tribes (referring

to all of the tribes, which are separately named in the preceding part of section 2, among them the Choctaw and Chickasaw tribes) may be enrolled. This definition settles the doubt that otherwise might have arisen as to the children of freedmen members of said tribes, as well as the children of Mississippi Choctaws. If, therefore, the Choctaw freedmen are members of said nation, the right of their children to be enrolled cannot be questioned.

The Choctaw freedmen were adopted by an act of the General Council of the Nation approved May 21, 1863, entitled "An Act to adopt the freedmen of the Choctaw Nation", which provided (Report of Commissioner of Indian Affairs, 1884, p. XLV):

Whereas by the third and fourth articles of the treaty between the United States and the Choctaw and Chickasaw Nations, concluded April 28, 1866, provision was made for the adoption of laws, rules, and regulations necessary to give all persons of African descent resident in said nation at the date of the treaty of Fort Smith, September 13, 1865, and their descendants, formerly held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by or belonging to said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, 40 acres each of the lands of said nations on the same terms as Choctaws and Chickasaws, to be selected on the survey of said lands; until which said freedmen shall be entitled to as much land as they may cultivate for the support of themselves and families; and

Whereas the Choctaw Nation adopted legislation in the form of a memorial to the United States Government in regard to adopting freedmen to be citizens of the Choctaw Nation, which was approved by the principal chief November 2, 1880, setting forth the status of said freedmen and the inability of the Choctaw Nation to prevail upon the Chickasaws to adopt any joint plan for adopting said freedmen, and notifying the United States Government of their willingness to accept said freedmen as citizens of the Choctaw Nation in accordance with the third and fourth articles of the treaty of 1866 as

a basis; and

Whereas a resolution was passed and approved November 5, 1880, authorizing the principal chief to submit the aforesaid proposition of the Choctaw Nation to adopt their freedmen to the United States Government; and

Whereas a resolution was passed and approved November 6, 1880, to provide for the registration of freedmen in the Choctaw Nation, authorizing the principal chief to appoint three competent persons in each district, citizens of the nation, whose duty it shall be to register all freedmen referred to in said third article of the treaty of 1866 who desire to become citizens of the nation in accordance with said treaty, and upon proper notification that the Government of the United States had acted favorably upon the proposition to adopt the freedmen as citizens, to issue his proclamation notifying all such freedmen as desire to become citizens of the Choctaw Nation to appear before said commissioner for identification and registration; and--

Whereas in the Indian appropriation act of Congress May 17, 1882, it is provided that either of said tribes may adopt and provide for the freedom in said tribe in accordance with said third article: Now, therefore,

Be it enacted by the general council of the Choctaw Nation, That all persons of African descent resident in the Choctaw Nation at the date of the treaty of Fort Smith, September 13, 1865, and their descendants, formerly held in slavery by the Choctaws or Chickasaws, are hereby declared to be entitled to, and invested with all the rights, privileges, and immunities, including the right of suffrage, of citizens of the Choctaw Nation, except in the annuities, moneys and the public domain of the nation.

X X X X X  
Sec.3. Be it further enacted, That all said persons are hereby declared to be entitled to forty acres each of the lands of the nation, to be selected and held by them under the same title and upon the same terms as the Choctaws.

X X X X X

It appears that this act was accepted by the Secretary of the Interior on behalf of the United States as a substantial compliance with the terms of the treaty of 1866, and the moneys authorized to be paid by that treaty upon a compliance therewith were turned over to the Nation.

The Secretary of the Interior -

44.

I am of opinion, therefore, that the <sup>Assistant</sup> Attorney General for the Interior Department was right in his conclusion that minors, the children of Choctaw freedmen living March 4, 1906, are entitled to be enrolled.

This disposes of the several cases submitted. The papers therein are herewith returned.

Respectfully,

Attorney General.

7-5012

Muskegee, Indian Territory, March 8, 1907.

Mrs. Myrtie Randolph,

Purcell, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 11, 1907, asking relative to your right to enrollment in the Choctaw Nation.

In reply to your letter you are advised that on February 11, 1907, a petition for the enrollment of Myrtie Randolph in the case of Samuel C. Wall et al. as a citizen of the Choctaw Nation, under the ruling of the Department in the Loula West case was denied by the Commissioner to the Five Civilized Tribes, and on the same date the record in this case was forwarded to the Secretary of the Interior. You will be notified of Departmental action therein.

Respectfully,

Commissioner.

LHM JWH WCP PWL

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

Address only  
The Secretary of the Interior.

File 5-51-Choctaw

March 26, 1909.

Commissioner to the Five Civilized Tribes,  
Sir:

Enclosed herewith is a letter dated March 25, 1909, from Messrs. Kappler & Merillat, this city, relative to the enrollment cases of William J. Thompson, Myrtle Randolph, Dick Randolph, Samuel C. Wall, Samuel F. Wall and other (unnamed) members of the Randolph-Thompson and Wall families.

Said Attorneys claim that the names of these persons were stricken from the approved rolls of the Five Civilized Tribes by Secretary Hitchcock, and, as a preliminary step to the institution of mandamus suits against the Secretary of the Interior, now demand that they be restored to the status of recognized citizens of the Choctaw Nation.

You are requested to furnish a report in the matter, based upon the records of your office, following the instructions of departmental letter of March 15, 1909 (File 5-51), and to transmit the same, through the Indian Office to the end that recommendation by the Commissioner of Indian Affairs may also be furnished.

Very respectfully,  
(Signed) Frank Pierce.  
First Assistant Commissioner.

One enclosure  
(Send direct; copy to Indian Office).

Muskogee, Oklahoma, April 7, 1909.

Report on letter of  
Kappler & Merillat in re  
Choctaw enrollment cases  
of William J. Thompson  
and others.

The Honorable,

The Secretary of the Interior.

Sir:

March 26, 1909 (File 5-51, Choctaw), the Department transmitted to this office for report, to be forwarded through the Indian Office, a letter dated March 25, 1909, from Messrs. Kappler & Merillat, Washington, D. C., relative to the enrollment cases of William J. Thompson, Myrtle Randolph, Dick Randolph, Samuel C. Wall, Samuel F. Wall, and other (unnamed) members of the Randolph-Thompson and Wall families.

Messrs. Kappler & Merillat claim that the names of these persons were stricken from the approved rolls of the Five Civilized Tribes, and now demand that they be restored to the status of recognized citizens of the Choctaw Nation.

Reporting in this matter I have the honor to advise that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Samuel C. Wall for the enrollment of himself and his minor son, Sam F. Wall, as citizens of the Choctaw Nation, and for the enrollment of his wife, Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall



for the enrollment of himself and his minor children, Hiram T. Wall and Bessie Lee Wall, as citizens of the Choctaw Nation; and by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3, 1901, written application was filed for the enrollment of Ora Nellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as citizens of the Choctaw Nation; that on September 14, 1898, application was made by James N. Harper for the enrollment of his wife, Daisy Harper, and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 28, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Custer Harper, minor children of James N. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 14, 1898, application was made by Dick Randolph for enrollment as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtie Randolph, and his minor children, Minnie, Decosa, Herman, Hughie, and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick and Myrtie Randolph, as a citizen of the Choctaw Nation; that on February 9, 1901, written application was filed for the enrollment of Lelia Blanche Myers, and on June 28, 1902, written application was filed for the enrollment of John Boyd Myers, minor children of William Myers and Minnie

Myers (formerly Randolph), as citizens of the Choctaw Nation; that on September 15, 1898, application was made at Pauls Valley, Indian Territory, by Waldemar Thompson for the enrollment of himself and his minor daughter, Dollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, minor children of Waldemar Thompson and May Thompson, as citizens of the Choctaw Nation; that application was made September 15, 1898, by William E. Wheat for the enrollment of himself as an intermarried citizen and for his minor children, Jesse G. and Myrtle E. Wheat, as citizens of the Choctaw Nation; that on the same date application was made by William J. Thompson for enrollment as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made at Atoka, Indian Territory, December 5, 1899, by William Myers for enrollment as an intermarried citizen of the Choctaw Nation; that on September 14, 1898, at Pauls Valley, Indian Territory, application was made for the enrollment of Decosa and Ellen Thompson as citizens of the Choctaw Nation.

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship

in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321) of the following applicants:

Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper ( as Daisy Wall), Eunice Hogg (as Unis Wall), Sam F. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall) and Bessie T. Wall (as Bessie Wall).

Said application was denied by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation. This judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

This cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on November 29, 1904, in the case entitled "Samuel Wall, et al., vs. Choctaw and Chickasaw Nations," said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisey Wall, Unis Wall,

Sam F. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall, be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship Case No. 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Dick Randolph, Myrtie Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph) William E. Wheat (as William Wheat), Myrtie E. Wheat (as Myrtie Wheat), Jessie G. Wheat (as Jesse Wheat), Waldemar Thompson, Dollie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson.

This application was denied December 7, 1896, by the Commission to the Five Civilized Tribes, and an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled "Dick Randolph, et al. vs. Choctaw Nation," rendered a judgment admitting all of said applicants to citizenship, except Myrtie Wheat and May Thompson, whose names were not mentioned in said judgment.

The judgment of the United States Court was subsequently vacated, set aside and held for naught by a decree of the Choctaw-

Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al." Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court for a trial de novo, which court, on November 29, 1904, in the case entitled "Dick Randolph, et al. vs Choctaw and Chickasaw Nations," rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtie Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, De Cosa Thompsen or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtie Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed."

On January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph), to citizenship in the Choctaw Nation had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29, 1904.

The Commission to the Five Civilized Tribes on January 23, 1905, issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers and John Boyd Myers, and on January 24, 1905, orders were issued dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decree of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition verified by S. E. Wall W. J. Thompson, Will Myers, W. E. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Samuel Wall Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph,

Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtie Wheat, Waldemar E. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition were that the petitioners were the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with \_\_\_\_\_ Polson, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners were informed and believed that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that petitioners were unable to find any records containing said Act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam F. Wall, Thomas Wall, Hiram Wall, Bessie Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Dick Randolph, Myrtie Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Vivian Randolph, William Myers,



Minnie Myers, Lelia Blanche Myers, John B. Myers, William E. Wheat, Jesse Wheat, Myrtie Wheat, Waldemar E. Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

It does not appear that there is any record in this office of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Rudella Hopper, Lizzie Hogg, Samuel J. Hogg, Roy Randolph, Dick Myers, May Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898, or any subsequent Act of Congress prior to the filing of the petition herein.

On April 26, 1906, written application was made for the enrollment of Lizzie Louisa Hogg, born April 7, 1903, minor daughter of Eunice Hogg and J. T. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On July 18, 1906, application was received under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the enrollment of Robert E. Wall, born April 24, 1903, minor child of Thomas Wall and Elizabeth Wall as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Hogg and Elmer Wall mentioned in the petition filed January

30, 1906, and on July 18, 1906, application was received for the enrollment of Daisy R. Harper, born July 31, 1904, minor child of J. N. Harper and Daisy Harper, as a citizen of the Choctaw Nation.

It was not alleged in the petition filed January 30, 1906 that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said Nation.

For the purpose of determining whether Giles Thompson, the ancestor of certain of the petitioners above mentioned, was ever adopted by an Act of Choctaw Council as alleged in the petition, this office on July 31, 1906, addressed a communication to Edward H. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed. In response to said communication, E. H. Wilson addressed a letter to the Commissioner on August 6, 1906, in which he stated that there was no such Act on file in the office of the National Secretary.

On February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hagg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Elen Thompson, Lizzie

Louisa Hogg and Daisy R. Harper as citizens, for the enrollment of Elen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtle Wheat as citizens and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, was, on February 4, 1907, transmitted to the Secretary of the Interior for review.

On February 28, 1907, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes of February 4, 1907, in this case.

In reporting on this matter the attention of the Department is respectfully invited to a letter dated February 19, 1907, communicating the opinion of the Attorney General to the Secretary of the Interior in certain Choctaw Indian citizenship cases, among which were the cases of Myrtle Randolph and her brother W. J. Thompson. The opinion of the Attorney General as to these two

persons, concludes as follows:

"This disposes of the cases of Myrtle Randolph and her brother W. J. Thompson: whatever their intrinsic merits these claims have been finally decided adversely to the claimants by the judgment of the Citizenship Court."

In the same letter the Attorney General rendered an opinion as to the rights of Loula (or Lulu ) West et al., and stated as follows:

"This case is similar to that of Myrtle Randolph and her brother W. J. Thompson, children of Giles Thompson, above referred to, in that it involves the question of the finality of the judgment of the Citizenship Court, it being contended that the Commission in the first instance and the Citizenship Court ultimately on appeal had no jurisdiction of the case because at the time of her application to the Commission her name was upon a tribal roll.

For the reasons heretofore stated, I think this contention is not well founded, and that the Citizenship Court had jurisdiction of such cases, and its judgments therein were final."

It does not appear that the names of any of the persons concerning whom this report is submitted were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or Commissioner to the Five Civilized Tribes, nor that any of them were ever allowed to select an allotment of land as a citizen of the Choctaw Nation.

The letter of Kappler & Merillat of March 25, 1909, is returned herewith.

Respectfully,

Through the Commissioner  
of Indian Affairs.  
McM 7/2

Acting Commissioner.

NT

J.W.H.  
J.W.H.  
W.C.P.  
T.W.L

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

April 13, 1909.

Address only  
The Secretary of the Interior.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

Herewith is a letter, dated April 7, 1909, from Messrs. Kappler & Verillat, attorneys at law of this city, wherein, as a preliminary step to the institution of suit against the Secretary of the Interior, they demand that he restore the following persons to the status of recognized citizens of the Choctaw Nation:

Winona Thompson,

Herman Randolph,

Lena Randolph,

Minnie Hall,

Thomas Myers,

Decosa Randolph,

Hugh Roy Randolph,

Vivian Randolph,

Blanch Myers,

Dick Myers.

You are requested to furnish a report concerning the enrollment of said persons, following the general instructions contained in departmental letter of March 15, 1909 (File 5-51)

Very respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

1 Enc.  
(Send direct: Copy  
to Indian Office).

Kappler & Merrillat,  
Attorneys and Counsellors at Law  
Bond Building

Washington, D.C. April 7, 1909.

The Honorable,  
The Secretary of the Interior,  
Washington, D. C.

Sir:

As attorneys for Winona Thompson, Decos, Herman, Hugh Roy, Lena and Vivian Randolph, Winnie Hall, Blanch, Thomas and Dick Myres, Choctaw Indians who were stricken from the rolls of the Five Civilized Tribes, we hereby respectfully make demand that you cause their names to be restored to the rolls in the Five Civilized Tribes, from which they were stricken by Secretary Hitchcock.

We also give notice, as required by law, that in the event this demand be not complied with, we will be compelled to institute suit to compel their restoration to the rolls.

An early reply hereto is requested.

Yours respectfully,

(Signed) Kappler & Merrillat.

MR

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.  
J.W.H.  
W.C.P.  
T.W.L.

April 17, 1909.

Address only  
The Secretary of the Interior.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

Herewith is a letter dated April 15, 1909, from Messrs. Kappler & Merrillat, Attorneys at Law, of this city, wherein they demand, as a preliminary step to the institution of suit against the Secretary of the Interior, that he cause the names of the following persons to be restored to the rolls of citizenship of the Choctaw Tribes

W. E. Thompson,

T. J. Hogg,

Bunice Hogg,

J. N. Harper,

Daisy Harper,

Ella Thompson.

You are requested to render a report in the matter, following the general instructions contained in department letter of March 15, 1909, file 5-51, taking particular care to state in this, as well as in other cases, whether certificates of allotment or patent have been issued to or recorded in favor of the applicants.

Very respectfully,

(Signed) Jesse E. Wilson.

1 enclosure; Send direct  
Gov to Indian Office.

Assistant Secretary



Kappler & Merillat

Attorneys and Counsellors at Law

Bond Building,

Washington, D.C. April 13, 1909

The Honorable,

The Secretary of the Interior,

Washington, D.C.

Sir:

In behalf of W. E. Thompson, T. J. Hogg, Eunice Hogg, J. N. Harper, Daisy Harper and Ella Thompson, we hereby respectfully make demand that you cause their names to be restored to the rolls of the Choctaw Tribe of Indians, from who they were stricken by the Secretary of the Interior.

At the same time, we desire respectfully to give notice that if the demand be not acceded to we will take appropriate proceedings in Court to compel their restoration to the rolls.

We make this request and demand in accordance with law, and for the reason that we believe the Secretary of the Interior was without authority or jurisdiction to strike from the rolls the names of persons once placed thereon, especially where land had been allotted to the parties as was the case with our clients.

Yours respectfully,

(Signed) Kappler & Merillat

D 489-1909  
D 514-1909

Muskogee, Oklahoma, April 23, 1909.

Subject:

Reporting on Departmental letters  
of April 15, 1909 and April 17,  
1909, relative to W. E. Thomp-  
son et al. and Winona Thompson

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of April 13, 1909 (File 5-51) transmitting communication of April 7, 1909, from Messrs. Kappler & Merillat, attorneys at law, Washington, D. C., wherein, as a preliminary step to the institution of suit against the Secretary of the Interior, they demand that Winona Thompson, Decosa Randolph, Herman Randolph, Hugh Roy Randolph, Lena Randolph and Vivian Randolph, Minnie Hall, Blanch Myres, Thomas Myres and Dick Myres be restored to the status of recognized citizens of the Choctaw Nation, and requesting a report concerning the enrollment of said persons.

Receipt is also acknowledged of Departmental letter of April 17, 1909 (File 5-51), transmitting communication of April 13, 1909 from Messrs. Kappler & Merillat, attorneys at

Secretary 2

law, Washington, D. C., wherein they demand, as a preliminary step to the institution of suit against the Secretary of the Interior, that he cause the names of the following persons to be restored to the rolls of citizenship of the Choctaw tribe: W. E. Thompson, T. J. Hogg, Eunice Hogg, J. N. Harper, Daisy Harper and Ella Thompson.

A report is requested in this matter following the general instructions contained in Departmental letter of March 15, 1909, taking particular care in this, as well as in other cases, to state whether certificates of allotment or patents have been issued to or recorded in favor of the applicants.

Reporting in this matter I have the honor to advise that the names of the persons above mentioned are included in the Choctaw enrollment case of Samuel C. Wall, et al. and the facts in this case are as follows:

It appears from the records of this office that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in Choctaw 1896 Citizenship Case Number 540, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321), of Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as

Secretary 3

Unis Wall), Sam F. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall), and Bessie L. Wall (as Bessie Wall).

This application was denied by the Commission to the Five Civilized Tribes December 2, 1896. From this decision appeal was taken to the United States Court for the Southern District of Indian Territory, which, on January 19, 1898, in case Number 126 on the citizenship docket, reversed the decision of the Commission and admitted the applicants to citizenship in the Choctaw Nation.

This judgment was subsequently annulled, vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of the Choctaw and Chickasaw Nations or Tribes of Indians versus J. T. Riddle, et al.

Subsequently said cause was certified to the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641) for a trial *denovo*, and on November 29, 1904, in the case entitled Samuel Wall, et al. versus the Choctaw and Chickasaw Nations, Case Number 26 on the Tishomingo Docket, said Court rendered a decree wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisy Wall, Unis Wall,

Secretary 4

Sam F. Wall, Thomas Wall, or Thos. Wall, Hiram Wall and Bessie Wall be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in Choctaw 1896 Citizenship Case Number 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896, of Dick Randolph, Myrtie Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtie E. Wheat (as Myrtie Wheat), Jesse G. Wheat (as Jesse Wheat), Waldemar Thompson, Dollie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson.

On December 7, 1896, the Commission denied this application. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled Dick Randolph et al. versus the Choctaw Nation, rendered a judgment admitting all of said applicants to citizenship except

Secretary 5

Myrtle Wheat and May Thompson whose names were not mentioned in the judgment.

This judgment was subsequently annulled, vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, and the cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, which court, on November 29, 1904, in case Number 27 on the Tishomingo Docket, entitled Dick Randolph, et al. versus the Choctaw and Chickasaw Nations, rendered a judgment wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, De Cosa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed.

January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the

Secretary 6

enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph) had been denied by the Choctaw and Chickasaw Citizenship Court.

January 23, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers and John Boyd Myers, and on January 24, 1905, orders were entered by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, for the reason that the rights of the persons through whom these applicants claimed as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

February 4, 1905, the Commission rendered a decision denying the application for the enrollment of Myrtie E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at Law, Pauls Valley, Indian Territory, a petition praying for the enroll-



Secretary 7

ment of Samuel C. Wall, Samuel Wall Jr., Thomas Wall, Miram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtie Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtie Wheat, Waldemar E. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

This office could not identify the applicants herein as having been enrolled upon any of the tribal rolls of the Choctaw Nation in its possession.

February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the applications for enrollment of all the persons included in this decision and on the same date the record, together with the decision in this case, was forwarded to the Secretary of the Interior.

February 26, 1907 (Land 13244-1907) the Indian Office

Secretary 8

concurred in the decision of the Commissioner of February 4, 1907, denying these applicants, and on February 28, 1907 ( I T D 5080, 5146, 5148, 5190, 5194, 5196, 5200, 5208, 5212, 5214, 5322, 5334, 5336, 5344, 5346, 5350, 5358, 5394, 5442-1907), the Department affirmed said decision.

I have the honor to state that no formal allotments were ever made to these persons but applications for lands were made in their behalf which were involved in allotment contests; these contests were afterward dismissed and the lands given to the contestees and patents therefor have undoubtedly been recorded and delivered.

It further appears that T. J. Hogg was the non-citizen husband of Eunice Hogg, nee Wall, and that J. N. Harper was the non-citizen husband of Dais. Harper, nee Wall, and that no application was made to the Commission or the Commissioner to the Five Civilized Tribes for their enrollment as citizens of the Choctaw Nation.

It also appears that this office has no record of any favorable decision ever having been rendered by the Department in this case.

The letters of Kappler & Merrillat of April 7, 1909 and April 13, 1909 are herewith returned.

Respectfully,

Choctaw 4997

Through the Commissioner  
of Indian Affairs.

AB

Commissioner.

Land:  
27496-1909  
31863-1909 }  
J E D

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS, G.R.

Enrollment case of  
Samuel C. Wall, et al.

Washington. Jun 4 1909

The Commissioner

to the Five Civilized Tribes,  
Muskogee, Oklahoma,

Sir:

Referring to your reports of April 7 and 23, 1909, relative to the Choctaw enrollment case of Samuel C. Wall, et al., you are advised that on May 28, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S. 249). The Department declined to take any action looking to the enrollment of any of the persons included in the case of Samuel C. Wall et al. A copy of approved Office letter of May 4, 1909, is inclosed for your further information. You are requested to notify the proper parties of this action.

Very respectfully,

C. E. Hauke,

Chief Clerk.

JC-3  
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EBM  
SRA  
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Land  
27496-1909  
31863- "  
J E D

May 4, 1909

Enrollment claims of  
Samuel C. Wall et al.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of March 25, April 13 and 17, 1909 (File 5-51 Choctaw), there are transmitted herewith reports of April 7 and 23 from the Commissioner to the Five Civilized Tribes, in regard to the case of Samuel C. Wall, et al., applicants for enrollment as Choctaw citizens.

The history of the case is set out fully in the reports inclosed. The records show that on February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtie Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Ellen Thompson, Liasie Louisa Hogg and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Swan-

nah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtle Wheat as citizens, and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

On February 28, 1907, the Department affirmed the decision of the Commissioner denying the applications.

In this connection your attention is invited to the opinion, dated February 19, 1907, of the Attorney General, in reference to the Choctaw citizenship cases of Myrtle Randolph and her brother, W. J. Thompson, which opinion is referred to by the Commissioner to the Five Civilized Tribes in his report. The Commissioner reports that it does not appear that the names of any of the persons mentioned were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or the Commissioner to the Five Civilized Tribes, or that any of them were ever allowed to select an allotment of land as a citizen of that nation.

Moreover, it does not appear from the records of the Office that the Department ever approved any applications of these persons for enrollment as citizens of the Choctaw Nation. The Office is of the opinion that the case of Samuel C. Wall et al. is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States

in its decision of November 30, 1908 in that case (211 U. S. 249).

It is therefore recommended that the Department take no action looking to the enrollment of any of the persons included in the case of Samuel C. Wall et al.

The record in the case and other papers pertaining thereto are inclosed for your further information.

Very respectfullyk

OGP-1  
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(Signed) R. G. Valentine,  
Acting Commissioner.

WCP

JWH

APPROVED: May 28, 1909.

Frank Pierce

First Assistant Secretary.

FWS

Choctaw 5012

Muskogee, Oklahoma , June 11, 1909.

Mr. Dick Randolph,  
Purcell, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall, et al., is not identical with that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB



Choctaw 5012  
Choctaw D 535

Muskogee, Oklahoma, June 11, 1909.

Mr. William Myers,  
Erin Springs, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall, et al. is not analogous to that of John E. Goldsby (211 U. S. 249), and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Choc 5013 DeCosa Thompson

see C-31

see choc 4979 for record

5013

C- 31  
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7-4976  
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23-1120  
23-1274.

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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
SAMUEL C. WALL, et al., as citizens of the Choctaw Nation.

DECISION.

The record herein shows that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1896, by Samuel C. Wall for the enrollment of himself and his minor son, Sam T. Wall, as citizens of the Choctaw Nation, and for the enrollment of his wife, Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall to the Commission to the Five Civilized Tribes for the enrollment of himself and his minor children, Wiram T. Wall and Fessie Lee Wall, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3, 1901, written application was filed for the enrollment of Ora Nellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as a citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by James N. Harper for the enrollment of his wife, Daisy Harper, and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 28, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Custer Harper, minor children of James N. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by Dick Randolph for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtle Randolph, and his minor children, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick Randolph and Myrtle Randolph, as a citizen of the Choctaw Nation; that on February 9, 1901, written application was filed for the enrollment of Lelia Blanche Myers,

and on June 28, 1902, written application was filed for the enrollment of John Boyd Myers, minor children of William Myers and Winnie Myers (formerly Randolph), as citizens of the Choctaw Nation; that on September 15, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, by Waldemar Thompson for the enrollment of himself and his minor daughter, Dollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, minor children of Waldemar Thompson and Vay Thompson, as citizens of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 15, 1898, by William E. Wheat for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and for the enrollment of his minor children, Jesse G. Wheat and Myrtle E. Wheat, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by William J. Thompson for the enrollment of himself as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Atoka, Indian Territory, December 5, 1899, by William Myers for the enrollment of himself, as an intermarried citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, for the enrollment of Decosa Thompson and Ellen Thompson as citizens of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants; Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as Unis Wall), Sam W. Wall, Thomas Wall, Wiram T. Wall (as Wiram Wall), and Bessie L. Wall (as Bessie Wall).

Said application was denied by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision of the Commission appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial

de novo, and on November 29, 1904, in the case entitled "Samuel Wall, et al., vs. Choctaw and Chickasaw Nations", said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel S. Wall, Ellen Wall, Daisy Wall or Daisy Wall, Unis Wall, Sam. P. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall, be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom".

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Dick Randolph, Myrtle Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtle E. Wheat (as Myrtle Wheat), Jesse G. Wheat (as Jesse Wheat), Waldemar Thompson, Dollie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson. On December 7, 1896, the Commission to the Five Civilized Tribes denied said application. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled "Dick Randolph, et al., vs. Choctaw Nation", rendered a judgment admitting all of said applicants to citizenship, except Myrtle Wheat and May Thompson, whose names were not mentioned in said judgment. Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al.". Said case was subsequently certified to the Choctaw-Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, which court, on November 29, 1904, in the case entitled "Dick Randolph, et al., vs. Choctaw and Chickasaw Nations", rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Minnie Randolph, Decosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jesse Wheat or Jesse Wheat, Decosa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed".

On January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph), to citizenship in the Choctaw Nation

had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29, 1904.

On January 23, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, and John Boyd Myers, and on January 24, 1905, orders were issued by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition verified by S. C. Wall, W. J. Thompson, Will Myers, W. E. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Samuel Wall, Jr., Thomas Wall, Wiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition are that the petitioners are the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with \_\_\_\_\_ Polson, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners have been informed and believe that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that said petitioners have been unable to find any records containing said Act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam F. Wall, Thomas Wall, Wiram Wall, Bessie Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Dick Randolph, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Vivian Randolph, William Myers, Minnie Myers, Lelia Blanche Myers, John B. Myers, William

E. Wheat, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson, and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

This office has no record of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Rudella Hopper, Lizzie Hogg, Samuel J. Hogg, Roy Randolph, Dick Myers, Vay Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898, or any subsequent Act of Congress prior to the filing of the petition herein.

On April 26, 1906, written application was made for the enrollment of Lizzie Louisa Hogg, born April 7, 1903, minor daughter of Eunice Hogg and J. T. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On July 18, 1906, application was received under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the enrollment of Robert E. Wall, born April 24, 1903, minor child of Thomas Wall and Elizabeth Wall, as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Hogg and Elmer Wall mentioned in the petition filed January 30, 1906, and for the purposes of this decision will be so considered. On July 18, 1906, application was received for the enrollment of Daisy R. Harper, born July 31, 1904, minor child of J. W. Harper and Daisy Harper, as a citizen of the Choctaw Nation.

It is not alleged in the petition filed January 30, 1906, that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said nation.

The surname "Thompson" appears several times upon the tribal rolls of the Choctaw Nation. This office is unable, however, to identify any of the applicants herein as identical with any of the persons whose names appear on said rolls.

For the purpose of determining whether Giles Thompson, the ancestor of certain petitioners herein, was ever adopted by an Act of Choctaw Council as alleged in the petition, this office on July 31, 1906, addressed a communication to Edward W. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed. In response to said communication, said E. W. Wilson addressed a letter to the Commissioner on August 6, 1906, in which he stated that there was no such Act on file in the office of the National Secretary. Copies of said communications are made a part of the record hereof.

I am of the opinion that inasmuch as it does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants ever occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation, and inasmuch as it is not alleged in the petition filed January 30, 1906, that any of the said applicants ever occupied such a status, the decision of the Choctaw and Chickasaw Citizenship Court of November 29, 1904, is final, and that the application for the enrollment of such of the applicants as made application



in 1898, and the petition filed January 30, 1906, in so far as same applies to said applicants, should be denied.

I am, therefore, of the opinion that the application for the enrollment of Samuel C. Wall, Sam W. Wall, Thomas Wall, Wiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Winnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson and Ellen Thompson as citizens of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioners, Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson and Winona Thompson, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been dismissed, and Myrtle E. Wheat, whose application for enrollment as a citizen of the Choctaw Nation has heretofore been denied, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioner, William Myers, whose application for enrollment as an intermarried citizen of the Choctaw Nation has heretofore been dismissed, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the minor petitioners, Rudella Vopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson, should be considered as an application for the enrollment of said petitioners as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Elizabeth Wall and Savannah Thompson, for whose enrollment as citizens by intermarriage of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of Lizzie Louisa Hogg, Robert E. Wall and Daisy R. Harper as citizens of the Choctaw Nation should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that following the ruling of the Department of May 25, 1906 (I. T. D. 9114-1906), in the case of Laura E. Akin, and of October 10, 1906 (I. T. D. 15388, 18926-1906), in the case of Hayne Nelms, the petition herein in so far as same applies to the petitioner, May Thompson, should be denied, and it is so ordered.

(Signed) Tama Pixby,

Commissioner.

Muskogee, Indian Territory,

FEB 4-1907

C O P Y

DEPARTMENT OF JUSTICE,  
WASHINGTON.

February 19, 1907.

The Secretary of the Interior.

Sir:

I have the honor to communicate to you my opinion in certain Choctaw Indian citizenship cases, the first two submitted by your letter of May 29, 1906, and the others by the direction of the President under date of January 19, 1907.

1. The first case is that of Myrtle Randolph and her brother W. J. Thompson, in regard to which you say:

Myrtle Randolph and W. J. Thompson are children of Giles Thompson, white, intermarried in the Choctaw Nation in Mississippi prior to the treaty of September 27, 1830 (7 Stat., 333), and was one of the parties named by supplementary article II (ib. 340,) as entitled to a section and a half, reserved to him from the ceded lands, to be so selected as "to include their present residence and improvement." His first and second wives were Choctaws. His name appears on page 64, volume 7, American State Papers (Public Lands), as a beneficiary of Article XIX of the treaty of September 27, 1830, and on page 28, volume 1 of the record in suit of the Choctaw Nation v. United States, Court of Claims. He was registered under the treaty as citizen of the Choctaw Nation, Mushulatubbee's District, and with his family was transported under the treaty as Choctaws, at expense of the United States, from Mississippi to the Choctaw Nation, west, prior to October 24, 1833, when he petitioned the President, from Doakesville, near the Red River, in the southern part of the Choctaw Nation, to approve sale of his Mississippi lands to James Gay, of Mississippi, and for issue of patent therefor (copy A enclosed). In the Choctaw Nation, west, in Indian Territory, in 1863, in accordance to Choctaw law, he married a white woman, citizen of the United States, of whom the applicants were born. He was living October 19, 1865, and was paid by the Choctaw Nation for beaves furnished June, 1865. (Copy of act of Council of October 19, 1865, in enclosed, B). He continued to live

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in the Nation, and was recognized as a citizen, until his death, aged seventy-six years, and his estate was administered in the Choctaw courts as that of an Indian and within their jurisdiction. The applicants--his children--were born in the Choctaw Nation, were admitted to and attended the Choctaw schools as Choctaws, and in all respects enjoyed and were accorded the privileges of native-born Choctaws. The applicants were enrolled by Choctaw Committee on Citizenship in 1892, as Choctaw citizens. The Department is not yet advised whether they are borne on any other of the Choctaw rolls. They settled and improved tribal lands, as the father before had done in Mississippi, as Choctaws, erected homes, and were never ousted or objected to or regarded as intruders.

September 8, 1896, these applicants and others applied to the Commission to the Five Civilized Tribes for enrollment under the act of June 10, 1896 (29 Stat., 321, 339) and December 7, 1896, were denied. Applicants appealed to the United States Court, Southern District, Indian Territory, which January 18, 1898, reversed the commission, and admitted the applicants. From this judgment the nation appealed and the judgment was affirmed (reported as *Stephens v. Cherokee Nation and Choctaw Nation v. Robinson*, 174 U.S., 445, foot-note page 469, case No. 587; same v. *Randolph et al.*). Subsequently, under the act of July 1, 1902 (32 Stat., 641, 646-9), the matter was brought by appeal of the nations to the Choctaw-Chickasaw Citizenship Court, which, November 29, 1904, denied the application--copy of opinion wherein and in *Wall v. Choctaw Nation et al.*, and in *W. H. Bounds v. Choctaw and Chickasaw Nations*, whereon both were founded, are enclosed (C. D. R.).

The validity and finality of the Citizenship Court are therefore a vital feature of this case. In regard to its judgment you say in your letter:

Bearing upon the validity of this judgment, your attention is called to the fact that the act of June 10, 1896, gave no power to the Commission to the Five Civilized Tribes to purge the tribal rolls, which were by the act confirmed. Power to purge the rolls was first conferred on the Commission by the act of June 7, 1897 (30 Stat., 84), and further by section 21, act of June 28, 1898 (30 Stat., 495, 502). Therefore this Department holds that no jurisdiction was given the Commission, or to the courts on appeal therefrom, to exclude persons having tribal recognition and borne on the tribal rolls, but that such persons, notwithstanding prior adverse action by the Commission, or the courts, are entitled

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to enrollment under the act of 1896 and supplementary acts, unless their inscription on the tribal rolls was procured by fraud or was without authority of law. Such has been the rule of this Department since decision in the case of Wiley Adams, May 21, 1903, discussed and concurred in by the Assistant Attorney-General, Interior Department (Opinions of March 24, 1905), in cases of Benjamin J. Vaughn and Mary Elizabeth Martin. In Vaughn's case counsel for the nations acceded to it as the proper rule.

To determine the validity and the finality of the judgment of the Citizenship Court, as well as other questions arising in these cases, it is necessary to consider carefully the entire legislation of the Congress on this subject.

The act of June 10, 1896 (29 Stat., 321, 339), directed the Commission to the Five Civilized Tribes in the Indian Territory to continue the exercise of the authority theretofore conferred upon them to negotiate with such tribes for the extinguishment of the tribal title to their lands, by the cession of the same or a part thereof to the United States, or their allotment in severalty to the members of such tribes, with a view to the ultimate creation of a State or States embracing such lands.

That act also provided:

That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled; Provided, however, That such application shall be made to such Commissioners within three months after the passage of this Act. The said Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes. And provided, further,

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That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: Provided, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this Act, it or he may appeal from such decision to the United States district court: Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

That the said commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this Act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

The commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs to remain there for use as the final judgment of the duly constituted authorities.

The act of June 7, 1897 (30 Stat., 62, 84) contained this provision:

That said commission shall continue to exercise all authority heretofore conferred on it by law to negotiate with the Five Tribes, and any agreement made by it with any one of said tribes, when ratified, shall operate to suspend any provisions of this Act if in conflict therewith as to said nation: Provided, That the words "rolls of citizen-

ship", as used in the Act of June tenth, eighteen hundred and ninety-six, making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation, and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the council of such nation, the duly authorized courts thereof, or the commission under the act of June tenth, eighteen hundred and ninety-six. And all other names appearing upon such rolls shall be open to investigation by such commission for a period of six months after the passage of this Act. And any name appearing on such rolls and not confirmed by the Act of June tenth, eighteen hundred and ninety-six, as herein construed, may be stricken therefrom by such commission where the party affected shall have ten days previous notice that said commission will investigate and determine the right of such party to remain upon such roll as a citizen of such nation: Provided, Also, That any one whose name shall be stricken from the roll by such commission shall have the right of appeal, as provided in the Act of June tenth, eighteen hundred and ninety-six.

The act of June 28, 1898 (30 Stat. 495, 502-3), provided:

Sec. 21. That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such inter-married white persons as may be entitled to citizenship under Cherokee laws.

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Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enroll-



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ing such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes.

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The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

The act of May 31, 1900 (31 Stat. 221,236), provided:

That said commission shall continue to exercise all authority heretofore conferred upon it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior.

The act of March 3, 1901 (31 Stat. 1058,1077), contain this provisions:

The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized and directed to fix a time by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto.

The act of July 1, 1902 (32 Stat. 641) ratified an agreement made by the Commission to the Five Civilized Tribes with the Commission representing the Choctaw and Chickasaw Tribes. This agreement was subsequently ratified by those two nations as required therein. In regard to rolls of citizenship it provided:

27. The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance

with the act of Congress approved June 28, 1898 (30 Stat., 495), and the act of Congress approved May 31, 1900 (31 Stat. 221), except as herein otherwise provided: Provided, That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stat., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined.

28. The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws.

29. No person whose name appears upon the rolls made by the Commission to the Five Civilized Tribes as a citizen or freedman of any other tribe shall be enrolled as a citizen or freedman of the Choctaw or Chickasaw Nations.

30. For the purpose of expediting the enrollment of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen, the said Commission shall, from time to time, and as early as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Choctaw and Chickasaw tribes and of Choctaw and Chickasaw freedmen, upon which allotment of land and distribution of other tribal property shall be made as herein provided. Lists shall be made up and forwarded when contests of whatever character shall have been determined, and when there shall have been submitted to and approved by the Secretary of the Interior lists embracing names of all those lawfully entitled to enrollment, the rolls shall be deemed complete. The rolls so prepared shall be made in quintuplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Choctaw Nation, one with the governor of the Chickasaw Nation, and one to remain with the Commission to the Five Civilized Tribes.

31. It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in the Indian Territory acting under the Act of Congress approved June 10,

1896, have admitted persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in such courts being given to each of said nations; and it being insisted by said nations that, in such proceedings, notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in the Indian Territory, under the said Act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such commission, and should not have extended to a trial de novo of the question of citizenship; and it being desirable to finally determine these questions, the two nations, jointly, or either of said nations citing separately and making the other a party defendant, may, within ninety days after this agreement becomes effective, by a bill of equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decision by said courts. Ten persons so admitted to citizenship or enrollment of said courts, with notice to one but not to both of said nations, shall be made defendants to said suit as representatives of the entire class of persons similarly situated, the number of such persons being too numerous to require all of them to be made individual parties to the suit; but any person so situated may, upon his application, be made a party defendant to the suit. Notice of the institution of said suit shall be personally served upon the chief executive of the defendant nation, if either nation be made a party defendant as aforesaid, and upon each of said ten representative defendants, and shall also be published for a period of four weeks in at least two weekly newspapers having general circulation in the Choctaw and Chickasaw nations. Such notice shall set forth the nature and prayer of the bill, with the time for answering the same, which shall not be less than thirty days after the last publication. Said suit shall be determined at the earliest practicable time, shall be confined to a final determination of the questions of law here named, and shall be without prejudice to the determination of any charge or claim that the admission of such persons to citizenship or enrollment by said United States courts in the Indian Territory was wrongfully obtained as provided in the next section. In the event said citizenship judgments or decisions are annulled or vacated in the test suit hereinbefore authorized, because of either or both of the irregularities claimed and insisted upon by said nations as aforesaid, then the files, papers and proceedings in any citizenship case in which the judgment or decision is so annulled or vacated, shall, upon written application therefor, made within ninety days thereafter by any party thereto, who is thus deprived of a favorable judgment upon his claimed citizenship, be

transferred and certified to said citizenship court by the court having custody and control of such files, papers and proceedings, and upon the filing in such citizenship court of the files, papers and proceedings in any such citizenship case, accompanied by due proof that notice in writing of the transfer and certification thereof has been given to the chief executive officer of each of said nations, said citizenship case shall be docketed in said citizenship court, and such further proceedings shall be had therein in that court as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes, and as if no judgment or decision had been rendered therein.

32. Said citizenship court shall also have appellate jurisdiction over all judgments of the courts in Indian Territory rendered under said Act of Congress of June tenth, eighteen hundred and ninety six, admitting persons to citizenship or to enrollment as citizens in either of said nations. The right of appeal may be exercised by the said nations jointly or by either of them acting separately at any time within six months after this agreement is finally ratified. In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, whenever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy. And said court shall have power to make all needful rules and regulations prescribing the manner of taking and conducting said appeals and of taking additional evidence therein. Such citizenship courts shall also have like appellate jurisdiction and authority over judgments rendered by such courts under the said act denying claims to citizenship or to enrollment as citizens in either of said nations. Such appeals shall be taken within the time hereinbefore specified and shall be taken, conducted and disposed of in the same manner as appeals by the said nations, save that notice of appeals by citizenship claimants shall be served upon the chief executive officer of both nations; Provided, That paragraphs thirty-one, thirty-two and thirty-three hereof shall go into effect immediately after the passage of this Act by Congress.

33. A court is hereby created to be known as the Choctaw and Chickasaw Citizenship Court, the existence of which shall terminate upon the final determination of the suits and proceedings named in the last two preceding sections, but in no event later than the thirty-first day of December, nineteen hundred and three. Said court shall have all authority

and power necessary to the hearing and determination of the suits and proceedings so committed to its jurisdiction, including the authority to issue and enforce all requisite writs, process and orders, and to prescribe rules and regulations for the transactions of its business. It shall also have all the powers of a circuit court of the United States in compelling the production of books, papers and documents, the attendance of witnesses, and in punishing contempt. Except where herein otherwise expressly provided, the pleadings, practice and proceedings in said court shall conform, as near as may be, to the pleadings, practice and proceedings in equity causes in the Circuit Courts of the United States. The testimony shall be taken in court or before one of the judges, so far as practicable. Each judge shall be authorized to grant, in vacation of recess, interlocutory orders and to hear and dispose of interlocutory motions not affecting the substantial merits of the case. Said court shall have a chief judge and two associate judges, a clerk, a stenographer, who shall be deputy clerk, and a bailiff. The judges shall be appointed by the President, by and with the advice and consent of the Senate, and shall each receive a compensation of five thousand dollars per annum, and his necessary and actual traveling and personal expenses while engaged in the performance of his duties. The clerk, stenographer, and bailiff shall be appointed by the judges, or a majority of them, and shall receive the following yearly compensation: Clerk, two thousand four hundred dollars; stenographer, twelve hundred dollars; bailiff, nine hundred dollars. The compensation of all these officers shall be paid by the United States in monthly installments. The moneys to pay said compensation are hereby appropriated, and there is also appropriated the sum of five thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, to pay such contingent expenses of said court and its officers as to such Secretary may seem proper. Said court shall have a seal, shall sit at such place or places in the Choctaw and Chickasaw nations as the judges may designate, and shall hold public sessions, beginning the first Monday in each month, so far as may be practicable or necessary. Each judge and the clerk and deputy clerk shall be authorized to administer oaths. All writs and process issued by said court shall be served by the United States marshal for the district in which the service is to be had. The fees for serving process and the fees of witnesses shall be paid by the party at whose instance such process is issued or such witnesses are subpoenaed, and the rate or amount of such fees shall be the same as is allowed in civil causes in the circuit court of the United States for the western district of Arkansas. No fees shall be charged by the clerk or other officers of said court. The clerk of the United States court in Indian Territory, having custody and control of the files, papers, and proceedings in the original citizenship cases, shall re-

ceive a fee of two dollars and fifty cents for transferring and certifying to the citizenship court the files, papers, and proceedings in each case, without regard to the number of persons whose citizenship is involved therein, and said fee shall be paid by the person applying for such transfer and certification. The judgment of the citizenship court in any of all of the suits or proceedings so committed to its jurisdiction shall be final. All expenses necessary to the proper conduct, on behalf of the nations, of the suits and proceedings provided for in this and the two preceding sections shall be incurred under the direction of the executives of the two nations, and the Secretary of the Interior is hereby authorized, upon certificate of said executives, to pay such expenses as in his judgment are reasonable and necessary out of any of the joint funds of said nations in the Treasury of the United States.

It appears that the agreement in these paragraphs provides for the establishment of the Choctaw and Chickasaw Citizenship Court, and gives it jurisdiction of a test suit to annul and vacate the decisions of the United States courts in the Indian Territory admitting persons to citizenship and enrollment as citizens of the Choctaw and Chickasaw nations, respectively, on the ground of want of notice to both of said nations and because the United States courts tried such cases de novo, with a right in the event such judgments should be annulled because of either or both of the irregularities mentioned, on the part of any party thus deprived of a favorable judgment to remove his case to the Citizenship Court, where such further proceedings were to be had therein "as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes and if no judgment or decision had been rendered therein; and also appellate jurisdiction over all judgments of the courts in Indian Territory, rendered under said act of Congress of June tenth, eighteen hundred and ninety six, admitting persons to citi-



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zenship or to enrollment in either of said nations." In the exercise of such appellate jurisdiction the citizenship court was "authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, whenever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy".

It will be noted that the agreement further provides (paragraph 33) that "the judgment of the citizenship court in any of all of the suits or proceedings so committed to its jurisdiction shall be final."

The agreement also contained this provisions:

34: During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents", and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act of Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whatsoever for enrollment shall be received after the expiration of the said ninety days: Provided, That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws, for whom provision has herein otherwise been made.

By the act of April 21, 1904 (33 Stat. 189,204), it was provided that the Commission to the Five Civilized Tribes should conclude its work and terminate on or before July 1, 1906, and cease to exist on that date, the powers theretofore conferred



upon it being continued.

By the act of March 3, 1905 (33 Stat., 1048, 1060), it was provided "that the work of completing the unfinished business, if any, of the Commission to the Five Civilized Tribes shall devolve upon the Secretary of the Interior, and that all the powers heretofore granted to the said Commission to the Five Civilized Tribes are hereby conferred upon the said Secretary on and after the first of July, nineteen hundred and five."

By the act of April 26, 1906 (34 Stat., 137), it was provided:

That after the approval of this act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive in evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this act, in which cases such motion shall be made within sixty days after the passage of this act. X X X

By that act the rolls of citizenship of the several tribes were required to be completed by March 4, 1907.

After very carefully considering this legislation, in the light of the circumstances under which it was enacted, I am constrained to the conclusion that the Citizenship Court had jurisdiction of the cases now under consideration, and that its judgment therein is final.

By the act of June 10, 1876, the Commission to the Five Civilized Tribes was "authorized and directed to proceed at once to hear and determine the application of all persons who may apply

to them for citizenship in any of said nations." It is true that this act also confirmed the then existing rolls of the several tribes, but the question whether an applicant, was, as matter of fact, already duly enrolled upon one of the rolls so confirmed constituted, in my opinion, an issue upon which the Commission was authorized and required to pass: the applicant may be fairly held to have waived by his application the conclusiveness of the confirmation of the rolls in his case.

Independently of any such waiver, I do not see how the proposition that the Commission did not have jurisdiction of the case of a person whose name was upon a tribal roll can be maintained, in the face of the provision of the act of June 10, 1896, that "in determining all such applications said Commission shall x x x give due force and effect to the rolls, usages and customs of each of said nations or tribes." I think that act left it to the Commission to determine whether or not the applicant was upon a roll which was confirmed, and evidently it did not so hold in these cases.

It is unnecessary, however, to determine what might have been the effect of an adverse judgment in the case of an applicant whose name was upon a roll so confirmed, for such confirmation was certainly and very materially modified by the act of June 7, 1897, and apparently altogether withdrawn by the act of June 26, 1898. The act of June 7, 1897, provided that the words "rolls of citizenship" as used in the act of June 10, 1896, should be construed to mean the "last authenticated rolls of each tribe which have been approved by the council of the nation". I am informed that there never was any such an authenticated roll of the Chester

Tribes, either at the time of the passage of the act of June 10, 1896, or subsequently thereto. Moreover, by the act of June 28, 1896, it was provided that in making rolls of citizenship of the several tribes, the Commission should take the Cherokee roll of 1880 as the only roll intended to be confirmed by that and preceding acts of Congress: it seems to be clear from the further provisions of the Act that the Congress did not here refer to the Cherokee rolls only but had in mind those of all the Tribes. To my mind, however, the decisive consideration is that Congress, knowing there were certain cases of contested citizenship in the Choctaw and Chickasaw Nations, referred these cases, under carefully defined conditions, to the Citizenship Court and made the determination of that Court in those cases final. This provision of law repealed, as to cases in this category, any inconsistent provisions (if any there were) in the act of 1896 or any other prior act. These cases were unquestionably within the terms of the law; the claimants had been admitted to citizenship by decisions of the United States courts, and it seems clear that, under the agreement with the Choctaw and Chickasaw Nations ratified by the act of July 1, 1902, it was intended that the Citizenship Court should have a revisory jurisdiction of judgments of the United States courts in the Indian Territory in citizenship cases, irrespective of the grounds of which these suits had been entertained by the said courts. That agreement was made after the confirmation given to the tribal rolls had been qualified if not withdrawn, and, we must presume, with a knowledge of the fact that the Commission, under the act of June 10, 1896, had exercised

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jurisdiction in the case of persons whose names appeared upon some of the rolls of the tribes. Its action seems to show that Congress did not intend to confirm any roll of the Choctaw and Chickasaw tribes, but, however, that may be when, with a knowledge of all that had gone before, it created the Citizenship Court, this was done, in my opinion, with the evident purpose of giving it jurisdiction of all citizenship cases which had been decided by the United States courts for the Indian Territory on appeal from the judgments of the Commission. As neither Congress nor the Nations made any distinction in the act and agreement referred to as to the cases of persons whose names were on a tribal roll which might have been confirmed by the act of June 10, 1896, if Congress had not decided otherwise, I do not think any other authority can make this distinction. Indeed, as I have suggested, the applicants, themselves, having voluntarily submitted to the jurisdiction of the Commission, might be fairly held estopped to now deny it.

I understand that it is not contended, nor do I think it could be successfully maintained, that any authority to review the judgments of the Citizenship Court was intended to be conferred upon you by Congress when it made the rolls, as finally compiled, subject to your approval (see paragraph 30 of the agreement ratified by the act of July 1, 1902). Neither do I think that the provision in the act of April 26, 1906, above quoted, as to enrolling persons and entertaining motions to reopen or reconsider citizenship cases, was intended to recognize or confer any such authority

the purpose of that provision being simply to limit the time in which the authority previously conferred might be exercised. To hold thus would be to treat the later act as a repeal of so much of the former as expressly declared the judgments of the Citizenship Court to be final which seems to be untenable.

This disposes of the cases of Myrtle Randolph and her brother W. J. Thompson: whatever their intrinsic merits, these claims have been finally decided adversely to the claimants by the judgment of the Citizenship Court.

2. The second case is that of Cyrus H. Kingsbury and Lucy E. Littlepage, in regard to whom you say:

Cyrus H. Kingsbury and Lucy E. Littlepage are children of John Parker-Kingsbury and wife, Hannah Mariah, white, affiliated by act of the Choctaw Council of November 15, 1854, which enacted:

That all rights, privileges and immunities of Choctaw citizens are hereby granted unto John Parker-Kingsbury and to his wife Hannah Mariah, and they shall enjoy all the benefits to which the citizens of this nation may hereafter be entitled, except in the participation of any sum of money which may now be due the nation under treaty stipulations heretofore made.

Both applicants were born in the Choctaw Nation and have always resided there as its recognized citizens. Both are on the tribal Choctaw 1868 census roll, Atoka County, Nos. 819, 821. September 7, 1896, they applied to the Commission to the Five Civilized Tribes under the act of June 10, 1896, were enrolled, and no appeal was taken. Cyrus H. Kingsbury is on the 1896 Choctaw census roll. Lucy E. Littlepage is on the partial roll of Choctaw citizens by blood, and her husband, Patrick H. Littlepage, is on the roll of intermarried citizens--both rolls approved by the Secretary of the Interior, October 21, 1904. Patent, signed and executed by the principal chief of the Choctaw nation, conveying to Cyrus H. Kingsbury allotted tribal lands as a citizen by blood, is now before the Secretary of the Interior for approval, but is not yet approved, or delivered. No objection to occupation of tribal lands was ever made against either applicant as an intruder.

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18.

Paragraph 27 of the agreement with the Choctaw and Chickasaw Nations ratified by the act of July 1, 1902, provides that the rolls of Choctaw and Chickasaw citizens shall be made by the Commission to the Five Civilized Tribes "in strict compliance" with the acts of June 26, 1896, and May 31, 1900.

Section 21 of the act of June 26, 1896, after providing that in making rolls of citizenship of the several tribes the Commission shall take the roll of Cherokee citizens of 1860 as the only roll intended to be confirmed by that and preceding acts of Congress, and providing for the enrollment of the Cherokees, authorizes and directs the Commission "to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

It might be held that the only white person intended to be enrolled by this act were such intermarried ones as were entitled to citizenship under the treaties and laws of the tribes, if it were not for the reference to the tribal rolls, on which as appears from your statement as to these parties, there were undoubtedly the names of adopted whites. The only names which the Act declares shall be eliminated from the tribal rolls are those placed thereon by fraud or without authority of law, and

it is not suggested that the names of these parties were open to either of those objections.

Light, it seems to me, is thrown on this matter by the act of May 31, 1900, which was also directed to be strictly complied with in making the rolls of citizenship of these tribes. That act is plainly intended to be of a restrictive nature, yet a fair construction of it would seem to authorize the enrollment of these parties. It provides that the Commission shall continue to exercise all authority theretofore conferred upon it by law, "but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of any such application shall be final when approved by the Secretary of the Interior."

This act recognizes the authority of the Commission to receive, consider and record the application of a recognized citizen of any of the tribes referred to who has been duly and lawfully enrolled or admitted as such, its refusal of the application of any person not so qualified being made final when approved by the Secretary of the Interior.

These applicants appear to possess all of these qualifications. Your letter states that they were born and have always resided in the Choctaw Nation as its recognized citizens; that their names appear upon various tribal rolls, and that they were admitted by the Commission in 1896 as citizens, no appeal from the decision of the Commission being taken by



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the Nation. That they were duly and lawfully enrolled by the tribal authorities would seem to result from the fact that both of their parents had been adopted into the tribe, and the failure to contest the action of the Commission in admitting them would indicate that their citizenship rights were regarded as indisputable.

You say that you would not have doubt that these applicants, born to the allegiance of the Choctaw Nation, are entitled to be enrolled, but for the report of my predecessor to the President of February 24, 1906, in the case of persons without Indian blood, and the order to you of February 27, 1906, that "in the President's judgment, without reference to the act of Congress, it is perfectly clear equity demands that the son of white parents, who has no Indian blood in his veins, even though one of these parents has been adopted into the tribe, should not be treated as an Indian".

The report of Mr. Moody and the order of the President thereon, had reference to the case of children of white persons, one of whom had previously acquired Indian citizenship by virtue of his marriage into the Choctaw tribe, but had afterwards, upon the death of his Indian spouse, married a white person. Mr. Moody was of opinion that the right of citizenship acquired by an inter-married white was a personal right, and could not be conferred upon children by such subsequent marriage, which is also the view taken by the Citizenship Court.

I see no reason to question the soundness of that conclu-

sion, assuming that the matter is still open for consideration. It is expressly provided by the Choctaw act of November 9, 1875, providing for the intermarriage of whites with Choctaws, that a white person intermarrying into the tribe in pursuance of that act should forfeit his rights of citizenship acquired thereunder if upon the death of his Indian spouse he married "a white man or woman, or person, as the case may be, having no rights of Choctaw citizenship by blood."

I am aware that it has been held by one of the United States Courts in the Indian Territory that this law is inconsistent with the treaty of April 28, 1866, but, with great respect for the said court, I do not so consider it. That treaty provides:

Article 28. Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation and shall be subject to the laws of the Choctaws and Chickasaw Nations according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects as though he was a native Choctaw.

This article merely recognizes a pre-existing custom of the Choctaw and Chickasaw Nations as to the intermarriage and adoption of white persons, and cannot fairly be said to have been intended to prevent them from decitizenizing an intermarried person for good cause: and what better cause could there be than that the tie which bound him to the tribe, and because of which alone citizenship was granted, was broken?

An act of the Choctaw Nation, approved October 30, 1896, providing for the enrollment of Choctaw citizens, provided that

"the Commission shall enroll as citizens all who come under any one of the following heads, and all such persons are hereby declared citizens of the Choctaw Nation:"

X X X X X X

V. All white men who have married Choctaw women by blood in strict conformity to the laws of the Choctaw Nation of 1875 regulating inter-marriage, or the Chickasaw law of 1876 regulating inter-marriage, and have not been divorced from same nor married any other than a Choctaw woman by blood since said marriage.

XX X X X X X

VIII. All white women who have married Choctaws by blood legally and have not been divorced from them nor since married any other than a Choctaw by blood, a recognized citizen and resident of the Choctaw or Chickasaw Nation.

X X X X X X

That not further provided that "the Commission are especially prohibited from enrolling as citizens any persons coming under the following heads:"

X X X X X X

II. The children of any marriage where neither the father nor mother are Choctaws by blood, though one or both of said children's parents may have enjoyed intermarried rights.

III. All persons who, though they had at one time intermarried rights, afterwards married a person not a Choctaw by blood (being the father or mother of Choctaw children shall not save a person from this clause).

XX X X X X X

VI. All white persons who have been admitted to citizenship with their wife or husband by the General Council, and afterward the wife or husband, Choctaw by blood, dying, the surviving party, being a white person, has intermarried with a person not a Choctaw by blood.

X X X X X X

It is clear that, at least since 1875, the Choctaw Nation never intended that a white person, intermarrying into the tribe, should have power to confer citizenship upon his children, by a

subsequent marriage to other than a citizen by blood. The informal opinion of Attorney General Moody unquestionably had reference to cases of this character.

The case of the present applicants is quite different from that just referred to. Here both parents were adopted into the tribe. It must have been contemplated that they might have children, and if so, what was to be their citizenship if not that of their parents?

The facts in the present case answer this inquiry. Your letter states that these applicants have always been recognized as citizens of the Choctaw Nation, that their names appear on the tribal census roll of 1866, as well as upon the rolls prepared in pursuance of the Choctaw act of October 30, 1896. It seems clear, therefore, irrespective of the action of the Commission in admitting them as citizens in pursuance of the authority granted to it by the act of June 10, 1896, that they are clearly entitled to be enrolled for allotment purposes.

3. The Case of Loula (or Lula) West, et al.

It appears from the papers in this case that Loula West applied to the Commission to the Five Civilized Tribes, pursuant to the Act of June 10, 1896, for admission to citizenship in the Choctaw Nation, and was admitted as a citizen by blood; that the Choctaw Nation appealed to the United States court for the Cen-

tral District of the Indian Territory, which affirmed the judgment of the Commission; that this judgment was annulled and vacated by the judgment of the Citizenship Court in the test case provided for by the Act of July 1, 1902, (32 Stat. 641-647); and thereupon she removed her case to that court, which denied her application.

This case is similar to that of Myrtle Randolph and her brother W. J. Thompson, children of Giles Thompson, above referred to, in that it involves the question of the finality of the judgment of the Citizenship Court, it being contended that the Commission in the first instance and the Citizenship Court ultimately on appeal had no jurisdiction of the case because at the time of her application to the Commission her name was upon a tribal roll.

For the reasons heretofore stated, I think this contention is not well founded, and that the Citizenship Court had jurisdiction of such cases, and its judgments therein were final.

4. The Case of William J. Thompson et al.

In this case the record shows that Thompson applied to the Commission to the Five Civilized Tribes, pursuant to the act of June 10, 1896, for the enrollment of himself, his wife, and children with the exception of a daughter, Mary M. McNeese, who made a separate application for herself, her husband, a white man, and their children. The Commission denied Thompson's application, and also that of his daughter. No appeal was taken from these judgments, and it is contended, on behalf of the Nation, that under the act of June 10, 1896, they were final and conclusive

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against the right of these parties to be enrolled.

The claimants, however, rely upon the fact that their names appear upon the tribal roll prepared in pursuance of the Choctaw acts of September 18 and October 30, 1896.

In my judgment, the action of the Commission, under the act of June 10, 1896, not having been appealed from was final and conclusive against the right of these parties to be admitted to citizenship, and the Choctaw nation, even if it attempted to do so, had no right thereafter to admit them. It will be observed that the act of June 10, 1896, provided that applications should be made to the Commission within three months after the passage of the act, and that the Commission should decide all such applications within ninety days after they were made; that the rolls of citizenship of the several tribes as then existing were confirmed, and "any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof;" and that "if the tribe, or any person be aggrieved with the decision of the tribal authorities of the Commission provided for in this Act, it or he may appeal from such decision to the United States District Court: Provided, however, That the appeal shall be taken

within sixty days, and the judgment of the court shall be final."

As I read this act, it authorized application to be made either to the Commission to the Five Civilized Tribes or the "legally constituted court or committee" of such tribes, with a right of appeal by the party aggrieved by the decision of either to the United States court. Therefore, and in view also of the fact that the act contemplated contemporaneous action by the Commission and the tribal courts, I think it clear that the provision that "any person who shall claim to be entitled to be added to said rolls (the existing rolls of the tribe) as a citizen of either of said tribes whose right thereto has either been denied, or not acted upon", had reference to a previous denial or failure to act of the tribal authorities, and not to the subsequent action or non-action of the Commission, the tense of the verbs-"has either been denied or not acted upon", not "shall be denied or not acted upon"-indicating that past action or non-action was referred to. Prior to the passage of this act the Commission had no jurisdiction of these citizenship matters.

When, therefore, as here, the claimant had applied to the Commission to be admitted and enrolled, and his application denied, his only remedy, under the act in question, lay in an appeal to the United States court. It is true Thompson claims to have received no notice of the denial of his application by the Commission, but that is not a valid excuse.

But aside from this question of jurisdiction in the Choctaw Nation to admit persons to citizenship who had been denied by the



Commission, it appears that the Nation never undertook to authorize the admission or enrollment of these parties, and that, in any aspect of the case, they were enrolled without authority of law and their names should, in pursuance of the mandate in the act of Congress of June 28, 1898, be eliminated from the tribal rolls.

The Choctaw Nation does not appear to have proceeded under the authority of the act of Congress of June 10, 1896, authorizing the establishment by the several tribes of a court or committee for the purpose of passing upon applications for citizenship as provided therein. It was not until September 16, 1896, ten days after the expiration of the period in which applications for citizenship were to be submitted to the "legally constituted court or committee" of the tribes under the act of June 10, 1896, that the Choctaw Council passed the act above referred to. That act provided for the appointment of census commissioners in each county, with authority "to enroll all recognized citizens of the Choctaw Nation by blood, intermarriage and adoption who are recognized as citizens of the Choctaw Nation under the treaties, constitution and law of the said nation." It further provided that "the rolls when completed by said commissioners shall be certified to by said commissioners and delivered to the Principal Chief of the Choctaw Nation on or before the twentieth day of October, 1898, to be revised and approved by the next General Council of the Choctaw Nation."

It is manifest that this act conferred no power upon such

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commissioners to admit any person to citizenship, but only to enroll "recognized citizens". Yet in virtue thereof one of the county committees assumed to pass upon a petition prepared by Thompson's attorney, under date of August 1, 1896, and addressed to the General Council of the Choctaw Nation, "at its regular session October 1896, "praying that "all rights, privileges and immunities of the Choctaw Nation" be granted to himself, his wife, family and certain other relatives, "and they be enrolled with the legal citizenship of said Nation."

This petition does not appear ever to have been presented to the Choctaw Council or referred by any competent authority to the committee which assumed to pass upon it. Upon its back is the following endorsement:

William C. Thompson together with the names appearing on the face of the within application, lineal descendants of Margaret McCoy are hereby recognized and admitted to the citizenship of the Choctaw Nation or Tribe of Indians by the legally constituted Choctaw Census Commission duly assembled at Kiewa, I.T. this the 8th day of October, 1896, upon the testimony of Henry Perkins, Mrs. Lavinia Franklin, they being enrolled Choctaw Indians by blood. The within named parties not being present were passed for further enrollment.

A. G. Felson,  
Secretary of Census Committee.

This was a manifest attempt to exercise an authority not delegated to the committee.

On October 30, 1896, the Choctaw Council, at its regular session, passed an act creating three commissions, one from each District, one member of each of which to be designated as "Chief Commissioner", "to make a complete roll of the citizens of the Choctaw Nation." By that act it was made the duty of said commissions "to examine the rolls made by the commissions under the

act of September 18, 1896, and also to expunge from said rolls of September 18, 1896, the names of all persons whom they shall adjudge not to be citizens." It was further provided:

The Commission shall enroll as citizens all who come under any of the following heads, and all such persons are hereby declared citizens of the Choctaw Nation:

I. All Choctaws by blood born and raised in the Choctaw Nation.

II. All Choctaws by blood who have been admitted to citizenship by the General Council and now residents of the Nation.

X X X X X .

It was provided that "at the expiration of the time allowed the commission in each District, the Chief Commissioner shall meet at Tushka Moxna at their earliest convenience and not later than the first Monday in December 1896, and shall revise the Rolls made by their respective District Commissions during the succeeding ten days after they meet". The Chief Commissioners were authorized to "enroll the name of any citizen who for any good cause failed to appear before the District Commissions". It was further provided that "the Roll as completed and signed by the Chief Commissioners, when approved by the Principal Chief, shall be the legal and authorized Roll of citizens of the Choctaw Nation".

These parties were enrolled by the revisory board, but that their enrollment was unauthorized is clear. The act just referred to only authorized the enrollment of Choctaws by blood who were "born and raised" in the Choctaw Nation or had "been admitted to citizenship by the General Council." The applicants possessed neither of these qualifications. According to his own statement, William C. Thompson was not raised in the Choctaw Na-

tion, having been taken to Mississippi shortly after his birth, and returning only once during his boyhood for about a year. It is further stated that he remained in Mississippi until the war, when he went to Texas, not returning again to the Choctaw Nation until 1867. He had never been "admitted to citizenship by the General Council". His wife and children could claim no greater rights than he possessed. The other applicants named in his petition were descendants of his brother, who was born in Mississippi and whose record appears to be otherwise about the same as William C. Thompson's.

Moreover, it appears from the opinion of the Assistant Attorney General for the Interior Department of March 24, 1905, in the case of Mary Elizabeth Martin, that on July 17, 1897, the Principal Chief of the Choctaw Nation advised the Commission to the Five Civilized Tribes that he had refused to approve the last revised roll made in accordance with the act of October 30, 1896, because he was satisfied there were some names thereon "that have been registered through fraud or misrepresentation." As such approval was necessary in order to make the roll so prepared "the legal and authorized roll of citizens of the Choctaw Nation," it would seem that in no aspect of the case could these parties be said to be lawfully admitted and enrolled.

It further appears that these applicants, or some of them, including William C. Thompson, applied in 1900 to the Commission for the Five Civilized Tribes for identification as Mississippi

Choctaws under the following provision of section 21 of the act of June 28, 1898:

Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and prepare all other acts necessary thereto and make report to the Secretary of the Interior.

Article 14 of the treaty of September 27, 1830, provided:

ARTICLE XIV. Each head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

The only evidence adduced in any way tending to show a compliance with the terms of this article were statements to the effect that William C. Thompson's grandfather applied for land under the treaty of 1830 but was refused by the Indian agent. Congress, however, by the acts of March 3, 1837, and August 23, 1842, (5 Stat. 180, 513), appointed Commissioners for the purpose of adjusting claims of this kind, and there was no evidence to the effect that the ancestors of the claimants had endeavored to comply

with the provisions of those acts, or received patents or certificates for land as therein provided for. The Commission properly held, therefore, that it was impossible to identify the applicants as Mississippi Choctaws?

Upon the whole case, it seems to me clear that these applicants, and those claiming intermarried rights with them, should be denied enrollment.

The other cases consolidated with this are of a similar nature, and under the views above stated the parties referred to therein are, in my judgment, not entitled to be enrolled.

5. The Case of Richard B. Coleman et al.

The enrollment of the parties referred to in this case depends upon the effect to be given to the following act of the General Council of the Choctaw Nation passed November 8, 1889:

An Act to establish the citizenship of R. B. Coleman, his wife and their children.  
Sec.1. Be it enacted by the General Council of the Choctaw Nation Assembled, That Richard Benjamin Coleman, and their children as follows: Richard St. Clair, age 16 years, Ida Clay, age 13, Bennetta, age 11, Bettie Withers, age 9, Henry Allen, age 6, Willie Norma Coleman, age 4 years, are hereby admitted to citizenship in the Choctaw Nation with its rights, privileges, and immunities, and that this act shall take effect and be in force from and after its passage.

It is contended that this act was procured by fraud and bribery, and that, therefore, the names of Coleman and his family should be eliminated from the tribal rolls upon which they appeal, under the act of Congress of June 28, 1896, which provides:

Said Commission is authorized and directed to make correct rolls of citizens by blood of all the other tribes,

eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto x x .

The Commission held that they had no authority to go behind the act of the Choctaw Council referred to, but in an informal opinion rendered you December 7, 1904, Acting Attorney General Day, after quoting the above provision, said:

It appears to me the above quoted provisions of the statute impose upon the Commission to the Five Civilized Tribes the duty and gave it the power to determine whether any name appearing upon a tribal roll was placed there by fraud or without authority of law, and that the mere fact that such enrollment was by virtue of an act of the National Council is not sufficient to preclude an inquiry. An act of the Council should be treated with respect as prima facie valid and efficacious, and nothing done as the result thereof should be lightly set aside; but if it clearly appears that the act was procured by deliberate fraud and perjury I do not think that Congress intended that benefits thereunder should be enjoyed.

Mr. Day did not pass upon the facts of this case. Subsequently, the Assistant Attorney-General for the Interior Department, upon a consideration of the record, held that it did not clearly appear therefrom that the act in question had been fraudulently procured.

In my judgment the record in this case clearly shows deliberate fraud on the part of Richard B. Coleman in procuring the passage of the act admitting him to citizenship. It appears that Coleman came into the Choctaw nation about 1860. In 1867 he made application to the citizenship committee of the Choctaw Council for admission as a citizen by blood, representing by himself and witnesses he brought before the committee that his father was a Choctaw boy named Frank Coleman, the son of a John



Coleman and Chapponia, a full blood Choctaw, who had lived in Mississippi with his parents prior to the migration in 1830. The boy Frank it was testified, had been sent to Kentucky to school and nothing afterwards heard of him.

The testimony adduced on behalf of the Nation before the Commission to the Five Civilized Tribes shows that the father of Coleman was Francis S. Coleman, a son of a Francis Coleman who was born and raised in Orange County, Virginia, and was not a Choctaw. This testimony was given in the form of a deposition by Mrs. Harriet Henry, a sister of Francis S. Coleman, and R. L. Coleman a nephew, residing at Columbia, Missouri. The identity of Francis S. Coleman with the father of the applicant appears from the fact testified to by the applicant as well as the two witnesses just referred to, that he married Ann Elizabeth Bedford, the daughter of John Bedford, in Kentucky, and the testimony of all parties that Francis S. Coleman went to Denton, Texas, and died there. Although duly advised as to the intention of the attorneys for the Choctaw Nation to take this testimony, no effort was made by Coleman or his attorney to file cross interrogatories or in any way rebut it, but they confined themselves to an endeavor to have the testimony stricken from the records as not having been taken in accordance with law. The authority of the Commission to take the testimony in this way is clear, under the act of June 28, 1898 (30 Stat., 495), which provides:

Said Commission shall make such rolls descriptive of the persons thereon, so that they may be thereby identified, and it is authorized to take a census of each of said tribes, or

to adopt any other means by then deemed necessary to enable them to make such rolls.

This testimony was further enforced by another deposition of said R. L. Coleman, taken by Commissioner Tamm Bixby, in which R. L. Coleman stated further that he knew the applicant Richard B. Coleman, that he was his cousin. A motion was likewise made to strike this testimony from the record, because taken without notice to the applicant, but it was overruled by the Commission, who held that under the authority of the above act they could take such measures as they deemed necessary to satisfy themselves as to the justice of the applicant's claim. I do not think it is shown that they abused their discretion in this matter.

It appears that the application of Richard B. Coleman to be enrolled as a citizen by blood of the Nation, upon the grounds above stated, was passed over by the citizenship committee of the Council in 1887; taken up again in 1888 and a bill of rejection passed by the committee or the Council; renewed at the session of 1889, and a bill of admission introduced into the House of Representatives which was rejected, and then a new bill introduced and enacted into the law above quoted.

I think it sufficiently appears from the testimony in this case, particularly that given by and on behalf of the applicant himself, that the Council in admitting him and his family to citizenship did so upon the strength of the testimony adduced by him before the Committee on Citizenship that he was a Cheetan by blood, descended as he represented. It is to be observed that he and his family all claim that he was admitted as a Cheetan by blood.

Senetestimony was introduced for the purpose of showing that Coleman had bribed one Reebuck, the member of the Council who introduced the second bill, but the evidence on that point is not sufficient to establish the fact.

In October, 1898, the General Council of the Choctaw Nation passed an act repealing the act of November 8, 1889, admitting Coleman and his family to citizenship. This act was, however, disapproved by President McKinley, upon the recommendation of the Secretary of the Interior, under the authority of the act of Congress of June 28, 1898, which required the approval of the President to all acts of the Choctaw and Chickasaw Nations in any manner affecting the lands of the tribes.

Although this act was thus invalidated, it may fairly be taken to indicate the sense of the Nation at that time that Coleman was improperly admitted. The reason for its disapproval does not appear, but it might reasonably have been rejected on the ground that by the act of June 28, 1898, the work of making up the rolls of citizenship and eliminating therefrom those placed thereon by fraud was committed entirely to the Commission to the Five Civilized Tribes.

It is to be observed that Commissioner Hixby, who was the only Commissioner who considered this case on its merits, was "clearly of the opinion from such evidence as has been presented to this Commission that the evidence presented to and acted upon by the Citizenship Committee of the Choctaw General Council, which passed upon the petition of these applicants, and upon which evidence their admission to Choctaw Citizenship was based, was fraudulent, false

and misleading."

In my opinion, these parties should be stricken from the rolls

6. The Case of Ethel Pierson.

This case presents the question of our authority to enroll the children of Choctaw freedmen who were minors living March 4, 1906. The decision of this question turns upon the construction to be given to section 2 of the Act of April 26, 1906 (34 Stat., 137), as amended by the Act of June 21, 1906 (34 Stat. 342).

The act referred to originally provided:

Sec. 2. That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled. If any citizen of the Cherokee tribe shall fail to receive the full quantity of land to which he is entitled as an allotment, he shall be paid out of any of the funds of such tribe a sum equal to twice the appraised value of the amount of land thus deficient. The provisions of section nine of the Creek agreement ratified by Act approved March first, nineteen hundred and one, authorizing the use of funds of the Creek tribe for equalizing allotments, are hereby restored and reenacted, and after the expiration of nine months from the date of the original selection of an allotment of land in the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, and after the expiration of six months from the passage of this Act as to allotments heretofore made, no contest shall be instituted against such allotments: Provided, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date: Provided further, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States:

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Provided, That nothing herein shall apply to the intermarried whites in the Cherokee Nation, whose cases are now pending in the Supreme Court of the United States.

The amendatory act provided, (34 Stat., 341-2):

That section two of the Act entitled "An Act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April twenty-sixth, nineteen hundred and six, be, and the same is hereby, amended by striking out thereof the words "Provided further That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: Provided further, That nothing herein shall apply to the intermarried whites in the Cherokee Nation whose cases are now pending in the Supreme Court of the United States." And insert in said Act in lieu of the matter repealed, the following: Provided further, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes, except for minors the children of Indians by blood, or of freedmen members of said tribes, or of Mississippi Choctaws identified under the fourteenth article of the treaty of eighteen hundred and thirty, as herein otherwise provided, and the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment.

In the agreement with the Choctaw and Chickasaw Nation ratified by the act of July 1, 1902 (32 Stat. 641), it was provided (paragraphs 1 and 3) that the words "member" or "members" and "citizen" or "citizens", "whenever used in this agreement", shall be held to mean members or citizens of the Choctaw or Chickasaw tribe of Indians in Indian Territory, not including freedmen."

The Commissioner to the Five Civilized Tribes in passing upon this case held that, in view of the above definition, the act of April 26, 1906, as amended, was not intended to apply to the children of freedmen in the Choctaw and Chickasaw Nations, but only to those of the Cherokee and Creek Nations.

There would be some force in the argument that minors the chil-

children of freedmen members of the Choctaw Nation were not included in the Act of April 26, 1906, if it were not for the proviso substituted by the amendatory act of June 21, 1906. That proviso was, as the Commissioner said, "in the nature of a construction by Congress of the meaning intended to be conveyed by the section as originally enacted." It says, in so many words, that minors the children of freedmen members of said tribes (referring to all of the tribes, which are separately named in the preceding part of section 2, among them the Choctaw and Chickasaw tribes) may be enrolled. This definition settles the doubt that otherwise might have arisen as to the children of freedmen members of said tribes, as well as the children of Mississippi Choctaws. If, therefore, the Choctaw freedmen are members of said nation, the right of their children to be enrolled cannot be questioned.

The Choctaw freedmen were adopted by an act of the General Council of the Nation approved May 21, 1863, entitled "An Act to adopt the freedmen of the Choctaw Nation", which provided (Report of Commissioner of Indian Affairs, 1884, p. XEV):

Whereas by the third and fourth articles of the treaty between the United States and the Choctaw and Chickasaw Nations, concluded April 26, 1866, provision was made for the adoption of laws, rules, and regulations necessary to give all persons of African descent resident in said nation at the date of the treaty of Fort Smith, September 13, 1866, and their descendants formerly held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by or belonging to said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, 80 acres each of the lands of said nations on the same terms as Choctaws and Chickasaws, to be selected on the survey of said lands; until which said freedmen shall be entitled to as much land as they may cultivate for the support of themselves and families; and

Whereas the Choctaw Nation adopted legislation in the form of a memorial to the United States Government in regard to adopting freedmen to be citizens of the Choctaw Nation, which was approved by the principal chief November 2, 1880, setting forth the status of said freedmen and the inability of the Choctaw Nation to prevail upon the Chickasaws to adopt any joint plan for adopting said freedmen, and notifying the United States Government of their willingness to accept said freedmen as citizens of the Choctaw Nation in accordance with the third and fourth articles of the treaty of 1866 as a basis; and

Whereas a resolution was passed and approved November 5, 1880, authorizing the principal chief to submit the aforesaid proposition of the Choctaw Nation to adopt their freedmen to the United States Government; and

Whereas a resolution was passed and approved November 6, 1880, to provide for the registration of freedmen in the Choctaw Nation, authorizing the principal chief to appoint three competent persons in each district, citizens of the nation, whose duty it shall be to register all freedmen referred to in said third article of the treaty of 1866 who desire to become citizens of the nation in accordance with said treaty, and upon proper notification that the Government of the United States had acted favorably upon the proposition to adopt the freedmen as citizens, to issue his proclamation notifying all such freedmen as desire to become citizens of the Choctaw Nation to appear before said Commissioner for identification and registration; and--

Whereas in the Indian appropriation act of Congress May 17, 1862, it is provided that either of said tribes may adopt and provide for the freedmen in said tribe in accordance with said third article; Now, therefore,

Be it enacted by the general council of the Choctaw Nation, That all persons of African descent resident in the Choctaw Nation at the date of the treaty of Fort Smith September 13, 1865, and their descendants, formerly held in slavery by the Choctaws or Chickasaws, are hereby declared to be entitled to, and invested with all the rights, privileges, and immunities, including the right of suffrage, of citizens of the Choctaw Nation, except in the annuities, moneys and public domain of the nation. x

Sec. 3. Be it further enacted, That all said persons are hereby declared to be entitled to forty acres each of the lands of the nation, to be selected and held by them under the same title and upon the same terms as the Choctaws. x x x x x

It appears that this act was accepted by the Secretary of the Interior on behalf of the United States as a substantial compliance with the terms of the treaty of 1866, and the moneys authoriz-



Muskogee, Oklahoma, April 7, 1909.

Report on letter of  
Kappler & Merrillat in re  
Chectaw enrollment cases  
of William J. Thompson  
and others.

The Honorable,

The Secretary of the Interior.

Sir:

March 26, 1909 (File 5-51, Chectaw), the Department transmitted to this office for report, to be forwarded through the Indian Office, a letter dated March 25, 1909, from Messrs. Kappler & Merrillat, Washington, D. C., relative to the enrollment cases of William J. Thompson, Myrtle Randolph, Dick Randolph, Samuel C. Wall, Samuel P. Wall, and other (unnamed) members of the Randolph-Thompson and Wall families.

Messrs. Kappler & Merrillat claim that the names of these persons were stricken from the approved rolls of the Five Civilized Tribes, and now demand that they be restored to the status of recognized citizens of the Chectaw Nation.

Reporting in this matter I have the honor to advise that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Samuel C. Wall for the enrollment of himself and his minor son, Sam P. Wall, as citizens of the Chectaw Nation, and for the enrollment of his wife, Ellen Wall, as a citizen by intermarriage of the Chectaw Nation; that on the same date application was made by Thomas Wall

for the enrollment of himself and his minor children, Hiram T. Wall and Bessie Lee Wall, as citizens of the Choctaw Nation; and by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3, 1901, written application was filed for the enrollment of Ora Nellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as citizens of the Choctaw Nation; that on September 14, 1898, application was made by James W. Harper for the enrollment of his wife, Daisy Harper, and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 28, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Custer Harper, minor children of James W. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 14, 1898, application was made by Dick Randolph for enrollment as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtie Randolph, and his minor children, Minnie, Decosa, Herman, Hughie, and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick and Myrtie Randolph, as a citizen of the Choctaw Nation; that on February 9, 1901, written application was filed for the enrollment of Lelia Blanche Myers, and on June 28, 1902, written application was filed for the enrollment of John Boyd Myers, minor children of William Myers and Minnie

Myers (formerly Randolph), as citizens of the Choctaw Nation; that on September 15, 1898, application was made at Paula Valley, Indian Territory, by Waldemar Thompson for the enrollment of himself and his minor daughter, Dillie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, minor children of Waldemar Thompson and May Thompson, as citizens of the Choctaw Nation; that application was made September 15, 1898, by William E. Wheat for the enrollment of himself as an intermarried citizen and for his minor children, Jesse G. and Myrtle E. Wheat, as citizens of the Choctaw Nation; that on the same date application was made by William J. Thompson for enrollment as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made at Moka, Indian Territory, December 5, 1899, by William Myers for enrollment as an intermarried citizen of the Choctaw Nation; that on September 14, 1898, at Paul's Valley, Indian Territory, application was made for the enrollment of Decosa and Ellen Thompson as citizens of the Choctaw Nation.

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship

in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321) of the following applicants:

Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as Unis Wall), Sam F. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall) and Bessie L. Wall (as Bessie Wall).

Said application was denied by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation. This judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

This cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on November 20, 1904, in the case entitled "Samuel Wall, et al., vs. Choctaw and Chickasaw Nations," said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisy Wall, Unis Wall,

Sam P. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall, be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship Case No. 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 311), of the following applicants: Dick Randolph, Myrtie Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtie E. Wheat (as Myrtie Wheat), Jessie G. Wheat (as Jesse Wheat), Waldemar Thompson, Dillie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson.

This application was denied December 7, 1896, by the Commission to the Five Civilized Tribes, and an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled "Dick Randolph, et al. vs. Choctaw Nation," rendered a judgment admitting all of said applicants to citizenship, except Myrtie Wheat and May Thompson, whose names were not mentioned in said judgment.

The judgment of the United States Court was subsequently vacated, set aside and held for naught by a decree of the Choctaw-

Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al." Said case was subsequently certified to the Choctaw-Chickasaw Citizenship Court for a trial de novo, which court, on November 29, 1904, in the case entitled "Dick Randolph, et al. vs Choctaw and Chickasaw Nations," rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie . Randolph or Hugh Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, De Cosa Thompson or Decosa Thompson, Ellen Thompson, Valdemar Thompson, Billie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed."

On January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph), to citizenship in the Choctaw Nation had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29, 1904.

The Commission to the Five Civilized Tribes on January 23, 1905, issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers and John Boyd Myers, and on January 24, 1905, orders were issued dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decree of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commission to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition verified by S. E. Wall, W. J. Thompson, Will Myers, W. E. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Samuel Wall Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudelia Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph,



Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtle Wheat, Valdemar E. Thompson, Arthur Thompson, Delia Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Vinona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myer, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition were that the petitioners were the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with \_\_\_\_\_ Folsom, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners were informed and believed that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that petitioners were unable to find any records containing said Act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam P. Wall, Thomas Wall, Wiram Wall, Bessie Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Gustar Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Dick Randolph, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Vivian Randolph, William Myers,

Minnie Myers, Lelia Blanche Myers, John B. Myers, William E. Wheat, Jesse Wheat, Myrtle What, Waldemar E. Thompson, Dollie Thompson, Claude Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495).

It does not appear that there is any record in this office of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Rudella Hopper, Lizzie Hogg, Samuel J. Hogg, Roy Randolph, Dick Myers, May Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898, or any subsequent Act of Congress prior to the filing of the petition herein.

On April 26, 1906, written application was made for the enrollment of Lizzie Louisa Hogg, born April 7, 1903, minor daughter of Eunice Hogg and J. T. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On July 18, 1906, application was received under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the enrollment of Robert E. Wall, born April 4, 1903, minor child of Thomas Wall and Elizabeth Wall as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Hogg and Elmer Wall mentioned in the petition filed January

30, 1906, and on July 18, 1907, application was received for the enrollment of Daisy R. Harper, born July 31, 1904, minor child of J. N. Harper and Daisy Harper, as a citizen of the Choctaw Nation.

It was not alleged in the petition filed January 30, 1906 that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said Nation.

For the purpose of determining whether Giles Thompson, the ancestor of certain of the petitioners above mentioned, was ever adopted by an Act of Choctaw Council as a leged in the petition, this office on July 31, 1906, addressed a communication to Edward H. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed. In response to said communication, E. H. Wilson addressed a letter to the Commissioner on August 6, 1906, in which he stated that there was no such Act on file in the office of the National Secretary.

On February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Bonnie L. Wall, Daisy Harper, Eunice Hegg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Ellen Thompson, Lizzie

Louisa Hogg and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudia Thompson, Giles Thompson, Winona Thompson and Myrtle Wheat as citizens and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, was, on February 4, 1907, transmitted to the Secretary of the Interior for review.

On February 28, 1907, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes of February 4, 1907, in this case.

In reporting on this matter the attention of the Department is respectfully invited to a letter dated February 19, 1907, communicating the opinion of the Attorney General to the Secretary of the Interior in certain Choctaw Indian citizenship cases, among which were the cases of Myrtle Randolph and her brother W. J. Thompson. The opinion of the Attorney General as to these two

sons, concludes as follows:

"This disposes of the cases of Myrtle Randolph and her brother W. J. Thompson; whatever their intrinsic merits these claims have been finally decided adversely to the claimants by the judgment of the Citizenship Court."

In the same letter the Attorney General rendered an opinion as to the rights of Lola (or Lolita) West et al., and stated as follows:

"This case is similar to that of Myrtle Randolph and her brother W. J. Thompson, children of Giles Thompson, above referred to, in that it involves the question of the finality of the judgment of the Citizenship Court, it being contended that the Commission in the first instance and the Citizenship Court ultimately on appeal had no jurisdiction of the case because at the time of her application to the Commission her name was upon a tribal roll.

For the reasons heretofore stated, I think this contention is not well founded, and that the Citizenship Court had jurisdiction of such cases, and its judgments therein were final."

It does not appear that the name of any of the persons concerning whom this report is submitted were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or Commissioner to the Five Civilized Tribes, nor that any of them were ever allowed to select an allotment of land as a citizen of the Choctaw Nation.

The letter of Kappler & Merrillat of March 25, 1909, is returned herewith.

Respectfully,

Through the Commissioner  
of Indian Affairs.  
McV 7/2

Acting Commissioner.

NT

DEPARTMENT OF THE INTERIOR,

J.W.H.  
J.W.H.  
W.C.P.  
T.W.L.

Address only WASHINGTON.  
The Secretary of the Interior.

April 18, 1909.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

Herewith is a letter, dated April 7, 1909, from Messrs. Kappeler & Merrillat, attorneys at law, of this city, wherein, as a preliminary step to the institution of suit against the Secretary of the Interior, they demand that he restore the following persons to the status of recognized citizens of the Choctaw Nation:

Winona Thompson,

Mervan Randolph,

Lena Randolph,

Vivian Wall,

Thomas Myers,

Decosa Randolph,

Hugh Roy Randolph,

Vivian Randolph,

Blanch Myers,

Dick Myers.

You are requested to furnish a report concerning the enrollment of said persons, following the general instructions contained in departmental letter of March 15, 1909 (File 5-51)

Very respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

1 Enc.

(Send direct: copy  
to Indian Office.)

Kappler & Merrillat,  
Attorneys and Counsellors at Law  
Bond Building

Washington, D.C. April 7, 1909.

The Honorable,  
The Secretary of the Interior,  
Washington, D. C.

Sir:

As attorneys for Winona Thompson, Decos, Herman, Hugh Roy, Lena and Vivian Randolph, Minnie Hall, Blanch, Thomas and Dick Myres, Choctaw Indians who were stricken from the rolls of the Five Civilized Tribes, we hereby respectfully make demand that you cause their names to be restored to the rolls in the Five Civilized Tribes, from which they were stricken by Secretary Hitchcock.

We also give notice, as required by law, that in the event this demand be not complied with, we will be compelled to institute suit to compel their restoration to the rolls.

An early reply hereto is requested.

Yours respectfully,

(Signed) Kappler & Merrillat.



FR

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.  
J.W.H.  
W.C.P.  
T.W.L.

April 17, 1909.

Address only  
The Secretary of the Interior.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

Herewith is a letter dated April 15, 1909, from Messrs. Kappler & Merillat, Attorneys at Law, of this city, wherein they demand, as a preliminary step to the institution of suit against the Secretary of the Interior, that he cause the names of the following persons to be restored to the rolls of citizenship of the Choctaw Tribes

W. E. Thompson,

T. J. Hogg,

Bunice Hogg,

J. N. Harper,

Daisy Harper,

Ella Thompson.

You are requested to render a report in the matter, following the general instructions contained in department letter of March 15, 1909, file 5-51, taking particular care to state in this, as well as in other cases, whether certificates of allotment or patent have been issued to or recorded in favor of the applicants.

Very respectfully,

(Signed) Jesse E. Wilson.  
Assistant Secretary

1 enclosure; Send direct  
Copy to Indian Office.

Kappler & Merillat  
Attorneys and Counsellors at Law  
Bond Building,

Washington, D.C. April 13, 1909

The Honorable,  
The Secretary of the Interior,  
Washington, D.C.

Sir:

In behalf of W. E. Thompson, T. J. Hogg, Eunice Hogg, J. N. Harper, Daisy Harper and Ella Thompson, we hereby respectfully make demand that you cause their names to be restored to the rolls of the Choctaw Tribe of Indians, from which they were stricken by the Secretary of the Interior.

At the same time, we desire respectfully to give notice that if the demand be not acceded to we will take appropriate proceedings in Court to compel their restoration to the rolls.

We make this request and demand in accordance with law, and for the reason that we believe the Secretary of the Interior was without authority or jurisdiction to strike from the rolls the names of persons once placed thereon, especially where land had been allotted to the parties as was the case with our clients.

Yours respectfully,

(Signed) Kappler & Merillat

D 489-1909  
D 514-1909

Muskogee, Oklahoma, April 23, 1909.

Subject:

Reporting on Departmental letters  
of April 13, 1909 and April 17,  
1909, relative to W. E. Thomp-  
son et al. and Winona Thompson

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of April 13, 1909 (File 5-51) transmitting communication of April 7, 1909, from Messrs. Kappler & Merillat, attorneys at law, Washington, D. C., wherein, as a preliminary step to the institution of suit against the Secretary of the Interior, they demand that Winona Thompson, Decosa Randolph, Herman Randolph, Hugh Roy Randolph, Lena Randolph and Vivian Randolph, Minnie Hall, Blanch Myres, Thomas Myres and Dick Myres be restored to the status of recognized citizens of the Choctaw Nation, and requesting a report concerning the enrollment of said persons.

Receipt is also acknowledged of Departmental letter of April 17, 1909 (File 5-51), transmitting communication of April 13, 1909 from Messrs. Kappler & Merillat, attorneys at

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law, Washington, D. C., wherein they demand, as a preliminary step to the institution of suit against the Secretary of the Interior, that he cause the names of the following persons to be restored to the rolls of citizenship of the Choctaw tribe: W. E. Thompson, T. J. Hogg, Eunice Hogg, J. N. Harper, Daisy Harper and Ella Thompson.

A report is requested in this matter following the general instructions contained in Departmental letter of March 15, 1909, taking particular care in this, as well as in other cases, to state whether certificates of allotment or patents have been issued to or recorded in favor of the applicants.

Reporting in this matter I have the honor to advise that the names of the persons above mentioned are included in the Choctaw enrollment case of Samuel C. Wall, et al. and the facts in this case are as follows:

It appears from the records of this office that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in Choctaw 1896 Citizenship Case Number 540, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321), of Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as

Secretary 3

Unis Wall), Sam F. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall), and Bessie L. Wall (as Bessie Wall).

This application was denied by the Commission to the Five Civilized Tribes December 2, 1896. From this decision appeal was taken to the United States Court for the Southern District of Indian Territory, which, on January 19, 1898, in case Number 126 on the citizenship docket, reversed the decision of the Commission and admitted the applicants to citizenship in the Choctaw Nation.

This judgment was subsequently annulled, vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of the Choctaw and Chickasaw Nations or Tribes of Indians versus J. T. Riddle, et al.

Subsequently said cause was certified to the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641) for a trial *de novo*, and on November 29, 1904, in the case entitled Samuel Wall, et al. versus the Choctaw and Chickasaw Nations, Case Number 26 on the Tishomingo Docket, said Court rendered a decree wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisy Wall, Unis Wall,

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Sam F. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in Choctaw 1896 Citizenship Case Number 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896, of Dick Randolph, Myrtle Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtle E. Wheat (as Myrtle Wheat), Jesse G. Wheat (as Jesse Wheat), Waldemar Thompson, Dollie Thompson, William J. Thompson (as William Thompson, Decosa Thompson, Ellen Thompson and May Thompson.

On December 7, 1896, the Commission denied this application. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled Dick Randolph et al. versus the Choctaw Nation, rendered a judgment admitting all of said applicants to citizenship except

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Myrtle Wheat and May Thompson whose names were not mentioned in the judgment.

This judgment was subsequently annulled, vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, and the cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, which court, on November 29, 1904, in case Number 27 on the Tishomingo Docket, entitled Dick Randolph, et al. versus the Choctaw and Chickasaw Nations, rendered a judgment wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, De Cosa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed.

January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the



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enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph) had been denied by the Choctaw and Chickasaw Citizenship Court.

January 23, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers and John Boyd Myers, and on January 24, 1905, orders were entered by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, for the reason that the rights of the persons through whom these applicants claimed as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

February 4, 1905, the Commission rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition praying for the enroll-

Secretary 7

ment of Samuel C. Wall, Samuel Wall Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtie Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtie Wheat, Waldemar E. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

This office could not identify the applicants herein as having been enrolled upon any of the tribal rolls of the Choctaw Nation in its possession.

February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the applications for enrollment of all the persons included in this decision and on the same date the record, together with the decision in this case, was forwarded to the Secretary of the Interior.

February 26, 1907 (Land 13244-1907) the Indian Office

Secretary 8

concurring in the decision of the Commissioner of February 4, 1907, denying these applicants, and on February 28, 1907 ( I T D 5080, 5146, 5148, 5190, 5194, 5196, 5200, 5208, 5212, 5214, 5322, 5334, 5336, 5344, 5346, 5350, 5358, 5394, 5442-1907), the Department affirmed said decision.

I have the honor to state that no formal allotments were ever made to these persons but applications for lands were made in their behalf which were involved in allotment contests; these contests were afterward dismissed and the lands given to the contestees and patents therefor have undoubtedly been recorded and delivered.

It further appears that T. J. Hogg was the non-citizen husband of Eunice Hogg, nee Wall, and that J. N. Harper was the non-citizen husband of Daisy Harper, nee Wall, and that no application was made to the Commission or the Commissioner to the Five Civilized Tribes for their enrollment as citizens of the Choctaw Nation.

It also appears that this office has no record of any favorable decision ever having been rendered by the Department in this case.

The letters of Kappler & Merrillat of April 7, 1909 and April 13, 1909 are herewith returned.

Respectfully,

Choctaw 4997

Through the Commissioner  
of Indian Affairs.

AB

Commissioner.

Land:  
7496-1909  
31863-1909  
J E D

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS, D. C.

Enrollment case of  
Samuel C. Wall, et al.

Washington, Jun 4 1909

The Commissioner

to the Five Civilized Tribes,  
Muskogee, Oklahoma,

Sir:

Referring to your reports of April 7 and 13, 1909, relative to the Choctaw enrollment case of Samuel C. Wall, et al., you are advised that on May 20, 1909, the Department held that the case mentioned is not analogous to that of John K. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S. 249). The Department declined to take any action looking to the enrollment of any of the persons included in the case of Samuel C. Wall et al. A copy of approved Office letter of May 1, 1909, is inclosed for your further information. You are requested to notify the proper parties of this action.

Very respectfully,

C. F. Hauke,

Chief Clerk.

JC-3  
1788

KRM  
LWA  
LHD

OR

Land  
77496-1909  
31863- "  
J E D

May 4, 1909

Enrollment claims of  
Samuel C. Wall et al.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of March 25, April 13 and 17, 1909 (File 5-51 Choctaw), there are transmitted herewith reports of April 7 and 23 from the Commissioner to the Five Civilized Tribes, in regard to the case of Samuel C. Wall, et al., applicants for enrollment as Choctaw citizens.

The history of the case is set out fully in the reports inclosed. The records show that on February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Billie Thompson, Decosa Thompson, Ellen Thompson, Liazie Louisa Hogg and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Swan-

nah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Warner, Gracie Warner, Gustar Warner, Effie Hogg, Nellie Hogg, Lena E. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtle Heat as citizens, and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

On February 28, 1907, the Department affirmed the decision of the Commissioner denying the applications.

In this connection your attention is invited to the opinion, dated February 19, 1907, of the Attorney General, in reference to the Choctaw citizenship cases of Myrtle Randolph and her brother, S. J. Thompson, which opinion is referred to by the Commissioner to the Five Civilized Tribes in his report. The Commissioner reports that it does not appear that the names of any of the persons mentioned were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or the Commissioner to the Five Civilized Tribes, or that any of them were ever allowed to select an allotment of land as a citizen of that nation.

Moreover, it does not appear from the records of the Office that the Department ever approved any applications of these persons for enrollment as citizens of the Choctaw Nation. The Office is of the opinion that the case of Samuel C. Wall et al. is not analogous to that of John E. Goldsby and does not come within the principle announced by the Supreme Court of the United States

in its decision of November 30, 1908 in that case (211 U. S. 249).

It is therefore recommended that the Department take no action looking to the enrollment of any of the persons included in the case of Samuel C. Wall et al.

The record in the case and other papers pertaining thereto are inclosed for your further information.

Very respectfully

OTP-1  
501

(Signed) R. G. Valentine,  
Acting Commissioner.

MCP

JWH

APPROVED: May 28, 1909.

Frank Pierce

First Assistant Secretary.

FVS



Choctaw 5013

Muskogee, Oklahoma, June 11, 1909.

Mr. Decosa Thompson,  
Whitebead, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

723  
Re: In reply to the following:

Choctaw 5013

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

1170  
Muskogee, Oklahoma, June 11, 1909.

Mr. Decosa Thompson,  
Whitehead, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel C. Wall et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

*Thorpe*  
Acting Commissioner.

AB

Choc 5014 John Mitchell

6-7-8 Dismissed mar 27, 1904

see Choc 7-5014

5014

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

Record in the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of:

Roy Addus Mitchell,

7-5014.

---o---

IX, RE

Application for Enrollment of

INFANT CHILD

*Ray Aldous Mitchell*

as a citizen of

*Idaho* Nation.

Approved

190

*[Signature]*  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

APR 28 1902

*[Signature]*  
ACTING CHAIRMAN.

7-1-+

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*IN RE* Application for Enrollment, as a citizen of the **Chdctaw** Nation,  
 of **Roy. Addus. Mitchell**, born on the **20** day of **March**, 1902. , 1  
(Here insert name of child)  
 Name of Father: **Robert. H. Mitchell** a citizen of the **Chactaw** Nation.  
 Name of Mother: **Nancy. M. Mitchell** a citizen of the **Chdctaw** Nation.  
 Post-office **Purdy. Chickasaw Nation. Ind-Ter**

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
 INDIAN TERRITORY }  
 Southern District. }

I, **Nancy. M. Mitchell**, on oath state that I am **18**  
 years of age and a citizen, by **marriage** of the **Choctaw**, Nation:  
 that I am the lawful wife of **Robert. H. Mitchell**, who is a citizen, by  
 Blood of the **Chdctaw** Nation; that a **male** child was  
(male or female)  
 born to me on **20th** day of **March. 1902.** ; that said child has been  
 named **Roy. Addus.** and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses)

*Nancy M Mitchell*

Subscribed and sworn to before me this **18th** day of **April** 1902.

Notary Public, Ind-Ter, 1902.

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
 INDIAN TERRITORY, }  
 Southern District. }

I, **James. W. Tucker**, a **physician**, on oath state that I  
 attended on Mrs. **Nancy. M. Mitchell**, wife of **Robert. H. Mitchell**  
 on the **20th** day of **April 1902.** ; that there was born to her on  
 said date a **male** child; that said child is now living and is said to have been  
(male or female)  
 named **Roy. Addus.**

WITNESSES TO MARK:

(Must be Two Witnesses)

*James W Tucker M.D*

Subscribed and sworn to before me this **18th** day of **April** 1902.

Notary Public, Ind-Ter, 1902.

NOTARY PUBLIC

*Deid*

7-5014.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

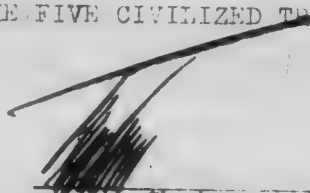
---o---

In the matter of the application for the enrollment of  
Roy Addus Mitchell as a citizen by blood of the Choctaw Nation.

---o---

The applicant, Roy Addus Mitchell, claims his right to enrollment as a citizen by blood of the Choctaw Nation through his father Robert H. Mitchell. The right of the applicant's father, Robert H. Mitchell, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, April 18, 1904, in case No. 101, upon the South McAlester docket of said court, it is hereby ordered that the application of Roy Addus Mitchell for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

Muskogee, Indian Territory,

-----



COPY! Choctaw 5014.

Muskogee, Indian Territory, June 6, 1904.

Robert H. Mitchell,  
Purdy, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for the enrollment as a citizen by blood of the Choctaw Nation of Roy Addus Mitchell.

Respectfully,

(SIGNED)

*James Bixby.*

Chairman.

Registered.

Incl. 7- 5014.

Chootaw 5014.

CONF.

Muskogee, Indian Territory, June 6, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Chootaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find copies of the orders of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the applications for enrollment as citizens by blood of the Chootaw Nation of Jessie Lee Mitchell, Mattie Mitchell and Roy Addus Mitchell.

Respectfully,

(SIGNED)

*James Birby.*

Chairman.

Registered.

Incl. 7- 5014.

(See Chootaw 3828 for registry receipt for this letter.)

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment  
as citizens by blood of the Choctaw Nation of:

Jessie Lee Mitchell, et al.,

7-5014.

-----o-----



*IN RE*

Application for Enrollment of

INFANT CHILD

*Jessie Lee Mitchell*  
as a citizen of

*Choctaw*

Nation.

Approved, **APR 11 1901**

190

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

APR 10 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
of *Jessie Lee Mitchell*, born on the *22* day of *Dec.*, A.D., *1900*  
(Here insert name of child)  
Name of Father: *William J. Mitchell*, a citizen of the *Choctaw* Nation.  
Name of Mother: *Maud E. Mitchell*, a citizen of the *W. S.* Nation.  
Post-office, *Pea, Indian Territory.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, |  
INDIAN TERRITORY.  
*Southern* District. |

I, *Maud E. Mitchell*, on oath state that I am *18*  
years of age and a citizen, by *Birth*, of the *W. S.* Nation;  
that I am the lawful wife of *William J. Mitchell*, who is a citizen, by  
*Birth*, of the *Choctaw* Nation, that a *Female* child was  
(male or female)  
born to me on the *22* day of *Dec.*, A.D., *1900*; that said child has been  
named *Jessie Lee*, and is now living.

WITNESSES TO MARK

*Maud E. Mitchell*

( Must be Two  
Witnesses )

Subscribed and sworn to before me this *24* day of *Jan.*, *1901*.

*J. J. Morrow*

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, |  
INDIAN TERRITORY.  
*Southern* District. |

I, *J. W. Crabtree*, a *Physician*, on oath state that I  
attended on Mrs. *Maud E. Mitchell*, wife of *William J. Mitchell*,  
on the *27* day of *Dec.*, A.D., *1900*; that there was born to her on  
said date a *Female* child; that said child is now living and is said to have been  
(male or female)  
named *Jessie Lee*.

WITNESSES TO MARK

*J. W. Crabtree, M. D.*

( Must be Two  
Witnesses )

Subscribed and sworn to before me this *10* day of *January*, *1901*.

*J. J. Morrow*

NOTARY PUBLIC

*Enrolled & INDEXED*  
CHOCTAW. 20

IN RE

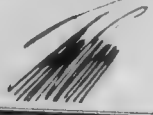
Application for Enrollment of

INFANT CHILD

*Mattie Mitchell*  
as a citizen of

*Choctaw* Nation.

Approved SEP 18 1902 190



Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

FILED

SEP 18 1902



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Chactaw* Nation,  
of *Mattie* (Here insert name of child.) born on the *21<sup>st</sup>* day of *August*, 190*2*  
Name of Father: *William J. Mitchell* a citizen of the *Chactaw* Nation.  
Name of Mother: *Maude S. Mitchell* a citizen of the *Chactaw* Nation.  
Post-office *Purdy Ind Ter*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
*Southern* District.

I, *Maude S. Mitchell*, on oath state that I am *Nineteen*  
years of age and a citizen, by *Marriage* of the *Chactaw* Nation;  
that I am the lawful wife of *William J. Mitchell*, who is a citizen, by  
*Blood*, of the *Chactaw* Nation; that a *Female* (male or female) child was  
born to me on *21<sup>st</sup>* day of *August*, 190*2* that said child has been  
named *Mattie*, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

*Maude S. Mitchell*

Subscribed and sworn to before me this *2* day of *September*, 190*2*

*W. H. Corp*  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
District.

I, *J. W. Tucker*, a *Physician*, on oath state that I  
attended on Mrs. *Maude S. Mitchell*, wife of *William J. Mitchell*  
on the *21<sup>st</sup>* day of *August*, 190*2* that there was born to her on  
said date a *Female* (male or female) child; that said child is now living and is said to have been  
named *Mattie*

WITNESSES TO MARK:

(Must be Two Witnesses.)

*J. W. Tucker M.D.*

Subscribed and sworn to before me this *2* day of *September*, 190*2*

*W. H. Corp*  
NOTARY PUBLIC



9312  
7-5014.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application for the enrollment of  
Jessie Lee Mitchell and Mattie Mitchell as citizens by blood of  
the Choctaw Nation.

---o---

The applicants, Jessie Lee Mitchell and Mattie Mitchell,  
claim their right to enrollment as citizens by blood of the Choctaw  
Nation through their father William Mitchell. The right of  
the applicants' father, William Mitchell, to citizenship in the  
Choctaw Nation having been adversely determined by a decree of the  
Choctaw and Chickasaw Citizenship Court, April 18, 1904, in case  
No. 101, upon the South McAlester docket of said court, it is  
hereby ordered that the application of Jessie Lee Mitchell and  
Mattie Mitchell for enrollment as citizens by blood of the Choctaw  
Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

  
\_\_\_\_\_

Choctaw 8014.

COPY:

Muskogee, Indian Territory, June 6, 1904.

William Mitchell,  
Purdy, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for the enrollment as citizens by blood of the Choctaw Nation of Jessie Lee Mitchell and Mattie Mitchell.

Respectfully,

SIGNED

*James Bixby.*

Chairman.

Registered.

Incl. 7- 8014.

Choctaw 5014.

COPY:

Muskogee, Indian Territory, June 6, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,  
Gentlemen:

Inclosed herewith you will find copies of the orders of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the applications for enrollment as citizens by blood of the Choctaw Nation of Jessie Lee Mitchell, Mattie Mitchell and Roy Addus Mitchell.

Respectfully,  
(SIGNED)

*Tams Pixby.*  
Chairman.

Registered.  
Incl. 7- 5014.

(See Choctaw 3328 for registry receipt for this letter.)

No 1202

# Certificate of Record of Marriage

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } *scf.*  
Southern District.

I, C. M. CAMPBELL, Clerk of the United States Court, in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for and Certificate of Marriage of

Mr. *Robt Mitchell* and

M *Nancy Sharp*

were filed in my office in said Territory and Dis-

trict the *25* day of *Jan* A. D. 190*1*

and duly recorded in Book *E* of

Marriage Record, Page *286*

WITNESS my hand and Seal of said Court, at

Ardmore, this *25* day

of *Jan* A. D. 190*1*

*C M Campbell*  
CLERK.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

APR 28 1902

*[Signature]*  
ACTING CHAIRMAN.

Return this License to the United States Clerk at Ardmore, that it may be recorded, when it will be mailed to the proper address.

# Marriage License

§



United States of America,  
INDIAN TERRITORY  
SOUTHERN DISTRICT.

SS:

To Any Person Authorized by Law  
to Solemnize Marriage. Greeting:

You Are Hereby Commanded To solemnize the Rite and publish the  
Banns of Matrimony between Mr. *Robert Mitchell*,  
of *Owady* in the Indian Territory, aged *19* years and  
M<sup>rs</sup> *Nancy Harp* of *Owady*  
in the Indian Territory, aged *17* years, according to law; and do  
you officially sign and return this License to the parties therein named.

Witness My hand and official Seal, this *2<sup>nd</sup>* day  
of *January* A. D. 1901

*By [Signature]* Clerk of the United States Court.

## Certificate of Marriage.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
SOUTHERN DISTRICT.

SS:

*I. W. [Signature]*  
Baptist Minister

do hereby certify, that on the *6<sup>th</sup>* day of *January* A. D. 1901,  
I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and  
publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this *6<sup>th</sup>* day of *January* A. D. 1901

My credentials are recorded in the office of the Clerk of the United States Court, Indian  
Territory, Southern District, at Ardmore, Book *1*, Page *177*

*I. W. [Signature]*  
Baptist Minister

(NOTE.—The person officiating should fill in the spaces  
for book and page and sign here) §

NOTE (a) This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the  
Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the License was issued  
will be liable in the amount of One Hundred Dollars (\$100.)

NOTE (b) No person is authorized to perform the Marriage Ceremony in the Southern District unless the proper credentials have  
first been recorded in the Clerk's office.

CITIZENSHIP COURT,  
FILED  
NOV 25 1903  
JAS. B. CASSADA, Clerk,  
By .....

101M

JAS. C. TERRELL, M. D.

DEPARTMENT BUILDING  
MADISON SQUARE

DURANT, IND. TERR. Nov. 20 1903

This certifies that D. D. Durant  
is very sick with catarrhal  
fever and is entirely unable  
to leave his bed. His tem-  
perature is 100 $\frac{1}{2}$  at this time  
and he is barely rational.

Jas. C. Terrell, M.D.

Subscribed and sworn to  
before me, this the 20<sup>th</sup> day of  
Nov. A.D. 1903.

J. M. Winsley, A  
Notary Public, cent-  
ral district D. T.



1093 1

# 1093

# Certificate of Record of Marriage.

UNITED STATES OF AMERICA, )  
THE INDIAN TERRITORY, ) S.C.  
**SOUTHERN DISTRICT.**

I, C. M. CAMPBELL, Clerk of the United States Court in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for, and Certificate of Marriage of Mr. *W. J. ...* and M. *...* were filed in my office in said Territory and District the *13* day of *April*

A. D. 1902 and duly recorded in Book *...* of Marriage Record, page *457*

WITNESS my hand and seal of said Court, at Ardmore, this *13* day of *April*

A. D. 1902

*C. M. Campbell* CLERK

*Return to Ardmore.*



C. M. CAMPBELL, Clerk.

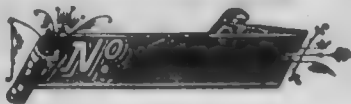
5175

ACTING CHAIRMAN

SEP 18 1902

FILED

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.



# MARRIAGE LICENSE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
SOUTHERN DISTRICT

ss: To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are hereby Comanded, To solemnize the Rite and  
publish the Banns of Matrimony between  
Mr. *Wm. Mitchell*, of *Armore*  
in the Indian Territory, aged *20* years, and  
*Miss Marie Sullivan*, of *Armore*  
in the Indian Territory, aged *17* years,  
according to law; and do you officially sign and return this License to  
the parties therein named.

Witness my hand and official seal, this *8<sup>th</sup>* day  
of *January* A. D. *1900*

*Chas. M. Campbell*

Clerk of the United States Court

By *J. C. Fleming* Deputy

## Certificate of Marriage.

UNITED STATES OF AMERICA,  
THE INDIAN TERRITORY,  
SOUTHERN DISTRICT.

I, *J. B. Wilkinson*

ss. *Minister*

do hereby certify, that on the *10<sup>th</sup>* day of *Jan* A. D. *1900* I  
did duly and according to law, as commanded in the foregoing License, solemnize the Rite  
and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this *11* day of *Jan* A. D. *1900*

My credentials are recorded in the office of the Clerk of the United States Court,  
Indian Territory, ~~Armore~~ District, at ~~Armore~~, Book *✓* Page *50*

*Wm. H. Moore*

NOTE a This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in  
the Indian Territory, at Armore, within sixty days from the date thereof, or the party to whom the License was  
issued will be liable in the amount of One Hundred Dollars, \$100  
NOTE b No person is authorized to perform the Marriage Ceremony in the Southern District, unless the proper creden-  
tials have first been recorded in the Clerk's office.

59

John . Mitchell and others.

John . Mitchell says:

I am 60. William, Robert H., Docia A. and Myrtle L. Mitchell were admitted by the U.S. Court at South McAlester August 25th 1897. John W. Mitchell was admitted in same decree, as also was Andrew J. Mitchell. John W. Mitchell lives with me My brother has not been with me until the last 3 years . We have all been living in the Nation. I came from Arkansas 8 or 9 years ago. The others all came then except my brother Andrew J. who came 3 years ago, from Arkansas.

Paul's Valley, Sept. 14 1898.

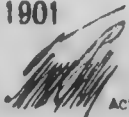
John Mitchell  
William Mitchell  
Robert H. Mitchell  
Docia A. Mitchell  
Myrtle L. Mitchell

enrolled.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

APR 11 1901



ACTING CHAIRMAN

State of Indian Territory }  
Southern District }

Personally appeared before me J. J. Morrison  
a Notary Public in and for the  
State and District aforesaid.

John Mitchell, Personally known  
to me to be worthy of credit and who  
says, in reference to the case of  
William J. Mitchell, that the said  
William J. Mitchell Father of the  
infant, Jessie Lee Mitchell, is one and  
the same as appeared before the Commission  
to the Five Civilized Tribes at Pauls Valley  
Indian Territory, and that he was listed  
for enrollment as William J. Mitchell  
and that, the John W. Mitchell, appeared  
at the same time, is an older brother  
of the said William J. Mitchell, and  
that the said John W. Mitchell was 23 years  
old at the time of enrollment, and that  
William J. Mitchell was only about 18  
years old at time of enrollment.

John Mitchell

Sworn to and subscribed before me  
this the 20<sup>th</sup> Day of April A.D. 1901

J. J. Morrison  
Notary Public

Muskogee, Indian Territory, November 9, 1900.

John Mitchell,

Purdy, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 5th instant, in which you desire to be informed if the plans of the Governors of the Choctaw and Chickasaw Nations to allot all Choctaws in the Choctaw nation and all Chickasaws in the Chickasaw nation, will be carried out.

You state in your letter that you are a Choctaw and have bought land in the Chickasaw Nation and would like to be informed as to whether or not you will be allowed to hold your prospective allotment in that Nation.

You also desire information in regard to intermarried whites, stating that your wife is a white woman and desire to be informed if she would be entitled to hold an allotment.

You are informed that the Commission is unaware of any agreement entered into between the Governors of the Choctaw and Chickasaw nations looking to the allotment of lands in the Choctaw Nation to the citizens of that Nation alone and the same in regard to the lands of the Chickasaw Nation that they should be only allotted to the citizens of that Nation.

The allotment of the lands of these two Nations will be made by this Commission under the agreement entered into between the Choctaws and Chickasaws and the United States, April 23rd, 1897,

J X 2

known as the Atoka Agreement, which provides as follows:

"That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians shall be allotted to the members of said tribes so as to give to each member of these tribes so far as possible a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands."

The Commission has always construed this clause of the Atoka Agreement to mean that the lands of the two nations were to be allotted to the citizens of those nations irrespective of which tribe the citizen was a member of.

As to the rights of your wife to enrollment or to hold an allotment in the Choctaw Nation, you are informed that the records of this Commission show that she appears as a non citizen and not in any way entitled to any right, title or interest in any of the lands or annuities of the Choctaw Nation.

You and your four minor children were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, August 25th, 1897 in court case No. 116 but it does not appear that your wife was either a party to the original application made to this Commission under the act of June 10th, 1896, nor was she included in the judgment of the United States Court admitting you and your children to citizenship in the Choctaw Nation.

It further appears that you have been married to her something like twenty years and there is no record of you ever having up to this time made any application for her enrollment as a citizen by intermarriage of the Choctaw Nation and as her name does not appear upon any of the tribal rolls of the Choctaw Nation as a citizen by intermarriage, neither having been admitted to such in-



J M 3

termarried citizenship by this Commission or by the tribal authorities of the Choctaw Nation or by the United States Courts for the Indian Territory, she would not be now recognized as entitled to any rights as an intermarried citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-5014

Muskogee, Indian Territory, November 23, 1900.

John Mitchell,

Purdy, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 19th instant relative to your wife's right to enrollment as a citizen by intermarriage of the Choctaw Nation and in which you state that the Commission in its letter of the 9th instant was in error in stating that no application had ever been made on behalf of your wife for enrollment as a citizen by intermarriage of that Nation.

The information contained in your letter has enabled the Commission to identify your wife as having been listed for enrollment by this Commission as a doubtful claimant to intermarried citizenship in the Choctaw Nation and regrets that an error was made in its letter of the 9th instant.

The records of the Commission show that your wife, Mary Mitchell, 52 years of age, was listed for enrollment by this Commission as a doubtful claimant to intermarried citizenship in the Choctaw nation on September 2nd, 1899. At the time of her appearance before the Commission as above stated she presented in evidence a certificate of James D. Catlin, a minister of the Gospel as to her marriage of September 1st, 1899 to John Mitchell but from her testimony given at that time it appears that this was the second marriage under the Choctaw law and that she had been formerly married to John Mitchell under the laws of the United States in 1853 and that

JM2

she had never been separated or divorced from him.

John Mitchell through whom she claims this right to inter-married citizenship, was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, rendered August 25th, 1897 in court case No. 116, but his wife was not a party to the original application made to this Commission under the act of June 10th, nor was she admitted with her husband to citizenship in the Choctaw Nation. She was living with him as his wife at the time that the application was made in 1896 and had been living with him since their marriage in 1853. The Commission did not feel warranted in listing your wife for enrollment at the time of her appearance at Atoka in September in 1889 and place her name on a doubtful card.

The rights of your wife to enrollment as an intermarried citizen of the Choctaw Nation is by virtue of her marriage to you and it appearing that your only rights to enrollment as a citizen of the Choctaw Nation being by virtue of a judgment of the United States Court for the Central District of the Indian Territory, you were not recognized as a citizen of that Nation prior to the rendition of that judgment.

The Choctaw and Chickasaw Nations through their attorneys have recently filed in the United States Court for the Central District of the Indian Territory a suit in equity against all parties admitted to citizenship in these two Nations by judgment of the United States Courts in the Indian Territory and pending the final disposition of that suit the Commission can only consider applicants so admitted to citizenship as doubtful claimants to enrollment.

J. M. S    4

The rights of your wife as an intermarried citizen of the Choctaw Nation being only by virtue of her marriage to you and your right as a citizen of the Choctaw Nation now being in doubt, the Commission could not consider or determine her case until the final disposition of the suit now pending before the United States Courts.

Yours truly,

Acting Chairman.

7-D-416

7-5014

Muskogee, Indian Territory, February 4, 1901.

William J. Mitchell,

Purdy, Indian Territory.

Dear Sir:

The Commission is in receipt of the application for enrollment as a citizen of the Choctaw Nation of Jessie Lee Mitchell, the infant daughter of William J. and Maud E. Mitchell, born December 22nd, 1900, and the same is returned to you herewith for further information.

It is stated in the affidavit of the mother that she is a citizen of the United States, 18 years of age, and the lawful wife of William J. Mitchell, a citizen by blood of the Choctaw Nation.

You are requested to state your age, the names of your parents, the time and place you appeared as an applicant for enrollment and any other information that may lead to your identification as being listed for enrollment as a citizen of the Choctaw Nation.

It will also be necessary in the matter of the application for the enrollment of your child, that the Commission be furnished with either the original or certified copy of the marriage license and certificate between yourself and Maud E. Mitchell.

Upon receipt of the information requested above, the evidence of your marriage to your wife, and the return of the application for enrollment, the matter will be given further consideration.

Yours truly,

7-5014

Acting Chairman.

Muskogee, Indian Territory, April 11, 1901.

Mr. William J. Mitchell,  
Purdy, Indian Territory,

Dear Sir:-

The Commission is in receipt of the application for enrollment as a citizen of the Choctaw Nation of Jessie Lee Mitchell, the infant daughter of William J. and Maud E. Mitchell, born December 22, 1900, and the same being in proper form has been duly filed with the records of this Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Receipt is also acknowledged of the affidavit of William J. Mitchell in which it is stated that he is the son of John Mitchell, a citizen of the Choctaw Nation by birth, and of Mary Mitchell a citizen of the United States; that he appeared before the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, for enrollment and was registered as the minor heir of John Mitchell.

You are informed that the records of the Commission show that John W. Mitchell, age 23 years, was duly listed for enrollment by the Commission in accordance with the judgment rendered by the United States Court for the Central District of Indian Territory at South McAlester, Indian Territory, August 28, 1897, in Court Case No. 114.

You are requested to inform the Commission why you gave your name at the time you were listed for enrollment September 14, 1898, as John W. Mitchell and now sign it as William J. Mitchell.

William J. Mitchell-----2

Receipt is also acknowledged of a certificate of the Clerk of the United States Court for the Southern District of Indian Territory that a license to marry was issued by that Court under date of January 8, 1900, to John W. Mitchell and Naudie H. Sullivan, and the same has been duly filed with the records of this Commission.

Yours truly,

Acting Chairman.

5014  
~~7-5925~~



7-5014

Muskogee, Indian Territory, April 28, 1902.

Robert H. Mitchell,

Purdy, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Roy Addus Mitchell, infant son of Robert H. and Nancy M. Mitchell, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Receipt is also acknowledged of the marriage license and certificate between Robert Mitchell and Nancy Harp and the same has been filed with the records of the Commission in the matter of the application for the enrollment of the above named child.

Yours truly,

Commissioner in Charge

Choctaw 5014

Muskogee, Indian Territory, May 24, 1902.

Lizzie Bell,

Purdy, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant in which you desire to be informed if John Mitchell, Alfred Mitchell, J. W. Mitchell, Jo Mitchell and Robert Mitchell and their children have been enrolled as citizens of the Choctaw Nation.

Replying to your inquiry you are advised that it appears from our records that on September 14, 1898, John Mitchell, 60 years of age, and his minor children, John W. Mitchell, 23 years of age, Andrew J. Mitchell, 54 years of age, and Alfred H. Mitchell, 25 years of age, and his minor children, were listed for enrollment by this Commission as citizens of the Choctaw Nation. All of these persons postoffice address as given at that time was Jeffs, Indian Territory, and they were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, Indian Territory, on August 25, 1897, in Choctaw citizenship case No. 116.

None of these persons were ever enrolled by the Choctaw tribal authorities as citizens of that nation and their right to

Choctaw 5014

Muskogee, Indian Territory, May 24, 1902.

Lizzie Bell,

Purdy, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant in which you desire to be informed if John Mitchell, Alfred Mitchell, J. W. Mitchell, Jo Mitchell and Robert Mitchell and their children have been enrolled as citizens of the Choctaw Nation.

Replying to your inquiry you are advised that it appears from our records that on September 14, 1898, John Mitchell, 60 years of age, and his minor children, John W. Mitchell, 23 years of age, Andrew J. Mitchell, 54 years of age, and Alfred H. Mitchell, 25 years of age, and his minor children, were listed for enrollment by this Commission as citizens of the Choctaw Nation. All of these persons postoffice address as given at that time was Jeffs, Indian Territory, and they were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, Indian Territory, on August 25, 1897, in Choctaw citizenship case No. 116.

None of these persons were ever enrolled by the Choctaw tribal authorities as citizens of that nation and their right to

L B 2

citizenship is dependent upon the judgment of the United States Court for the Central District of the Indian Territory above referred to.

Yours truly,

Acting Chairman.

7-5014.

Muskogee, Indian Territory, September 6, 1902.

William J. Mitchell,

Purdy, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Mattie Mitchell, infant daughter of William J. and Maud B. Mitchell, born August 21, 1902; and the same is returned to you herewith.

You are informed that the mother of the child being a non-citizen, it will be necessary that you furnish the Commission with either your original marriage license and certificate, or a certified copy thereof.

Upon return of the application, accompanied by such evidence of marriage, the matter will receive further consideration.

Yours truly,

Acting Chairman.

Enc. B.I. 11.

7-8014.

Muskogee, Indian Territory, September 18, 1902.

William J. Mitchell,

Purdy, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th inst., enclosing the application for enrollment as a citizen of the Choctaw Nation of Mattie Mitchell, infant daughter of William J. and Maud E. Mitchell, born August 21, 1902; and the same being in proper form has been duly filed with the records of the Commission, and the child listed for enrollment as a citizen of the Choctaw Nation.

Receipt is also acknowledged of the marriage license and certificate between W.J. Mitchell and Maudie Sullivan, and the same have been duly filed with the records of the Commission in support of the application for the enrollment of the above named child.

Yours truly,

Acting Chairman.

7-5014

Muskogee, Indian Territory, June 23, 1904.

Ledbetter & Bledsoe,  
Attorneys at Law,  
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 13, 1904, in which you ask the present status of the citizenship of John Mitchell.

In reply to your letter you are informed it appears from our records that the Choctaw-Chickasaw Citizenship Court rendered its decree April 18, 1904, denying the citizenship in the Choctaw Nation of John Mitchell and his children, William, Robert H., Decia A., and Myrtle L. Mitchell.

Respectfully,

Commissioner in Charge.



Choc 5015 John W. Mitchell

5015

80

John W. Mitchell.

(See testimony of John Mitchell, Choctaw Court Card 59).

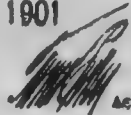
John W. Mitchell

enrolled.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

APR 11 1901



ACTING CHAIRMAN.

7-5015

State of Indian Territory }  
Southern District

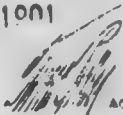
Personally appeared before me a Notary Public duly authorized to administer oaths William J. Mitchell, who states on oath that he is the same, William J. Mitchell as named in the application for enrollment of Jessie Lee Mitchell, as the lawful father of said Jessie Lee Mitchell, and that he is the son of John Mitchell a citizen of the Choctaw Nation by Birth and of Mary Mitchell a citizen of the United States by birth and the lawful wife of the above named John Mitchell. and further states that he appeared at Pauls Valley, I.T. for enrollment at the first sitting of the same Commission at Pauls Valley, and registered as a minor heir of John Mitchell (Court Claim 116) and that he married the said <sup>subscribed</sup> Maud E. Mitchell on the 18<sup>th</sup> day of January a.d. 1900.

William J. Mitchell  
Subscribed and sworn to before me  
this the 6<sup>th</sup> Day of April a.d. 1901  
J. P. Morrow  
Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

APR 11 1901



ACTING CHAIRMAN

Department of Justice.

United States Court in the Indian Territory,

C. W. Campbell,  
Clerk.

Southern District,

Pauls Valley.

Pauls Valley, Ind. Ter.,

March 21 1901

I certify that on January 8 1901 that I issued  
a License to Mary to J. W. Mitchell and  
Maudie O. Sullivan, all the Chickasaw nation,  
Ind Territory

In witness whereof I have  
this day set my hand and  
Seal at Pauls Valley I. T.

Charles W. Campbell  
Clerk

By J. W. Lewis J. C.

Choc 5016 Andrew J. Mitchell

5016



Anfred J. Mitchell.

(See testimony of John Mitchell, Choctaw Court Card 59-)

Andrew J. Mitchell

enrolled.

Choc 5017 Joseph Kirkland

# 3-4-5 Dismissed Jan 23, 1905

5017

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of:

EMILY KIRKLAND, ET AL.,

7-5017.

Joseph Kirclin and others.

Joseph Kirclin says:

I am 26. I am father of Beulah and Emily Kirclin.

I and Beulah were admitted by the U.S. court at Ardmore, December 22nd 1897. Emily was born October 25th 1897.

I have lived in the Territory 21 years. I first came to the Choctaw Nation and then to the Chickasaw Nation. I lived in Texas last year. I returned to the Territory with my family last fall. It was about the middle of August.

Pauls Valley, Sept. 15 1898.

Joseph Kirclin  
Beulah Kirclin  
Emily Kirclin

enroll d.

IN RE

Application for Enrollment of

INFANT CHILD.

*Loree Pruda Willard*

As a citizen of the

*Choctaw* Nation.

Approved

MAY 24 1900

*[Signature]*  
Commissioner.

**FILED**  
MAR 17 1900  
COMMISSION TO FIVE TRIBES.

*(110000)*

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
*Lora Pruda Kirkland* born on the *5<sup>th</sup>* day of *February*, 1*900*.  
 Name of father: *Joseph L. Kirkland*, a citizen of the *Choctaw* Nation.  
 Name of mother: *Ermine Kirkland*, a citizen of the *Choctaw* Nation.  
 (Not Enrolled)  
 Post Office: *Trotter, Ind.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
 Indian Territory,  
*Northern* District.

I, *Ermine Kirkland*, on oath, state that I am *23* years of age and a  
 citizen, by *interracial* of the *Choctaw* Nation; that I am the  
 lawful wife of *Joseph L. Kirkland*, who is a citizen, by *blood*, of the  
*Choctaw* Nation; that a *female* child was born to me on the *5* day  
 of *February*, 1*900*; that said child has been named *Lora Pruda Kirkland*  
 and is now living.

Subscribed and sworn to before me this *7* day of *March*, 1*900*.  
*Ermine Kirkland*  
*B. Ward*, Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
 Indian Territory,  
*Northern* District.

I, *Dr. J. A. Cleveland*, a *physician*, on oath, state that I  
 attended on Mrs. *Ermine Kirkland*, wife of *Joseph L. Kirkland*  
 on the *5* day of *February*, 1*900*; that there was born to her on said date a *female* child;  
 that said child is now living and is said to have been named *Lora Pruda Kirkland*  
*Dr. J. A. Cleveland*

Subscribed and sworn to before me this *7* day of *March*, 1*900*.  
*13, 1900*,  
 Notary Public.

*IN RE*

Application for Enrollment of

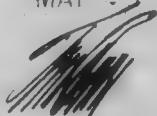
INFANT CHILD

*James W. ...*

as a citizen of

*...* Nation.

Approved, MAY 22 1902 190

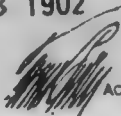


Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

MAY 23 1902



ACTING CHAIRMAN.

5017



DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*IN RE* Application for Enrollment, as a citizen of the **CHOCTAW** Nation,  
 of **Laura Mildrid Kirkland**, born on the **15th** day of **April**, **1902**  
(Here insert name of child)  
 Name of Father **Joseph L Kirkland**, a citizen of the **Choctaw** Nation.  
 Name of Mother: **Ernine Kirkland**, a citizen of the **U.S.**, Nation.  
 Post-office, **Chickasha, I.T.**

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
 INDIAN TERRITORY, }  
 Southern District. }

I, **Ernine Kirkland**, on oath state that I am **Twenty Six** years of age and a citizen, by of the **United States**, Nation;  
 that I am the lawful wife of **Joseph L Kirkland**, who is a citizen, by  
**Birth & Blood** of the **Choctaw** Nation, that a **Female** child was  
(male or female)  
 born to me on the **15th** day of **April**, **1902**; that said child has been  
 named **Laura Mildred Kirkland**, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

*Ernine Kirkland*

Subscribed and sworn to before me this **20th** day of **May**, **1902**.

*B M Cochran*  
 NOTARY PUBLIC  
 My Commission Expires **Oct 17-1905**

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
 INDIAN TERRITORY, }  
 Southern District. }

I, *J S Powers*, a **Physician**, on oath state that I  
 attended on Mrs. **Ernine Kirkland**, wife of **Joseph L Kirkland**  
 on the **15th** day of **April**, **1902**; that there was born to her on  
 said date a **Female** child; that said child is now living and is said to have been  
(male or female)  
 named **Laura Mildred Kirkland**

WITNESSES TO MARK

(Must be Two Witnesses)

*J S Powers md*

Subscribed and sworn to before me this **20th** day of **May**, **1902**.

*B M Cochran*  
 NOTARY PUBLIC  
 My Commission Expires **Oct 17-1905**

7-5017.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emily Kirkland, Lora Pruda Kirkland and Laura Mildred Kirkland as citizens by blood of the Choctaw Nation.

-----oOo-----

The applicants, Emily Kirkland, Lora Pruda Kirkland and Laura Mildred Kirkland, claim the right to enrollment as citizens by blood of the Choctaw Nation through their father Joseph Kirkland.

The right of the applicants' father, Joseph Kirkland, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 28, 1904, in case number 75 upon the Tishomingo docket of said court, it is hereby ordered that the application of Emily Kirkland, Lora Pruda Kirkland and Laura Mildred Kirkland for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
Chairman.

Muskogee, Indian Territory,

JAN 27 1905

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Choctaw 5017.

TOBY;

Muskogee, Indian Territory, January 23, 1905.

Joseph Kirkland,

Chickasha, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your children, Emily Kirkland, Lora Prada Kirkland and Laura Mildred Kirkland, as citizens by blood of the Choctaw Nation.

Respectfully,

ISONEI,

*Samuel Dixon*  
Chairman.

Registered.

Incl. 7-5017.

Choctaw 5017.

COPY.

Muskogee, Indian Territory, January 23, 1905.

Melton & Morris,  
Attorneys at Law,  
Chickasha, Indian Territory.

Gentlemen:

Inclosed herewith you will find copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of Emily Kirkland, Lora Pruda Kirkland and Laura Mildred Kirkland as citizens by blood of the Choctaw Nation.

Respectfully,

ISSUED

*Wm. D. D. D.*

Chairman.

Registered.  
Incl. 7-5017.

Choctaw 5017.

COPY.

Muskogee, Indian Territory, January 23, 1905.

Mansfield, Mc Murray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 23, 1905, discharging the application for the enrollment of Emily Kirkland, born Pruit Kirkland and Laura Mildred Kirkland as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED,

*Jams Bixby*  
Chairman.

Incl. 75017.

Muskogee, Indian Territory, April 16, 1900.

Mr. C. Madison,

Deputy United States Marshal,

Chickasha, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of April 12, in which you desire to be informed whether the names of Joseph and William or "Goat" Kirkland appear upon the rolls of citizens of the Cheataw or Chickasaw Nation.

You are informed that the records of this Commission show that Joseph Kirkland, twenty six years of age, of Chickasha, with his two children, Beulah and Emily Kirkland, also William Kirkland, twenty four years of age, of Chickasha, together with his three children, Monte, Lee and Myrtle Kirkland, were duly listed for enrollment by this Commission September 15, 1898, pursuant to a judgment rendered by the United States Court for the Southern District of the Indian Territory, at Ardmore, December 22, 1897, in court case Number 115.

Yours truly,

Acting Chairman.

In replying to this letter,  
please refer to Cheataw 1017.

Muskogee, Indian Territory, June 14, 1901.

Melton & Morris,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 10th inst., in which you desire to be informed if Jim White, W. R. Kirkland and Joe Kirkland, of Chickasha, Indian Territory have been enrolled as citizens of the Cheetaw or Chickasaw Nations.

Replying to your letter the Commission has to inform you that it appears from our records that on October 22, 1898 James Edward White, 46 years of age, of Chickasha, Indian Territory, his wife Ellen White and their three children James Edward, Katie and Esther applied for enrollment as citizens of the Cheetaw Nation, James Edward White as a citizen by inter-marriage and his wife and children as citizens by blood.

The Commission at that time were not fully satisfied as to the rights of these claimants for enrollment as citizens of the Cheetaw Nation and for that reason their names were placed upon the list of doubtful claimants to citizenship in that nation. No final disposition has been made up to this time of their application but as the same is taken up for consideration a decision will be rendered a copy of which will be mailed to applicants.



Our records further show that on September 18, 1898 Joseph Kirkland, 26 years of age and his two children Boulah and Emily Kirkland were listed for enrollment as citizens of the Cheetaw Nation in pursuance of a judgment of the United States Court for the Southern District of the Indian Territory rendered at Ardmore, Indian Territory, December 22, 1897 in court case No. 118. Lera Pruder Kirkland the youngest daughter of James Kirkland was on May 24, 1900 listed for enrollment by this Commission as a citizen of the Cheetaw Nation upon the proper presentation of the affidavits as to her birth.

As to the W. B. Kirkland of whom you inquire our records show that a William Kirland, 24 years of age together with his three minor children, Mente, Lee and Myrtle Kirkland, were on September 18, 1898 listed for enrollment as citizens of the Cheetaw Nation. This family obtained their rights as Cheetaw citizens through judgment of the court above referred to.

Yours truly,

7-5017.

7-5017

Muskogee, Indian Territory, May 23, 1902.

Joseph L. Kirkland,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Laura Mildred Kirkland, infant daughter of Joseph L. and Ermine Kirkland born April 15, 1902, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

Choc 5018 William Kirkland

#4 Dismissed Jan 23, 1905

5018

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of:

MYRTLE KIRKLAND

7-5018.

William Kirclin and others.

William Kirclin says:

I am 24. I am father of Montie, Lee and Myrtle Kirclin.

All were admitted by the U.S. Court at Ardmore, December 22nd 1897, case 115, except Myrtle, born May 30th 1898.

I first came to the Chickasaw Nation when I was 3 years old, and have been living here continuously to this time except 8 months, during which time I lived in Texas, from Feb. to September 1897, with my family.

Paul's Valley, Sept. 15 1898.

William Kirclin  
Montie Kirclin  
Lee Kirclin  
Myrtle Kirclin

enrolled.

7-5018.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

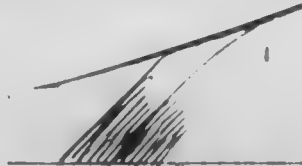
In the matter of the application for the enrollment of Myrtle Kirkland as a citizen by blood of the Choctaw Nation.

-----oOo-----

The applicant, Myrtle Kirkland, claims the right to enrollment as a citizen by blood of the Choctaw Nation through her father William Kirkland.

The right of the applicant's father, William Kirkland, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of November 20, 1904, in case No. 75 upon the Tishomingo docket of said court, it is hereby ordered that the application of Myrtle Kirkland for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
Chairman.

Muskogee, Indian Territory, \_\_\_\_\_

JAN  
-----

Choctaw 5018

**COPY!**

Muskogee, Indian Territory, January 23, 1905.

William Kirkland,

Chickasha, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 23, 1905, dismissing the application for the enrollment of your minor child, Myrtle Kirkland, as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED:

*James Bixby*

Chairman.

Registered.

Incl. 7-5018.



Choctaw 5018

COPY.

Muskogee, Indian Territory, January 23, 1905

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 23, 1905, dismissing the application for the enrollment of Myrtle Kirkland as a citizen by blood of the Choctaw Nation.

Respectfully,

(SIGNED).

*Jams Bixby*  
Chairman.

Incl. 7-5018

Muskogee, Indian Territory, June 14, 1901.

Melton & Morris,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 10th inst., in which you desire to be informed if Jim White, W. R. Kirkland and Joe Kirkland, of Chickasha, Indian Territory have been enrolled as citizens of the Choctaw or Chickasaw Nations.

Replying to your letter the Commission has to inform you that it appears from our records that on October 22, 1898 James Edward White, 46 years of age, of Chickasha, Indian Territory, his wife Ellen White and their three children James Edward, Katie and Esther applied for enrollment as citizens of the Choctaw Nation, James Edward White as a citizen by inter-marriage and his wife and children as citizens by blood.

The Commission at that time were not fully satisfied as to the rights of these claimants for enrollment as citizens of the Choctaw Nation and for that reason their names were placed upon the list of doubtful claimants to citizenship in that nation. No final disposition has been made up to this time of their application but as the same is taken up for consideration a decision will be rendered a copy of which will be mailed to applicants.

Our records further show that on September 15, 1898 Joseph Kirkland, 26 years of age and his two children Beulah and Emily Kirkland were listed for enrollment as citizens of the Choctaw Nation in pursuance of a judgment of the United States Court for the Southern District of the Indian Territory rendered at Ardmore, Indian Territory, December 22, 1897 in court case No. 115. Lora Pruder Kirkland the youngest daughter of James Kirkland was on May 24, 1900 listed for enrollment by this Commission as a citizen of the Choctaw Nation upon the proper presentation of the affidavits as to her birth.

As to the W. B. Kirkland of whom you inquire our records show that a William Kirland, 24 years of age together with his three minor children, Monte, Lee and Myrtle Kirkland, were on September 15, 1898 listed for enrollment as citizens of the Choctaw Nation. This family obtained their rights as Choctaw citizens through judgment of the court above referred to.

Yours truly,

7-5018.

Choc 5019 Eldredge Kirkland

#6 Dismissed Jan 24, 1905

5019

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of:

CHARLEY ADNEW KIRKLAND

7-5019.

7-5019.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

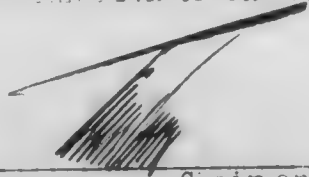
In the matter of the application for the enrollment of Charley Adnew Kirkland as a citizen by blood of the Choctaw Nation.

-----oOo-----

The applicant, Charley Adnew Kirkland, claims the right to enrollment as a citizen by blood of the Choctaw Nation through his father Eldredge Kirkland.

The right of the applicant's father, Eldredge Kirkland, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of November 28, 1904, in case No. 75 upon the Tishomingo docket of said court, it is hereby ordered that the application of Charley Adnew Kirkland for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN 10 1905

INDEXED

CHECTAW

20

*IN RE*

Application for Enrollment of

INFANT CHILD

*Charley Adnew Kirkland*  
as a citizen of

*Chaetaw* Nation.

JUL 29 1901

Approved

190

*[Signature]*  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

JUL 29 1901

*[Signature]*

ACTING COMMISSIONER

W.V.

4-5600



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Charley Adnew Kirkland, born on the 26<sup>th</sup> day of May, 1901  
(Here insert name of child)  
Name of Father Eldredge Kirkland, a citizen of the Choctaw Nation.  
Name of Mother Ophelia Kirkland, a citizen of the Choctaw Nation.  
Post-office, Pauli, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

Southern District.

I, Ophelia Kirkland, on oath state that I am 36  
years of age and a citizen, by Marriage, of the Choctaw Nation;  
that I am the lawful wife of Eldredge Kirkland, who is a citizen, by  
Blood, of the Choctaw Nation; that a male child was  
(male or female)  
born to me on the 26<sup>th</sup> day of May, 1901; that said child has been  
named Charley Adnew Kirkland, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Ophelia Kirkland  
Jack Florence  
Maud [unclear]

Subscribed and sworn to before me this 25<sup>th</sup> day of July, 1901.

E. H. McCord  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.  
Southern District.

I, J. B. Maples, a Physician, on oath state that I  
attended on Mrs. Ophelia Kirkland, wife of Eldredge Kirkland  
on the 26<sup>th</sup> day of May, 1901; that there was born to her on  
said date a male child; that said child is now living and is said to have been  
(male or female)  
named Charley Adnew Kirkland

WITNESSES TO MARK:

(Must be Two Witnesses)

J. B. Maples, M.D.  
W. J. Ferguson  
E. L. McCrummen

Subscribed and sworn to before me this 25 day of July, 1901.

E. H. McCord  
NOTARY PUBLIC

COPY Choctaw 5019.

Muskogee, Indian Territory, January 24, 1905.

Eldredge Kirkland,

Paoli, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 24, 1905, dismissing the application for the enrollment of your minor child, Charley Adnew Kirkland, as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

James H. Harty

Chairman.

Registered.

Incl. 7-5019.

Choctaw 1019.

COPY.

Muskogee, Indian Territory, January 24, 1905.

J. P. Sharp,

Attorney at Law,

Puroell, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 24, 1905, dismissing the application for the enrollment of Charley Adaw Kirkland as a citizen by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

James B. Blair

Chairman.

Registered.

Incl. 7-5019.

COPY.

Choctaw 5019.

Muskogee, Indian Territory, January 24, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 24, 1905, dismissing the application for the enrollment of Charley Adner Kirkland as a citizen by blood of the Choctaw Nation.

Respectfully,

(SIGNED).

*Tamc Barry*

Chairman.

Incl. 7-5019.

Choctaw Court Card C. 64.

IN RE application of Eldredge Kirklin and others.

Sworn by Commissioner McKennon.

Eldredge Kirklin says:

I am 45. I am father of Jesse E., Mary P., William W., and Sallie G. Kirklin, admitted by the U.S. Court at Ardmore, December 22nd 1897, case 118, except Sallie G. Born November 14th 1896.

I have lived in the Chickasaw Nation about 21 years. I have not lived anywhere else during that time. I came here from Texas. I was born and raised in Texas. My family have been with me here.

Pauls Valley, Sept. 15 1896.

Eldredge Kirklin  
Jesse E. Kirklin  
Mary P. Kirklin  
William W. Kirklin  
Sallie G. Kirklin

enrolled.

C O P Y.

DEPARTMENT OF THE INTERIOR,  
Commission to the Five Civilized Tribes.

In re application for enrollment as a citizen of the Choctaw Nation, of Sallie Gracie Kirkland, Born November 18th, 1897.

Name of father: Eldridge Kirkland, a citizen of the Choctaw Nation. Name of mother: Ophelia Kirkland, a citizen of the Choctaw Nation, (not enrolled.) Post Office: Paoli, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,) )  
INDIAN TERRITORY, ) SS  
Southern District. )

I, Ophelia Kirkland, on oath, state that I am 35 years of age, and a citizen, by inter-marriage, of the Choctaw Nation, (Not en-rolled;) that I am the lawful wife of Eldridge Kirkland, who is a citizen, by blood, of the Choctaw Nation; that a female child was born to me on the 18th day of November, 1897; that said child has been named Sallie Gracie Kirkland, and is now living.

Ophelia Kirkland

Subscribed and sworn to before me this the 17th day of March, 1900.

(SEAL)

Geo. C. McCullough  
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,) )  
INDIAN TERRITORY, ) SS  
Southern District. )

I, W. J. Mannis, a physician, on oath, state that I attended on Mrs. Ophelia Kirkland, wife of Eldridge Kirkland, on the 18th day of November, 1897; that there was born to her on said date, a female child; that said child is now living, and is said to have been named Sallie Gracie Kirkland.

W. J. Mannis M. D.

Subscribed and sworn to before me this the 17th day of March, 1900.

(SEAL)

Geo. C. McCullough  
Notary Public.

INDORSED: Application for Enrollment of Infant Sallie Gracie Kirkland as a citizen of the Choctaw Nation. Filed Mar 21 1900 Commission to Five Tribes.

Choc. C. 64. 5019.

7-5019.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sallie G. Kirkland for enrollment as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on September 16, 1898 application was made to this Commission for the enrollment of Sallie G. Kirkland as a citizen by blood of the Choctaw Nation; that the said Sallie G. Kirkland was born November 18, 1897 and is a daughter of Eldridge Kirkland, an alleged citizen by blood of the Choctaw Nation, and Orphelia Kirkland, a noncitizen white woman.

It does not appear from the records in the possession of the Commission that said Eldridge Kirkland, the father of the applicant herein, has ever been enrolled by the tribal authorities of the Choctaw Nation nor that the applicant herein has ever been admitted to citizenship in said nation by the legally constituted authorities thereof or by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory, in accordance with the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It appears from the records of the Commission that on December 22, 1897 the United States Court for the Southern District of Indian Territory, in the case entitled "Z. T. Bottoms, et al., vs. Choctaw Nation" (Citizenship Case number 115), entered of record a judgment admitting the applicant herein (as Sallie Gracie Kirkland) to citizenship in the Choctaw Nation and also admitted (among others) said Eldridge Kirkland, the father of the applicant herein; and on March 3, 1899 entered of record in said cause an order correcting said original judgment by striking therefrom the name of the applicant herein (as Sallie Gracie Kirkland).

It further appears from the records of the Commission that on December 17, 1902 the Choctaw and Chickasaw Citizenship Court, created by the provisions of the act of

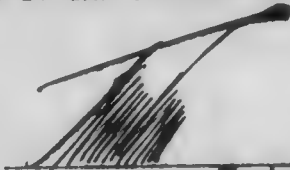


2.

Congress approved July 1, 1902 (32 Stat., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of Indian Territory admitting the persons therein named (including said Eldridge Kirkland) to citizenship in the Choctaw Nation. Said cause, as to the said Eldridge Kirkland, was duly certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the provisions of said act of Congress approved July 1, 1902, and said court on November 28, 1904, in case number 75 upon its Tishomingo docket, entered of record a decree declaring that said Eldridge Kirkland is not a citizen of the Choctaw Nation.

It is, therefore, the opinion of this Commission that Sallie G. Kirkland is not entitled to be enrolled as a citizen by blood of the Choctaw Nation and that her application for such enrollment should be denied, in accordance with the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAR 30 1905

7-5019

Muskogee, Indian Territory, March 30, 1905.

Sallie G. Kirkland,  
Paoli, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 30, 1905, denying your application for enrollment as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

W. H. H. H.

Registered.

Incl. 7-5019.

Chairman.

7-5019

Muskogee, Indian Territory, March 30, 1908.

J. F. Sharp,

Attorney at Law,

Purcell, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 30, 1908, denying the application for the enrollment of Sallis G. Kirkland as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Registered.

Incl. 7-5019.

Chairman.

7-5019

Muskogee, Indian Territory, March 30, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered March 30, 1906, denying the application for the enrollment of Sallie G. Kirkland as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

GREEN

Incl. 7-5019.

Chairman.

Muskogee, Indian Territory, March 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Willie G. Kirkland as a citizen by blood of the Choctaw Nation, including the decision of the Commission, dated March 30, 1905, denying said application.

Respectfully,

W. H. H. H.

Incl. 7-3019.

Christian.

Through the  
Commissioner of Indian Affairs.

(Copy)

G.R. LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON,

May 17, 1905.

D.C. 25911-1905.  
I.T.D. 3808-1905.  
L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

March 30, 1905, you transmitted the record of proceedings had in the matter of the application for the enrollment of Sallie G. Kirkland as a citizen by blood of the Choctaw Nation, including your decision of the same date, adverse to the applicant.

April 12, 1905, the Acting Commissioner of Indian Affairs reporting in the matter, recommended that your decision adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated March 30, 1905, adverse to the applicant, is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

(Copy)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, April 12, 1905.

Land.  
25420-1905.

The Honorable,  
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 30, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Choctaw Nation by Sallie G. Kirkland.

March 30, 1905, the Commission decided adversely to the applicant.

The record shows that on December 22, 1897, the United States Court, Southern District, Indian Territory, entered of record a judgment admitting the applicant herein to citizenship in the Choctaw Nation and also admitted her father, Eldridge Kirkland; and on March 3, 1899, entered of record an order correcting said judgment by striking therefrom the name of the applicant herein.

It does not appear from the records that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal other than as above stated.

In view of the record the approval of the Commission's



decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.  
W.

7-5019

Muskogee, Indian Territory, May 26, 1905.

Sallie G. Kirkland,

Paoli, Indian Territory.

COPY.

Dear Madam:

You are hereby notified that on the 17th day of May, 1905 the Secretary of the Interior affirmed the decision of this Commission, rendered March 30, 1905, denying your application for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

*James Bixby*

Chairman.

7-5019

Muskogee, Indian Territory, May 6, 1905.

J. F. Sharp,

Attorney at Law,

Parcell, Indian Territory.

COPY.

Dear Sir:

You are hereby notified that on the 17th day of May, 1905, the Secretary of the Interior affirmed the decision of this Commission, rendered March 30, 1905, denying the application for the enrollment of Sallet G. Kirkland as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

*Tamc Bixoy*

Chairman.

7-5019

Muskogee, Indian Territory, May 26, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

COPY

Gentlemen:

You are hereby notified that on the 17th day of May, 1905, the Secretary of the Interior affirmed the decision of this Commission, rendered March 30, 1905, denying the application for the enrollment of Sallie G. Kirkland as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

*James Dixey*

Chairman.

---

Before the Commission  
to the Five Civilized  
Tribes of Indians at  
T. N. Gibson, D. T.

---

Sarah Grace  
Kirkland of  
Choctaw Nation

---

Application for  
Citizenship

---

P. O. Address, Pauli, D. T.

**FILED**

OCT 16 1897

*E. H. Lybourn*

J. H. Kemp Attorney  
Tulsa, D. T.

Muskogee, Indian Territory, March 23, 1900.

Mr. J. P. Sharp,

Attorney at Law,

Purcell, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of March 18, inclosing an application for citizenship of Sallie Grace Kirkland for citizenship in the Choctaw Nation, and the same has been duly filed with the records of this Commission. It appears that Sallie G. Kirkland, the youngest daughter of Eldredge and Ophelia Kirkland, was admitted to citizenship by judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, December 22, 1897, in court case Number 115, and that by a recent order of the said court in this cause, correcting the original judgment rendered herein, the name of Sallie Gracie Kirkland was stricken from the names of those entitled to citizenship in the Choctaw Nation under the original judgment for the reason that her name did not appear in the original application made to the Dawes Commission in 1896. Sallie Gracie Kirkland being born November 18, 1897, subsequent to the date of the original application to this Commission in this case, she would be recognized as entitled to enrollment as a lawful child of Eldredge and Ophelia Kirkland, and the application has therefore been filed with the records of this Commission.

Yours truly,

Acting Chairman.

In replying to this letter,  
please refer to Choctaw 4079

Muskogee, Indian Territory, April 20, 1890

Mr. J. W. Sharp,

Attorney at Law,

Purcell, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of April 6, acknowledging receipt of the Commission's letter of March 21, relative to the enrollment of Sallie Gracie Kirkland, the infant daughter of Eldridge and Ophelia Kirkland, and requesting to be informed as to whether the said Sallie Gracie Kirkland is entitled to enrollment as a citizen of the Choctaw Nation without further controversy.

You are informed that the name of Sallie Gracie Kirkland was interpolated in the appeal taken from the decision of the Commission to the Five Civilized Tribes to the United States Court in the Southern District of the Indian Territory, but did not appear in the original application to this Commission.

The order of Court correcting the judgment in this cause, in striking her name therefrom, states:

"That this order shall not prejudice the rights of said parties in any proceedings they may hereafter adopt to obtain their rights as citizens of the Choctaw Nation, if any such rights they may have."

Sallie Gracie Kirkland, having been born subsequent to the date of the filing of the original application for citizenship before this Commission in 1886, could not have appeared therein, and the only manner



J. F. S. 2.

in which she would be entitled to recognition for enrollment would be through the proper birth certificates and affidavits, which have been received by this office and filed. She has, therefore, been duly listed for enrollment, and no further steps are necessary to be taken looking to her rights.

Yours truly,

Acting Chairman.

In replying to this letter,  
please refer to Choctaw 5019.

Muskeges, Indian Territory, May 29, 1901.

Messrs Mansfield, McMurray & Cornish,  
Attorneys at Law,  
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 28th instant in which you request information relative to M. J. Smith and E. Kirkland, claiming citizenship in the Choctaw or Chickasaw Nations by reason of a decree of the United States Court in Indian Territory.

You are informed that it appears from our records that Melissa J. Smith, 31 years of age of Fox, Indian Territory, together with her six minor children Ruby D. M., Martin E., Mantona L., Guy, Amos B. and Virgie E. Smith were listed for enrollment as citizens of the Choctaw Nation September 23, 1898, having been admitted to such citizenship by a judgment of the United States Court for the Southern District, Indian Territory, rendered at Ardmore, Indian Territory, December 21, 1897 in the case of Melissa Jane Smith et al vs the Choctaw Nation, court case No. 124.

Eldredge Kirkland, 45 years of age, of Paoli, Indian Territory, with his four minor children, Jennie, Mary P., Wm. W. and Nellie G. Kirkland were on September 15, 1898, listed for enrollment as citizens of the Choctaw Nation by virtue of a judgment of the United States Court for the Southern District of the Indian Territory rendered at Ardmore, December 22, 1897 in the case of

M McN & C 2

Z. T . Bottoms et. al vs the Choctaw Nation, court case No. 118.

The names of Melissa J. Smith and her family appear upon our records on Choctaw roll card, field No. 5145 and the names of Eldredge Kirkland and the members of his family appear upon our records on Choctaw roll card field No. 5019.

Yours truly,

Acting Chairman.

7-5145

7-5019

Muskogee, Indian Territory, July 29, 1901.

Mr. Eldredge Kirkland,  
Paoli, Ind, Ter.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Charley Adney Kirkland, the infant son of Eldredge and Ophelia Kirkland, born May 26, 1901, and the same being in proper form has been duly filed with the records of the Commissioner, and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

7-5019

Commissioner in Charge.

Choctaw 5019  
Choctaw 5024

Muskogee, Indian Territory, January 23, 1903.

Margre Kirkland,

Paoli, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 17, in which you state that you and other court citizens are having trouble in holding your lands against recognized citizens who are attempting to take your lands away from you, and you ask what protection you will have, and what disposition will be made of your lands pending the final determination of your rights.

In reply to your letter you are advised that lands upon which court claimants have improvements, not in excess of lawful allotments, will not be allotted to any citizen until the rights of the said court claimants are finally determined.

Respectfully,

Acting Chairman.

INDIAN TERRITORY )  
 ) SS  
SOUTHERN DISTRICT )

J. B. SHARP being of lawful age and first duly sworn according to law deposes and states that on the 28th day of August, A. D. 1897, he saw J. F. Sharp, Attorney at Law, deposit for Registration, in the Post-Office at Purcell, addressed to the Governor of the Choctaw <sup>at San Bois, Ark.</sup> Nation, a true and complete copy of the attached Application for Citizen-ship of \_\_\_\_\_

Sally Grace Kirkland in the Choctaw Nation, together with a copy of of affidavits of Eldredge Kirkland and Ophelia Kirkland and copy of Mooltrie Chauveney N. H. Campbell's Report in case of Z. T. Ballomsital vs Choctaw Nation

That affiant compared said copies with the original hereto attached and that the same is in every respect a true copy thereof.

Affiant further states that he has no interest in said case and is not in any way related to any of the parties thereto.

Witness my hand this the 28th day of August, A. D. 1897.

J. B. Sharp

Subscribed and sworn to before me this the day and year last afore said.

[Signature]  
Notary Public.

Before the Honorable Commission to the Five Civilized Tribes of the Indian Territory.

In the matter of the application for Enrollment as a citizen of the Choctaw Nation of Sallie Gracie Kirkland, a minor child,

P E T I T I O N.

Your petitioner, Sallie Gracie Kirkland, by her father, Eldredge Kirkland, states that said petitioner is a citizen of the Choctaw Nation by blood, and a resident of near Paoli, Indian Territory.

That said petitioner was born November 18th, 1896, at the home of her said parents near Paoli, I.T.,

Your petitioner further states that her said parents duly made application for citizen-ship in the Choctaw Nation, for them-selves and the members of their family, under Act of Congress of June 10th 1896, and that their application was by your Honorable Commission rejected; that an appeal was prosecuted to the United States Court in and for the Southern District of the Indian Territory at Ardmore and after a hearing before the Master in Chancery, to whom said appeal had been duly referred, a Report was filed in the said court recommending the admission of the members of your petitioner's family as citizens of the Choctaw Nation. That owing to the absence and illness of the U.S. Judge for the Southern District of the I.T. said Report has not been confirmed, no opportunity having been given for a hearing thereof. A copy of said Report is hereto attached, marked exhibit "A".

W H E R E F O R E, Your petitioner prays that the said minor child, Sallie Gracie Kirkland, be enrolled as a member of the Choctaw Nation or Tribe of Indians under the law providing for enrollment of children born since the Act of June 10th, 1897.

Indian Territory,  
Southern District

Eldredge Kirkland being duly sworn states that the allegations contained in the fore-going petition are true.

Notary, here.....

Notary Public



Indian Territory )  
Southern District )

ss

Before me, [Signature] a Notary

Public in and for the Southern District of the Indian Territory,

this day personally appeared Eldredge Kirkland and Ophelia Kirkland, husband and wife, and each of whom are to me personally well known and who after being first duly sworn according to law, state that on the 18th day of November, A.D. 1896, a child was born unto them and which child they have since named, Sallie Gracie Kirkland.

That said child is living at this time and was born at the home of its parents near Paoli, in the Chickasaw Nation, I.T.,

Affiants further state that they are the same Eldredge Kirkland and Ophelia Kirkland, that made application for citizenship in the Choctaw Nation before your Honorable Commission in an action styled "In Re Z.T. Bottoms et al" and that the said Report of the Master in Chancery, W.H.L. Campbell, filed with the petition in this case, is a true copy of the report filed in said action in a hearing on appeal from your Honorable Commission.

In witness whereof we have hereunto set our hands this the 22nd

day of August, A.D. 1897.

*at this time to mark.*  
[Signature] [Signature]  
Eldredge Kirkland  
Ophelia Kirkland

Subscribed and sworn to before me the day and year last above written.

[Signature]  
Notary Public.



(1000)

UNITED STATES COURT DISTRICT OF MISSISSIPPI

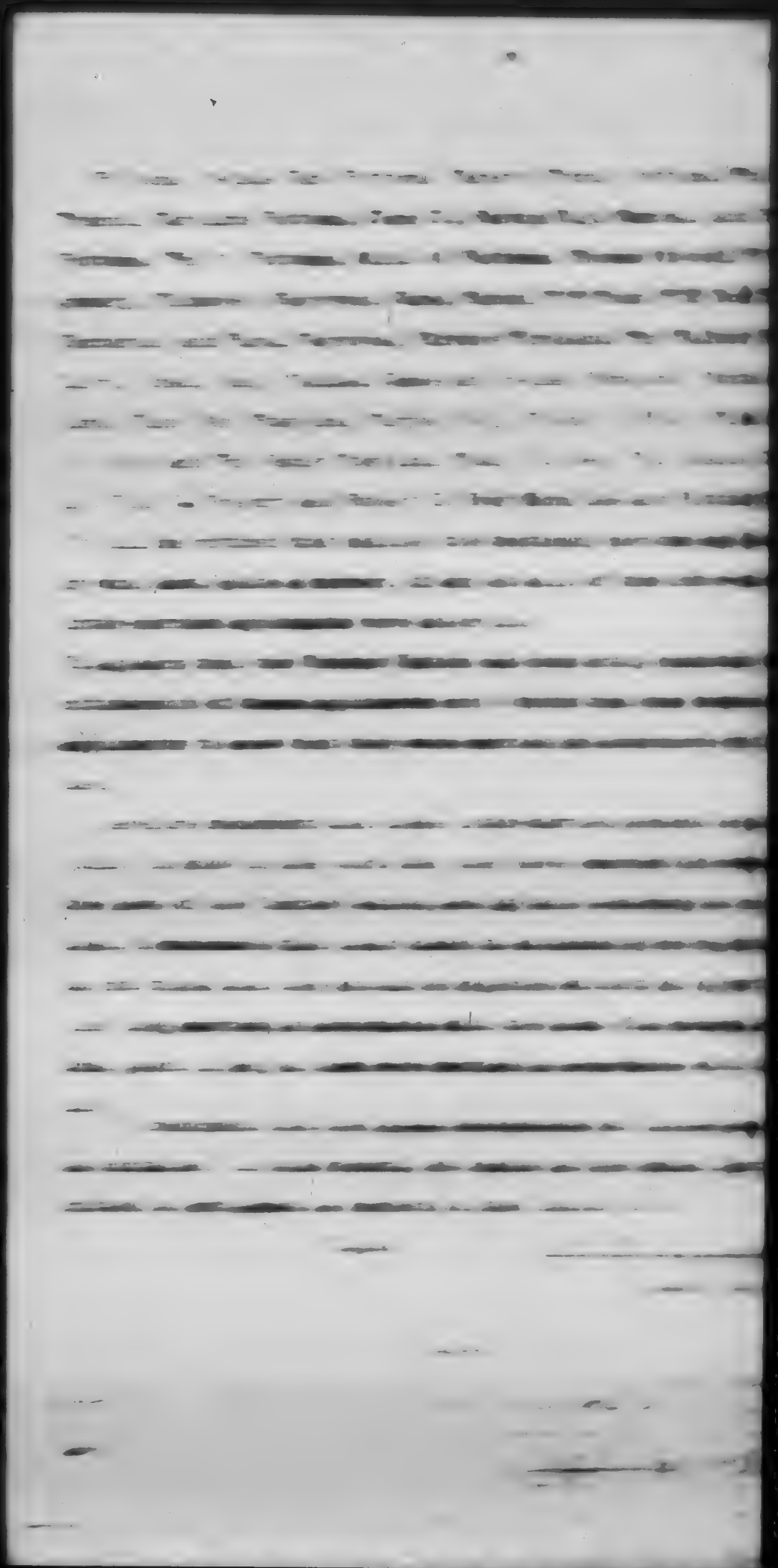
T.T. Bottoms et al )  
vs ) Master's Report.  
Choctaw Nation )

To The Hon. C.P. Kilgore, Judge of said Court:-

The applicants in this case are about one hundred, and that William Bottoms, commonly known as Uncle Billie Bottoms, Indian name was "Mokkattubee" was a one-half or three-fourths Indian by blood, and was married to Ann Choctaw Indian, and resided with the Choctaw Indians in the Indian Territory in Mississippi, before their removal to the Indian Territory.

Of this union there has been born several children. The evidence in this case shows that the applicants, except those that were not, were descendants of William and Ann Bottoms. The evidence further shows that William and Ann Bottoms were Choctaw Indians. There are quite a number of the applicants, about thirty, that are non-residents of the Indian Territory, or are not in accordance with the laws of the Choctaw Nation. Their names are as follows:-

- Wm. F. Bottoms, Latha, Rebecca, Paula, Pauline T. Bottoms
- Jno. W. Morrow, Mary L. Bottoms, Ezekiel Putman and Harriet Lee Putman Orton Bennett, Ediline Everwood Bottoms, Mary Sirena Bottoms, Geo. Atwood, Thomas Degroves, Leora Camps Bottoms, Kirkland, Ernie Jones Kirkland, Inez Louc Kirkland, P. Simpson, Marcus N. Ivey, Mar. F. W. Bottoms, Cecelia White Ivey, Mrs. N. Ivey, Walter Bottoms
- The following list is the Indian descendants of William and Ann Bottoms who reside in the Indian Territory: Wm. H. Bottoms, John Bottoms, more Bottoms, Rebecca Morrow, Wm. F. Bottoms, Minnie, Winnie Morrow and Newton W. Bottoms, Wm. I. Bottoms,



1863

1863

1863

1863

1863

1863

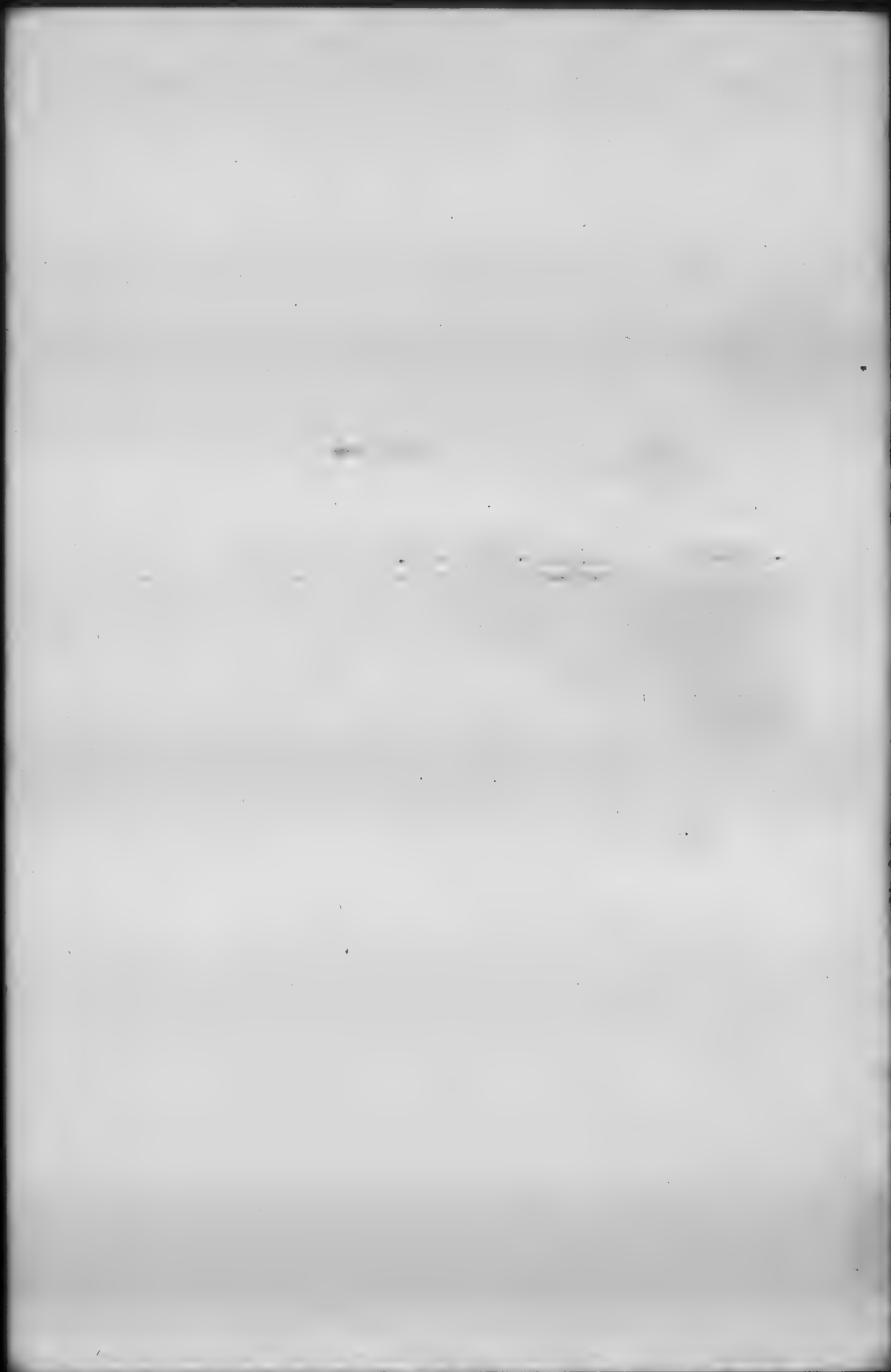
1863

1863

1. 2. 3. 4.

5. 6. 7. 8.

10.





Pearl Putnam and others.

the following says:

I am husband of Pearl, and father of  
Hattie J., Frankie L., and Lena Putnam, all admitted to citizenship  
by the U.S. Court at Ardmore December 22nd 1897, except Lena, born  
January 21st 1898.

I moved to Ad. Chickasaw Nation with my family last October. I  
came from Texas. I have been living near Admo since that time.

I had been living in Texas since 1874. In 1886 when I was married  
I brought my wife to the Territory and we remained about  
months and went back to Texas and remained there until we came  
to the Territory as above stated.

Done at Ardmore, Sept. 15, 1898.

Pearl Putnam  
Hattie J. Putnam  
Frankie L. Putnam  
Lena Putnam

enrolled.

7-5000.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

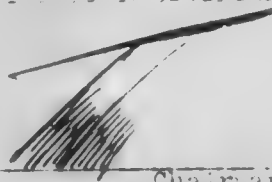
In the latter of the application for the enrollment of Lena Putnam as a citizen by blood of the Choctaw Nation.

-----oOo-----

The applicant, Lena Putnam, claims the right to enrollment as a citizen by blood of the Choctaw Nation through her mother Pearl Putnam.

The right of the applicant's mother, Pearl Putnam, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of November 22, 1904, in case No. 75 upon the Tishomingo docket of said court, it is hereby ordered that the application of Lena Putnam for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN 1 1905

Choctaw 5020.

Muskogee, Indian Territory, January 24, 1905.

Pearl Putnam,

Ada, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 24, 1905, dismissing the application for the enrollment of your minor child, Lena Putnam, as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

*James Bixby*

Chairman.

Registered.

Incl. 7-5020.

COPY.

Choctaw 1020.

Muskogee, Indian Territory, January 24, 1905.

Hansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 24, 1905, dismissing the application for the enrollment of Lena Putnam as a citizen by blood of the Choctaw Nation.

Respectfully,

(SIGNED).

*Tams Bixby*

Chairman.

Incl. 7-5020.

Choc 5021 Pauline E. Bennell

# 223 Dismissed Jan 24, 1905

5021

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of:

WILLIAM F. BENNETT, ET AL.,

7-5021

Pauline E. Bennett and others.

Orton Bennett says:

I am 27. I am husband of Pauline E. Bennett admitted by the U.S. court at Ardmore, December 22nd 1898, case 115. I am father of William F. and Boyd S. Bennett.

William F. was born September 30th 1896, and Boyd S. was born July 15th 1898.

I and my family are living in Jack county, Texas. I have lived there for many years. I nor my family have never lived in the Territory.

Paul's Valley, Sept. 15 1898.

Pauline E. Bennett  
William F. Bennett  
Boyd S. Bennett

enrolled.



7-5021.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

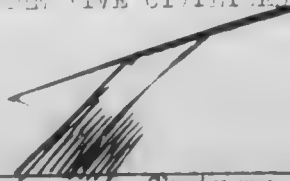
In the matter of the application for the enrollment of William F. Bennett and Boyd S. Bennett as citizens by blood of the Choctaw Nation.

-----o-----

The applicants, William F. Bennett and Boyd S. Bennett, claim the right to enrollment as citizens by blood of the Choctaw Nation through their mother Pauline E. Bennett.

The right of the applicants' mother, Pauline E. Bennett, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of November 28, 1904, in case No. 75 upon the Tishomingo docket of said court, it is hereby ordered that the application of William F. Bennett and Boyd S. Bennett for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN

---

Choctaw 5021.

COPY.

Muskogee, Indian Territory, January 24, 1905.

Pauline E. Bennett,  
Bryson, Texas.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 24, 1905, dismissing the application for the enrollment of your minor children, William F. Bennett and Boyd S. Bennett, as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED).

*James Bixby*

Chairman.

Registered.

Incl. 7-5021.

Choctaw 5021.

2021

Muskogee, Indian Territory, January 24, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 24, 1905, dismissing the application for the enrollment of William F. Bennett and Boyd S. Bennett as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED

*Tamm*  
Chairman.

Incl. 7-5021.

Choc 5022 William H. Bottoms  
#4-5 Dismissed Jan 26, 1905

5022

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of:

DONIA MYRTLE RIDGLE, ET AL.,

7-5022.

Application for  
Enrollment as a  
Citizen of the Choctaw  
Nation of Donia  
Moyelle Riddle—

FILED

MAY 24 1900

RECORDED

MAY 24 1900

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0-0---

IN RE Application for Enrollment, as citizens of the Cherokee Nation of Donia Myrtle Riddle, born on the 24th day of February, 1900.

Name of father: G. A. Riddle, a citizen of the Cherokee Nation by inter-marriage.

Name of mother: Rosa Belle (Borbons) Riddle, a citizen of the Cherokee Nation.

Place of birth: Paris, Va., Ind. Terr.

AFFIDAVIT OF MOTHER.

---0-0---

UNITED STATES OF AMERICA,  
INDIAN TERRITORY, )  
Southern District. )

I, Rosa Belle (Borbons) Riddle, do hereby state that I am 21 years of age, and a citizen, by blood, of the Cherokee Nation, enrolled by the Commission to the Five Civilized Tribes at Paris, Va., Ind. Terr. as Rosa Belle Borbons, of Indian Territory; that I am the lawful wife of G. A. Riddle, who is a citizen, by inter-marriage, of the Cherokee Nation; that said child was born to me on the 24th day of February, 1900; that said child has been named Donia Myrtle Riddle, and is now living.

Rosa Belle Riddle

Subscribed and sworn to before me on this 99th day of June, 1900.

[Signature]

Notary Public.

AFFIDAVIT OF APPROVED PHYSICIAN, OF MOTHER.

---0-0---

UNITED STATES OF AMERICA,  
INDIAN TERRITORY, )  
Southern District. )

I, G. L. Thompson, physician, do hereby state that I have examined



on Mrs. Rosa Belle (Bottoms) Riddle, wife of G. A. Riddle, on the 25th day of February, 1900; that there was born to her on said date a female child; that said child is now living, and is said to have been named Doni. Myrtle Riddle.

X C. B. Thompson M.D.

Subscribed and sworn to before me this the 22 day of March, 1900.

E. J. [Signature]

Notary Public.

*IN RE*

Application for Enrollment of

INFANT CHILD

*Hattie Pearl Riddle*

as a citizen of

*Choc-taw* Nation.

Approved

NOV 15 1901 190...

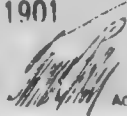


Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

NOV 15 1901



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*IN RE* Application for Enrollment, as a citizen of the *Choctaw* Nation,  
 of *Kallie Pearl Riddle*, born on the *12* day of *October*, 1901  
 (Here insert name of child.)  
 Name of Father: *George H. Riddle*, a citizen of the *Choctaw* Nation.  
 Name of Mother: *Rosa Belle Riddle*, a citizen of the *Choctaw* Nation.  
 Post-office *Paoli, Ia.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
*Southern* District.

I, *Rosa Belle Riddle*, on oath state that I am *27*  
 years of age and a citizen, by *Blood*, of the *Choctaw* Nation;  
 that I am the lawful wife of *George H. Riddle*, who is a citizen, by  
*Marriage*, of the *Choctaw* Nation; that *Female* child was  
 (male or female)  
 born to me on *12* day of *October*, 1901; that said child has been  
 named *Kallie Pearl Riddle*, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this *11* day of *November*, 1901.

*Public*  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
*Southern* District.

I, *J. B. Hayes*, a *Physician*, on oath state that I  
 attended on Mrs. *Rosa Belle Riddle*, wife of *George H. Riddle*  
 on the *12* day of *October*, 1901; that there was born to her on  
 said date a *Female* child; that said child is now living and is said to have been  
 (male or female)  
 named *Kallie Pearl Riddle*.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this *11* day of *November*, 1901.

NOTARY PUBLIC

7-5022.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment  
of Donia Myrtle Riddle and Hallie Pearl Riddle as citizens  
by blood of the Choctaw Nation.

-----c00-----

The applicants, Donia Myrtle Riddle and Hallie  
Pearl Riddle, claim the right to enrollment as citizens by  
blood of the Choctaw Nation through their mother Rosa B.  
Riddle.

The right of the applicants' mother, Rosa B. Riddle  
(as Rosa Belle Bottoms), to citizenship in the Choctaw Nation  
having been adversely determined by a decree of the Choctaw  
and Chickasaw Citizenship Court, of November 25, 1904, in  
case No. 75 upon the Tishomingo docket of said court, it is  
hereby ordered that the application of Donia Myrtle Riddle  
and Hallie Pearl Riddle for enrollment as citizens by blood  
of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

JAN 19 1905

Choctaw 5022.

COPY.

Muskogee, Indian Territory, January 26, 1905.

Rosa B. Riddle,

Paoli, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of your children, Donia Myrtle Riddle and Hallie Pearl Riddle, as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED

Chairman.

Registered.

Incl. 7-5022.

Choctaw 5022.

COPY.

Muskogee, Indian Territory, January 26, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 26, 1905, dismissing the application for the enrollment of Donia Myrtle Riddle and Hallie Pearl Riddle as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED).

*Tamc Sibby*

Chairman.

Incl. 7-5022.

Muskogee, Indian Territory, November 15, 1901.

Preslie H. Cole,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, enclosing the application for enrollment as a citizen of the Choctaw Nation of Hallie Pearl Riddle, the infant daughter of George H. and Rosa Belle Riddle, born October 12, 1901, and in which you request that you be furnished with two blank applications for the enrollment of infant children.

The application for the enrollment of Hallie Pearl Riddle being in proper form has been duly filed with the records of this office and the child listed for enrollment as a citizen of the Choctaw Nation.

In accordance with your request, there are enclosed you herewith two blanks of the description desired.

Yours truly,

2 BC

Acting Chairman.



Muskegee, Indian Territory, November 16, 1901.

George H. Riddle,

Paoli, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Hallie Pearl Riddle, the infant daughter of George H. and Rosa Belle Riddle, born October 12th, 1901, and the same being in proper form, has been duly filed with the records of this office and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-5022

William H. Bottoms and others.

William H. Bottoms says:

I am 42. I am father of Rosa and William E. Bottoms admitted by the U.S. court at Ardmore, December 22nd 1897, case 115. I am living in the Choctaw Nation. I came there from Texas in 1883. I had been living in Texas about 5 years.

I was born in Illinois and lived there until I was 18 years old.

I lived in Arkansas in 1890 and 1891. I came back to the Choctaw Nation and have been living there continuously ever since.

Bank's Voucher, Sept. 15 1898.

William H. Bottoms  
Rosa B. Bottoms  
William E. Bottoms

enrolled.

Choc 5023 Rebecca Morrow

#89 Dismissed Jan 24, 1905

5023

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of:

MARTIN F. MORROW, ET AL.,

7-5023.

~~INDEXED~~

IN RE

Application for Enrollment of

INFANT CHILD

Boyd Morrow  
as a citizen of

Clackam Nation.

Approved, OCT 23 1902 190

T. N. Beecham  
Commissioner.

COMMISSION TO  
RECEIVED

OCT 23 1902

Acting Commissioner

5623

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
of *Boyd Morrow*, born on the *25<sup>th</sup>* day of *September*, 1902  
Here insert name of child.  
Name of Father: *John Morrow*, a citizen of the *Choctaw* Nation.  
Name of Mother: *Rebecca Morrow*, a citizen of the *Choctaw* Nation.  
Post-office, *Cash, Ind. Ter.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.  
*Southern* District.

I, *Rebecca Morrow*, on oath state that I am *44*  
years of age and a citizen, by *blood*, of the *Choctaw* Nation;  
that I am the lawful wife of *John Morrow*, who is a citizen, by  
*blood*, of the *United States* Nation; that a *male* child was  
(male or female)  
born to me on the *25<sup>th</sup>* day of *September*, 1902 that said child has been  
named *Boyd Morrow*, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

*x Mrs. Rebecca Morrow*

Subscribed and sworn to before me this *20<sup>th</sup>* day of *October*, 1902.

*E. N. McBord*  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.  
*Southern* District.

I, *J. L. Stewart*, a *Physician*, on oath state that I  
attended on Mrs. *Rebecca Morrow*, wife of *John Morrow*,  
on the *26<sup>th</sup>* day of *September*, 1902 that there was born to her on  
said date a *male* child; that said child is now living and is said to have been  
(male or female)  
named *Boyd Morrow*.

WITNESSES TO MARK

(Must be Two Witnesses)

*J. L. Stewart M.D.*

Subscribed and sworn to before me this *20<sup>th</sup>* day of *October*, 1902.

*E. N. McBord*  
NOTARY PUBLIC

400

<del>CONFIDENTIAL</del>		
No. 3	Received	NYC
3120		Book
		Page

Just re:  
Martin's request  
application for  
enrollment of  
subject child -

---



Department of the Interior }  
Comm. of Jur. Civilized Tribes }

See application for enrollment as a citizen of  
the Choctaw nation of ... dated and sworn on the 5th day  
of ... Nov. 1897.

Name of father - ... Marrow a citizen of the  
State of ... nation. Name of mother, Mrs. Rebecca  
Marrow, a citizen of the Choctaw nation.

Post office: Ada, Ind. Ter.

Affidavit of mother

No. of married  
son did not

I, Mrs. Rebecca Marrow state on oath that  
I am ... years old and a citizen of the  
Choctaw nation by ... That I am the  
lawful wife of ... Marrow, a citizen by  
descent of the ... nation. That a child  
was born to me on the ... day of ...  
That said child is a ... child, has been  
named ... and is now living.

Signed, Rebecca Marrow

Subscribed and sworn to before me this  
... day of ... 1899

W. L. McWhorter  
Notary Public

affidavit of attending mid-wife.

no. of america  
san. dist. court

I, William Duggan, a mid-wife, state on  
oath that I attended on Mrs. Rebecca Marrow  
wife of John Marrow on the 5<sup>th</sup> day  
of Novr. 1898, that there was born to  
her on said date a boy child, that said  
child is now living and is said to  
have been named William Duggan,  
signed William Duggan

subscribed and sworn to before me this  
- 15<sup>th</sup> day of April 1899.

Notary public.

7-5023.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martin F. Morrow and Boyd Morrow as citizens by blood of the Choctaw Nation.

-----oOo-----

The applicants, Martin F. Morrow and Boyd Morrow, claim the right to enrollment as citizens by blood of the Choctaw Nation through their mother Rebecca Morrow.

The right of the applicants' mother, Rebecca Morrow, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of November 28, 1904, in case No. 75 upon the Tishomingo docket of said court, it is hereby ordered that the application of Martin F. Morrow and Boyd Morrow for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
Chairman.

Muskogee, Indian Territory,

JAN 2 1905

Choctaw 5023.

COPY;

Muskogee, Indian Territory, January 24, 1905.

Rebecca Morrow,

Ada, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 24, 1905, dismissing the application for the enrollment of your children, Martin F. Morrow and Boyd Morrow, as citizens by blood of the Choctaw Nation.

Respectfully,

DESIGNED

*James B. ...*

Chairman.

Registered.

Incl. 7-5023.

Choctaw 5023.

COPY 7

Muskogee, Indian Territory, January 21, 1906.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of  
this Commission dated January 24, 1906, disallowing the application  
for the enrollment of Martin F. Morse and Boyd Moscow as citizens  
by blood of the Choctaw Nation.

Respectfully,

(SIGNED).

*James Dixby*

Chairman.

Incl. 7-5023.

7-5023.

Muskogee, Indian Territory, October 27, 1902.

John Morrow,

Paoli, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Boyd Morrow, infant son of John and Rebecca Morrow, born September 25, 1902; and the same being in proper form has been duly filed with the records of the Commission, and the child listed for enrollment as a citizen of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

25-139  
7-5023

Muskogee, Indian Territory, June 25, 1906.

George R. Yoakum,  
Pawnee, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of June 16, 1906, in which you state that the maiden name of your wife, Jewell Yoakum, was Morrow, and that she is the daughter of J. W. and Rebecca Morrow, and was admitted to citizenship in the Choctaw Nation by the United States court at Ardmore, Indian Territory.

In reply you are advised that it does not appear from the records of this office that Rebecca Morrow and John Morrow have a child named Jewell Morrow. It does appear, however, that their child, Mary J. Morrow, was admitted to citizenship in the Choctaw Nation by the United States court for the Southern District of Indian Territory, and was subsequently denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship court November 28, 1904, in case No. 75 on the Tishomingo docket.

You are, therefore, requested to furnish this office further information relative to your wife Jewell Yoakum.

Respectfully,

Commissioner.



Rebecca Morrow and others.

John Morrow says :

I am 45. I am husband of Rebecca and father of William F., Walter J., Mary J., Beulah, Minnie, and Winnie Morrow, admitted by the U.S. Court at Ardmore, December 22nd 1897, case 115.

I live at Ada, Chickasaw Nation. I came from Texas. I had been living in Texas about 28 years. I have lived continuously in the Territory since I came from Texas. I have never lived in the Choctaw Nation.

I lived 3 years at Ryan and the remainder of the time at Ada. My family have lived here with me all the while.

Rebecca Morrow  
William F. Morrow  
Walter J. Morrow  
Mary J. Morrow  
Beulah Morrow  
Minnie Morrow  
Winnie Morrow

Paul's Valley, Sept. 15 1898.

enrolled.

Choc 5024 Zachriah T. Bottoms

# 11 Dismissed Jan 24, 1905

# 9-10 Dismissed Jan 26, 1905

Office of Indian Affairs  
received

Feb 24, 1916

20016

5024

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of:

GRACIE BOTTOMS, ET AL.,

7-5024.

7-5014.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the latter of the application for the enrollment of Gracie Bottoms and Thomas B. Bottoms as citizens by blood of the Choctaw Nation.

-----000-----

The applicants, Gracie Bottoms and Thomas B. Bottoms, claim the right to enrollment as citizens by blood of the Choctaw Nation through their father Zachariah T. Bottoms.

The right of the applicants' father, Zachariah T. Bottoms, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of November 28, 1904, in case No. 75 upon the Tishomingo docket of said court, it is hereby ordered that the application of Gracie Bottoms and Thomas B. Bottoms for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

Muskogee, Indian Territory,

JAN

Choctaw 5024.

Muskogee, Indian Territory, January 26, 1905.

Zachariah T. Bottoms,  
Paoli, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of your children, Gracie Bottoms and Thomas B. Bottoms, as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED

Chairman.

Registered.  
Incl. 7-5024.

Choctaw 5024.

COPY.

Muskogee, Indian Territory, January 26, 1905.

J. F. Sharp,

Attorney at Law,

Purcell, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of Gracie Bottoms and Thomas B. Bottoms as citizens by blood of the Choctaw Nation.

Respectfully,

USIGNEOR

James H. H. H.

Chairman.

Registered.  
Incl. 7-5024.

Choctaw 5024.

COPY.

Musk gee, Indian Territory, January 26, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 26, 1905, dismissing the application for the enrollment of Gracie Bottoms and Thomas B. Bottoms as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED).

James L. Dwyer,  
Chairman.

Incl. 7-5024.



---

# Certificate of Record of Marriage.

UNITED STATES OF AMERICA, /  
THE INDIAN TERRITORY, / SOI.  
SOUTHERN DISTRICT

I, C. M. CAMPBELL, Clerk of the United States Court in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for, and Certificate of Marriage of Mr. *J. S. Moore* and M. *Francesca Bollemis* were filed in my office in said Territory and District the *29* day of *July* A. D. 189*7*, and duly recorded in Book *A* of Marriage Record, page *54*.

WITNESS my hand and seal of said Court, at Ardmore, this *29* day of *July* A. D. 189*7*

*C. M. Campbell* CLERK.

---

Ardmore Power Print, Ardmore, I. T.

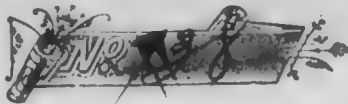
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
AUG 19 1901

**FILED**

29

C. M. CAMPBELL, Clerk.

*secret*



# MARRIAGE LICENSE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
SOUTHERN DISTRICT.

SS: To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are hereby Commanded, To solemnize the Rite and  
publish the Banns of Matrimony between  
Mr. L. Moore of Paoli  
in the Indian Territory, aged 25 years, and  
Miss Frances C. Bottoms of Paoli  
in the Indian Territory, aged 18 years,  
according to law; and do you officially sign and return this License to  
the parties therein named.

Witness my hand and official seal, this 15<sup>th</sup> day  
of July A. D. 1899  
L. M. Campbell  
Clerk of the United States Court

## Certificate of Marriage.

UNITED STATES OF AMERICA. I. I.  
THE INDIAN TERRITORY. SS. I.  
SOUTHERN DISTRICT. I.

do hereby certify, that on the 24 day of July, A. D. 1899, I  
did duly and according to law, as commanded in the foregoing License, solemnize the  
Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this 24 day of July, A. D. 1899

My credentials are recorded in the office of the Clerk of the United States Court,  
Indian Territory, Southern District, at Ardmore, Book 27 Page 232

NOTE (a) This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court  
in the Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the License  
was issued will be liable in the amount of One Hundred Dollars, (\$100.)  
NOTE (b) No person is authorized to perform the Marriage Ceremony in the Southern District, unless the proper creden-  
tials have first been recorded in the Clerk's office.

IN RE  
Application for Enrollment of  
INFANT CHILD.

Thomas B. Battams

As a citizen of the

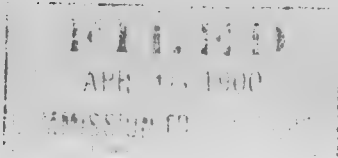
Choctaw

Nation.

Approved MAY 14 1900



Commissioner.



# Department of the Interior,

## COMMISSION TO THE FIVE CIVILIZED TRIBES.

*IN RE* Application for Enrollment, as a citizen of the C. C. Nation Nation,  
of P. C. I. Indian Territory, born on the 7<sup>th</sup> day of February, 1900.  
Name of father: Zachariah T. Bottoms, a citizen of the C. C. Nation Nation.  
Name of mother: Emeline B. Bottoms, a citizen of the C. C. Nation Nation.  
(Not enrolled)  
Post Office: P. C. I. Indian Territory.

### AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, Emeline B. Bottoms, on oath, state that I am 40 years of age and a  
citizen, by inter-marriage, of the C. C. Nation (not enrolled); that I am the  
lawful wife of Zachariah T. Bottoms who is a citizen, by birth, of the  
C. C. Nation; that a male child was born to me on the 7<sup>th</sup> day  
of February, 1900; that said child has been named Thomas B. Bottoms  
and is now living.

*Witness to mark*

*Emeline B. Bottoms*

Subscribed and sworn to before me this 10<sup>th</sup> day of April, 1900.

*Emeline B. Bottoms*

*Geo. C. McCallough*

Notary Public.

*April 9<sup>th</sup>*

### AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, J. B. Maples

a physician, on oath, state that I  
attended on Mrs. Emeline B. Bottoms, wife of Zachariah T. Bottoms,  
on the 7<sup>th</sup> day of February, 1900; that there was born to her on said date a male child;  
that said child is now living and is said to have been named Thomas B. Bottoms.

Subscribed and sworn to before me this 10<sup>th</sup> day of April, 1900.

*Geo. C. McCallough*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of:

LONNIE MOORE

7-5024.

1954

CHOCTAW

20

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

*Lennie Moore.*

as a citizen of

*Choctaw.*

Nation.

JUL 31 1901

Approved

190

*[Handwritten Signature]*

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 31 1901

*[Handwritten Signature]*

ACTING CHIEF

CHOCTAW

5024

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*IN RE* Application for Enrollment, as a citizen of the Choctaw Nation,  
of ~~Francis Caroline Moore~~ Lonnie Moore, born on the 14, day of May, 1901.  
(Here insert name of child)  
Name of Father: Leonidas L. Moore, a citizen of the United States Nation,  
Francis Caroline Moore, (Nee Bottoms)  
Name of Mother: ~~Francis Caroline Moore~~, a citizen of the Choctaw Nation.  
Post-office, Paoli I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,

Southern District.

I, Francis Caroline Moore (Nee Bottoms)

1. ~~Francis Caroline Moore, Nee Bottoms~~, state, on oath state that I am

19

years of age and a citizen, by blood, of the Choctaw Nation;  
that I am the lawful wife of Leonidas L. Moore, who is a citizen, by  
of the United States Nation, that a female child was  
born to me on the 14,th day of May 1901, that said child has been  
named Lonnie Moore, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

*Francis Caroline Moore (Nee Bottoms)*

Subscribed and sworn to before me this 26,th day of July 1901.

*Char. W. Sears*

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,

Southern District.

I, Dr. B. Maples, a Physician, on oath state that I

attended on Mrs. ~~Francis Caroline Moore~~ Francis Caroline Moore, of Paoli I. T.

on the 14,th day of May 1901, that there was born to her on  
said date a female child; that said child is now living and is said to have been  
named Lonnie Moore.

WITNESSES TO MARK:

(Must be Two Witnesses)

*B. Maples, M.D.*

Subscribed and sworn to before me this 29,th day of July 1901.

*E. H. McBord*

NOTARY PUBLIC



1-8024.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE-CIVILIZED TRIBES.

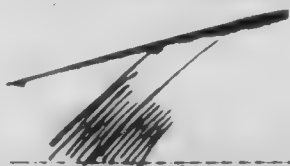
In the matter of the application for the enrollment  
of Lonnie Moore as a citizen by blood of the Choctaw Nation.

-398-

The applicant, Lonnie Moore, claims the right to enrollment as a citizen by blood of the Choctaw Nation through her mother, Frances T. Moore.

The right of the applicant's mother, Frances T. Moore (as Frances Caroline Bottoms), to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, of November 26, 1904, in case number 25 upon the docket of said Court, it is hereby ordered that the application of Lonnie Moore for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE-CIVILIZED TRIBES.

  
-----  
Chairman.

Washington, Indian Territory,

JAN 2 1 1905

---

Choctaw 5024.

COPY.

Muskogee, Indian Territory, January 24, 1905.

Frances C. Moore,

Paoli, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 24, 1905, dismissing the application for the enrollment of your child, Lonnie Moore, as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

Chairman.

Registered.

Incl. 7-5024.

Choctaw 5024.

COPY.

Muskogee, Indian Territory, January 24, 1905.

J. F. Sharp,

Attorney at Law,

Purcell, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 24, 1905, dismissing the application for the enrollment of Lennie Moore as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED:

*James B. ...*  
Chairman.

Registered.

Incl. 7-5024.

Choctaw 5024.

COPY.

Muskogee, Indian Territory, January 24, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated January 24, 1905, dismissing the application for the enrollment of Lonnie Moore as a citizen by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

*Iamo Doby*  
Chairman.

Incl. 7-5024.

Muskogee, Indian Territory, August 2, 1900.

Mr. J. F. Sharp,

Purcell, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of July 30th, in which you state that in the case of Z. T. Bottoms et al. vs. the Choctaw Nation, Z. T. Bottoms and his children, William Luther, Francis Caroline, James Zechariah, Joseph Smith, Bertha Mae, Septemer and Ester M. were admitted to citizenship by decree of the United States Court at Ardmore, Indian Territory, on December 23rd, 1897, which judgment was afterward, on appeal, affirmed by the Supreme Court of the United States. You state that in the caption to the pleadings in the original petition filed with this Commission the above were all the children named, but that in the body of the petition an eighth child named Samuel, three years old at the time, was mentioned; that in drawing the decree admitting to citizenship the various parties included in this case, the name of Samuel was overlooked and the error not discovered for a considerable length of time.

You ask to be informed if the Commission will enroll this child, upon proof of the facts existing exactly as stated above. In reply to your letter, your attention is invited to the following provision contained in the Act of Congress approved May 31st, 1900, (Indian Appropriation Bill):

J.F.S. 2.

"But it ( the Commission to the Five Civilized Tribes) shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior."

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 17, 1901.

I. W. Williams,

Paoli, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 8th instant enclosing a notice served on you by Z. T. Bottoms and informing you that there was due to him the sum of \$10.00 for rent on the lot occupied by you in the town of Paoli, Indian Territory.

You desire to be informed in your letter if Mr. Bottoms is a Choctaw Indian and if he has the right to collect rent from you because you have built a home on a vacant lot within the corporate limits of Paoli, Indian Territory.

The Commission has to inform you that it appears from our records that Zachariah T. Bottoms, 39 years of age, of Paoli, Indian Territory, together with his nine children were listed for enrollment as citizens of the Choctaw Nation, September 15th, 1898 having been admitted to such citizenship by judgment of the United States Court for the Southern District of the Indian Territory, at Ardmore December 22nd, 1897 in court case No. 115.

It also appears from our records that Isaac W. Williams, 31 years of age, of Paoli, Indian Territory, together with his wife Georgiana and their four children have been listed for enrollment as citizens of the Choctaw Nation, Isaac W. Williams as an intermarried citizen and his wife and children as citizens by blood, all of them having been identified by the Commission from the 1896



I W W 2

census roll of the Choctaw Nation.

Relative to the rights of Mr. Bottoms to collect rents from you for the occupation of a lot within the incorporated town of Paoli, the Commission would respectfully refer you to United States Indian Inspector for the Indian Territory, in charge of the townsite surveys as the Commission only deals with the allotment of the lands of the Choctaw-Chickasaw country to the citizens thereof after the segregation of certain town sites, provided for in the agreement of April 23rd, 1897.

The notice served on you by Mr. Bottoms is returned to you herewith.

Yours truly,

Acting Chairman.

Enc y y

7-5024

7- 107

Muskogee, Indian Territory, July 31, 1901.

Mr. Leonidas L. Moore,  
Paoli, Ind, Ter.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th instant, inclosing the application for enrollment as a citizen of the Choctaw Nation of Lennis Moore, the infant son of Leonidas L. and Frances Caroline Moore, born May 14, 1901, and the same being in proper form has been duly filed with the records of the Commission, and the child listed for enrollment as a citizen of the Choctaw Nation.

You are informed that it will be necessary that you furnish the Commission with either your original marriage license and certificate or certified copy thereof as authority for changing the name of your wife on the records from that of her maiden name to that of her married name. You are requested to give this matter prompt attention.

Yours truly,

7-5024

Acting Chairman.

Muskogee, Indian Territory, August 19, 1901.

Mr. L. L. Moore,  
Paoli, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant enclosing marriage license between L. L. Moore and Frances C. Botton.

You were informed in our letter of July 31, 1901 that it would be necessary that you furnish the Commission with either your original marriage license and certificate or a certified copy thereof as authority for changing the name of your wife on the records from that of her maiden name to that of her married name. It is necessary that this evidence of marriage should also be filed in support of the application for enrollment of your infant child, Lonnie Moore. You can procure a certified copy of the same by application to the clerk of the United States Court at Ardmore, Indian Territory upon the payment of a small fee; your marriage license and certificate has been duly filed with the records of the Commission. The correction with reference to the sex of your infant child has been made upon the records of this office.

Yours truly,

Commissioner in charge.

Choctaw 5024.

Muskogee, Indian Territory, February 24, 1903.

J. F. Sharp,

Attorney at Law,

Purcell, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 7, in which you state that you desire to obtain copies of the affidavits of Henry Perkins, Mrs. Perkins and Mrs. Franklin in the case of Z. T. Bottoms, et al. versus the Choctaw and Chickasaw Nations; that you have a copy of the affidavit of Catharine Franklin, taken August 11, 1896, but that in this case there are affidavits by two women named Franklin, and you desire a copy of the affidavit of the other Mrs. Franklin.

In reply to your letter you are advised that it appears from our records that on December 1, 1896, this Commission rendered its decision denying the application for citizenship in the Choctaw Nation of the several persons included in the case of Z. T. Bottoms et al. versus the Choctaw Nation. From this decision appeal was taken to the United States Court for the Southern District of the Indian Territory, and in compliance with an order from that court the original papers filed with the Commission in that case were transmitted to said court.

J F S 2

It appears from the duplicate papers in this case, which were served on the Principal Chief of the Choctaw Nation, and which are now temporarily in the possession of the Commission, that the affidavit of Catherine Franklin, taken August 11, 1896, which was referred to in your letter, was filed in the case of Z. T. Bottoms, et al. versus the Choctaw Nation, but it does not appear that the affidavits of Henry Perkins, Mrs. Perkins, and another woman by the name of Franklin, were filed in this case.

It is impossible to give you any information relative to the affidavits which may have been filed with the record in this case in the United States Court for the Southern District of the Indian Territory.

Respectfully,

Chairman.

7-5084.

Muskogee, Indian Territory, August 20, 1902.

J.F. Sharp,

Attorney at Law,

Parcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th inst., enclosing the marriage license and certificate between W.L. Bottoms and Hattie L. Barnett. It is stated in your letter that W.L. Bottoms is listed for enrollment as William L. Bottoms, and that being a Choctaw by blood, you understand that it is unnecessary for him to procure a marriage license from the Indian courts in order that his wife may acquire citizenship as an intermarried Choctaw.

It is believed from this that the marriage license and certificate have been forwarded as an application for enrollment as a citizen by intermarriage of the Choctaw Nation of Hattie L. Bottoms.

You are informed that the rules of this Commission require applicants for enrollment as intermarried citizens to present themselves in person before the Commission for the purpose of an examination under oath.

J F S B

If, therefore, Hattie L. Bottoms desires to make such an application, it will be necessary for her to present herself in person before the Commission at its office at Muskogee, Indian Territory, where an examination may be had under oath, at which time the marriage license and certificate may be offered as evidence.

Such application may be made at any time prior to the closing of the final rolls of the citizens of the Choctaw Nation. It is suggested, however, that if she intends to make application, she should do so with as little delay as possible.

The marriage license and certificate are returned to you herewith.

Yours truly,

Enc. B.I. 157.

Acting Chairman.



Muskogee, Indian Territory, July 2, 1901.

Messrs. Cruce, Cruce & Cruce,  
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 28th ultimo, enclosing an application for enrollment as a citizen of the Choctaw Nation of Bertha Ann Bottoms, the infant daughter of Wm. A. and Ethel Bottoms, born March 21, 1897, and the same being in proper form has been duly filed with the records of the Commission and the child this day listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

7-5144

H.M.

Muskogee, Indian Territory, February 10, 1902.

William A. Bottoms,

Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Ruth Bottoms, the infant daughter of William A. and Ethel Bottoms, born February 4, 1902, and the same being in proper form has been accepted and duly filed with the records of this office and the child listed for enrollment as a citizen of the Choctaw Nation pending the final determination of the rights of her parents to be enrolled as citizens of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Choctaw 5144

Muskogee, Indian Territory, July 23, 1902.

J. M. Byrd,

Stonewall, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you desire to be advised if William A. Botton is enrolled as a Chickasaw.

Replying to your letter you are advised that on September 23, 1898, William A. Bottons, 28 years of age, of Ardmore, Indian Territory, was listed for enrollment by this Commission as a citizen of the Choctaw Nation, having been admitted to such citizenship by a judgment of the United States Court for the Southern District, Indian Territory, rendered at Ardmore, Indian Territory, on December 22, 1897 in Choctawcitizenship case No. 115.

Yours truly,

Commissioner in Charge .

7-5144.

Muskegee, Indian Territory, August 7, 1902.

A. W. Baker,

Reff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 31st, in which you desire to be informed if W. A. Bottoms has been enrolled by this Commission as a citizen of the Chickasaw Nation, and if it would be safe to rent land from him for the year 1903.

Replying to your communication you are advised that it appears from our records that on September 23, 1898, William A. Bottoms twenty-eight years of age, of Ardmore, Indian Territory, with his wife, Ethel, and minor son Allie A. Bottoms, were listed for enrollment by this Commission as citizens of the Choctaw Nation, having been admitted to such citizenship by a judgment of the United States Court for the Southern District of Indian Territory, December 23, 1897, in Choctaw citizenship case number 116. Since such admission to citizenship of Mr. Bottoms, three children, Bertha A., Clemmie Hugh and Ruth Bottoms have been listed for enrollment as citizens of the Choctaw Nation upon presentation of sufficient evidence of their birth.

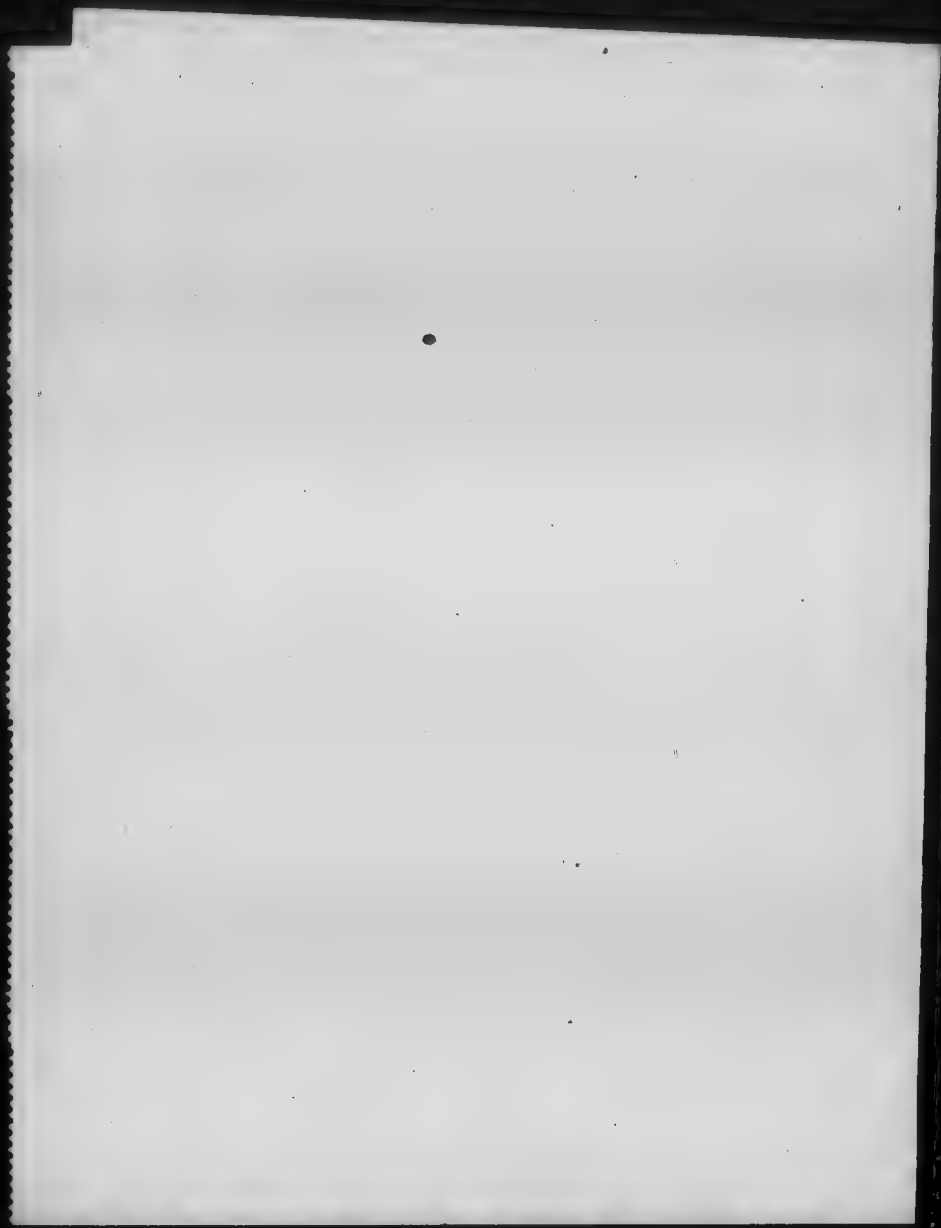
A. W. B., 2.

The right of these persons to be enrolled as citizens of the Choctaw Nation is entirely dependent upon the judgment of the United States Court above referred to, as it does not appear that they have ever been recognized or enrolled in any manner by the tribal authorities of the Choctaw Nation as citizens of that tribe.

We cannot render you any opinion upon the validity of any contract that you might enter into with Mr. Bottens relative to the renting of land for the year 1903, now held by him in the Choctaw or Chickasaw Nation.

Yours truly,

Acting Chairman.



U. S. of America  
Indian Territory } ss.  
Southern Judicial District

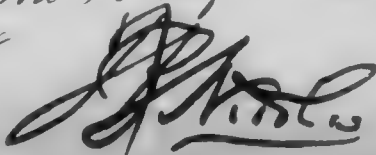
Affidavit of Mrs Jane Aday.

<sup>Wanna</sup>  
Mrs. Jane Aday being first duly sworn that  
early in the month of March A. D. 1898 she was  
at the home of Mrs. Pattoms in Pickett County,  
Chickasaw Nation. That while at that place Mrs.  
Pattoms stated that she (Mrs Pattoms) was a citizen  
of the ~~Chickasaw~~ <sup>Choctaw</sup> Nation. That she had made appli-  
cation for admission to citizenship to the Dawes  
Commission and had been refused. That on appeal  
to the U. S. Court she (Mrs Pattoms) had procured  
Mrs. Pickett, a Choctaw woman, and a negro man  
as witnesses and by them had proved her rights,  
and been admitted to citizenship by said Court.

That before applying to the Dawes Commission as  
aforesaid she had applied for admission to citizenship  
to the Choctaw Council and been refused and  
that she had not a drop of Indian blood in  
her veins.

Mrs. Jane Aday

Subscribed and sworn to before me this 30<sup>th</sup>  
day of September A. D. 1898



Commissioner



OFFICE OF  
**J. F. SHARP,**  
Attorney-at-Law.

CHICKASAW NATIONAL BANK BUILDING

PURCELL, IND. TER.

September 17th, '97.

Lawes Commission

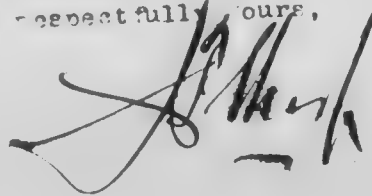
to Gibson, I. Ty.,

Dear Sir:-

I have at hand with registry receipts nos. 116 and 117 and request that you inform me of what cases they were evidence of service and will state in reply that the one addressed to Gov. J. M. Harris, "117" is in case of Mrs. Lattie Ross and which is a Chickasaw case while the other, the one addressed to Gov. McBurney, 116, is in the case of Martha Mae Ottoms, Allie Marie Kirkland and Tommie M. Groves and is for citizenship in the Choctaw Nation. I enclose in return the receipts; I have also the registry receipts signed by the governors named but suppose it needless to send same.

Trusting that my failure to attend to this matter in the first instance has caused you no inconvenience. Sincerely,

Very respectfully yours,



Choctaw 5024

Muskogee, Indian Territory, April 16, 1903.

Frances C. Moore,

Paoli, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of April 10, stating that you are a court claimant, and asking if it will be necessary for you to procure bill of sale of certain property held by you in order to prevent other citizens from filing on the same.

In reply to your letter you are advised that the Commission will not allot lands on which so-called court claimants have improvements, not in excess of lawful allotments, without notice to them of application having been made therefor, and they will be permitted to institute contest for their improvements.

For your information there is inclosed you herewith a copy of the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, and your attention is especially invited to rules fifteen and sixteen thereof.

Respectfully,

Rules for allotment.

W.D.A.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. B. BRECKINRIDGE.

WM O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:  
Choctaw 5024.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 26, 1905.

Zachariah T. Bottoms,  
Paoli, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 26, 1905, dismissing the application for the enrollment of your children, Gracie Bottoms and Thomas B. Bottoms, as citizens by blood of the Choctaw Nation.

Respectfully,

Chairman.

Registered.  
Incl. 7-5024.

Zachariah T. Bottoms and others.

Zachariah T. Bottoms says:

I am 39. I am father of William L.,  
 Frances C., James Z., Joseph S., Bertha M., Septemer, Easter E.,  
 and Gracie Bottoms, all admitted by the U.S. court at Ardmore, December  
 22nd 1898, case 115, except Gracie, born January 17th 1898. I came from  
 Texas and have been living in the Territory 13 years. I have been living  
 continuously in the Chickasaw Nation. I have lived here with my family  
 during that time.

Pauls Valley, Sept. 15 1898.

Zachariah T. Bottoms  
 William L. Bottoms  
 Frances C. Bottoms  
 James Z. Bottoms  
 Joseph S. Bottoms  
 Bertha M. Bottoms  
 Septemer Bottoms  
 Easter E. Bottoms  
 Gracie Bottoms

enrolled.

INDIAN OFFICE.

FILES.

**CAUTION!**

Positively no papers to be added to or taken from this file, except by an employee of the Mails and Files Division.

By order of

**E. B. MERITT,**

*Asst. Commissioner.*

171  
29015, 1916.

File No.

0513

Land-Five Tribes  
J D C

Mississippi Choctaw  
enrollment case of  
Z. T. Bottoms, et al.

C  
R

FEB 12 1916

Mr. Gabe E. Parker,

Supt. for the Five Civilized Tribes.

My dear Mr. Parker:

You are hereby requested to forward as speedily as possible, the record in the Mississippi Choctaw enrollment case of Z. T. Bottoms et al, for temporary use in this Office.

These cases are said to have been adjudicated in the Choctaw and Chickasaw citizenship courts, but they were evidently not appealed to the Secretary of the Interior.

When these papers shall have served their purpose, they will be returned to your office.

Very truly yours,

(Signed E. B. Meritt  
Assistant Commissioner.

2-FLW-11

1916

Records returned.  
E.S.  
1/11

GABE E. PARKER,  
SUPERINTENDENT.

Make all remittances payable to  
W. M. BAKER, Cashier.

Local Offices:

Vinita,  
Jay,  
Nowata,  
Sapulpa,  
Okmulgee,  
Muskogee,  
Tahlequah,  
Sallisaw,  
Poteau.

Idabel,  
Hugo,  
McAlester,  
Holdenville,  
Atoka,  
Madill,  
Ardmore,  
Chickasha,  
Paulsvalley.

Land Division  
VHA-AFC 2-21-13  
D. 278-1913  
Land Five Tribes  
I D C

# Department of the Interior.

United States Indian Service.

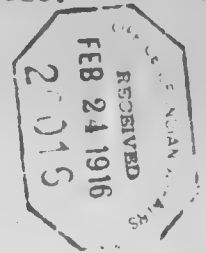
Five Civilized Tribes

Transmits record in enrollment case Muskogee, Oklahoma.  
of E. T. Bottoms, et al, Mrs. C. C.  
E. T. Bottoms.

February 21, 1916.

The Honorable

The Commissioner of Indian Affairs.



Dear Mr. Commissioner:

Replying to your letter of the 12th instant  
there is enclosed herewith the record in the Muskogee  
Choctaw enrollment case of E. T. Bottoms, et al.

When these papers have served their purpose  
kindly return same for the files of this office.

Sincerely yours,

*Gabe E. Parker*  
Acting Superintendent for  
The Five Civilized Tribes.

*Record returned.*  
*RS*



Land Division  
WHA-ADO 2-21-16  
D. 978-1916  
Land Five Tribes  
J D C

Transmits record in enrollment case  
of Z. T. Bottoms, et al, Miss. Choos.  
Encl.

February 21, 1916.



The Honorable

The Commissioner of Indian Affairs.

Dear Mr. Commissioner:

Replying to your letter of the 12th instant  
there is enclosed herewith the record in the Mississippi  
Choctaw enrollment case of Z. T. Bottoms, et al.

When these papers have served their purpose  
kindly return same for the files of this office.

Sincerely yours,

Acting Superintendent for  
The Five Civilized Tribes.

Land Division  
WRA-ADC 2-21-16  
D. 978-1916  
Land Five Tribes  
J D G

Transmits record in enrollment case  
of E. T. Bottoms, et al, Miss. Choc.  
Encl.

February 21, 1916



The Honorable

The Commissioner of Indian Affairs.

Dear Mr. Commissioner:

Replying to your letter of the 12th instant  
there is enclosed herewith the record in the Mississippi  
Chocotaw enrollment case of E. T. Bottoms, et al.

When these papers have served their purpose  
kindly return same for the files of this office.

Sincerely yours,

Acting Superintendent for  
The Five Civilized Tribes.

Choc 5025 John m. Hunter

5025

Choctaw 5025

Muskogee, Indian Territory, January 16, 1903.

James Rice,

Foster, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 28, 1902, asking relative to the status of J. M. Hunter and his son, W. F. Hunter, as you say they are making rental contracts and collecting rents for lands; you also ask if they can put you off land which you are holding.

In reply to your letter you are advised that it appears from our records that John M. Hunter and his son William F. Hunter were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, Indian Territory, January 17, 1898, in court case, citizenship docket, Number 73.

On December 17, 1902, the "Choctaw-Chickasaw Citizenship Court", created under the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, vacated and set aside all judgments of the United States Courts in Indian Territory, admitting persons to citizenship in the Choctaw and Chickasaw Nations.

It may be added that lands upon which the so-called court claimants have improvements, not in excess of lawful allotments,

J R 2

will not be allotted to any citizen until their rights are finally determined.

You are further advised that it does not appear from our records that you are listed for enrollment as either a citizen or freedman of the Choctaw or Chickasaw Nation, and if this is true, you would not be entitled to hold the lands of the Choctaw or Chickasaw Nation, except under lease or contract with a citizen or freedman of one of said nations.

Respectfully,

Commissioner in Charge.

John M. Hunter and others.

John M. Hunter says:

I am 52. I am husband of Martha D., and father of William F. and Sallie D. Hunter.

We were admitted by the U.S. court at Ardmore, January 17th 1898.

I came from Texas in 1886 and have been living in the Territory 12 years. I was born and raised in Texas. My family came with me and have been living here with me. Six years ago I resided 3 months in the Choctaw Nation.

Paul's Valley, Sept. 15 1898.

John M. Hunter  
Martha D. Hunter  
William F. Hunter  
Sallie D. Hunter

enrolled.

Choc 5026 Waldemar Thompson

# 3-4-5 Dismissed Jan 24, 1905

See C-31

See Choc 4979 for record

5026



C- 31  
7-4979  
7-4976  
7-4977  
7-4978  
7-5012  
7-5026  
7-5037  
7-5038  
7-D- 535  
7-5013  
23-1093  
23-1120  
23-1274.

TCF

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
SAMUEL C. WALL, et al., as citizens of the Choctaw Nation.

DECISION.

The record herein shows that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Samuel C. Wall for the enrollment of himself and his minor son, Sam F. Wall, as citizens of the Choctaw Nation, and for the enrollment of his wife, Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall to the Commission to the Five Civilized Tribes for the enrollment of himself and his minor children, Wiram T. Wall and Jennie Lee Wall, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3, 1901, written application was filed for the enrollment of Ora Nellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as a citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by James V. Harper for the enrollment of his wife, Daisy Harper, and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 28, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Custer Harper, minor children of James V. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes by Dick Randolph for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtle Randolph, and his minor children, Minnie Randolph, Decosa Randolph, Werran Randolph, Hughie Randolph and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick Randolph and Myrtle Randolph, as a citizen of the Choctaw Nation; that on February 9, 1901, written application was filed for the enrollment of Lelia Blanche Myers,

and on June 28, 1902, written application was filed for the enrollment of John Boyd Myers, minor children of William Myers and Minnie Myers (formerly Randolph), as citizens of the Choctaw Nation; that on September 15, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, by Waldemar Thompson for the enrollment of himself and his minor daughter, Dollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudie Ellen Thompson and Giles Glide Thompson, minor children of Waldemar Thompson and May Thompson, as citizens of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 15, 1898, by William E. Wheat for the enrollment of himself as an intermarried citizen of the Choctaw Nation, and for the enrollment of his minor children, Jesse G. Wheat and Myrtle F. Wheat, as citizens of the Choctaw Nation; that on the same date application was made to the Commission to the Five Civilized Tribes by William J. Thompson for the enrollment of himself as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at Atoka, Indian Territory, December 5, 1898, by William Myers for the enrollment of himself, as an intermarried citizen of the Choctaw Nation; that on September 14, 1898, application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, for the enrollment of Decose Thompson and Ellen Thompson as citizens of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 381), of the following applicants: Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as Unis Wall), Sam F. Wall, Thomas Wall, Wiram T. Wall (as Wiram Wall), and Bessie L. Wall (as Bessie Wall).

Said application was decided by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision of the Commission appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation.

Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 3, 1902 (32 Stats., 641), for a trial

de novo, and on November 29, 1904, in the case entitled "Samuel Wall, et al., vs. Choctaw and Chickasaw Nations", said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Sam'l S. Wall, Ellen Wall, Daisy Wall or Daisey Wall, Unis Wall, Sam T. Wall, Thomas Wall or Thos. Wall, Miran Wall and Bessie Wall, be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom".

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 1, 1896, in 1896 Choctaw Citizenship case No. 1132, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 381), of the following applicants: Dick Randolph, Myrtle Randolph, Winnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtle E. Wheat (as Myrtle Wheat), Jesse C. Wheat (as Jesse Wheat), Waldemar Thompson, Dollie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson. On December 7, 1896, the Commission to the Five Civilized Tribes denied said application. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled "Dick Randolph, et al., vs. Choctaw Nation", rendered a judgment granting all of said applicants to citizenship, except Myrtle Wheat and May Thompson, whose names were not mentioned in said judgment. Said judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the case of "Choctaw and Chickasaw Nations or Tribes vs. I. T. Fiske, et al.". Said case was subsequently certified to the Choctaw-Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 541), for a trial de novo, which court, on November 29, 1904, in the case entitled "Dick Randolph, et al., vs. Choctaw and Chickasaw Nations", rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Winnie Randolph, Decosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, De Cosa Thompson or Decosa Thompson, Ellen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtle Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed".

On January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Winnie Myers (as Winnie Randolph), to citizenship in the Choctaw Nation

had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29, 1904.

On January 23, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, and John Royd Myers, and on January 24, 1905, orders were issued by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition verified by S. C. Wall, W. J. Thompson, Will Myers, W. E. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Samuel Wall, Jr., Thomas Wall, Wiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Winnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtle Wheat, Waldemar R. Thompson, Arthur Thompson, Dottie Thompson, Claudia Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition are that the petitioners are the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with \_\_\_\_\_ Folsom, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners have been informed and believe that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that said petitioners have been unable to find any records containing said Act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam P. Wall, Thomas Wall, Wiram Wall, Bessie Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Dick Randolph, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Vivian Randolph, William Myers, Winnie Myers, Lelia Blanche Myers, John B. Myers, William

E. Wheat, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson, and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 2, 1898 (30 Stats., 495).

This office has no record of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Rudella Hopper, Lizzie Hogg, Samuel J. Hogg, Roy Randolph, Dick Myers, Way Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1896, or any subsequent Act of Congress prior to the filing of the petition herein.

On April 26, 1906, written application was made for the enrollment of Lizzie Louise Hogg, born April 7, 1903, minor daughter of Eunice Hogg and J. T. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On July 18, 1906, application was received under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the enrollment of Robert E. Wall, born April 24, 1903, minor child of Thomas Wall and Elizabeth Wall, as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Hogg and Elmer Wall mentioned in the petition filed January 30, 1906, and for the purposes of this decision will be so considered. On July 18, 1906, application was received for the enrollment of Daisy R. Harper, born July 31, 1904, minor child of J. W. Harper and Daisy Harper, as a citizen of the Choctaw Nation.

It is not alleged in the petition filed January 30, 1906, that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said nation.

The surname "Thompson" appears several times upon the tribal rolls of the Choctaw Nation. This office is unable, however, to identify any of the applicants herein as identical with any of the persons whose names appear on said rolls.

For the purpose of determining whether Giles Thompson, the ancestor of certain petitioners herein, was ever adopted by an Act of Choctaw Council as alleged in the petition, this office on July 31, 1906, addressed a communication to Edward W. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed. In response to said communication, said E. W. Wilson addressed a letter to the Commissioner on August 6, 1906, in which he stated that there was no such Act on file in the office of the National Secretary. Copies of said communications are made a part of the record hereof.

I am of the opinion that inasmuch as it does not appear from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the applicants ever occupied such a status as would entitle them to enrollment as citizens of the Choctaw Nation, and inasmuch as it is not alleged in the petition filed January 30, 1906, that any of the said applicants ever occupied such a status, the decision of the Choctaw and Chickasaw Citizen-Sovereign Court of November 29, 1904, is final, and that the application for the enrollment of such of the applicants as made application

in 1898, and the petition filed January 30, 1906, in so far as same applies to said applicants, should be denied.

I am, therefore, of the opinion that the application for the enrollment of Samuel C. Wall, Sam P. Wall, Thomas Wall, Wiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse G. Wheat, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson and Ellen Thompson as citizens of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the application for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage of the Choctaw Nation, and the petition herein in so far as same applies to said applicants, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioners, Lawrence Harper, Gracie Harper, Custer Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Planche Myers, John B. Myers, Claudie Thompson, Giles Thompson and Winona Thompson, whose applications for enrollment as citizens of the Choctaw Nation have heretofore been dismissed, and Myrtle E. Wheat, whose application for enrollment as a citizen of the Choctaw Nation has heretofore been denied, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as it applies to the petitioner, William Myers, whose application for enrollment as an intermarried citizen of the Choctaw Nation has heretofore been dismissed, should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the minor petitioners, Rudella Wopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson, should be considered as an application for the enrollment of said petitioners as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be dismissed, and it is so ordered.

I am further of the opinion that the petition herein in so far as same applies to the petitioners, Elizabeth Wall and Savannah Thompson, for whose enrollment as citizens by intermarriage of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of Lizzie Louisa Hogg, Robert E. Wall and Daisy R. Harper as citizens of the Choctaw Nation should be denied under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that following the ruling of the Department of May 25, 1906 (I. T. D. 9114-1906), in the case of Laura E. Akin, and of October 10, 1906 (I. T. D. 15388, 18926-1906), in the case of Hayne Helms, the petition herein in so far as same applies to the petitioner, May Thompson, should be denied, and it is so ordered.

(Signed) Tamm Dixby,

Commissioner.

Wuskogee, Indian Territory,

FEB 4-1907



C O P Y

DEPARTMENT OF JUSTICE,  
WASHINGTON.

February 19, 1907.

The Secretary of the Interior.

Sir:

I have the honor to communicate to you my opinion in certain Choctaw Indian citizenship cases, the first two submitted by your letter of May 29, 1906, and the others by the direction of the President under date of January 19, 1907.

1. The first case is that of Myrtle Randolph and her brother W. J. Thompson, in regard to which you say:

Myrtle Randolph and W. J. Thompson are children of Giles Thompson, white, intermarried in the Choctaw Nation in Mississippi prior to the treaty of September 27, 1830 (7 Stat., 335), and was one of the parties named by supplementary article II (ib.340,) as entitled to a section and a half, reserved to him from the ceded lands, to be so selected as "to include their present residence and improvement." His first and second wives were Choctaws. His name appears on page 64, volume 7, American State Papers (Public Lands), as a beneficiary of Article XIX of the treaty of September 27, 1830, and on page 28, volume 1 of the record in suit of the Choctaw Nation v. United States, Court of Claims. He was registered under the treaty as citizen of the Choctaw Nation, Mushulatubbee's District, and with his family was transported under the treaty as Choctaws, at expense of the United States, from Mississippi to the Choctaw Nation, west, prior to October 24, 1833, when he petitioned the President, from Deaksville, near the Red River, in the southern part of the Choctaw Nation, to approve sale of his Mississippi lands to James Gay, of Mississippi, and for issue of patent therefor (copy A enclosed). In the Choctaw Nation, west, in Indian Territory, in 1863, in accordance to Choctaw law, he married a white woman, citizen of the United States, of whom the applicants were born. He was living October 19, 1868, and was paid by the Choctaw Nation for beaves furnished June, 1868. (Copy of act of Council of October 19, 1868, is enclosed, B). He continued to live

in the Nation, and was recognized as a citizen, until his death, aged seventy-six years, and his estate was administered in the Choctaw courts as that of an Indian and within their jurisdiction. The applicants--his children--were born in the Choctaw Nation, were admitted to and attended the Choctaw schools as Choctaws, and in all respects enjoyed and were accorded the privileges of native-born Choctaws. The applicants were enrolled by Choctaw Committee on Citizenship in 1892, as Choctaw citizens. The Department is not yet advised whether they are borne on any other of the Choctaw rolls. They settled and improved tribal lands, as the father before had done in Mississippi, as Choctaws, erected houses, and were never ousted or objected to or regarded as intruders.

September 8, 1896, these applicants and others applied to the Commission to the Five Civilized Tribes for enrollment under the act of June 10, 1896 (29 Stat., 321, 339) and December 7, 1896, were denied. Applicants appealed to the United States Court, Southern District, Indian Territory, which January 18, 1898, reversed the commission, and admitted the applicants. From this judgment the nation appealed and the judgment was affirmed (reported as *Stephens v. Cherokee Nation and Choctaw Nation v. Robinson*, 174 U.S., 445, foot-note page 469, case No. 587; same v. *Randolph et al.*). Subsequently, under the act of July 1, 1902 (32 Stat., 641, 646-9), the matter was brought by appeal of the nations to the Choctaw-Chickasaw Citizenship Court, which, November 29, 1904, denied the application--copy of opinion wherein and in *Wall v. Choctaw Nation et al.*, and in *R. H. Bounds v. Choctaw and Chickasaw Nations*, whereon both were founded, are enclosed (C. D. E.).

The validity and finality of the Citizenship Court are therefore a vital feature of this case. In regard to its judgment you say in your letter:

Bearing upon the validity of this judgment, your attention is called to the fact that the act of June 10, 1896, gave no power to the Commission to the Five Civilized Tribes to purge the tribal rolls, which were by the act confirmed. Power to purge the rolls was first conferred on the Commission by the act of June 7, 1897 (30 Stat., 84), and further by section 21, act of June 28, 1898 (30 Stat., 495, 502). Wherefore this Department holds that no jurisdiction was given the Commission, or to the courts on appeal therefrom, to exclude persons having tribal recognition and borne on the tribal rolls, but that such persons, notwithstanding prior adverse action by the Commission, or the courts, are entitled

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to enrollment under the act of 1898 and supplementary acts, unless their inscription on the tribal rolls was procured by fraud or was without authority of law. Such has been the rule of this Department since decision in the case of Wiley Adams, May 21, 1903, discussed and concurred in by the Assistant Attorney-General, Interior Department (Opinions of March 24, 1905), in cases of Benjamin J. Vaughn and Mary Elizabeth Martin. In Vaughn's case counsel for the nations acceded to it as the proper rule.

To determine the validity and the finality of the judgment of the Citizenship Court, as well as other questions arising in these cases, it is necessary to consider carefully the entire legislation of the Congress on this subject.

The act of June 10, 1896 (29 Stat., 321, 339), directed the Commission to the Five Civilized Tribes in the Indian Territory to continue the exercise of the authority theretofore conferred upon them to negotiate with such tribes for the extinguishment of the tribal title to their lands, by the cession of the same or a part thereof to the United States, or their allotment in severalty to the members of such tribes, with a view to the ultimate creation of a State or States embracing such lands.

That act also provided:

That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled; Provided, however, That such application shall be made to such Commissioners within three months after the passage of this Act. The said Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes. And provided, further,

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That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: Provided, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this Act, it or he may appeal from such decision to the United States district court: Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

That the said commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this Act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

The commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs to remain there for use as the final judgment of the duly constituted authorities.

The act of June 7, 1897 (30 Stat., 62, 64) contained this provision:

That said commission shall continue to exercise all authority heretofore conferred on it by law to negotiate with the Five Tribes, and any agreement made by it with any one of said tribes, when ratified, shall operate to suspend any provisions of this Act if in conflict therewith as to said nation: Provided, That the words "rolls of citizen-

ship", as used in the Act of June tenth, eighteen hundred and ninety-six, making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation, and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the council of such nation, the duly authorized courts thereof, or the commission under the act of June tenth, eighteen hundred and ninety-six. And all other names appearing upon such rolls shall be open to investigation by such commission for a period of six months after the passage of this Act. And any name appearing on such rolls and not confirmed by the Act of June tenth, eighteen hundred and ninety-six, as herein construed, may be stricken therefrom by such commission where the party affected shall have ten days previous notice that said commission will investigate and determine the right of such party to remain upon such roll as a citizen of such nation: Provided, Also, That any one whose name shall be stricken from the roll by such commission shall have the right of appeal, as provided in the Act of June tenth, eighteen hundred and ninety-six.

The act of June 28, 1898 (30 Stat. 495, 502-3), provided:

Sec. 21. That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such inter-married white persons as may be entitled to citizenship under Cherokee laws.

X            X            X            X

Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enroll-

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ing such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes.

X X X X X

The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

The act of May 31, 1900 (31 Stat. 221,236), provided:

That said commission shall continue to exercise all authority heretofore conferred upon it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior.

The act of March 3, 1901 (31 Stat. 1058,1077), contain this provisions:

The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized and directed to fix a time by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto.

The act of July 1, 1902 (32 Stat. 641) ratified an agreement made by the Commission to the Five Civilized Tribes with the Commission representing the Choctaw and Chickasaw Tribes. This agreement was subsequently ratified by those two nations as required therein. In regard to rolls of citizenship it provided:

27. The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance



with the act of Congress approved June 28, 1898 (30 Stat., 495), and the act of Congress approved May 31, 1900 (31 Stat. 221), except as herein otherwise provided: Provided, That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stat., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined.

28. The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws.

29. No person whose name appears upon the rolls made by the Commission to the Five Civilized Tribes as a citizen or freedman of any other tribe shall be enrolled as a citizen or freedman of the Choctaw or Chickasaw Nations.

30. For the purpose of expediting the enrollment of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen, the said Commission shall, from time to time, and as early as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Choctaw and Chickasaw tribes and of Choctaw and Chickasaw freedmen, upon which allotment of land and distribution of other tribal property shall be made as herein provided. Lists shall be made up and forwarded when contests of whatever character shall have been determined, and when there shall have been submitted to and approved by the Secretary of the Interior lists embracing names of all those lawfully entitled to enrollment, the rolls shall be deemed complete. The rolls so prepared shall be made in quintuplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Choctaw Nation, one with the governor of the Chickasaw Nation, and one to remain with the Commission to the Five Civilized Tribes.

31. It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in the Indian Territory acting under the Act of Congress approved June 10,



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1896, have admitted persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in such courts being given to each of said nations; and it being insisted by said nations that, in such proceedings, notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in the Indian Territory, under the said Act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such commission, and should not have extended to a trial de novo of the question of citizenship; and it being desirable to finally determine these questions, the two nations, jointly, or either of said nations acting separately and making the other a party defendant, may, within ninety days after this agreement becomes effective, by a bill of equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decision by said courts. Ten persons so admitted to citizenship or enrollment of said courts, with notice to one but not to both of said nations, shall be made defendants to said suit as representatives of the entire class of persons similarly situated, the number of such persons being too numerous to require all of them to be made individual parties to the suit; but any person so situated may, upon his application, be made a party defendant to the suit. Notice of the institution of said suit shall be personally served upon the chief executive of the defendant nation, if either nation be made a party defendant as aforesaid, and upon each of said ten representative defendants, and shall also be published for a period of four weeks in at least two weekly newspapers having general circulation in the Choctaw and Chickasaw nations. Such notice shall set forth the nature and prayer of the bill, with the time for answering the same, which shall not be less than thirty days after the last publication. Said suit shall be determined at the earliest practicable time, shall be confined to a final determination of the questions of law here named, and shall be without prejudice to the determination of any charge or claim that the admission of such persons to citizenship or enrollment by said United States courts in the Indian Territory was wrongfully obtained as provided in the next section. In the event said citizenship judgments or decisions are annulled or vacated in the test suit hereinbefore authorized, because of either or both of the irregularities claimed and insisted upon by said nations as aforesaid, then the files, papers and proceedings in any citizenship case in which the judgment or decision is so annulled or vacated, shall, upon written application therefor, made within ninety days thereafter by any party thereto, who is thus deprived of a favorable judgment upon his claimed citizenship, be

transferred and certified to said citizenship court by the court having custody and control of such files, papers and proceedings, and upon the filing in such citizenship court of the files, papers and proceedings in any such citizenship case, accompanied by due proof that notice in writing of the transfer and certification thereof has been given to the chief executive officer of each of said nations, said citizenship case shall be docketed in said citizenship court, and such further proceedings shall be had therein in that court as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes, and as if no judgment or decision had been rendered therein.

32. Said citizenship court shall also have appellate jurisdiction over all judgments of the courts in Indian Territory rendered under said Act of Congress of June tenth, eighteen hundred and ninety six, admitting persons to citizenship or to enrollment as citizens in either of said nations. The right of appeal may be exercised by the said nations jointly or by either of them acting separately at any time within six months after this agreement is finally ratified. In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, whenever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy. And said court shall have power to make all needful rules and regulations prescribing the manner of taking and conducting said appeals and of taking additional evidence therein. Such citizenship courts shall also have like appellate jurisdiction and authority over judgments rendered by such courts under the said act denying claims to citizenship or to enrollment as citizens in either of said nations. Such appeals shall be taken within the time hereinbefore specified and shall be taken, conducted and disposed of in the same manner as appeals by the said nations, save that notice of appeals by citizenship claimants shall be served upon the chief executive officer of both nations; Provided, That paragraphs thirty-one, thirty-two and thirty-three hereof shall go into effect immediately after the passage of this Act by Congress.

33. A court is hereby created to be known as the Choctaw and Chickasaw Citizenship Court, the existence of which shall terminate upon the final determination of the suits and proceedings named in the last two preceding sections, but in no event later than the thirty-first day of December, nineteen hundred and three. Said court shall have all authority

and power necessary to the hearing and determination of the suits and proceedings so committed to its jurisdiction, including the authority to issue and enforce all requisite writs, process and orders, and to prescribe rules and regulations for the transactions of its business. It shall also have all the powers of a circuit court of the United States in compelling the production of books, papers and documents, the attendance of witnesses, and in punishing contempt. Except where herein otherwise expressly provided, the pleadings, practice and proceedings in said court shall conform, as near as may be, to the pleadings, practice and proceedings in equity causes in the Circuit Courts of the United States. The testimony shall be taken in court or before one of the judges, so far as practicable. Each judge shall be authorized to grant, in vacation of recess, interlocutory orders and to hear and dispose of interlocutory motions not affecting the substantial merits of the case. Said court shall have a chief judge and two associate judges, a clerk, a stenographer, who shall be deputy clerk, and a bailiff. The judges shall be appointed by the President, by and with the advice and consent of the Senate, and shall each receive a compensation of five thousand dollars per annum, and his necessary and actual traveling and personal expenses while engaged in the performance of his duties. The clerk, stenographer, and bailiff shall be appointed by the judges, or a majority of them, and shall receive the following yearly compensation: Clerk, two thousand four hundred dollars; stenographer, twelve hundred dollars; bailiff, nine hundred dollars. The compensation of all these officers shall be paid by the United States in monthly installments. The moneys to pay said compensation are hereby appropriated, and there is also appropriated the sum of five thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, to pay such contingent expenses of said court and its officers as to such Secretary may seem proper. Said court shall have a seal, shall sit at such place or places in the Choctaw and Chickasaw nations as the judges may designate, and shall hold public sessions, beginning the first Monday in each month, so far as may be practicable or necessary. Each judge and the clerk and deputy clerk shall be authorized to administer oaths. All writs and process issued by said court shall be served by the United States marshal for the district in which the service is to be had. The fees for serving process and the fees of witnesses shall be paid by the party at whose instance such process is issued or such witnesses are subpoenaed, and the rate or amount of such fees shall be the same as is allowed in civil causes in the circuit court of the United States for the western district of Arkansas. No fees shall be charged by the clerk or other officers of said court. The clerk of the United States court in Indian Territory, having custody and control of the files, papers, and proceedings in the original citizenship cases, shall re-

ceive a fee of two dollars and fifty cents for transferring and certifying to the citizenship court the files, papers, and proceedings in each case, without regard to the number of persons whose citizenship is involved therein, and said fee shall be paid by the person applying for such transfer and certification. The judgment of the citizenship court in any of all of the suits or proceedings so committed to its jurisdiction shall be final. All expenses necessary to the proper conduct, on behalf of the nations, of the suits and proceedings provided for in this and the two preceding sections shall be incurred under the direction of the executives of the two nations, and the Secretary of the Interior is hereby authorized, upon certificate of said executives, to pay such expenses as in his judgment are reasonable and necessary out of any of the joint funds of said nations in the Treasury of the United States.

It appears that the agreement in these paragraphs provides for the establishment of the Choctaw and Chickasaw Citizenship Court, and gives it jurisdiction of a test suit to annul and vacate the decisions of the United States courts in the Indian Territory admitting persons to citizenship and enrollment as citizens of the Choctaw and Chickasaw nations, respectively, on the ground of want of notice to both of said nations and because the United States courts tried such cases de novo, with a right in the event such judgments should be annulled because of either or both of the irregularities mentioned, on the part of any party thus deprived of a favorable judgment to remove his case to the Citizenship Court, where such further proceedings were to be had therein "as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes and if no judgment or decision had been rendered therein; and also "appellate jurisdiction over all judgments of the courts in Indian Territory, rendered under said act of Congress of June tenth, eighteen hundred and ninety six, admitting persons to citi-

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zenship or to enrollment in either of said nations." In the exercise of such appellate jurisdiction the citizenship court was "authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, whenever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy".

It will be noted that the agreement further provides (paragraph 33) that "the judgment of the citizenship court in any of all of the suits or proceedings so committed to its jurisdiction shall be final."

The agreement also contained this provision:

34? During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents", and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act of Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whatsoever for enrollment shall be received after the expiration of the said ninety days: Provided, That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws, for whom provision has herein otherwise been made.

By the act of April 21, 1904 (33 Stat. 189,204), it was provided that the Commission to the Five Civilized Tribes should conclude its work and terminate on or before July 1, 1906, and cease to exist on that date, the powers theretofore conferred

upon it being continued.

By the act of March 3, 1905 (33 Stat., 1048, 1060), it was provided "that the work of completing the unfinished business, if any, of the Commission to the Five Civilized Tribes shall devolve upon the Secretary of the Interior, and that all the powers heretofore granted to the said Commission to the Five Civilized Tribes are hereby conferred upon the said Secretary on and after the first of July, nineteen hundred and five."

By the act of April 26, 1906 (34 Stat., 137), it was provided:

That after the approval of this act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive in evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this act, in which cases such motion shall be made within sixty days after the passage of this act. X X X

By that act the rolls of citizenship of the several tribes were required to be completed by March 4, 1907.

After very carefully considering this legislation, in the light of the circumstances under which it was enacted, I am constrained to the conclusion that the Citizenship Court had jurisdiction of the cases now under consideration, and that its judgment therein is final.

By the act of June 10, 1896, the Commission to the Five Civilized Tribes was "authorized and directed to proceed at once to hear and determine the application of all persons who may apply

to them for citizenship in any of said nations." It is true that this act also confirmed the then existing rolls of the several tribes, but the question whether an applicant, was, as matter of fact, already duly enrolled upon one of the rolls so confirmed constituted, in my opinion, an issue upon which the Commission was authorized and required to pass: the applicant may be fairly held to have waived by his application the conclusiveness of the confirmation of the rolls in his case.

Independently of any such waiver, I do not see how the proposition that the Commission did not have jurisdiction of the case of a person whose name was upon a tribal roll can be maintained, in the face of the provision of the act of June 10, 1896, that "in determining all such applications said Commission shall x x x give due force and effect to the rolls, usages and customs of each of said nations or tribes." I think that act left it to the Commission to determine whether or not the applicant was upon a roll which was confirmed, and evidently it did not so hold in these cases.

It is unnecessary, however, to determine what might have been the effect of an adverse judgment in the case of an applicant whose name was upon a roll so confirmed, for such confirmation was certainly and very materially modified by the act of June 7, 1897, and apparently altogether withdrawn by the act of June 28, 1898. The act of June 7, 1897, provided that the words "rolls of citizenship" as used in the act of June 10, 1896, should be construed to mean the "last authenticated rolls of each tribe which have been approved by the council of the nation". I am informed that there never was any such an authenticated roll of the Chester



Tribe, either at the time of the passage of the act of June 10, 1896, or subsequently thereto. Moreover, by the act of June 28, 1896, it was provided that in making rolls of citizenship of the several tribes, the Commission should take the Cherokee roll of 1880 as the only roll intended to be confirmed by that and preceding acts of Congress: it seems to be clear from the further provisions of the Act that the Congress did not here refer to the Cherokee rolls only but had in mind those of all the Tribes. To my mind, however, the decisive consideration is that Congress, knowing there were certain cases of contested citizenship in the Choctaw and Chickasaw Nations, referred these cases, under carefully defined conditions, to the Citizenship Court and made the determination of that Court in those cases final. This provision of law repealed, as to cases in this category, any inconsistent provisions (if any there were) in the act of 1896 or any other prior act. These cases were unquestionably within the terms of the law; the claimants had been admitted to citizenship by decisions of the United States courts, and it seems clear that, under the agreement with the Choctaw and Chickasaw Nations ratified by the act of July 1, 1902, it was intended that the Citizenship Court should have a revisory jurisdiction of judgments of the United States courts in the Indian Territory in citizenship cases, irrespective of the grounds of which these suits had been entertained by the said courts. That agreement was made after the confirmation given to the tribal rolls had been qualified if not withdrawn, and, we must presume, with a knowledge of the fact that the Commission, under the act of June 10, 1896, had exercised

jurisdiction in the case of persons whose names appeared upon some of the rolls of the tribes. Its action seems to show that Congress did not intend to confirm any roll of the Choctaw and Chick-saw tribes, but, however, that may be when, with a knowledge of all that had gone before, it created the Citizenship Court, this was done, in my opinion, with the evident purpose of giving it jurisdiction of all citizenship cases which had been decided by the United States courts for the Indian Territory on appeal from the judgments of the Commission. As neither Congress nor the Nations made any distinction in the act and agreement referred to as to the cases of persons whose names were on a tribal roll which might have been confirmed by the act of June 10, 1906, if Congress had not decided otherwise, I do not think any other authority can make this distinction. Indeed, as I have suggested, the applicants, themselves, having voluntarily submitted to the jurisdiction of the Commission, might be fairly held estopped to now deny it.

I understand that it is not contended, nor do I think it could be successfully maintained, that any authority to review the judgments of the Citizenship Court was intended to be conferred upon you by Congress when it made the rolls, as finally compiled, subject to your approval (see paragraph 30 of the agreement ratified by the act of July 1, 1902). Neither do I think that the provision in the act of April 26, 1906, above quoted, as to enrolling persons and entertaining motions to reopen or reconsider citizenship cases, was intended to recognize or confer any such authority

the purpose of that provision being simply to limit the time in which the authority previously conferred might be exercised. To hold thus would be to treat the later act as a repeal of so much of the former as expressly declared the judgments of the Citizenship Court to be final which seems to be untenable.

This disposes of the cases of Myrtle Randolph and her brother W. J. Thompson: whatever their intrinsic merits, these claims have been finally decided adversely to the claimants by the judgment of the Citizenship Court.

2. The second case is that of Cyrus H. Kingsbury and Lucy E. Littlepage, in regard to whom you say:

Cyrus H. Kingsbury and Lucy E. Littlepage are children of John Parker-Kingsbury and wife, Hannah Mariah, white, affiliated by act of the Choctaw Council of November 18, 1854, which enacted:

That all rights, privileges and immunities of Choctaw citizens are hereby granted unto John Parker-Kingsbury and to his wife Hannah Mariah, and they shall enjoy all the benefits to which the citizens of this nation may hereafter be entitled, except in the participation of any sum of money which may now be due the nation under treaty stipulations heretofore made.

Both applicants were born in the Choctaw Nation and have always resided there as its recognized citizens. Both are on the tribal Choctaw 1885 census roll, Atoka County, Nos. 819, 821. September 7, 1896, they applied to the Commission to the Five Civilized Tribes under the act of June 10, 1896, were enrolled, and no appeal was taken. Cyrus H. Kingsbury is on the 1896 Choctaw census roll. Lucy E. Littlepage is on the partial roll of Choctaw citizens by blood, and her husband, Patrick H. Littlepage, is on the roll of intermarried citizens--both rolls approved by the Secretary of the Interior, October 21, 1904. Patent, signed and executed by the principal chief of the Choctaw nation, conveying to Cyrus H. Kingsbury allotted tribal lands as a citizen by blood, is now before the Secretary of the Interior for approval, but is not yet approved, or delivered. No objection to occupation of tribal lands was ever made against either applicant as an intruder.

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18.

Paragraph 27 of the agreement with the Choctaw and Chickasaw Nations ratified by the act of July 1, 1902, provides that the rolls of Choctaw and Chickasaw citizens shall be made by the Commission to the Five Civilized Tribes "in strict compliance" with the acts of June 28, 1898, and May 31, 1900.

Section 21 of the act of June 28, 1898, after providing that in making rolls of citizenship of the several tribes the Commission shall take the roll of Cherokee citizens of 1880 as the only roll intended to be confirmed by that and preceding acts of Congress, and providing for the enrollment of the Cherokee, authorizes and directs the Commission "to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

It might be held that the only white person intended to be enrolled by this act were such intermarried ones as were entitled to citizenship under the treaties and laws of the tribes, if it were not for the reference to the tribal rolls, on which as appears from your statement as to these parties, there were undoubtedly the names of adopted whites. The only names which the Act declares shall be eliminated from the tribal rolls are those placed thereon by fraud or without authority of law, and

it is not suggested that the names of these parties were open to either of those objections.

Light, it seems to me, is thrown on this matter by the act of May 31, 1900, which was also directed to be strictly complied with in making the rolls of citizenship of these tribes. That act is plainly intended to be of a restrictive nature, yet a fair construction of it would seem to authorize the enrollment of these parties. It provides that the Commission shall continue to exercise all authority theretofore conferred upon it by law, "but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of any such application shall be final when approved by the Secretary of the Interior."

This act recognizes the authority of the Commission to receive, consider and record the application of a recognized citizen of any of the tribes referred to who has been duly and lawfully enrolled or admitted as such, its refusal of the application of any person not so qualified being made final when approved by the Secretary of the Interior.

These applicants appear to possess all of these qualifications. Your letter states that they were born and have always resided in the Choctaw Nation as its recognized citizens; that their names appear upon various tribal rolls, and that they were admitted by the Commission in 1896 as citizens, no appeal from the decision of the Commission being taken by

the Nation. That they were duly and lawfully enrolled by the tribal authorities would seem to result from the fact that both of their parents had been adopted into the tribe, and the failure to contest the action of the Commission in admitting them would indicate that their citizenship rights were regarded as indisputable.

You say that you would not have doubt that these applicants, born to the allegiance of the Choctaw Nation, are entitled to be enrolled, but for the report of my predecessor to the President of February 24, 1906, in the case of persons without Indian blood, and the order to you of February 27, 1906, that "in the Presidents' judgment, without reference to the act of Congress, it is perfectly clear equity demands that the son of white parents, who has no Indian blood in his veins, even though one of these parents has been adopted into the tribe, should not be treated as an Indian".

The report of Mr. Moody and the order of the President thereon, had reference to the case of children of white persons, one of whom had previously acquired Indian citizenship by virtue of his marriage into the Choctaw tribe, but had afterwards, upon the death of his Indian spouse, married a white person. Mr. Moody was of opinion that the right of citizenship acquired by an inter-married white was a personal right, and could not be conferred upon children by such subsequent marriage, which is also the view taken by the Citizenship Court.

I see no reason to question the soundness of that conclu-

sion, assuming that the matter is still open for consideration. It is expressly provided by the Choctaw act of November 9, 1875, providing for the intermarriage of whites with Choctaws, that a white person intermarrying into the tribe in pursuance of that act should forfeit his rights of citizenship acquired thereunder if upon the death of his Indian spouse he married "a white man or woman, or person, as the case may be, having no rights of Choctaw citizenship by blood."

I am aware that it has been held by one of the United States Courts in the Indian Territory that this law is inconsistent with the treaty of April 28, 1866, but, with great respect for the said court, I do not so consider it. That treaty provides:

Article 28. Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation and shall be subject to the laws of the Choctaws and Chickasaw Nations according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects as though he was a native Choctaw.

This article merely recognizes a pre-existing custom of the Choctaw and Chickasaw Nations as to the intermarriage and adoption of white persons, and cannot fairly be said to have been intended to prevent them from decitizenizing an intermarried person for good cause: and what better cause could there be than that the tie which bound him to the tribe, and because of which alone citizenship was granted, was broken?

An act of the Choctaw Nation, approved October 30, 1896, providing for the enrollment of Choctaw citizens, provided that



"the Commission shall enroll as citizens all who come under any one of the following heads, and all such persons are hereby declared citizens of the Choctaw Nation:"

X X X X X X

V. All white men who have married Choctaw women by blood in strict conformity to the laws of the Choctaw Nation of 1875 regulating inter-marriage, or the Chickasaw law of 1876 regulating inter-marriage, and have not been divorced from same nor married any other than a Choctaw woman by blood since said marriage.

XX X X X X X

VIII. All white women who have married Choctaws by blood legally and have not been divorced from them nor since married any other than a Choctaw by blood, a recognized citizen and resident of the Choctaw or Chickasaw Nation.

X X X X X X

That act further provided that "the Commission are especially prohibited from enrolling as citizens any persons coming under the following heads:"

X X X X X X

II. The children of any marriage where neither the father nor mother are Choctaws by blood, though one or both of said children's parents may have enjoyed intermarried rights.

III. All persons who, though they had at one time intermarried rights, afterwards married a person not a Choctaw by blood (being the father or mother of Choctaw children shall not save a person from this clause).

XX X X X X X

VI. All white persons who have been admitted to citizenship with their wife or husband by the General Council, and afterward the wife or husband, Choctaw by blood, dying, the surviving party, being a white person, has intermarried with a person not a Choctaw by blood.

X X X X X X

It is clear that, at least since 1875, the Choctaw Nation never intended that a white person, intermarrying into the tribe, should have power to confer citizenship upon his children by a

subsequent marriage to other than a citizen by blood. The informal opinion of Attorney General Moody unquestionably had reference to cases of this character.

The case of the present applicants is quite different from that just referred to. Here both parents were adopted into the tribe. It must have been contemplated that they might have children, and if so, what was to be their citizenship if not that of their parents?

The facts in the present case answer this inquiry. Your letter states that these applicants have always been recognized as citizens of the Choctaw Nation, that their names appear on the tribal census roll of 1886, as well as upon the rolls prepared in pursuance of the Choctaw act of October 30, 1896. It seems clear, therefore, irrespective of the action of the Commission in admitting them as citizens in pursuance of the authority granted to it by the act of June 10, 1896, that they are clearly entitled to be enrolled for allotment purposes.

3. The Case of Loula (or Lula) West, et al.

It appears from the papers in this case that Loula West applied to the Commission to the Five Civilized Tribes, pursuant to the Act of June 10, 1896, for admission to citizenship in the Choctaw Nation, and was admitted as a citizen by blood; that the Choctaw Nation appealed to the United States court for the Cen-

tral District of the Indian Territory, which affirmed the judgment of the Commission; that this judgment was annulled and vacated by the judgment of the Citizenship Court in the test case provided for by the Act of July 1, 1902, (32 Stat. 641-647); and thereupon she removed her case to that court, which denied her application.

This case is similar to that of Myrtle Randolph and her brother W. J. Thompson, children of Giles Thompson, above referred to, in that it involves the question of the finality of the judgment of the Citizenship Court, it being contended that the Commission in the first instance and the Citizenship Court ultimately on appeal had no jurisdiction of the case because at the time of her application to the Commission her name was upon a tribal roll.

For the reasons heretofore stated, I think this contention is not well founded, and that the Citizenship Court had jurisdiction of such cases, and its judgments therein were final.

4. The Case of William C. Thompson et al.

In this case the record shows that Thompson applied to the Commission to the Five Civilized Tribes, pursuant to the act of June 10, 1896, for the enrollment of himself, his wife, and children with the exception of a daughter, Mary M. McNeese, who made a separate application for herself, her husband, a white man, and their children. The Commission denied Thompson's application, and also that of his daughter. No appeal was taken from these judgments, and it is contended, on behalf of the Nation, that under the act of June 10, 1896, they were final and conclusive

against the right of these parties to be enrolled.

The claimants, however, rely upon the fact that their names appear upon the tribal roll prepared in pursuance of the Choctaw acts of September 18 and October 30, 1896.

In my judgment, the action of the Commission, under the act of June 10, 1896, not having been appealed from was final and conclusive against the right of these parties to be admitted to citizenship, and the Choctaw nation, even if it attempted to do so, had no right thereafter to admit them. It will be observed that the act of June 10, 1896, provided that applications should be made to the Commission within three months after the passage of the act, and that the Commission should decide all such applications within ninety days after they were made; that the rolls of citizenship of the several tribes as then existing were confirmed, and "any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof;" and that "if the tribe, or any person be aggrieved with the decision of the tribal authorities of the Commission provided for in this Act, it or he may appeal from such decision to the United States District Court: Provided, however, That the appeal shall be taken

within sixty days, and the judgment of the court shall be final."

As I read this act, it authorized application to be made either to the Commission to the Five Civilized Tribes or the "legally constituted court or committee" of such tribes, with a right of appeal by the party aggrieved by the decision of either to the United States court. Therefore, and in view also of the fact that the act contemplated contemporaneous action by the Commission and the tribal courts, I think it clear that the provision that "any person who shall claim to be entitled to be added to said rolls (the existing rolls of the tribe) as a citizen of either of said tribes whose right thereto has either been denied, or not acted upon", had reference to a previous denial or failure to act of the tribal authorities, and not to the subsequent action or non-action of the Commission, the tense of the verbs-"has either been denied or not acted upon", not "shall be denied or not acted upon"-indicating that past action or non-action was referred to. Prior to the passage of this act the Commission had no jurisdiction of these citizenship matters.

When, therefore, as here, the claimant had applied to the Commission to be admitted and enrolled, and his application denied, his only remedy, under the act in question, lay in an appeal to the United States court. It is true Thompson claims to have received no notice of the denial of his application by the Commission, but that is not a valid excuse.

But aside from this question of jurisdiction in the Choctaw Nation to admit persons to citizenship who had been denied by the

Commission, it appears that the Nation never undertook to authorize the admission or enrollment of these parties, and that, in any aspect of the case, they were enrolled without authority of law and their names should, in pursuance of the mandate in the act of Congress of June 28, 1898, be eliminated from the tribal rolls.

The Choctaw Nation does not appear to have proceeded under the authority of the act of Congress of June 10, 1896, authorizing the establishment by the several tribes of a court or committee for the purpose of passing upon applications for citizenship as provided therein. It was not until September 18, 1896, ten days after the expiration of the period in which applications for citizenship were to be submitted to the "legally constituted court or committee" of the tribes under the act of June 10, 1896, that the Choctaw Council passed the act above referred to. That act provided for the appointment of census commissioners in each county, with authority "to enroll all recognized citizens of the Choctaw Nation by blood, intermarriage and adoption who are recognized as citizens of the Choctaw Nation under the treaties, constitution and law of the said nation." It further provided that "the rolls when completed by said commissioners shall be certified to by said commissioners and delivered to the Principal Chief of the Choctaw Nation on or before the twentieth day of October, 1898, to be revised and approved by the next General Council of the Choctaw Nation."

It is manifest that this act conferred no power upon such

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commissioners to admit any person to citizenship, but only to enroll "recognized citizens". Yet in virtue thereof, one of the county committees assumed to pass upon a petition prepared by Thompson's attorney, under date of August 1, 1896, and addressed to the General Council of the Choctaw Nation, "at its regular session October 1896, "praying that "all rights, privileges and immunities of the Choctaw Nation" be granted to himself, his wife, family and certain other relatives, "and they be enrolled with the legal citizenship of said Nation." \*

This petition does not appear ever to have been presented to the Choctaw Council or referred by any competent authority to the committee which assumed to pass upon it. Upon its back is the following endorsement:

William C. Thompson together with the names appearing on the face of the within application, lineal descendants of Margaret McCoy are hereby recognized and admitted to the citizenship of the Choctaw Nation or Tribe of Indians by the legally constituted Choctaw Census Commission duly assembled at Kiowa, I.T. this the 8th day of October, 1896, upon the testimony of Henry Perkins, Mrs. Lavinia Franklin, they being enrolled Choctaw Indians by blood. The within named parties not being present were passed for further enrollment.

A. G. Polson,  
Secretary of Census Committee.

This was a manifest attempt to exercise an authority not delegated to the committee.

On October 30, 1896, the Choctaw Council, at its regular session, passed an act creating three commissions, one from each District, one member of each of which to be designated as "Chief Commissioner", "to make a complete roll of the citizens of the Choctaw Nation." By that act it was made the duty of said commissions "to examine the rolls made by the commissions under the



act of September 18, 1896, and also to expunge from said rolls of September 18, 1896, the names of all persons whom they shall adjudge not to be citizens." It was further provided:

The Commission shall enroll as citizens all who come under any of the following heads, and all such persons are hereby declared citizens of the Choctaw Nation:

I. All Choctaws by blood born and raised in the Choctaw Nation.

II. All Choctaws by blood who have been admitted to citizenship by the General Council and now residents of the Nation.

X X X X X .

It was provided that "at the expiration of the time allowed the commission in each District, the Chief Commissioner shall meet at Tushka Moxaa at their earliest convenience and not later than the first Monday in December 1896, and shall revise the Rolls made by their respective District Commissions during the succeeding ten days after they meet". The Chief Commissioners were authorized to "enroll the name of any citizen who for any good cause failed to appear before the District Commissions". It was further provided that "the Roll as completed and signed by the Chief Commissioners, when approved by the Principal Chief, shall be the legal and authorized Roll of citizens of the Choctaw Nation".

These parties were enrolled by the revisory board, but that their enrollment was unauthorized is clear. The act just referred to only authorized the enrollment of Choctaws by blood who were "born and raised" in the Choctaw Nation or had "been admitted to citizenship by the General Council." The applicants possessed neither of these qualifications. According to his own statement, William C. Thompson was not raised in the Choctaw Na-

tion, having been taken to Mississippi shortly after his birth, and returning only once during his boyhood for about a year. It is further stated that he remained in Mississippi until the war, when he went to Texas, not returning again to the Choctaw Nation until 1887. He had never been "admitted to citizenship by the General Council". His wife and children could claim no greater rights than he possessed. The other applicants named in his petition were descendants of his brother, who was born in Mississippi and whose record appears to be otherwise about the same as William C. Thompson's.

Moreover, it appears from the opinion of the Assistant Attorney General for the Interior Department of March 24, 1905, in the case of Mary Elizabeth Martin, that on July 17, 1897, the Principal Chief of the Choctaw Nation advised the Commission to the Five Civilized Tribes that he had refused to approve the last revised roll made in accordance with the act of October 30, 1896, because he was satisfied there were some names thereon "that have been registered through fraud or misrepresentation." As such approval was necessary in order to make the roll so prepared "the legal and authorized roll of citizens of the Choctaw Nation," it would seem that in no aspect of the case could these parties be said to be lawfully admitted and enrolled.

It further appears that these applicants, or some of them, including William C. Thompson, applied in 1900 to the Commission for the Five Civilized Tribes for identification as Mississippi

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Choctaws under the following provision of section 21 of the act of June 28, 1898:

Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and prepare all other acts necessary thereto and make report to the Secretary of the Interior.

Article 14 of the treaty of September 27, 1830, provided:

ARTICLE XIV. Each head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

The only evidence adduced in any way tending to show a compliance with the terms of this article were statements to the effect that William C. Thompson's grandfather applied for land under the treaty of 1830 but was refused by the Indian agent. Congress, however, by the acts of March 3, 1837, and August 23, 1842, (5 Stat. 180, 513), appointed Commissioners for the purpose of adjusting claims of this kind, and there was no evidence to the effect that the ancestors of the claimants had endeavored to comply

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with the provisions of those acts, or received patents or certificates for land as therein provided for. The Commission properly held, therefore, that it was impossible to identify the applicants as Mississippi Choctaws?

Upon the whole case, it seems to me clear that these applicants, and those claiming intermarried rights with them, should be denied enrollment.

The other cases consolidated with this are of a similar nature, and under the views above stated the parties referred to therein are, in my judgment, not entitled to be enrolled.

5. The Case of Richard B. Coleman et al.

The enrollment of the parties referred to in this case depends upon the effect to be given to the following act of the General Council of the Choctaw Nation passed November 8, 1889:

An Act to establish the citizenship of R. B. Coleman, his wife and their children.  
Sec.1. Be it enacted by the General Council of the Choctaw Nation Assembled, That Richard Benjamin Coleman, and their children ad fellows: Richard St. Clair, age 15 years, Ida Clay, age 13, Bennetta, age 11, Nettie Withers, age 9, Henry Alen, age 6, Willie Norma Coleman, age 4 years, are hereby admitted to citizenship in the Choctaw Nation with its rights, privileges, and immunities, and that this act shall take effect and be in force from and after its passage.

It is contended that this act was procured by fraud and bribery, and that, therefore, the names of Coleman and his family should be eliminated from the tribal rolls upon which they appeal, under the act of Congress of June 28, 1896, which provides:

Said Commission is authorized and directed to make correct rolls of citizens by blood of all the other tribes,

eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto x x .

The Commission held that they had no authority to go behind the act of the Choctaw Council referred to, but in an informal opinion rendered you December 7, 1904, Acting Attorney General Day, after quoting the above provision, said:

It appears to me the above quoted provisions of the statute impose upon the Commission to the Five Civilized Tribes the duty and gave it the power to determine whether any name appearing upon a tribal roll was placed there by fraud or without authority of law, and that the mere fact that such enrollment was by virtue of an act of the National Council is not sufficient to preclude an inquiry. An act of the Council should be treated with respect as prima facie valid and efficacious, and nothing done as the result thereof should be lightly set aside; but if it clearly appears that the act was procured by deliberate fraud and perjury I do not think that Congress intended that benefits thereunder should be enjoyed.

Mr. Day did not pass upon the facts of this case. Subsequently, the Assistant Attorney-General for the Interior Department, upon a consideration of the record, held that it did not clearly appear therefrom that the act in question had been fraudulently procured.

In my judgment the record in this case clearly shows deliberate fraud on the part of Richard B. Coleman in procuring the passage of the act admitting him to citizenship. It appears that Coleman came into the Choctaw nation about 1880. In 1887 he made application to the citizenship committee of the Choctaw Council for admission as a citizen by blood, representing by himself and witnesses he brought before the committee that his father was a Choctaw boy named Frank Coleman, the son of a John

Coleman and Chapponia, a full blood Choctaw, who had lived in Mississippi with his parents prior to the migration in 1830. The boy Frank it was testified, had been sent to Kentucky to school and nothing afterwards heard of him.

The testimony adduced on behalf of the Nation before the Commission to the Five Civilized Tribes shows that the father of Coleman was Francis S. Coleman, a son of a Francis Coleman who was born and raised in Orange County, Virginia, and was not a Choctaw. This testimony was given in the form of a deposition by Mrs. Harriet Henry, a sister of Francis S. Coleman, and R. L. Coleman a nephew, residing at Columbia, Missouri. The identity of Francis S. Coleman with the father of the applicant appears from the fact testified to by the applicant as well as the two witnesses just referred to, that he married Ann Elizabeth Bedford, the daughter of John Bedford, in Kentucky, and the testimony of all parties that Francis S. Coleman went to Denton, Texas, and died there. Although duly advised as to the intention of the attorneys for the Choctaw Nation to take this testimony, no effort was made by Coleman or his attorney to file cross interrogatories or in any way rebut it, but they confined themselves to an endeavor to have the testimony stricken from the records as not having been taken in accordance with law. The authority of the Commission to take the testimony in this way is clear, under the act of June 28, 1896 (30 Stat., 495), which provides:

Said Commission shall make such rolls descriptive of the persons thereon, so that they may be thereby identified, and it is authorized to take a census of each of said tribes, or

to adopt any other means by they deemed necessary to enable them to make such rolls.

This testimony was further enforced by another deposition of said R. L. Coleman, taken by Commissioner Tans Bixby, in which R. L. Coleman stated further that he knew the applicant Richard B. Coleman, that he was his cousin. A motion was likewise made to strike this testimony from the record, because taken without notice to the applicant, but it was overruled by the Commission, who held that under the authority of the above act they could take such measures as they deemed necessary to satisfy themselves as to the justice of the applicant's claim. I do not think it is shown that they abused their discretion in this matter.

It appears that the application of Richard B. Coleman to be enrolled as a citizen by blood of the Nation, upon the grounds above stated, was passed over by the citizenship committee of the Council in 1887; taken up again in 1888 and a bill of rejection passed by the committee or the Council; renewed at the session of 1889, and a bill of admission introduced into the House of Representatives which was rejected, and then a new bill introduced and enacted into the law above quoted.

I think it sufficiently appears from the testimony in this case, particularly that given by and on behalf of the applicant himself, that the Council in admitting him and his family to citizenship did so upon the strength of the testimony adduced by him before the Committee on Citizenship that he was a Choctaw by blood, descended as he represented. It is to be observed that he and his family all claim that he was admitted as a Choctaw by blood.



Some testimony was introduced for the purpose of showing that Coleman had bribed one Roebuck, the member of the Council who introduced the second bill, but the evidence on that point is not sufficient to establish the fact.

In October, 1898, the General Council of the Choctaw Nation passed an act repealing the act of November 8, 1889, admitting Coleman and his family to citizenship. This act was, however, disapproved by President McKinley, upon the recommendation of the Secretary of the Interior, under the authority of the act of Congress of June 28, 1896, which required the approval of the President to all acts of the Choctaw and Chickasaw Nations in any manner affecting the lands of the tribes.

Although this act was thus invalidated, it may fairly be taken to indicate the sense of the Nation at that time that Coleman was improperly admitted. The reason for its disapproval does not appear, but it might reasonably have been rejected on the ground that by the act of June 28, 1896, the work of making up the rolls of citizenship and eliminating therefrom those placed thereon by fraud was committed entirely to the Commission to the Five Civilized Tribes.

It is to be observed that Commissioner Bixby, who was the only Commissioner who considered this case on its merits, was "clearly of the opinion from such evidence as has been presented to this Commission that the evidence presented to and acted upon by the Citizenship Committee of the Choctaw General Council, which passed upon the petition of these applicants, and upon which evidence their admission to Choctaw Citizenship was based, was fraudulent, false

and misleading."

In my opinion, these parties should be stricken from the rolls

6. The Case of Ethel Pierson.

This case presents the question of our authority to enroll the children of Choctaw freedmen who were minors living March 4, 1906. The decision of this question turns upon the construction to be given to section 2 of the Act of April 26, 1906 (34 Stat., 137), as amended by the Act of June 21, 1906 (34 Stat. 342).

The act referred to originally provided:

Sec. 2. That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled. If any citizen of the Cherokee tribe shall fail to receive the full quantity of land to which he is entitled as an allotment, he shall be paid out of any of the funds of such tribe a sum equal to twice the appraised value of the amount of land thus deficient. The provisions of section nine of the Creek agreement ratified by Act approved March first, nineteen hundred and one, authorizing the use of funds of the Creek tribe for equalizing allotments, are hereby restored and reenacted, and after the expiration of nine months from the date of the original selection of an allotment of land in the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, and after the expiration of six months from the passage of this Act as to allotments heretofore made, no contest shall be instituted against such allotment: Provided, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date: Provided further, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States:

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Provided, That nothing herein shall apply to the intermarried whites in the Cherokee Nation, whose cases are now pending in the Supreme Court of the United States.

The amendatory act provided, (34 Stat., 341-2):

That section two of the Act entitled "An Act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April twenty-sixth, nineteen hundred and six, be, and the same is hereby, amended by striking out thereof the words "Provided further." That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: Provided further, That nothing herein shall apply to the intermarried whites in the Cherokee Nation whose cases are now pending in the Supreme Court of the United States." And insert in said Act in lieu of the matter repealed, the following: Provided further, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes, except for minors the children of Indians by blood, or of freedmen members of said tribes, or of Mississippi Choctaws identified under the fourteenth article of the treaty of eighteen hundred and thirty, as herein otherwise provided, and the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment.

In the agreement with the Choctaw and Chickasaw Nation ratified by the act of July 1, 1902 (32 Stat. 641), it was provided (paragraphs 1 and 3) that the words "member" or "members" and "citizen" or "citizens", "whenever used in this agreement", shall be held to mean members or citizens of the Choctaw or Chickasaw tribe of Indians in Indian Territory, not including freedmen."

The Commissioner to the Five Civilized Tribes in passing upon this case held that, in view of the above definition, the act of April 26, 1906, as amended, was not intended to apply to the children of freedmen in the Choctaw and Chickasaw Nations, but only to those of the Cherokee and Creek Nations.

There would be some force in the argument that minors the chil-

Children of freedmen members of the Choctaw Nation were not included in the Act of April 26, 1906, if it were not for the proviso substituted by the amendatory act of June 21, 1906. That proviso was, as the Commissioner said, "in the nature of a construction by Congress of the meaning intended to be conveyed by the section as originally enacted." It says, in so many words, that minors the children of freedmen members of said tribes (referring to all of the tribes, which are separately named in the preceding part of section 2, among them the Choctaw and Chickasaw tribes) may be enrolled. This definition settles the doubt that otherwise might have arisen as to the children of freedmen members of said tribes, as well as the children of Mississippi Choctaws. If, therefore, the Choctaw freedmen are members of said nation, the right of their children to be enrolled cannot be questioned.

The Choctaw freedmen were adopted by an act of the General Council of the Nation approved May 21, 1863, entitled "An Act to adopt the freedmen of the Choctaw Nation", which provided (Report of Commissioner of Indian Affairs, 1864, p. XIV):

Whereas by the third and fourth articles of the treaty between the United States and the Choctaw and Chickasaw Nations, concluded April 28, 1866, provision was made for the adoption of laws, rules, and regulations necessary to give all persons of African descent resident in said nation at the date of the treaty of Fort Smith, September 13, 1866, and their descendants formerly held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by or belonging to said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, 60 acres each of the lands of said nations on the same terms as Choctaws and Chickasaws, to be selected on the survey of said lands; until which said freedmen shall be entitled to as much land as they may cultivate for the support of themselves and families; and

Whereas the Choctaw Nation adopted legislation in the form of a memorial to the United States Government in regard to adopting freedmen to be citizens of the Choctaw Nation, which was approved by the principal chief November 2, 1880, setting forth the status of said freedmen and the inability of the Choctaw Nation to prevail upon the Chickasaws to adopt any joint plan for adopting said freedmen, and notifying the United States Government of their willingness to accept said freedmen as citizens of the Choctaw Nation in accordance with the third and fourth articles of the treaty of 1866 as a basis; and

Whereas a resolution was passed and approved November 5, 1880, authorizing the principal chief to submit the aforesaid proposition of the Choctaw Nation to adopt their freedmen to the United States Government; and

Whereas a resolution was passed and approved November 6, 1880, to provide for the registration of freedmen in the Choctaw Nation, authorizing the principal chief to appoint three competent persons in each district, citizens of the nation, whose duty it shall be to register all freedmen referred to in said third article of the treaty of 1866 who desire to become citizens of the nation in accordance with said treaty, and upon proper notification that the Government of the United States had acted favorably upon the proposition to adopt the freedmen as citizens, to issue his proclamation notifying all such freedmen as desire to become citizens of the Choctaw Nation to appear before said Commissioner for identification and registration; and--

Whereas in the Indian appropriation act of Congress May 17, 1882, it is provided that either of said tribes may adopt and provide for the freedmen in said tribe in accordance with said third article; Now, therefore,

Be it enacted by the general council of the Choctaw Nation, That all persons of African descent resident in the Choctaw Nation at the date of the treaty of Fort Smith September 13, 1865, and their descendants, formerly held in slavery by the Choctaws or Chickasaws, are hereby declared to be entitled to, and invested with all the rights, privileges, and immunities, including the right of suffrage, of citizens of the Choctaw Nation, except in the annuities, moneys and public domain of the nation. X

Sec. 3. Be it further enacted, That all said persons are hereby declared to be entitled to forty acres each of the lands of the nation, to be selected and held by them under the same title and upon the same terms as the Choctaws. X X X X X

It appears that this act was accepted by the Secretary of the Interior on behalf of the United States as a substantial compliance with the terms of the treaty of 1866, and the moneys authoris-

The Secretary of the Interior.

-41-

ed to be paid by that treaty upon a compliance therewith were turned over to the Nation.

I am of opinion, therefore, that the Assistant Attorney General for the Interior Department was right in his conclusion that miners, the children of Choctaw freedmen, living March 4, 1906, are entitled to be enrolled.

This disposes of the several cases submitted. The papers therein are herewith returned.

Respectfully,

Charles J. Bonaparte,

Attorney General.

Muskogee, Oklahoma, April 7, 1909.

Report on letter of  
Kappler & Merrillat in re  
Choctaw enrollment cases  
of William J. Thompson  
and others.

The Honorable,

The Secretary of the Interior.

Sir:

March 26, 1909 (File 5-51, Choctaw), the Department transmitted to this office for report, to be forwarded through the Indian Office, a letter dated March 25, 1909, from Messrs. Kappler & Merrillat, Washington, D. C., relative to the enrollment cases of William J. Thompson, Myrtle Randolph, Dick Randolph, Samuel C. Wall, Samuel F. Wall, and other (unnamed) members of the Randolph-Thompson and Wall families.

Messrs. Kappler & Merrillat claim that the names of these persons were stricken from the approved rolls of the Five Civilized Tribes, and now demand that they be restored to the status of recognized citizens of the Choctaw Nation.

Reporting in this matter I have the honor to advise that application was made to the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, September 14, 1898, by Samuel C. Wall for the enrollment of himself and his minor son, Sam F. Wall as citizens of the Choctaw Nation, and for the enrollment of his wife Ellen Wall, as a citizen by intermarriage of the Choctaw Nation; that on the same date application was made by Thomas Wall



for the enrollment of himself and his minor children, Hiram T. Wall and Bessie Lee Wall, as citizens of the Choctaw Nation; and by Thomas J. Hogg for the enrollment of Eunice Hogg and Effie Hogg as citizens of the Choctaw Nation; that on June 3, 1909, written application was filed for the enrollment of Ora Nellie Hogg, minor daughter of Thomas J. Hogg and Eunice Hogg, as citizens of the Choctaw Nation; that on September 14, 1898, application was made by James N. Harper for the enrollment of his wife, Daisy Harper, and his minor son, Lawrence V. Harper, as citizens of the Choctaw Nation; that on June 28, 1900, written application was filed for the enrollment of Gracie Ellen Harper, and on November 1, 1902, written application was filed for the enrollment of James Gustar Harper, minor children of James N. Harper and Daisy Harper, as citizens of the Choctaw Nation; that on September 4, 1898, application was made by Dick Randolph for enrollment as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Myrtie Randolph, and his minor children, Minnie, Decosa, Herman, Hughie, and Lena R. Randolph, as citizens of the Choctaw Nation; that on November 26, 1901, written application was filed for the enrollment of Vivian Randolph, minor daughter of Dick and Myrtie Randolph, as a citizen of the Choctaw Nation; that on February 9, 1901, written application was filed for the enrollment of Lelia Blanche Myers, and on June 28, 1902, written application was filed for the enrollment of John Boyd Myers, minor children of William Myers and Minnie

Myers (formerly Randolph), as citizens of the Choctaw Nation; that on September 15, 1898, application was made at Pauls Valley, Indian Territory, by Waldemar Thompson for the enrollment of himself and his minor daughter, Dollie Thompson, as citizens of the Choctaw Nation. Subsequent thereto, written applications were filed for the enrollment of Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, minor children of Waldemar Thompson and May Thompson, as citizens of the Choctaw Nation; that application was made September 15, 1898, by William E. Wheat for the enrollment of himself as an intermarried citizen and for his minor children, Jesse G. and Myrtle K. Wheat, as citizens of the Choctaw Nation; that on the same date application was made by William J. Thompson for enrollment as a citizen of the Choctaw Nation; that on November 14, 1902, written application was filed for the enrollment of Winona Thompson, minor child of said William J. Thompson and his wife, Savannah Thompson, as a citizen of the Choctaw Nation; that application was made at Atoka, Indian Territory, December 5, 1899, by William Myers for enrollment as an intermarried citizen of the Choctaw Nation; that on September 14, 1898, at Pauls Valley, Indian Territory, application was made for the enrollment of Decosa and Ellen Thompson as citizens of the Choctaw Nation.

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 540, for the admission to citizenship

in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Samuel C. Wall (as Samuel Wall), Elen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg (as Unis Wall), Sam F. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall), and Bessie L. Wall (as Bessie Wall).

Said application was denied by the Commission to the Five Civilized Tribes on December 2, 1896. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, rendered a judgment therein reversing the decision of the Commission and enrolling said applicants as citizens of the Choctaw Nation. This judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al."

This cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo, and on November 29, 1904, in the case entitled "Samuel Wall, et al., vs. Choctaw and Chickasaw Nations," said Citizenship Court rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Elen Wall, Daisy Wall or Daisey Wall, Unis Wall

Sam F. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears that application was made to the Commission to the Five Civilized Tribes on September 8, 1896, in 1896 Choctaw Citizenship case No. 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), of the following applicants: Dick Randolph, Myrtie Randolph, Minnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph (as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtie E. Wheat (as Myrtie Wheat, Jesse G. Wheat (as Jesse Wheat), Waldemar Thompson, Dollie Thompson, William J. Thompson (as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson.

This application was denied December 7, 1896, by the Commission to the Five Civilized Tribes, and an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled "Dick Randolph, et al. vs. Choctaw Nation," rendered a judgment admitting all of said applicants to citizenship, except Myrtie Wheat and May Thompson, whose names were not mentioned in said judgment.

The judgment of the United States Court was subsequently vacated, set aside and held for naught by a decree of the Choctaw-

Chickasaw Citizenship Court on December 17, 1902, in the test case of "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al." Said cause was subsequently certified to the Choctaw-Chickasaw Citizenship Court for a trial de novo, which court, on November 29, 1904, in the case entitled "Dick Randolph, et al. vs. Choctaw and Chickasaw Nations," rendered a judgment therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrti Randolph or Myrtle Randolph, Minnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat, or Jesse Wheat, De Cosa Thompson or Decosa Thompson, Ellen Thompson Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Myrtie Wheat and May Thompson, the Court having no jurisdiction, their petition is dismissed."

On January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Minnie Myers (as Minnie Randolph), to citizenship in the Choctaw Nation had been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court on November 29, 1904.

The Commission to the Five Civilized Tribes on January 23, 1905, issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Elen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia B. Blanche Myers, and John Boyd Myers, and on January 24, 1905, orders were issued dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Clide Thompson, said orders being based upon the fact that the rights of the persons through whom said applicants claim their right to enrollment as citizens of the Choctaw Nation had been adversely determined by the decree of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

On February 4, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition verified by S. C. Wall, W. J. Thompson, Will Myers, W. E. Thompson and Tom Wall, praying for the enrollment of Samuel C. Wall, Samuel Wall, Jr., Thomas Wall, Hiram Wall, Bessie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hepper, Eunice Hegg, Effie Hogg, Mollie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtiel Randolph

Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Minnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtie Wheat, Waldemar E. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

The material allegations in the petition were that the petitioners were the descendants of Noah Wall, a white man, who it is alleged became a member of the Choctaw Nation about the year 1800 by intermarriage with \_\_\_\_\_ Folsom, a Choctaw woman by blood, and of Giles Thompson, also a white man, who it is alleged became a member of the Choctaw Nation by intermarriage with a Choctaw woman by the name of Charlotte Wall in the year 1824; that the petitioners were informed and believed that Giles Thompson was formally adopted by an act of the Choctaw Council as a citizen of the Choctaw Nation, but that said petitioners were unable to find any records containing said Act.

The petitioners, Samuel C. Wall, Ellen Wall, Sam F. Wall, Thomas Wall, Hiram Wall, Bessie Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Eunice Hogg, Effie Hogg, Nellie Hogg, Dick Randolph, Myrtie Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Vivian Randolph, William Myers,



Winnie Myers, Lelia Blanche Myers, John H. Myers, William L. Wheat, Jesse Wheat, Myrtle Wheat, Edemar S. Thompson, Edlie Thompson, Claude Thompson, Alice Thompson, William J. Thompson, Emma Thompson and Ellen Thompson, are identical with the persons for whose enrollment as citizens of the Choctaw Nation application was made to the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 25, 1898 (30 Stat., 495).

It does not appear that there is any record in this office of any application ever having been made for the enrollment of the petitioners, Elmer Wall, Elizabeth Wall, Rudella Hopper, Lizzie Hogg, Samuel J. Hogg, Roy Randolph, Dick Myers, Jay Thompson, Arthur Thompson and Savannah Thompson, as citizens of the Choctaw Nation under the provisions of the Act of Congress approved June 25, 1898, or any subsequent Act of Congress, prior to the filing of the petition herein.

On April 26, 1906, written application was made for the enrollment of Minnie Louisa Hogg, born April 7, 1903, minor daughter of Eunice Hogg and J. T. Hogg, a non-citizen, as a citizen of the Choctaw Nation. On June 18, 1906, application was received under the provisions of the Act of Congress approved April 26, 1904 (34 Stat., 137), for the enrollment of Robert . Wall, born April 24, 1903, minor child of Thomas Wall and Elizabeth Wall, as a citizen of the Choctaw Nation. Said applicants appear to be identical with Lizzie Hogg and Elmer Wall mentioned in the petition filed January

30, 1906, and on July 18, 1906, application was received for the enrollment of Daisy B. Harner, born July 31, 1904, minor child of J. W. Harner and Daisy Harner, as a citizen of the Choctaw Nation.

It was not alleged in the petition filed January 30, 1906, that any of the petitioners were ever recognized and enrolled by the tribal authorities of the Choctaw Nation as citizens of said Nation.

For the purpose of determining whether Giles Thompson, the ancestor of certain of the petitioners above mentioned, was ever adopted by an Act of Choctaw Council as alleged in the petition, this office on July 31, 1906, addressed a communication to Edward H. Wilson, Secretary of the Choctaw Nation, requesting to be furnished a certified copy of the Act of the Choctaw Council admitting said Giles Thompson, if said Act was ever passed. In response to said communication, E. H. Wilson addressed a letter to the Commissioner on August 6, 1906, in which he stated that there was no such Act on file in the office of the National Secretary.

On February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Bessie L. Wall, Daisy Harper, Eunice Hogg, Myrtie Randolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Randolph, Jesse C. Wheat, Robert F. Wall, Waldemar Thompson, William J. Thompson, Dollie Thompson, Decosa Thompson, Ellen Thompson, Lizzie

Louisa Hogg and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and May Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Guster Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtle Wheat as citizens and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, was, on February 4, 1907, transmitted to the Secretary of the Interior for review.

On February 28, 1907, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes of February 4, 1907, in this case.

In reporting on this matter the attention of the Department is respectfully invited to a letter dated February 19, 1907, communicating the opinion of the Attorney General to the Secretary of the Interior in certain Choctaw Indian citizenship cases, among which were the cases of Myrtle Randolph and her brother W. J. Thompson. The opinion of the Attorney General, as to these two

Louisa Hogg and Daisy R. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William R. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and Kay Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Farmer, Gracie Harper, Gustar Harper, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Melia Blanche Myers, John E. Myers, Claude Thompson, Giles Thompson, Winona Thompson and Myrtle Wheat as citizens and dismissing the application for the enrollment of Adella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, was, on February 4, 1907, transmitted to the Secretary of the Interior for review.

On February 28, 1907, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes of February 4, 1907, in this case.

In reporting on this matter the attention of the Department is respectfully invited to a letter dated February 19, 1907, communicating the opinion of the Attorney General to the Secretary of the Interior in certain Choctaw Indian citizenship cases, among which were the cases of Myrtle Randolph and her brother W. J. Thompson. The opinion of the Attorney General, as to those two

persons, concludes as follows:

"This disposes of the cases of Myrtle Randolph and her brother W. J. Thompson: whatever their intrinsic merits, these claims have been finally decided adversely to the claimants by the judgment of the Citizenship Court."

In the same letter the Attorney General rendered an opinion as to the rights of Lolla (or Lulu) West et al., and stated as follows:

"This case is similar to that of Myrtle Randolph and her brother, W. J. Thompson, children of Giles Thompson, above referred to, in that it involves the question of the finality of the judgment of the Citizenship Court, it being contended that the Commission in the first instance and the Citizenship Court ultimately on appeal had no jurisdiction of the case because at the time of her application to the Commission her name was upon a tribal roll.

For the reasons heretofore stated, I think this contention is not well founded, and that the Citizenship Court had jurisdiction of such cases, and its judgments therein were final."

It does not appear that the names of any of the persons concerning whom this report is submitted were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or Commissioner to the Five Civilized Tribes, nor that any of them were ever allowed to select an allotment of land as a citizen of the Choctaw Nation.

The letter of Kappler & Merrillat of March 26, 1909, is returned herewith.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Acting Commissioner.

McM 7/2

NT

J.W.H.  
J.W.H.  
W.C.P.  
T.W.L.

DEPARTMENT OF THE INTERIOR,

Address only WASHINGTON.  
The Secretary of the Interior.

April 13, 1909.

File 5-51.

The Commissioner

to the Five Civilized Tribes.

Sir:

Herewith is a letter, dated April 7, 1909, from Messrs. Kappler & Merrillat, attorneys at law, of this city, wherein, as a preliminary step to the institution of suit against the Secretary of the Interior, they demand that he restore the following persons to the status of recognized citizens of the Choctaw Nation:

Winona Thompson,

Herman Randolph,

Lena Randolph,

Minnie Hall,

Thomas Myers,

Decosa Randolph,

Hugh Roy Randolph,

Vivian Randolph,

Blanch Myers,

Dick Myers.

You are requested to furnish a report concerning the enrollment of said persons, following the general instructions contained in departmental letter of March 15, 1909 (File 5-51)

Very respectfully,

(Signed) Jesse B. Wilson

Assistant Secretary.

1 Enc.  
(Send direct: copy  
to Indian Office.)

Kappler & Merillat,  
Attorneys and Counsellors at Law  
Bond Building

Washington, D.C. April 7, 1909

The Honorable,

The Secretary of the Interior,  
Washington, D. C.

Sir:

As attorneys for Winona Thompson, Decosa, Herman, Hugh Roy, Lena and Vivian Randolph, Minnie Hall, Blanch, Thomas and Dick Myres, Choctaw Indians who were stricken from the rolls of the Five Civilized Tribes, we hereby respectfully make demand that you cause their names to be restored to the rolls in the Five Civilized Tribes, from which they were stricken by Secretary Hitchcock.

We also give notice, as required by law, that in the event this demand be not complied with, we will be compelled to institute suit to compel their restoration to the rolls.

An early reply hereto is requested.

Yours respectfully,

(Signed) Kappler & Merillat.



FR

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.  
J.W.H.  
W.C.P.  
T.W.L.

April 17, 1909.

Address only  
The Secretary of the Interior.

File 5-51.

The Commissioner  
to the Five Civilized Tribes.

Sir:

Herewith is a letter dated April 15, 1909, from Messrs. Kappler & Merrillat, Attorneys at Law, of this city, wherein they demand, as a preliminary step to the institution of suit against the Secretary of the Interior, that he cause the names of the following persons to be restored to the rolls of citizenship of the Choctaw Tribes

W. E. Thompson,

T. J. Hogg,

Eunice Hogg,

J. N. Harper,

Daisy Harper,

Ella Thompson.

You are requested to render a report in the matter, following the general instructions contained in department letter of March 15, 1909, file 5-51, taking particular care to state in this, as well as in other cases, whether certificates of allotment or patent have been issued to or recorded in favor of the applicants.

Very respectfully,

(Signed) Jesse E. Wilson.  
Assistant Secretary

1 enclosure; send direct  
Copy to Indian Office.

Kappler & Merillat  
Attorneys and Counsellors at Law  
Bond Building,

Washington, D. C. April 13, 1909.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

In behalf of W. E. Thompson, T. J. Hogg, Eunice Hogg, J. N. Harper, Daisy Harper and Ella Thompson, we hereby respectfully make demand that you cause their names to be restored to the rolls of the Choctaw Tribe of Indians, from which they were stricken by the Secretary of the Interior.

At the same time, we respectfully <sup>desire</sup> to give notice that if the demand be not acceded to we will take appropriate proceedings in Court to compel their restoration to the rolls.

We make this request and demand in accordance with law, and for the reason that we believe the Secretary of the Interior was without authority or jurisdiction to strike from the rolls the names of persons once placed thereon, especially where land had been allotted to the parties, as was the case with our clients.

Yours respectfully,

(Signed) Kappler & Merillat.

D 489-1909  
D 514-1909

Muskogee, Oklahoma, April 23, 1909.

Subject:

Reporting on Departmental  
Letters of April 13, 1909  
and April 17, 1909, rel-  
ative to W. E. Thompson,  
et al. and Winona Thomp-  
son, et al.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of April 13, 1909 (File 5-51) transmitting communication of April 7, 1909, from Messrs. Kappler & Merillat, attorneys at law, Washington, D. C., wherein, as a preliminary step to the institution of suit against the Secretary of the Interior, they demand that Winona Thompson, Decosa Randolph, Herman Randolph, Hugh Roy Randolph, Lena Randolph and Vivian Randolph, Minnie Hall, Blanch Myres, Thomas Myres and Dick Myres be restored to the status of recognized citizens of the Choctaw Nation, and requesting a report concerning the enrollment of said persons.

Receipt is also acknowledged of Departmental letter April 17, 1909 (File 5-51), transmitting communication April 13, 1909 from Messrs. Kappler & Meri

Secretary 2

law, Washington, D. C., wherein they demand, as a preliminary step to the institution of suit against the Secretary of the Interior, that he cause the names of the following persons to be restored to the rolls of citizenship of the Choctaw tribe: W. B. Thompson, T. J. Hogg, Eunice Hogg, J. N. Harper, Daisy Harper and Ella Thompson.

A report is requested in this matter following the general instructions contained in Departmental letter of March 15, 1909, taking particular care in this, as well as in other cases, to state whether certificates of allotment or patents have been issued to or recorded in favor of the applicants.

Reporting in this matter I have the honor to advise that the names of the persons above mentioned are included in the Choctaw enrollment case of Samuel C. Wall, et al. and the facts in this case are as follows:

It appears from the records of this office that application was made to the Commission to the Five Civilized Tribes on September 8, 1896 in Choctaw 1896 Citizenship Case Number 540 for the admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321), of Samuel C. Wall (as Samuel Wall), Ellen Wall, Daisy Harper (as Daisy Wall), Eunice Hogg ( as

Secretary 3

Unis Wall), Sam F. Wall, Thomas Wall, Hiram T. Wall (as Hiram Wall), and Bessie L. Wall (as Bessie Wall).

This application was denied by the Commission to the Five Civilized Tribes December 2, 1896. From this decision appeal was taken to the United States Court for the Southern District of Indian Territory, which, on January 19, 1898 in case Number 126 on the citizenship docket, reversed the decision of the Commission and admitted the applicants to citizenship in the Choctaw Nation.

This judgment was subsequently annulled, vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902, in the test case of the Choctaw and Chickasaw Nations or Tribes of Indians versus J. T. Riddle, et al.

Subsequently said cause was certified to the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641) for a trial de novo, and on November 23, 1904, in the case entitled Samuel Wall et al. versus the Choctaw and Chickasaw Nations, Case Number 26 on the Tishomingo Docket, said Court rendered a decree wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Samuel Wall or Samuel C. Wall, Ellen Wall, Daisy Wall or Daisy Wall, Unis Wall,

Secretary 4

Sam F. Wall, Thomas Wall or Thos. Wall, Hiram Wall and Bessie Wall be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such, and not entitled to any rights whatever flowing therefrom."

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes on September 6, 1896, in Choctaw 1295 Citizenship Case Number 1182, for admission to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896, of Dick Randolph, Myrtle Randolph, Winnie Randolph, Decosa Randolph, Herman Randolph, Hughie Randolph ( as Hughie C. Randolph), William E. Wheat (as William Wheat), Myrtle E. Wheat (as Myrtle Wheat), Jesse G. Wheat (as Jesse Wheat) Waldemar Thompson, Dollie Thompson, William J. Thompson ( as William Thompson), Decosa Thompson, Ellen Thompson and May Thompson.

On December 7, 1896, the Commission denied this application. From this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, on January 19, 1898, in the case entitled Dick Randolph, et al. versus the Choctaw Nation, rendered a judgment admitting all of said applicants to citizenship except

Secretary 5

Myrtle Wheat and May Thompson whose names were not mentioned in the judgment.

This judgment was subsequently annulled, vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, and the cause was subsequently certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, which court, on November 29, 1904, in case Number 27 on the Tishomingo Docket, entitled Dick Randolph, et al. versus the Choctaw and Chickasaw Nations, rendered a judgment wherein it was ordered, adjudged and decreed that the petition of the plaintiffs, Dick Randolph, Myrtle Randolph or Myrtle Randolph, Winnie Randolph, DeCosa Randolph or Decosa Randolph, Herman Randolph, Hughie C. Randolph or Hughie Randolph, William Wheat or Wm. Wheat, Jess Wheat or Jesse Wheat, De Cosa Thompson or Decosa Thompson, Allen Thompson, Waldemar Thompson, Dollie Thompson and William J. Thompson or William Thompson, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, MyrtleWheat and May Thompson, the Court having no jurisdiction, their petition is dismissed.

January 21, 1905, the Commission to the Five Civilized Tribes issued an order dismissing the application for the



Secretary 3

enrollment of William Myers as a citizen by intermarriage of the Choctaw Nation, for the reason that the right of his wife, Winnie Myers (as Winnie Randolph) had been denied by the Choctaw and Chickasaw Citizenship Court.

January 23, 1905, the Commission to the Five Civilized Tribes issued orders dismissing the applications for the enrollment of Lawrence V. Harper, Gracie Ellen Harper, James Custer Harper, Effie Hogg, Ora Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers and John Boyd Myers, and on January 24, 1905, orders were entered by the Commission to the Five Civilized Tribes dismissing the applications for the enrollment of Winona Thompson, Myrtle Thompson, Claudia Ellen Thompson and Giles Glide Thompson, for the reason that the rights of the persons through whom these applicants claimed as citizens of the Choctaw Nation had been adversely determined by the decrees of the Choctaw and Chickasaw Citizenship Court in the cases above referred to.

February 4, 1905, the Commission rendered a decision denying the application for the enrollment of Myrtle E. Wheat as a citizen of the Choctaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 30, 1906, by O. W. Patchell, attorney at law, Pauls Valley, Indian Territory, a petition praying for the enroll-

Secretary 7

ment of Samuel C. Wall, Samuel Wall Jr., Thomas Wall, Hiram Wall, Fannie Wall, Elmer Wall, Elizabeth Wall, Daisy Harper, Lawrence Harper, Gracie Harper, Custer Harper, Rudella Hopper, Eunice Hogg, Effie Hogg, Nellie Hogg, Lizzie Hogg, Samuel J. Hogg, Myrtle Randolph, Decosa Randolph, Herman Randolph, Hugh C. Randolph, Lena R. Randolph, Roy Randolph, Vivian Randolph, Vinnie Myers, Lelia Blanche Myers, John B. Myers, Dick Myers, Jesse Wheat, Myrtle Wheat, Waldemar E. Thompson, Arthur Thompson, Dollie Thompson, Claudie Thompson, Giles Thompson, William J. Thompson, Winona Thompson and Ella Thompson as citizens of the Choctaw Nation, and for the enrollment of Dick Randolph, William E. Wheat, May Thompson, William Myers, Savannah Thompson and Ellen Wall as citizens by intermarriage of the Choctaw Nation.

This office could not identify the applicants herein as having been enrolled upon any of the tribal rolls of the Choctaw Nation in its possession.

February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the applications for enrollment of all the persons included in this decision and on the same date the record, together with the decision in this case, was forwarded to the Secretary of the Interior.

February 26, 1907 (Land 13244-1907) the Indian Office

Secretary C

concurring in the decision of the Commissioner of February 4, 1907, denying these applicants, and on February 28, 1907 ( I T D 5080, 5143, 5148, 5190, 5194, 5196, 5200, 5208, 5211, 5214, 5322, 5334, 5336, 5341, 5346, 5350, 5352, 5394, 5442-1907), the Department affirmed said decision.

I have the honor to state that no formal allotments were ever made to these persons but applications for lands were made in their behalf which were involved in allotment contests; these contests were afterward dismissed and the lands given to the contestees and patents therefor have undoubtedly been recorded and delivered.

It further appears that T. J. Hogg was the non-citizen husband of Eunice Hogg, nee Wall, and that J. F. Harper was the non-citizen husband of Daisy Harper, nee Wall, and that no application was made to the Commission or the Commissioner to the Five Civilized Tribes for their enrollment as citizens of the Choctaw Nation.

It also appears that this office has no record of any favorable decision ever having been rendered by the Department in this case.

The letters of Kappler & Merrillat of April 7, 1909 and April 13, 1909, are herewith returned.

Respectfully,

Choctaw 4997

Through the Commissioner  
of Indian Affairs.

AB

Commissioner.

7-arts  
27406-1909  
31863-1909  
J E D

DEPARTMENT OF THE INTERIOR  
Office of Indian Affairs, U.S.

Washington, Jun 8 1909

Enrollment case of  
Samuel C. Wall, et al.

The Commissioner

to the Five Civilized Tribes,  
Muskogee, Oklahoma,

Sir:

Referring to your reports of April 7 and 23, 1909, relative to the Choctaw enrollment case of Samuel C. Wall, et al., you are advised that on May 28, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S. 249). The Department declined to take any action looking to the enrollment of any of the persons included in the case of Samuel C. Wall, et al. A copy of approved Office letter of May 4, 1909, is inclosed for your further information. You are requested to notify the proper parties of this action.

Very respectfully,

C. F. Hauke,  
Chief Clerk.

JC-3  
1788

E.B.M. 2  
L.H.A.  
L.H.D 2

GR

1909  
27496-1909  
31863- "  
J E D

May 4 1909

Enrollment claims of  
Thomas Randolph, et al.

The Secretary of the Interior.

Sir:

Referring to Department letters of March 25, April 13 and 17, 1909 (File S-21 Choctaw), there are transmitted herewith reports of April 7 and 23 from the Commissioner to the Five Civilized Tribes, in regard to the case of Samuel C. Wall, et al., applicants for enrollment as Choctaw citizens.

The history of the case is set out fully in the reports inclosed. The records show that on February 4, 1907, the Commissioner to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Samuel C. Wall, Sam F. Wall, Thomas Wall, Hiram T. Wall, Beanie L. Wall, Daisy Harper, Eunice Hogg, Myrtle Handolph, Minnie Myers, Decosa Randolph, Herman Randolph, Hughie Handolph, Jesse G. Wheat, Robert E. Wall, Waldemar Thompson, William J. Thompson, Bellie Thompson, Decosa Thompson, Ellen Thompson, Lizzie Louisa Hogg and Daisy E. Harper as citizens, for the enrollment of Ellen Wall, Dick Randolph and William E. Wheat as citizens by intermarriage, dismissing the petition for the enrollment of Elizabeth Wall and Savannah Thompson, denying the petition for the enrollment of William Myers and My Thompson as citizens by intermarriage, denying the petition for the enrollment of Lawrence Harper, Gracie Harper, Guster Har-

per, Effie Hogg, Nellie Hogg, Lena R. Randolph, Vivian Randolph, Lelia Blanche Myers, John B. Myers, Claudie Thompson, Giles Thompson, Winona Thompson and Myrtle Wheat as citizens, and dismissing the application for the enrollment of Rudella Hopper, Samuel J. Hogg, Roy Randolph, Dick Myers and Arthur Thompson as citizens of the Choctaw Nation.

On February 26, 1907, the Department affirmed the decision of the Commissioner denying the applications.

In this connection your attention is invited to the opinion, dated February 19, 1907, of the Attorney General, in reference to the Choctaw citizenship cases of Myrtle Randolph and her brother, W. J. Thompson, which opinion is referred to by the Commissioner to the Five Civilized Tribes in his report. The Commissioner reports that it does not appear that the names of any of the persons mentioned were ever placed upon a schedule or roll of citizens of the Choctaw Nation by the Commission or the Commissioner to the Five Civilized Tribes, or that any of them were ever allowed to select an allotment of land as a citizen of that nation.

Moreover, it does not appear from the records of the Office that the Department ever approved any applications of these persons for enrollment as citizens of the Choctaw Nation. The Office is of the opinion that the case of Samuel C. Wall, et al. is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1906 in that case (211 U. S. 249).

It is therefore recommended that the Department take no

action looking to the enrollment of any of the persons included  
in the case of Samuel C. Wall, et al.

The record in the case and other papers pertaining thereto  
are inclosed for your further information.

Very respectfully,

(Signed) E. G. Valentine,

Acting Commissioner.

OOP-1  
521

WOP

JWE

APPROVED: May 28, 1909.

Frank Pierce

First Assistant Secretary.  
FVS



Choctaw 5026

Muskogee, Oklahoma, June 11, 1909.

Mr. Valmore Thompson,  
Waltville, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Choctaw enrollment case of Samuel T. Wall et al. is not analogous to that of John A. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1906, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

CONFIDENTIAL

In the name of the American people...

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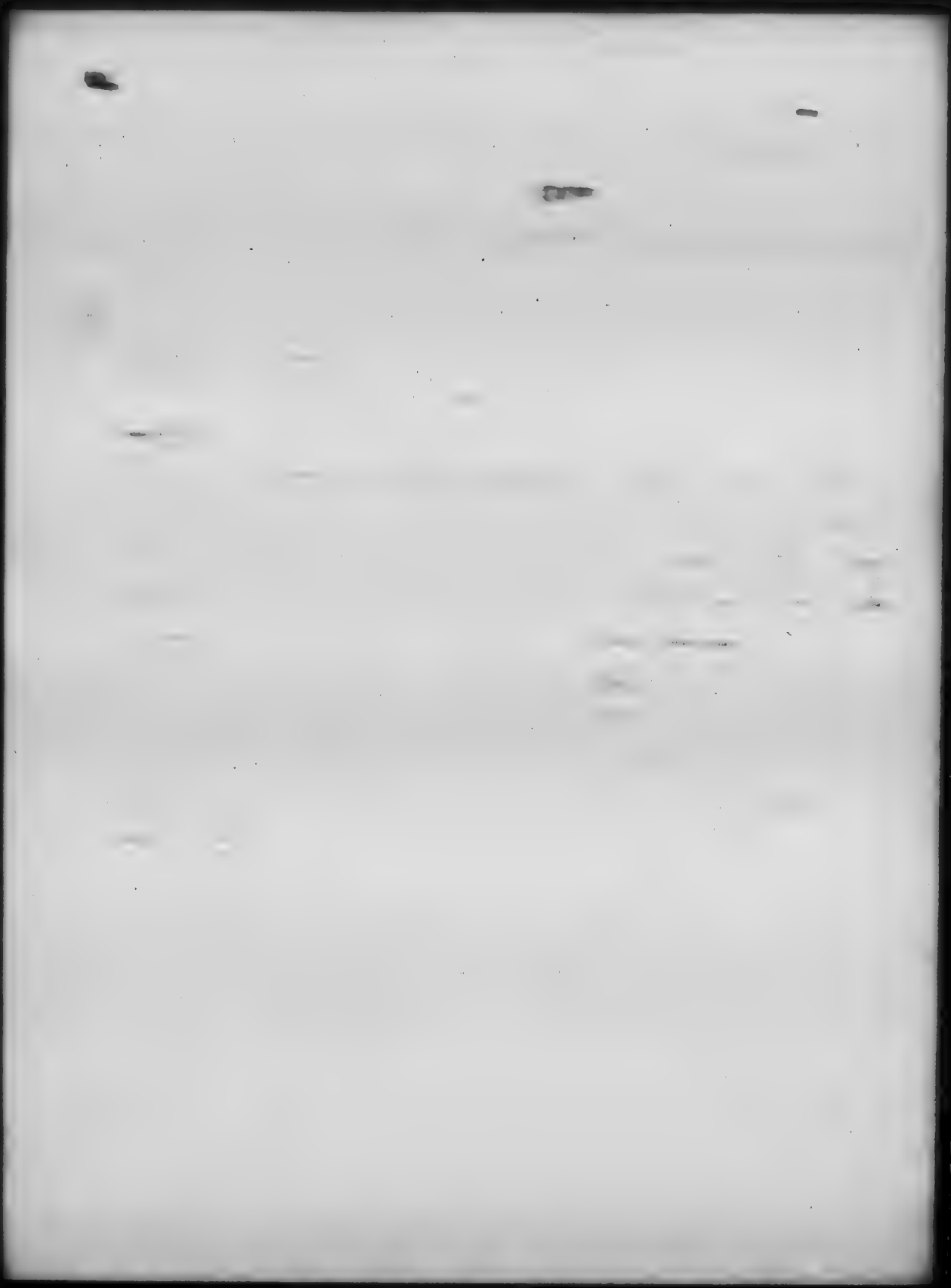
The following information...

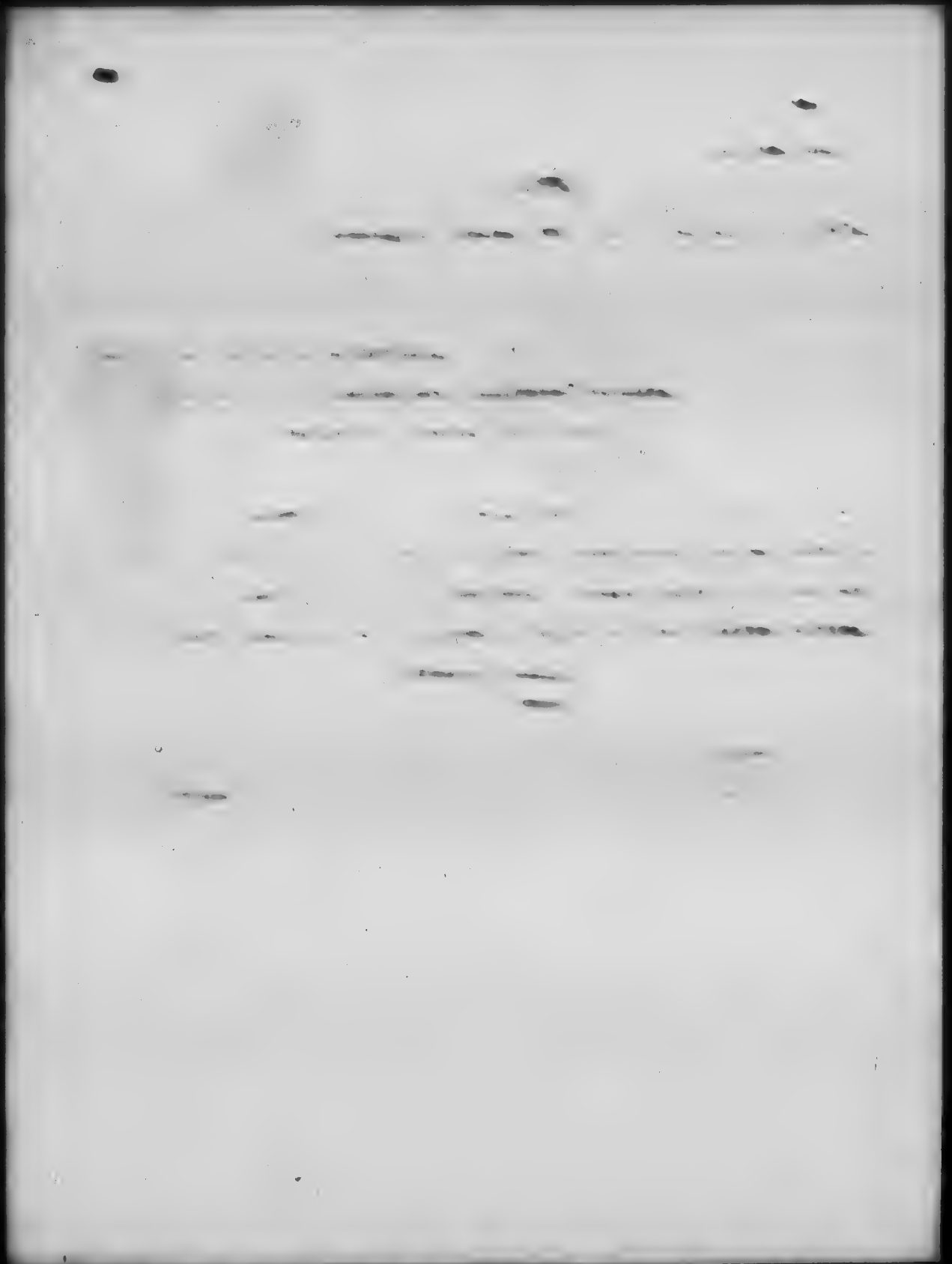
CONFIDENTIAL

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AMERICAN...

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Muskogee, Indian Territory, November 30, 1901.

Walter Thompson,

Wahkiakabe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Claudia Ellen Thompson, the latest daughter of Waldemar and May Thompson, born April 15, 1901, and the same being in proper form has been duly filed with the records of this office and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-5028.

Muskogee, Indian Territory, December 5, 1902.

Waldemar Earnest Thompson,

Wallville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Giles Glide Thompson, infant son of Waldemar Earnest and May M. Thompson, born August 11, 1902; and the same being in proper form has been duly filed with the records of the Commission as evidence of birth of the above named child.

Respectfully,

Acting Chairman.

Refer in reply to the following:

*ms*  
Cchoctaw 5026

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

*W.H.A.*

Muskogee, Oklahoma, June 11, 1909.

Mr. Waldemar Thompson,  
Wallville, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the Cchoctaw enrollment case of Samuel C. Wall et al. is not analogous to that of John H. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

*Thos Ryan*  
Acting Commissioner.

AB



Choc 5027 S.A. Brown

#4 Dismissed Jan 24, 1905

5027

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of-

Andrew Cruce Brown.

7-5027.

S.A.Brown and others.

S.A.Brown says:

I am 37. I am husband of Mattie C. and father of Harry A. and Andrew C. Brown.

We were admitted by the U.S. Court at Ardmore, December 21st 1897, case 88. Andrew C. was born February 4th 1897.

I have been living in the Chickasaw Nation since 1888, except the year 1894, when I was in Oklahoma, with my family. I was there about 11 months. With the exception of that, I have lived continuously in the Territory. I was born and raised in Texas, and came from Texas to the Territory.

Paul's Valley, Sept. 15 1898.

S.A.Brown  
Mattie C. Brown  
Harry A. Brown  
Andrew C. Brown

enrolled.

Indian Territory,  
Chickasaw Nation.

*Geo. Hammer*  
The affiant, ~~Wm. S. Sandlin~~ Sandlin, upon oath, says:

That he is deputy postmaster at the town of Ardmore, I.T., and that he did, as such deputy, on the 28th day of August, 1897, mail a letter delivered to him by W.I., A.C. & Lee Cruce addressed to Governor Green McCurtain, at Sans Bois, I.T., containing a true copy of the application of S.A. Brown and Mattie C. Brown for the use and benefit of their infant child, Andrew Cruce Brown, for citizenship in the Choctaw Nation.

*Geo. Hammer*  
*Geo. Hammer*  
em subscribed and sworn to before me by ~~Wm. S. Sandlin~~ Sandlin, this the 28th day of August, 1897.

*John J. Jones*  
Notary Public, South Dis. I.T.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES OF INDIANS, AT FORT  
GIBSON, I.T.

and W. L. Brown  
S. A. Brown, for the use and benefit of their infant child,  
Andrew Cruce Brown. . . . . Plaintiffs, ) A  
) P  
) P  
) L  
) I  
) C  
) A  
vs. ) TION FOR  
Choctaw Nation, . . . . . Defendant. ) CITIZENSHIP.

S. A. Brown and W. L. Brown say, that they are husband and wife, and ask to prosecute this action as the next friend of Andrew Cruce Brown, and say that they were married in the Chickasaw Nation on the \_\_\_ day of \_\_\_\_\_ 18\_\_\_, and complied with the Indian law in every respect that was then in force concerning marriage between citizens and non-citizens of the Indian Territory; that W. L. Brown is a member of the Choctaw tribe of Indians by blood, and S.A. Brown is a member of said tribe by intermarriage; that their application for citizenship is now on file in the United States Court for the Southern District of the Indian Territory, at Ardmore, and same has been reported by the Master in Chancery, in which he recommends that they be enrolled as members of the Choctaw tribe of Indians, W. L. Brown as a Choctaw by blood, and S.A. Brown as a Choctaw by intermarriage; that same has not been passed on yet by the Judge of said court, but as soon as it is so passed upon they will file a certified copy of said judgment and make it a part of this application. They say that their post office address is Newport, I.T.

They say that they have had born unto them since they filed their application herein for citizenship, and on the \_\_\_ day of \_\_\_\_\_, 1897, the applicant Andrew Cruce Brown, who is a Choctaw Indian by blood, and by reason thereof he should be enrolled as such.

WHEREFORE, They pray that the applicant Andrew Cruce Brown be enrolled by this Commission as a member of the Choctaw tribe of

Indian by blood, and for all other proper relief.

W. A. C. H. L. L. L.

Attorneys for applicant.

Indian Territory,  
Chickasaw Nation.

The affiant, W. I. Cruce, says: That he is one of the attorneys for S. A. & Mattie C. Brown, and that they are both now absent from Pickens County, Chickasaw Nation, Indian Territory, and that the statements made in the foregoing application are true.

He further says that Mattie C. Brown, S. A. Brown and their infant son, Andrew Cruce Brown, the applicant herein, have all been recommended by the Master in Chancery at Ardmore for admission as members of the Choctaw tribe of Indians, -Mattie C. and Andrew Cruce Brown as Choctaws by blood and S. A. Brown as an intermarried Choctaw. He says, however, that Andrew Cruce Brown was not in the application with his father and mother before this Commission, but the Master heard proof of his birth, and recommended that he be admitted. But he says that he has just been informed that Judge Clayton holds that this cannot be done, and he does not know what Judge Kilgore will hold, as he is now sick and away from home, and he has not time to have this application verified by either of the Browns.

Subscribed and sworn to before me by W. I. Cruce, this Aug. 28, 1897.

John A. [Signature]  
Notary Public South. Dist. Ind. Terr.

No. \_\_\_\_\_

Before the Commission to  
the Five Civilized Tribes of  
Indian, at Fort Gibson, I.T.

-----  
S.A. Brown & \_\_\_\_\_ Brown,  
for the use and benefit of  
their infant child,  
JAMES BROWN BROWN.

-----  
JAMES BROWN BROWN.

-----  
JAMES BROWN BROWN.

(P.O. - Report, I.T.)

**FILED**

OCT 16 1897

*E. H. Lyberson*

A. C. & Lee, Attorneys,  
Attorneys for applicant.  
Ardmore, I. T.





1  
I. T. Territory, )  
Chickasaw Nation. )

The 27th of March, J. J. Jones, Sheriff of the  
County of 59 Chickasaw, State of Oklahoma, to-wit: Matthew C. Brown, wife  
of S. A. Brown, that she was present on the 11th day of February,  
1907, at the birth of a daughter, Matthew C. Brown, delivered a female  
child, the said child was named Andrew Crane Brown, that she attended  
to the said child with A. B. Davis, that the said S. A. Brown and Mat-  
thew C. Brown are still living together as husband and wife, and  
that part of the address is Ardmore, Indian Territory, and that  
Andrew Crane Brown is still alive, and living with his said parents  
near Ardmore, I. T.,

This is the true and correct copy of the original filed in my  
office.

Martha J. Jones  
3rd  
J. J. Jones  
Notary Public.

Subscribed and sworn to before me this 3rd day of August, 1900.

Indian Territory, )  
Southern District, ) S.S.

The undersigned, Marshall Byrd, being a Justice of the Peace in 82  
County of ... State of ... do hereby certify that S. A. Brown, of Marshall C.  
Brown, of ... County, State of ... on the 24th day of February,  
1900, was by Marshall C. Brown, delivered of a male child that was  
afterward named Andrew Cross Brown, and that the said Andrew Cross  
Brown is still alive, and living with his parents, S. A. Brown and  
Marshall C. Brown, who are living together as husband and wife, near  
Armore, Indian Territory; that A. B. Davis was the father of  
said child, and that said child was born.

*Marshall Byrd*

Said child was born on the 24th day of August, 1900.

*Marshall Byrd*  
Justice of the Peace

7-5027

*IN RE*

Application for Enrollment of

INFANT CHILD

*Andrew Bruce Brown,*

as a citizen of the

*SENECA* Nation.

Approved: 10 1900



*Commissioner.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
SEP 10 1900



Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
of *Andrew Lemue Brown*, born on the *4* day of *February*, 1897  
Name of Father: *S A Brown*, a citizen of the *Choctaw* Nation.  
Name of Mother: *Mattie C Brown*, a citizen of the *Choctaw* Nation.

Postoffice,  
*Andromone 97*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, )  
*Southern* INDIAN TERRITORY, )  
District. )

I, *Mattie C Brown*, on oath state that I am *24*  
years of age and a citizen, by *Blood*, of the *Choctaw* Nation;  
that I am the lawful wife of *S A Brown*, who is a citizen, by  
*Marriage*, of the *Choctaw* Nation; that a *Male* child was  
born to me on the *4* day of *February*, 1897; that said child has been  
named *Andrew Lemue Brown*, and is now living.

WITNESSES TO MARK: *Mattie C Brown*

(Must be Two Witnesses)

Subscribed and sworn to before me this *4th* day of *May*, 1900  
*J. R. Bleasmore*  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, )  
*Southern* INDIAN TERRITORY, )  
District. )

I, *A B Davis*, a *Physician*, on oath state that I  
attended on Mrs. *Mattie C Brown*, wife of *S A Brown*  
on the *4* day of *February*, 1897; that there was born to her on  
said date a *Male* child; that said child is now living and is said to have been  
named *Andrew Lemue Brown*.

WITNESSES TO MARK

(Must be Two)

Subscribed and sworn to before me this *4th* day of *May*, 1900

7-5027.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

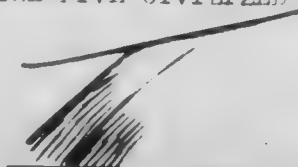
In the matter of the application for the enrollment of  
Andrew Cruce Brown as a citizen by blood of the Choctaw Nation.

-oOo-

The applicant, Andrew Cruce Brown, claims the right to  
enrollment as a citizen by blood of the Choctaw Nation through  
his mother, Mattie C. Brown, (nee Jones).

The right of the applicant's mother, Mattie C. Brown,  
(as Mattie C. Jones) to citizenship in the Choctaw Nation having  
been adversely determined by a decree of the Choctaw and Chickasaw  
Citizenship Court of November 28, 1904, in case number 64 upon the  
Tishomingo docket of said court, it is hereby ordered that the  
application for the enrollment of Andrew Cruce Brown as a citizen  
by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

Muskogee, Indian Territory,

JDN

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Chectaw 5027

copy

Muskogee, Indian Territory, January 24, 1905.

Mattie C. Brown,

Ardenore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 24, 1905, dismissing the application for the enrollment of your minor child, Andrew Grace Brown, as a citizen by blood of the Chectaw Nation.

Respectfully,

JACOB

JACOB

Registered.

Chairman.

Incl. 7-5027



7-5027

Copy,

Muskogee, Indian Territory, January 24, 1905.

Cruce, Cruce & Cruce,  
Attorneys at Law,  
Ardmore, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated February 24, 1905, dismissing the application for the enrollment of Andrew Cruce Brown as a citizen by blood of the Choctaw Nation.

Respectfully,

J. H. B.

Registered.

J. H. B.  
Commissioner.

Incl. 7-5027

Original and

COPY.

... .., ... .., ... .., ... .., ... ..

... .., ... .. & ... ..,

Attorneys for ... .. and ... .. Nations,

... .., Indian Territory,

... ..

I have ... .. you will find a copy of ... .. of  
... .. and ... .., ... .., ... ..  
for the ... .. of ... .. and ... ..  
of ... ..

... ..

(SIGNED)

... ..

Lawson, Indian Territory, September 12, 1900.

Cruse, Cruse & Cruse,

Attorneys at Law,

Adams, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 6th instant, enclosing the application for enrollment as a citizen by blood of the Choctaw Nation of Andrew Cruse Brown, the minor child of S. J. and Mattie T. Brown, born February 6th, 1897. In the absence of the affidavit of the attending physician at the birth of this child, there is attached to the affidavit of the mother, the affidavits of S. J. Brown, Martha T. Jones and Fannie Byrd, which have been accepted by the Commission as sufficient evidence of the birth of this child.

The name of Andrew C. Brown was stricken from the original judgment rendered by the United States Court for the Southern District of the Indian Territory in court case No. 64 for the reason that the name of this child did not appear in the original application made to this Commission under the act of Congress of June 20th 1896.

This child having, however, been born February 6th, 1897, subsequent to the date of the filing of the original application for citizenship in this case, is the last day listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

In very  
respects

Acting Director.

Choctaw 5027

Muskogee, Indian Territory, January 23, 1903.

I. J. Price,

Newport, Indian Territory,

Dear Sir:

Receipt is her by acknowledged of your letter of recent date in which you ask if you will be safe in paying a note for rent in advance for the year 1903 to S. A. Brown, a court citizen.

In reply to your letter you are advised that lands upon which so-called court claimants have improvements, not in excess of lawful allotments, will not be allotted to any citizen, until the rights of the said court claimants are finally determined.

You are advised, however, that the Commission cannot give you any information relative to the renting of lands .

Respectfully,

Acting Chairman.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. E. BRECKINRIDGE,  
WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Choctaw 244  
Choctaw 5027

ADDRESS ONLY TO  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 30, 1904

Quintella Lindsey,  
Durant, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of November 14 in which you state that you desire to file upon a certain tract of land upon which are improvements owned by a court claimant, S. A. Brown, whose case has been denied by the Citizenship Court but that the Chickasaw Land Office would not permit you to do so and informed that before you could do so it would be necessary for them to be advised by this office of the decision of the Citizenship Court.

In reply to your letter you are advised that the Choctaw and Chickasaw Citizenship Court has not yet certified to the Commissioner its decree in the case of S. A. Brown, et al., Number 64 upon the Tishomingo Docket of said court, and until this decree is furnished the Commission has no official information of the action of that court.

It is, therefore, impracticable to comply with your request to file on this land at this time, if the improvements thereon are owned and held by S. A. Brown. The plat inclosed with your letter is herewith returned.

Respectfully,

Commissioner in Charge

Choctaw 244  
Choctaw 5027

Muskogee, Indian Territory, November 30, 1904

Quintella Lindsey,  
Durant, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of November 14 in which you state that you desire to file upon a certain tract of land upon which are improvements owned by a court claimant, S. A. Brown, whose case has been denied by the Citizenship Court but that the Chickasaw Land Office would not permit you to do so and informed that before you could do so it would be necessary for them to be advised by this office of the decision of the Citizenship Court.

In reply to your letter you are advised that the Choctaw and Chickasaw Citizenship Court has not yet certified to the Commission its decree in the case of S. A. Brown, et al., Number 64 upon the Tishomingo Docket of said court, and until this decree is furnished the Commission has no official information of the action of that court.

It is, therefore, impracticable to comply with your request to file on this land at this time, if the improvements thereon are owned and held by S. A. Brown. The plat inclosed with your letter is herewith returned.

Respectfully,

**GIBSON & CASSIDY,**  
**Real Estate**

*Leases of All Kinds Bought and Sold*

TISHOMINGO, I. T.

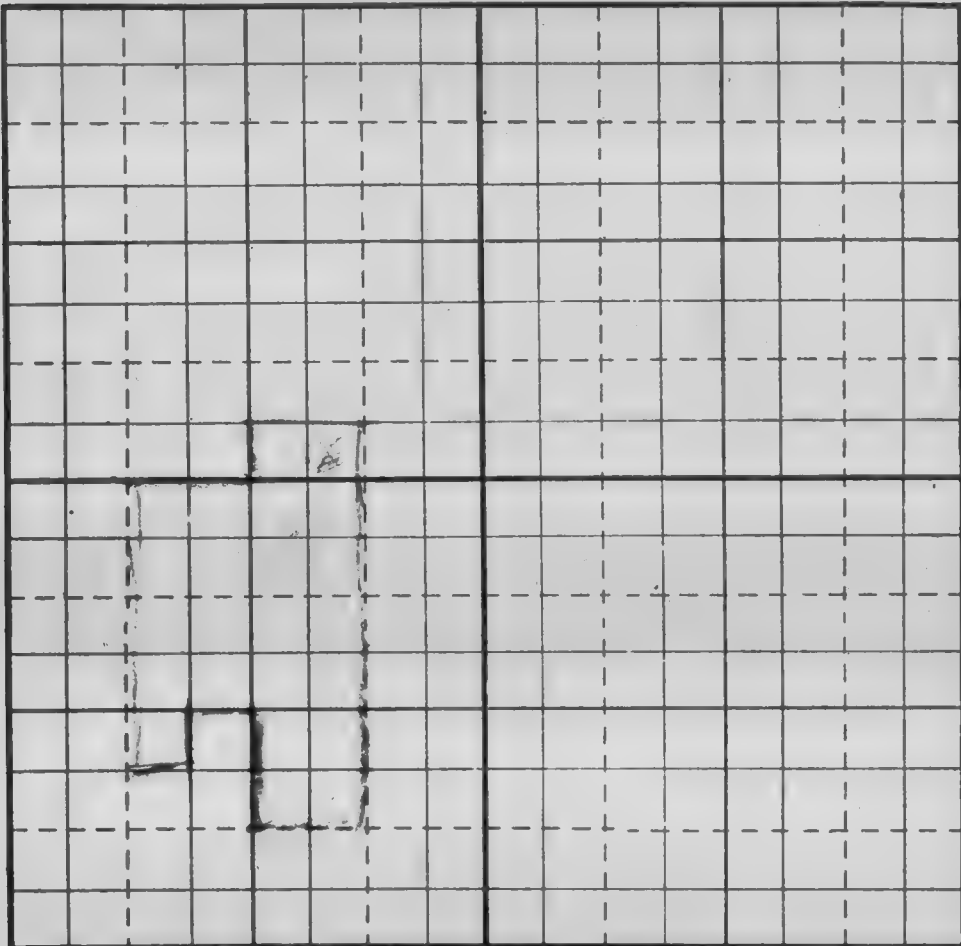
J. S. GIBSON  
W. J. CASSIDY

**Township No.**

**Range No.**

**Sec.**

**Sec.**



**Sec.**

**Sec.**



choc 5028 D.A. Young

Refused 2-4-1905

5028

7-5028

1210 Denied

RECORD FORWARDED TO REQUESTING AGENCY  
SR

U. O. B.

JAN 21 1905

CHOCTAW COURT CARD C 73

6000

IN RE application of D. A. Young and others.

SWORN BY COMMISSIONER McKEVNON

D. A. Young says:

I am 50. I am father of Maud L., James P., and Martha A. Young, all admitted by the U. S. court at Ardmore, December 21st 1897, case 88.

The names of my family here given are identical with those found on the face of the decree.

I have been living in the Chickasaw Nation continuously since 1883. I came from Texas. I had been there since 1869.

Pauls Valley, Sept. 13 1898.

D. A. Young  
Maud L. Young  
James P. Young  
Martha A. Young.

enrolled.

7-5028.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of D. A. Young for enrollment as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on September 15, 1898, application was made to this Commission for the enrollment of D. A. Young as a citizen by intermarriage of the Choctaw Nation.

It does not appear from the records in the possession of the Commission that the applicant has ever been enrolled by the tribal authorities of the Choctaw Nation, neither does it appear that he has ever been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of said nation, nor does it appear that he has ever been admitted to citizenship in said nation by the Commission to the Five Civilized Tribes, or by the United States Court in the Indian Territory, in accordance with the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 521).

It appears from the records of the Commission that on September 7, 1896, in the case entitled "Martha Jones, et al. vs. Choctaw Nation" (1490 Choctaw citizenship docket, case No. 18) application was made to this Commission for the admission to citizenship in the Choctaw Nation of (among others), the applicant herein, (as David Young) as a citizen by intermarriage thereof; that on December 1, 1896, this Commission rendered its decision denying said application; that from this decision of the Commission an appeal was taken as to certain of the applicants to the United States Court for the Southern District of Indian Territory, which Court, on December 21, 1896, in the case entitled "Martha Jones, et al. vs. Choctaw Nation" (Citizenship case No. 88) entered of record a judgment reversing the decision of this Commission, and admitting the applicant herein to citizenship in the Choctaw Nation, and on March 3, 1899 entered an order, as of December 21, 1896, striking from said judgment the name of the applicant herein, D. A. Young.

It further appears that on December 17, 1902, the Choctaw Chickasaw Citizenship Court created by the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of the Indian Territory.

It further appears from the records of the Commission that said cause was, as to certain of the applicants therein, duly certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo, within the time prescribed by the Act of Congress approved July 1, 1902 (32 Stat., 641), but that, as to the applicant herein, said Choctaw and Chickasaw Citizenship Court on November

28, 1904, in case No. 64, on its Tishomingo docket, entered of record a decree dismissing the petition of said D. A. Young for want of jurisdiction.

It is, therefore, the opinion of this Commission that D. A. Young is not entitled to be enrolled as a citizen by inter-marriage of the Choctaw Nation, and that his application for such enrollment should be denied in accordance with the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Chairman.

  
\_\_\_\_\_  
Commissioner.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

FEB 4 - 1905

FEB 4 - 1905

Choctaw 5028

Muskogee, Indian Territory, February 4, 1905.

D. A. Young,

Purcell, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 4, 1905, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. B. B. B.

James B. B.

Chairman.

Registered.

Incl. 7-5028.

7-5028

W. Ya.

Muskogee, Indian Territory, February 4, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered February 4, 1905, denying the application for the enrollment of D. A. Young as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

W. Y. A.

Incl. 7-5028.

Chairman.



COPY.

Muskogee, Indian Territory, February 4, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record in the matter of the application of E. A. Young for enrollment as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commission of February 4, 1905, denying said application.

Respectfully,

(SIGNED)

WILLIAM L. BROWN  
Chairman.

Through the

Commissioner of Indian Affairs.

2 Incl. 7-5028.

Land.  
10850-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, March 8, 1905.

(COPY).

The Honorable,  
The Secretary of the Interior,

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 4, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation by D. A. Young.

February 4, 1905, the Commission decided adversely to the applicant.

It does not appear from the record that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal.

The record shows that on December 1, 1896, the Commission denied this applicant admission as a citizen by intermarriage of the Choctaw Nation, which decision on December 21, 1898, was reversed by the United States Court, Southern District, Indian Territory, and on March 3, 1899, said Court entered an order striking from said judgment the name of the applicant herein.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Iarrabee

Acting Commissioner.

M. M. W.

DC.13623-1905  
ITD.2386-1905.  
LRS.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, March 14, 1905.

(COPY).  
GR. LLB.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

February 4, 1905, you transmitted the record of the application of D. A. Young for his enrollment as a citizen by intermarriage of the Choctaw Nation, including your decision dated February 4, 1905, adverse to the applicant.

March 8, 1905, the Acting Commissioner of Indian Affairs reporting in the matter recommended that your decision adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision adverse to the applicant is hereby affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

7-5028

COPY.

Muskogee, Indian Territory, March 27, 1905.

D. A. Young,

Purcell, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of March 14, 1905, affirmed the decision of this Commission dated February 4, 1905, denying your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED:

*Tamc Dixby*

Chairman.

7-5028

COPY.

Muskogee, Indian Territory March 27, 1905.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of March 14, 1905, affirmed the decision of this Commission, dated February 4, 1905, denying the application for the enrollment of D. A. Young as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)

*James Dixey*

Chairman.

7-5028

Muskogee, Indian Territory, November 15, 1906.

Martha Young,

Pauls Valley, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 12, 1906, asking the status of your right to enrollment and inquiring if your baby can be enrolled.

In reply to your letter you are advised that if you will state the names of your parents, your age, and any other information which would lead to your identification and also state the name of your baby and the date of its birth and whether or not application has heretofore been made for its enrollment, the latter of your inquiry will receive further consideration.

Respectfully,

Commissioner.

Choc 5029 Mary S. Clemens

No 5 Dismissed Sept 15, 1904

5029



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment as a citizen by blood of the Choctaw Nation.

JOSEPH W. CLIMENS

7-5029.

Mary S.. Clements and others.

W.A.Clements says:

I am 41. I am husband of Mary S. and father of John F., Nettie P., James W., and Joseph E. all admitted by the U.S. court at Ardmore, January 18th 1898, except Joseph E. born May 18th 1898.

I came from Texas and have been living in the Territory since 1885. I married in the Territory. I have lived here continuously with my family

Pauls Valley, Sept. 15 1898.

Mary S. Clements  
John F. Clements  
Nettie P. Clements  
James W. Clements  
Joseph E. Clements

enrolled.

860

7-5029.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application for the enrollment of Joseph E. Clemens as a citizen by blood of the Choctaw Nation.

-----o-----

The applicant, Joseph E. Clemens, claims his right to enrollment as a citizen by blood of the Choctaw Nation through his mother Mary S. Clemens. The right of the applicant's mother, Mary S. Clemens, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, June 29, 1904, in case No. 49 upon the Tishomingo docket of said court, it is hereby ordered that the application of Joseph E. Clemens for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

Muskogee, Indian Territory,

SEP 15 1904

Chocta: 5029

**COPY!**

Muskogee, Indian Territory, September 15, 1904.

Mary S. Clemens,

Elmore, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 15, 1904, dismissing the application for the enrollment of Joseph E. Clemens as a citizen by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

*Tams Dixby.*

Chairman.

Registered.

Incl. 7-5029.

COPY:

Choctaw-5029

Muskogee, Indian Territory, September 15, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated September 15, 1904, dismissing the application for the enrollment of Joseph E. Clemens as a citizen by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

*Tame Dixby.*  
Chairman.

Incl. 7-5029.

Muskogee, Indian Territory, October 10, 1904.

J. M. Hunter,

Elmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 2, in which you state that your daughter, Mary S. Clemens, has received notice that her application for enrollment as a citizen of the Choctaw Nation.

In reply to your letter you are advised that the Choctaw and Chickasaw Citizenship Court, by a decree of June 29, 1904, denied the citizenship in the Choctaw Nation of Mary S. Clemens, and her children, John F., Nettie P., and James W., Clemens, and on September 15, 1904, the Commission to the Five Civilized Tribes dismissed the application of Joseph E. Clemens for enrollment as a citizen of the Choctaw Nation for the reason that his mother had been adjudged to be not a citizen of the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court. The Commission is therefore without further jurisdiction in this case.

Respectfully,

Chairman.

Choc 5030 Alice E. Ross

nos 4-5-6 Dismissed sept 15, 1904

5030



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

Record in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of:

JOHN R. ROSS, ET AL.,

7-5030.

Alice E. Ross and others.

T.S. Ross says:

I am 30. I am husband of Alice E. and father of William F. and James S. Ross and John R. Ross, admitted by the U.S. Court at Ardmore, January 17th 1898, except John R. born October 29th 1896 .

I came to the Chickasaw Nation about 10 years ago and married and have been living here ever since. I came from Texas, and had lived there since I was 6 or 7 years old. All my children were born in the Chickasaw Nation and have lived here all the while.

Dark's Valley, Sept 15 1898.

Alice E. Ross  
William F. Ross  
James S. Ross  
John R. Ross

enrolled.

Indian Territory,

Chicksaw nation.

The affiant, Alice Ross, says that she is the wife of Thomas Ross, and that they are now living together as man and wife near the town of Elmore, Chicksaw nation, Indian Territory.

She says that she is a member of the Choctaw Tribe of Indians by blood, and was declared so by the judgment of the United States Court in the Southern District of the Indian Territory, in the case of the Choctaw Nation vs. Hunter et. al.; which said judgment was never appealed from, and is now effective. That she and her then living children were placed upon the roll by said judgment.

She says that on the 14 day of July, 1899, she had born to her in lawful wedlock a Boy child, which is named Thomas Stark Ross, and that said child is now alive and living with her and her said husband near the town of Elmore, Chickasaw nation, Indian Territory, and is a Choctaw Indian by blood/

Alice Ross

Subscribed and sworn to before me this 2 day of Sept 1899.

W. W. Howerton  
Notary Public.

Indian Territory, )  
Chickasaw Nation. ) ss.

The affiant, J. Woods, M.D.

says that he is a practicing physician, and is acquainted with Thomas Ross and his wife Alice Ross; that he attended Mrs. Alice Ross on the 14 day of July, 1899, when she was delivered of a Boy child, who was afterwards named Thomas Stark Ross; that said child is now alive, and is living with its parents near Elmore, Indian Territory.

Subscribed and sworn to before me this 27 day of April 1899.

A. N. Houston  
Notary Public.

13373

*Case No 37*

CHOCTAW.

20

INDEXED

13373

IN RE

Application for Enrollment of

INFANT CHILD

*Law Ann Ross*

as a citizen of

*Choctaw* Nation.

SEP 23 1901

Approved

*C. R. Breckinridge*  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
SEP 23 1901

*[Signature]*  
ACTING CHAIRMAN.

*[Vertical handwritten notes and scribbles on the right side of the page]*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
of *Louise Ann Ross*, born on the *31* day of *July*, 18*01*  
Name of Father: *Thos S Ross*, a citizen of the *United States* Nation.  
Name of Mother: *Allie E Ross*, a citizen of the *Choctaw* Nation.  
Post-office, *Newport S Y*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,

*Southern* District.

I, *Allie E Ross*, on oath state that I am *28*  
years of age and a citizen, by *Blood* of the *Choctaw* Nation;  
that I am the lawful wife of *Thos S Ross*, who is a citizen, by  
*Blood* of the *United States* Nation, that a *female* child was  
born to me on the *31* day of *July*, 18*01*; that said child has been  
named *Louise Ann Ross*, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

*J. L. Alexander*  
*H. L. Alexander*

*Allie E Ross*  
*mother*

Subscribed and sworn to before me this *9th* day of *September*, 190*1*.

*H. R. Beadmore*  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,  
*Southern* District.

I, *J. W. Hampton*, a *Physician*, on oath state that I  
attended on Mrs. *Allie E Ross*, wife of *Thomas S Ross*  
on the *31* day of *July*, 18*01*; that there was born to her on  
said date a *female* child; that said child is now living and is said to have been  
named *Louise Ann Ross*.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this *2* day of *September*, 190*1*.

*J. W. Hampton*  
*J. W. Hampton*  
NOTARY PUBLIC

20611

7-5030.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

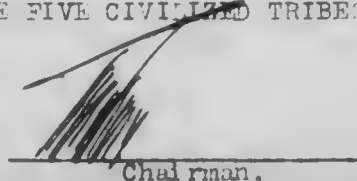
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In the matter of the application for the enrollment of John R. Ross, et al., as citizens by blood of the Choctaw Nation.

---0---

The applicants, John R. Ross, Thomas Stark Ross and Loue Ann Ross, claim their right to enrollment as citizens by blood of the Choctaw Nation through their mother Alice E. Ross. The right of the applicants' mother, Alice E. Ross, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, June 29, 1904, in case No. 49 upon the Tishomingo docket of said court, it is hereby ordered that the application of John R. Ross, Thomas Stark Ross and Loue Ann Ross for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

Muskogee, Indian Territory,

SEP 15 1904



Choctaw-5030

COPY:

Muskogee, Indian Territory, September 15, 1904.

Alice E. Ross,

Newport, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 15, 1904, dismissing the application for the enrollment of your minor children, John R. Ross, Thomas Stark Ross and Loue Ann Ross as citizens by blood of the Choctaw Nation.

Respectfully,

SIGNED

*James Lixby.*

Chairman.

Registered.

Incl. 7-5030.

CHOCTAW-2000

Muskogee, Indian Territory, September 13, 1904.

Cross & Cross,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 15, 1904, dismissing the application for the enrollment of John R. Ross, Thomas Stark Ross and Louie Ann Ross as citizens by blood of the Choctaw Nation.

Respectfully,

W. H. DIXBY

W. H. Dixby.

Chairman.

Registered.

Choctaw-5030

EX-107

Muskogee, Indian Territory, September 18, 1904.

**Mansfield, McMurray & Cornish,**

**Attorneys for Choctaw and Chickasaw Nations,**

**South McAlester, Indian Territory.**

**Gentlemen:**

Inclosed herewith you will find a copy of the order of this Commission, dated September 15, 1904, dismissing the application for the enrollment of John R. Ross, Thomas Stark Ross and Loue Ann Ross as citizens by blood of the Choctaw Nation.

Respectfully,

(SIGNED)

*Tame Dixby.*

Chairman.

Incl. 7-5030.

COMMISSIONERS  
HENRY L. DAVES,  
TAMM BIRBY,  
ARCHIBALD S. MCKENNON,  
THOMAS B. NEEDLES  
ALLISON L. AYLESWORTH, SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, *1874.*

To All

Receipt is hereby acknowledged of both certificate in the matter of the application for enrollment of *James B. ...* of *...* and *...* as a citizen of the *...* Nation, and the same has been duly filed.

Very respectfully,

*Tamm Birby*  
Acting Chairman

Muskogee, Indian Territory, September 23, 1901.

Messrs. Cruce & Cruce,  
Attorneys at Law,  
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 19th instant enclosing the application for enrollment as a citizen of the Choctaw Nation of Loue Ann Ross, the infant daughter of Thomas S. and Alice E. Ross, born July 31, 1901, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

7-5030

Commissioner in charge.

7-8030

Muskogee, Indian Territory, December 14, 1906.

Chief Clerk,  
Chickasaw Land Office,  
Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 8, 1906, asking ~~the~~ application for the enrollment of Alice E. Ross, and her children, Will, Jim, John, Tom and Louanna Ross is still pending and if these persons should be allowed to institute contest proceedings before your office.

In reply you are advised that the records of this office do not show that any application for the enrollment of Alice Ross and the persons above named is pending before this office or the Department.

It appears that they were denied by the Choctaw and Chickasaw Citizenship Court and that no petition was filed in their behalf under the opinion of the Assistant Attorney General in the Choctaw enrollment cases of Mary Elizabeth Martin and Loula West, and your office will not therefore receive any application to institute contest in behalf of these persons.

Respectfully,

Commissioner.

Choc 5031 Mary A. Thompson

no1 transferred to choc card # 5878

Dec 24, 1964

5031

Empty



Choc 5032 Sammie Paul

Record transferred to check saw card # C219

Empty

Choc 5033 A. O. Patterson

#3 Dismissed Jan 24, 1905

5033

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of-

Mary Lou Patterson

7-5033

*IN RE*

Application for Enrollment of

INFANT CHILD

*Mary Lou Patterson*  
As a citizen of the

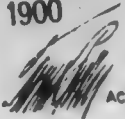
*Choctaw* Nation.

Approved, DEC - 3 1900 100



Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
DEC 3 1900



ACTING CHAIRMAN.

CHOCTAW.

5033

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
 of *Mary Lou Patterson*, born on the *23rd* day of *October*, *1900*  
 Name of Father: *A. S. Patterson*, a citizen of the *Choctaw* Nation.  
 Name of Mother: *Dora Patterson*, a citizen of the *Choctaw* Nation.  
 Postoffice, *Purcell, Ind Terr.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA.)

INDIAN TERRITORY.

*Southern* District.)

I, *Dora Patterson*, on oath state that I am *twenty-seven*  
 years of age and a citizen, by *blood*, of the *Choctaw* Nation;  
 that I am the lawful wife of *A. S. Patterson*, who is a citizen, by  
*marriage*, of the *Choctaw* Nation; that a *female* child was  
 born to me on the *23rd* day of *October*, *1900*; that said child has been  
 named *Mary Lou Patterson*, and is now living.

WITNESSER TO MARK

(Must be Two Witnesses)

*M. Tomlin* + *Dora Patterson*

Subscribed and sworn to before me this *21<sup>st</sup>* day of *November*, *1900*

*Emil Brown*

I hereby certify that above names and changes in names of *Mary Lou Patterson* and in all the names of *Patterson* were made by me.

NOTARY PUBLIC

*Emil Brown*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA.)

INDIAN TERRITORY.

*Southern* District.)

I, *A. A. Dunn*, a *physician*, on oath state that I  
 attended on Mrs. *Dora Patterson*, wife of *A. S. Patterson*,  
 on the *23* day of *October*, *1900*; that there was born to her on  
 said date a *female* child; that said child is now living and is said to have been  
 named *Mary Lou Patterson*.

WITNESSES TO MARK

(Must be Two Witnesses)

*M. Tomlin* *A. A. Dunn MD*

Subscribed and sworn to before me this *24th* day of *Nov*, *1900*

*Emil Brown*

7-5033

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

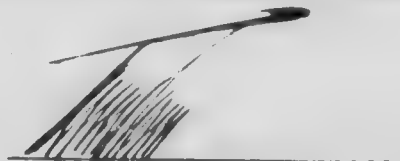
In the matter of the application for the enrollment of  
Mary Lou Patterson as a citizen by blood of the Choctaw Nation.

-oOo-

The applicant, Mary Lou Patterson, claims the right to enrollment as a citizen by blood of the Choctaw Nation through her mother, Dora Patterson.

The right of the applicant's mother, Dora Patterson to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 28, 1904, in case No. 54 upon the Tishomingo docket of said court, it is hereby ordered that the application for the enrollment of Mary Lou Patterson, as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory,

---

COPY

Choctaw 5033

Wuskogee, Indian Territory, January 24, 1905

Dora Patterson,

Parcell, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 24, 1905, dismissing the application for the enrollment of your minor child, Mary Lou Patterson, as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED

*Roby*

Registered.

Chairman.

Incl. 7-5033.



Choctaw 50-3

COPY:

Muskogee, Indian Territory, January 24, 1905.

Cruce, Grace & Cruce,  
Attorneys at Law,  
Ardmore, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 24, 1905, dismissing the application for the enrollment of Mary Lou Patterson as a citizen by blood of the Choctaw Nation.

Respectfully,

**SIGNED**

**W. H. DIXON**  
Chairman.

Registered.

Incl. 7-5053

COPY.

Choctaw 2033

Madame, Indian Territory, January 24, 1908.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of  
this Commission dated January 24, 1908, dismissing the application  
for the enrollment of Mary Ann Patterson as a citizen by blood of  
the Choctaw Nation.

Respectfully,  
(SIGNED),

*James Dixby*

Incl. 2-5033

Chairman.

110 a. m. 22

Received in the

Office of the

this 13<sup>th</sup> day of  
July A. D. 1897.

George Colburn  
County Clerk

Public Court Chickasaw Nation  
Do hereby certify that I and  
James County & Probate Judge  
of the Chickasaw Nation  
do hereby certify that  
the children of Mr. & Mrs. Patterson  
of the State of Georgia  
were born to Mr. & Mrs. Patterson  
Chickasaw by blood  
on or about the 11th day of  
July 1897  
at the Chickasaw Nation  
County & Probate Judge  
of the Chickasaw Nation

Clerk's Office Stone-wall S. T.

July 13<sup>th</sup> A. D. 1897

This is to certify <sup>that</sup> Mr. A. D. Patterson  
U. S. Citizen & Miss Dora Patterson  
Chickasaw by blood were united  
in marriage according to the exist-  
ing laws of the Chickasaw Nation  
by  
Geo. Collier

Minister of the Gospel

My credentials are recorded in the Clerk's  
Office book A, page at Stone-wall S. T.

Docket Com.No. \_\_\_\_\_

U.S. Court No. \_\_\_\_\_

Before the Commission to the  
Five Civilized Tribes of In-  
dians, at Fort Gibson, I. T.

\_\_\_\_\_

A. D. Peterson,

vs.

Choctaw Nation.

\_\_\_\_\_

CLAIM TO CITIZENSHIP.

(P.O. Address, Purcell, I.T.)

\_\_\_\_\_

RECORDED

APR 15 1897

S. W. Kerway  
S. W.

W. I. A. N. S. Lee Street,  
Attorney for applicant,  
Ardmore, I. T.

*W. I. A. N. S. Lee*

IN WITNESS WHEREOF, I have hereunto set my hand and seal, at the City of New York, this 24th day of August, 1917.

The said client, Moses Seath, does hereby certify that the foregoing is a true and correct copy of the original of the same, as the same appears from the records of the Court of Sessions of the City and County of New York, in the case of A. M. Seath, Plaintiff, vs. Charles Nathan, Defendant, No. 162 of the Court of Sessions of the City and County of New York, in the case of Moses Seath, Plaintiff, vs. Charles Nathan, Defendant, No. 162 of the Court of Sessions of the City and County of New York.

Moses Seath

Charles Nathan  
Notary Public, Sect. 2, City of New York.

*[Handwritten signature]*

TO THE COMMISSION FOR THE FIVE CIVILIZED TRIBES OF INDIANS,  
AT FORT GIBSON.

A. D. Patterson. . . . . Plaintiff, )  
vs. ) APPLICATION FOR SETTLEMENT.  
Choctaw Nation. . . . . Defendant. )

The plaintiff says that he was, on the 19th day of July, 1907, duly and lawfully married, in compliance with the Indian laws, to Dora Patterson, who is a Choctaw Indian by blood, and files herewith the license under which he was married, which was duly recorded in the Chickasaw Book for the recording of said license, and makes it a part of this application.

He says that his said wife is a citizen of the United States, and that they were married in compliance with the laws of the United States, and that they are now living together as husband and wife at Jurell, I.T.

He says that his name is not on the last enrollment roll made out by the Choctaw Nation of its citizens, for the reason that he was not born in the United States, and that he is a citizen of the United States by marriage, and should be enrolled as such.

He prays that he be enrolled as an intermarried Choctaw citizen, and for all other relief.

W. S. A. C. [Signature]  
Attorney for applicant.

Indian Territory. )  
Chickasaw Nation. )

The affiant and applicant, A. D. Patterson, says that the contents are true in all particulars.

A. D. Patterson

Subscribed and sworn to before me, by A. D. Patterson, this  
the 25th day of August, 1907.

[Signature]  
Notary Public, South District,



78.  
A.D.Patterson. and others.

A.D.Patterson says:

I am 32. I am husband of Dora, admitted by the U.S. court at Ardmore, December 21st 1897, case 88.

I have lived at Purcell 5 years, and in the Territory 10 years.

I was born and raised in Texas and came from there here. I have lived in the Chickasaw Nation continuously 10 years.

Purcell Valley, Sept. 15 1898.

A.D.Patterson  
Dora Patterson

enrolled.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, I.T., September 18th., 1890.

Hon. Thos Bixby,

Acting Chairman,

Ardmore, I.T.

Dear Sir:

As directed in your letter of the 15th. inst. I enclose herewith marriage licenses and certificates in the following cases:

Joseph Williford, et al,  
Mrs Mina Kanoy,  
J.M.Penn,  
W.V.Taylor, et al,  
P.C.Grow, et al,  
Cassie Archard, et al,  
E.A.Benner,  
John S.Irvin,  
Haidas Cotton, et al,  
U.O.Brooks, et al,  
William Brooks, et al,  
A.D.Patterson,  
Ada Rhodes,  
H.B.Lockett,  
Josie Stever.

In the following cases there are no marriage licenses or certificates attached to the papers:

J.B.Colbert, et al,  
Mamie L.James, et al,  
W.N.Brown, et al.

Kelley.

There are no papers in this office in the case of WE

Very truly yours,

Secretary.

Muskogee, Indian Territory, December 3, 1900.

Messrs Cruce, Cruce & Cruce,  
Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of November 29, inclosing application for enrollment as a citizen of the Choctaw Nation of Mary Lou Patterson, infant daughter of Dora and A. D. Patterson, born October 23rd, 1900, and the same, being in proper form, has been duly filed with the records of the Commission, and the child will be listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

AB

Acting Chairman.

choc 5034 marvin S. Hunter

5034

walker w  
+  
Roy R Hunter > Dismissed SEPT 15, 1904

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

Record in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of:

WALTER WRIGHT HUNTER, ET AL.,                      7-5034.

No. 156.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA, )  
THE INDIAN TERRITORY, ) ss.  
SOUTHERN DISTRICT. )

To any Person Authorized by Law to  
Solemnize Marriage, Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. Marion S. Hunter, of Foster in the Indian Territory, aged 29 years and Miss Mattie L. Edwards of Foster in the Indian Territory, aged sixteen years, according to law, and do you officially sign and return these License to the parties therein named.

Witness my hand and Official Seal, this 9<sup>th</sup> day of Feby A. D.  
1898.

By J. T. Fleming Deputy  
(Seal)

C. M. Campbell, Clerk  
Clerk of the United States  
Court.

---

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA, )  
THE INDIAN TERRITORY, )  
SOUTHERN DISTRICT. )

I. J. A. Lyon  
a Minister of the Gospel

DO HEREBY CERTIFY, that on the thirteenth day of February A. D. 1898 I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this twenty sixth day of February A. D. 1898.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore Book A Page 118.

(Signed) J. A. Lyon

a Minister of M. P. Church.

---

NOTE--This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Indian Territory at Ardmore, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.)

I, Wilma Smith, stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the marriage license and certificate between Mr. Marion S. Hunter and Mattie L. Edwards which was forwarded in the matter of the application for the enrollment of Marion S. Hunter et al.

Wilma Smith

Subscribed and sworn to before me this the 21 day of May  
1907.

Henry S. Haines  
Notary Public.



No. 156.

CERTIFICATE OF RECORD OF MARRIAGE.

UNITED STATES OF AMERICA,        )  
THE INDIAN TERRITORY,         )   sct.  
SOUTHERN DISTRICT.            )

I, C. M. Campbell, Clerk of the United States Court in the Territory and District aforesaid,

DO HEREBY CERTIFY that the License for and certificate of marriage of Mr. Marion Hunter and M Mattie L. Edwards were filed in my office in said Territory and District the 4 day of Mar A. D. 1898 and duly recorded in Book C of Marriage Record, page 325.

Witness my hand and seal of said Court, at Ardmore, this 16 day of Mar.

C. M. Campbell Clerk.  
F I L E D  
Mar 4 1898  
C M Campbell Clerk.

When used Return to Ardmore, I. T.  
7-5034.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
F I L E D  
Dec 14 1900

Tams Bixby Acting Chairman.

United States of America,  
Indian Territory,  
Southern District.

I, Wright Eads, of the town of Foster in the Southern District of the Indian Territory, after first having been duly sworn on oath do, say that I am a regular practicing physician and surgeon of the said town of Foster as aforesaid; that as such physician I was called in and attended Mrs. Mattie L. Hunter during her confinement in the month of December, 1898; that on the 12<sup>th</sup> day of December, 1898, a child was born to the said Mattie L. Hunter a boy child whom they named Walter Wright Hunter; that the said Mattie L. Hunter was the mother of the said child and that the said child is now living. I have known Mrs. Mattie L. Hunter for the period of about ~~8~~

~~Months~~ I know that she is the wife of Marion S. Hunter; that they are now living together as man and wife and have been since Feb'y 1898 when they were married. ~~Marion S. Hunter is~~ during all that time and that they are the same parties who ~~was~~ were enrolled as citizens of the Choctaw Nation in the action of J.M. Hunter et. al. against the Choctaw Nation at Ardmore, I.T.

Subscribed and sworn to before me this the \_\_\_\_\_ day of March, 1899.

W. H. Henderson  
Notary Public Southern District, Indian Territory.

United States of America,  
Indian Territory,  
Southern District.

Marion S. Hunter of the town of Foster in the Southern District of the Indian Territory, having been first duly sworn on oath does say that he is the same Marion S. Hunter that was admitted as a citizen of the Choctaw tribe of Indians in the action in the United States court, Southern District of the Indian Territory, at Ardmore, wherein the said Marion S. Hunter was a party plaintiff in the action of J. M. Hunter et. al. against the Choctaw Nation.

That I was married to the said Mattie L. Hunter in the month of February, 1898, that on the 12th. day of December, 1898, a boy child was born to the said Mattie L. Hunter as the issue of the said Marriage; that I am the father of said child.

*Marion S. Hunter*

Subscribed and sworn to before me this the 7<sup>th</sup> day of March, 1899.

*[Signature]*

Notary Public Southern District, Ind. Ter.

United States of America,  
Indian Territory,  
Southern District.

I, Mattie L. Hunter, of the town of Foster in the Southern District of the Indian Territory, after having been first duly sworn on oath do say that I am the wife of Marion S. Hunter; that we were married on the 1<sup>st</sup> day of February, 1898, and that we have lived together as man and wife since that time; that we were married according to the laws of the United States; that on the 12th. day of December, 1898, a child was born to me, a boy child whose name is Walter Wright Hunter, that the said boy is the issue of the marriage between my-self and Marion Hunter; that the child is living at the present time, I am its mother and Marion Hunter is its father. My husband Marion Hunter is the same Marion Hunter that was enrolled as a member of the Choctaw tribe of Indians in the United States Court at Ardmore, I.T. in the case of J.M. Hunter et. al. against the Choctaw Nation. My husband and myself were married since the time the application was made to have him enrolled as a citizen and my name does not appear on the roll.

Mattie L. Hunter

Subscribed and sworn to before me this the 20<sup>th</sup> day of March, 1899.

W. H. Howerton

Notary Public Southern District, Ind. Ter.

Choctaw

20

*IN RE*

Application for Enrollment of

INFANT CHILD

*Roy Ransom Hunter*

as a citizen of

*Choctaw*

Nation.

Approved, *December 14* 1900.

  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
DEC 14 1900

  
ACTING CHAIRMAN.

Choctaw

5034.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*IN RE* Application for Enrollment, as a citizen of the *Choctaw* Nation,  
 of *Ray Ransom Hunter*, born on the *24<sup>th</sup>* day of *Aug*, 1900.  
 Name of Father: *Marion S. Hunter*, a citizen of the *Choctaw* Nation.  
 Name of Mother: *Mattie L. Hunter*, a citizen of the *Choctaw* Nation.  
 Post-office: *Marsden Ind. T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
*Southern* District.

I, *Mattie L. Hunter*, on oath state that I am *17*  
 years of age and a citizen by *marriage* of the *Choctaw* Nation;  
 that I am the lawful wife of *Marion S. Hunter*, who is a citizen, by  
*blood*, of the *Choctaw* Nation, that a *male* child was  
 born to me on the *24<sup>th</sup>* day of *August*, 1900, that said child has been  
 named *Ray Ransom Hunter*, and is now living.

WITNESSES TO MARK

(Must be Two) Witnesses

Subscribed and sworn to before me this *10<sup>th</sup>* day of *Dec*, 1900.  
*J. B. Wright*  
 NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
 INDIAN TERRITORY,  
*Southern* District.

I, *Luesetta Edwards*, a midwife, on oath state that I  
 attended on Mrs. *Mattie L. Hunter*, wife of *Marion S. Hunter*  
 on the *24<sup>th</sup>* day of *August*, 1900, that there was born to her on  
 said date a *male* child; that said child is now living and is said to have been  
 named *Ray Ransom Hunter*.

WITNESSES TO MARK

(Must be Two) Witnesses

Subscribed and sworn to before me this *10* day of *Dec*, 1900.  
*J. B. Wright*  
 NOTARY PUBLIC

7-5034.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application for the enrollment of Walter Wright Hunter and Roy Ransom Hunter as citizens by blood of the Choctaw Nation.

-----0-----

The applicants, Walter Wright Hunter and Roy Ransom Hunter, claim their right to enrollment as citizens by blood of the Choctaw Nation through their father Marion S. Hunter. The right of the applicants' father, Marion S. Hunter, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, June 29, 1904, in case No. 49 upon the Tishomingo docket of said court, it is hereby ordered that the application of Walter Wright Hunter and Roy Ransom Hunter for enrollment as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

Muskogee, Indian Territory,

SEP 15 1904



Chectaw 5034

COPY!

Muskogee, Indian Territory, September 15, 1904.

Marion S. Hunter,

Marsden, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated September 15, 1904, dismissing the application for the enrollment of Walter Wright Hunter and Roy Ransom Hunter as citizens by blood of the Chectaw Nation.

Respectfully,

SIGNED

*James H. H. H.*

Chairman.

Registered.

Incl. 7-5034.

Chocataw 5034

COPY:

Muskogee, Indian Territory, September 15, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Chocataw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated September 15, 1904, dismissing the application for the enrollment of Walter Wright Hunter and Roy Ransom Hunter as citizens by blood of the Chocataw Nation.

Respectfully,

(SIGNED)

*James L. Brown*

Chairman.

Incl. 7-5034.

Muskogee, Indian Territory, November 28, 1900.

Marion S. Hunter,  
Marsden, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 22nd instant enclosing an application for enrollment as a citizen of the Choctaw Nation of Roy R. Hunter, born on the 24th of August, 1900.

The same is returned to you for the reason that it is not in proper form to be accepted by the Commission as evidence of the birth of this child.

The Commission has for this purpose a blank, one of which is enclosed you herewith, upon which may be stated all the information necessary for the enrollment of an infant child. In having the same executed, be careful to see that all blanks are properly filled, all names written in full, and in the event either the mother or attending physician or nurse making affidavit to the birth of the child are unable to write and their signatures are by mark, that such signatures are attested by two disinterested persons as witnesses thereto. The Notary Public taking the acknowledgements of the mother and attending physician or nurse, must affix his notarial jurat and seal to each separate affidavit.

It is stated in the affidavit and petition of Mattie L. Hunter, that she is a citizen by blood of the Choctaw Nation, having been admitted to such citizenship by a judgment of the United States Court for the Southern District of the Indian Territory.

K S H 2

The records of the Commission do not show that the mother of this child has been admitted to such citizenship by a judgment of the United States Court. It appears however, that Marion S. Hunter, 29 years of age, was listed for enrollment by this Commission on September 15th, 1898 as a citizen of the Choctaw Nation in pursuance of a judgment of the United States Court rendered January 17th, 1898, and at that time there was listed with him his son Walter W. Hunter, who was born subsequent to the rendition of that judgment.

Mattie L. Hunter appears upon the records of the Commission as a non citizen and it will be necessary in the matter of the enrollment of your child ~~Walter~~ W. Hunter and the child for whom application is now made, that the Commission be furnished with either the original or certified copy of your marriage license and certificate to Mattie L. Hunter. Upon receipt of such evidence of your marriage and the return of the application in proper form, the matter will receive further consideration.

Yours truly,

Acting Chairman.

7-5034

Ecc a

Muskogee, Ind. Ter. December 14, 1900.

Mr. Marion S. Hunter.

Marsden, Ind. Ter.

Dear Sir:-

The Commission is in receipt of the certificate of marriage between Marion S. Hunter, and Mattie L. Edwards, dated February 9, 1898, which was recorded in the office of the Clerk of the District Court of the United States, for the Southern District of the Indian Territory, at Ardmore, March 4, 1898, and the same has been filed with the records of this Commission.

The Commission is also in receipt of the application for enrollment as a citizen of the Choctaw Nation of Roy Ransom Hunter, the infant son of Marion S. and Mattie L. Hunter, born August 27, 1900, and the same being in proper form, has been filed with the records of this Commission, and the child listed for enrollment as a citizen of the Choctaw Nation.

Respectfully,

7-5034.

Acting Chairman.

Muskogee, Indian Territory, February 1, 1901.

Marion S. Hunter,  
Marsden, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of the 23rd ultimo in which you request that your marriage license be returned to you.

You are informed that there is on file with the other papers in your case the marriage license and certificate of Marion S. Hunter to Mattie S. Edwards and it will be necessary for the Commission to retain the same until the final disposition of the application for the enrollment of yourself and your children as citizens of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-5034

7-5034

Muskegee, Indian Territory, May 22, 1907.

M. S. Hunter,

Elmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 13, 1907, giving information that the marriage license and certificate which you requested in a former letter was forwarded in support of the application for the enrollment of Roy Ransom Hunter as a citizen of the Chectaw Nation.

The information contained therein has enabled this office to identify the case in which the same were filed and in compliance with your request the original is returned you herewith, certified copy thereof having been made for the files of this office.

Respectfully,

EB 3-22.

Commissioner.



5035

John L. Jones

5035

John L. Jones and others.

(See testimony of Martha J. Jones, Choctaw Court Card C.52).

John L. Jones  
Maudie Lee Jones  
John P. Jones

enrolled .

Choc 5036 James H. Womack

Nos 9-10 Dismissed May 27, 1904

5036

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment  
as a citizen by blood of the Choctaw Nation of:

William F. Womack,

7-5036.

-----o-----

CHOCTAW

20

INDEXED

*IN RE*

Application for Enrollment of

INFANT CHILD

*William Franklin Womock*

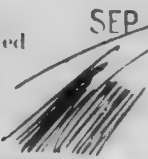
as a citizen of

*Choctaw* Nation.

Approved

SEP 21 1902

190



Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

SEP 23 1902



ACTING CHAIRMAN.

CHOCTAW

5036

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation.  
of *William Franklin Womack* born on the *21* day of *March*, 190*2*.  
Name of Father *William Womack* a citizen of the *Choctaw* Nation.  
Name of Mother *Lillie Womack* a citizen of the *Choctaw* Nation.  
Post-office *F* *71*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
*Southern* District.

I, *Lillie Womack*, on oath state that I am *18*  
years of age and a citizen, by *Marriage* of the *Choctaw* Nation;  
that I am the lawful wife of *William Womack*, who is a citizen, by  
*Blood* of the *Choctaw* Nation; that a *Male* child was  
born to me on *21* day of *March*, 190*2*; that said child has been  
named *William Franklin*, and is now living.

WITNESSES TO MARK.

(Must be Two)  
Witnesses.

Subscribed and sworn to before me this *21* day of *March*, 190*2*.

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
*Southern* District.

I, *J. B. Morgan*, a *Physician* on oath state that I  
on the *21* day of *March*, 190*2*, that there was born to her on  
said date a *Male* child; that said child is now living and is said to have been  
named *William Franklin*.

WITNESSES TO MARK.

(Must be Two)  
Witnesses.

Subscribed and sworn to before me this *21* day of *Sept*, 190*2*.

NOTARY PUBLIC

# CORRECTION

THIS DOCUMENT  
HAS BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY



*IN RE*

Application for Enrollment of

INFANT CHILD

*William Franklin Womack*

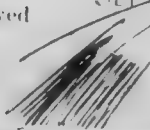
as a citizen of

*Choctaw* Nation.

Approved

SEP 23 1902

190

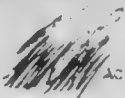


Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 23 1902



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,  
 of *William Franklin Womack* born on the *21* day of *March*, 190*2*  
here insert name of child  
 Name of Father *William Womack* a citizen of the *Choctaw* Nation.  
 Name of Mother *Lillie Womack* a citizen of the *Choctaw* Nation.  
 Post-office *Ch...*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY  
*Southern* District.

*Lillie Womack*, on oath, state that I am *15*  
 years of age and a citizen, by *Marriage* of the *Choctaw* Nation;  
 that I am the lawful wife of *William Womack*, who is a citizen, by  
*Blood* of the *Choctaw* Nation; that a *Male* child was  
male or female  
 born to me on *21* day of *March*, 190*2*; that said child has been  
 named *William Franklin*, and is now living.

WITNESSES TO MARK  
 (Must be Two Witnesses)

Subscribed and sworn to before me this *21* day of *Sept*, 190*2*

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY  
*Southern* District.

*J B Morgan*, a *Physician*, on oath state that I  
 attended on Mrs. *Lillie Womack*, wife of *William Womack*  
 on the *21* day of *March*, 190*2*; that there was born to her on  
 said date a *Male* child; that said child is now living and is said to have been  
 named *William Franklin*

WITNESSES TO MARK  
 (Must be Two Witnesses)

Subscribed and sworn to before me this *21* day of *Sept*, 190*2*

NOTARY PUBLIC

7-5036.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application for the enrollment of  
William F. Womack as a citizen by blood of the Choctaw Nation.

-----o-----

The applicant, William F. Womack, claims his right to enrollment as a citizen by blood of the Choctaw Nation through his father William L. Womack. The right of the applicant's father, William L. Womack, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, February 29, 1904, in case No. 17, upon the South McAlester docket of said court, it is hereby ordered that the application of William F. Womack for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

Muskogee, Indian Territory,  
  
\_\_\_\_\_

Choctaw 5036.

COPY.

Muskogee, Indian Territory, June 6, 1904.

William S. Womack,  
Foster, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for the enrollment as a citizen by blood of the Choctaw Nation of William F. Womack.

Respectfully,

(SIGNED)

*James Dixby.*  
Chairman.

Registered.

Incl. 7- 5036.

Choctaw 5036.

Muskogee, Indian Territory, June 6, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find copies of the orders of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the applications for enrollment as citizens by blood of the Choctaw Nation of William F. Womack and Willie Womack.

Respectfully,

(SIGNED)

*Tamc Dixey.*

Chairman.

Registered.

Incl. 7- 5036.

(See Choctaw 3328 for registry receipt for this letter.)

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

Record in the matter of the application for enrollment  
as a citizen by blood of the Choctaw Nation of:

Willie Womack,

7-5036.

-----o-----

E. 11

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Willie Womach

as a citizen of

Choctaw Nation.

Approved OCT 9 1902 190

*[Signature]*

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 2 1902

*[Signature]*

ACTING CHAIRMAN

7-5036



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Cherokee* Nation,  
of *Willie Wornack*, born on the *12* day of *March*, *1902*  
Here insert name of child  
Name of Father: *James Wornack* a citizen of the *Cherokee* Nation.  
Name of Mother: *Fannie Wornack* a citizen of the *Cherokee* Nation.  
Post-office *Wister, W*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY  
*Sequenton* District.

I, *Fannie Wornack*, on oath state that I am *34*  
years of age and a citizen, by *Marriage*, of the *Cherokee* Nation;  
that I am the lawful wife of *James Wornack*, who is a citizen, by  
*Blood*, of the *Cherokee* Nation; that a *Female* child was  
male or female  
born to me on *12* day of *March*, *1902* that said child has been  
named *Willie Wornack*, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this *15* day of *Sept*, 190*2*.

*W. H. Howerton*  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY  
District.

I, *George W. Glover*, a *Physician*, on oath state that I  
attended on Mrs. *Fannie Wornack*, wife of *James Wornack*  
on the *12th* day of *March*, *1902*; that there was born to her on  
said date a *Female* child; that said child is now living and is said to have been  
male or female  
named *Willie Wornack*

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this *15th* day of *September*, 190*2*

*J. M. Webster*  
NOTARY PUBLIC  
*My Comm. Expires Jan 27 1904*

1960  
7-5036.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.


-----o-----

In the matter of the application for the enrollment of  
Willie Womack as a citizen by blood of the Choctaw Nation.

-----o-----

The applicant, Willie Womack, claims her right to enrollment as a citizen by blood of the Choctaw Nation through her father James P. Womack. The right of the applicant's father, James P. Womack, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court, February 29, 1904, in case No. 17, upon the South McAlester docket of said court, it is hereby ordered that the application of Willie Womack for enrollment as a citizen by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
\_\_\_\_\_  
Chairman.

Muskogee, Indian Territory,

-----

Choctaw 5036.

COPY.

Muskogee, Indian Territory, June 6, 1904.

James P. Womack,  
Foster, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the application for the enrollment as a citizen by blood of the Choctaw Nation of Willie Womack.

Respectfully,

(SIGNED)

*James Bixby.*

Chairman.

Registered.

Incl. 7- 5036.

Choctaw 5036.

COPY.

Muskogee, Indian Territory, June 6, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find copies of the orders of the Commission to the Five Civilized Tribes, dated May 27, 1904, dismissing the applications for enrollment as citizens by blood of the Choctaw Nation of William F. Womack and Willie Womack.

Respectfully,

(SIGNED)

*Tame Bixby.*

Chairman.

Registered.

Incl. 7- 5036.

(See Choctaw 3528 for registry receipt for this letter.)

Marion S. Hunter.

Marion S. Hunter says:

I am 29. I was admitted by the U.S. court at Ardmore, January 17th 1898. I lived in Texas the great er part of my life, and have been living in the Territory about 12 years.

About 7 or 8 years ago I left the nation for about 3 months. The remainder of the time I have lived continuously in the Chickasaw Nation.

Truth Vetter, Sept. 15 1898.

Marion S. Hunter

enrolled.

James H. Womack and others.

James H. Womack says:

I am 60. I am husband of Amanda J. and father of James P., William L., Robert H., John B., Margaret E., and Jesse Womack., all admitted by U.S. court at South McAlester, January 18th 1898, case 131.

I have lived in this part of the nation about 13 years. I came from Texas. My family first lived here 13 years ago. During 1896 I was in the Choctaw Nation on the stock ranch for 8 months. They have resided continuously in the Choctaw Nation for this time. I had lived in Texas since 1885.

Paul's Valley, Sept. 15 1898.

5236

INDEXED  
CHOCTAW

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
SEP 23 1902

700-111

# Certificate of Record of Marriage.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY, }  
SOUTHERN DISTRICT. } *et. al.*

I, C. M. CAMPBELL, Clerk of the United States Court in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for, and Certificate of Marriage of Mr. *L. W. Hemack* and M. *Linn Bissell* were filed in my office in said Territory and District the *5* day of *Sept* A. D. 1900, and duly recorded in Book *6* of Marriage Record, Page *82*

WITNESS my hand and Seal of said Court,

at Ardmore, this *7* day  
of *Sept* A. D. 1900  
*C. M. Campbell*  
CLERK.

Return this License to the United States Clerk at Ardmore, that it may be recorded, when it will be mailed to the proper address.

ARMORLITE JOB PRINT, ARMORE, T. T.  
*Return to Ardmore*



# MARRIAGE LICENSE

No. 1004

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.)

To Any Person Authorized by Law to Solemnize Marriage--Greeting.

YOU ARE HEREBY COMMANDED

To solemnize the Rite and publish the Banns of Matrimony between  
Mr. W. L. Dossack of Forten  
in the Indian Territory, aged *thirty-two* years, and  
Miss Lillie Pickett of Forten  
in the Indian Territory, aged *thirteen* years,  
according to law; and do you officially sign and return this License to  
the parties therein named.

Witness my hand and official Seal, this *24<sup>th</sup>* day  
*of August* 1900

CHAS. M. CAMPBELL,

Clerk of the United States Court

## Certificate of Marriage

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
SOUTHERN DISTRICT.

do hereby certify, that on the *2* day of *September* A. D. 1900, I  
did duly and according to law, as commanded in the foregoing License, solemnize the Rite  
and publish the Banns of Matrimony between the parties therein named

WITNESS my hand, this *7* day of *September* A. D. 1900

My credentials are recorded in the office of the Clerk of the United States Court,  
Indian Territory, Southern District, at Ardmore, Book *B*, Page *31*

NOTE: The person officiating should fill in the spaces  
for book and page, and sign here.

NOTE: This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in  
the Indian Territory at Ardmore, within sixty days from the date thereof, or the party to whom the License was  
issued will be liable in the amount of One Hundred Dollars \$100.

NOTE: No person is authorized to perform the Marriage ceremony in the Southern District, unless the proper creden-  
tials have first been recorded in the Clerk's office.

no 1318  
**Certificate of Record of Marriage**

UNITED STATES OF AMERICA. }  
INDIAN TERRITORY. } scf.  
Southern District.

I, C. M. CAMPBELL, Clerk of the United States Court, in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for and Certificate of Marriage of

Mr. *Oleus Womack* and  
*Fannie Gates*

were filed in my office in said Territory and District the *28<sup>th</sup>* day of *Mar.* A. D. 190*1* and duly recorded in Book *6.* of Marriage Record, Page *368*

WITNESS my hand and Seal of said Court, at Ardmore, this *28<sup>th</sup>* day of *Mar.* A. D. 190*1*  
*C. M. Campbell,*  
CLERK.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
OCT 2 1902

*5036*

Return this License to the United States Clerk at Ardmore, that it may be recorded, when it will be mailed to the proper address.

# Marriage License

United States of America,  
INDIAN TERRITORY  
SOUTHERN DISTRICT.

SS:

To Any Person Authorized by Law  
to Solemnize Marriage, Greeting:

You Are hereby Commanded To solemnize the Rite and publish the  
Banns of Matrimony between Mr. *Wm. Womack*  
of *Master* in the Indian Territory, aged *26* years and  
M<sup>rs</sup>. *Annice Dallas* of *Master*  
in the Indian Territory, aged *17* years, according to law; and do  
you officially sign and return this License to the parties therein named.

Witness My hand and official Seal, this *14<sup>th</sup>* day  
of *March* A. D. 1901

*Shan W. Campbell,*  
Clerk of the United States Court.  
*By [Signature]*

## Certificate of Marriage.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.  
SOUTHERN DISTRICT.

SS:

do hereby certify, that on the *24<sup>th</sup>* day of *March*, A. D. 1901,

I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and  
publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this *24<sup>th</sup>* day of *March*, A. D. 1901

My credentials are recorded in the office of the Clerk of the United States Court, Indian  
Territory, Southern District, at Ardmore, Book *11*, Page *23*

*W. H. [Signature]*

NOTE: -The person officiating should fill in the spaces  
for book and page and sign here.

NOTE: -This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the  
Indian Territory at Ardmore, within sixty days from the date thereof, or the party to whom the License was issued  
will be liable in the amount of One Hundred Dollars (\$100).

NOTE: -No person is authorized to perform the Marriage Ceremony in the Southern District, unless the proper credentials have  
first been recorded in the Clerk's office.

Muskogee, Indian Territory, September 12, 1902.

William L. Womack,

Foster, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, stating that you have been married to a white woman, and you request to be advised what steps are necessary to take to have her listed for enrollment as an intermarried citizen of the Choctaw Nation.

You are informed that the rules of this Commission require all applicants for enrollment as citizens by intermarriage of the Choctaw Nation to appear in person before the Commission for examination under oath, that a sufficient record may be made upon which to base a decision as to the rights of the applicant to enrollment.

If your wife desires to make application for enrollment as a citizen by intermarriage of the Choctaw Nation, she will be heard upon her personal appearance at the office of the Commission at Muskogee, Indian Territory, any time prior to the closing of the final rolls of citizenship of the Choctaw

W.L.W. 2.

Nation.

It is suggested that if she contemplates making such application, she should do so with a little delay as practicable.

Yours truly,

Acting Chairman.

7-8036

Muskogee, Indian Territory, September 12, 1902.

William L. Womack,  
Foster, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of William Franklin Womack, infant son of William L. and Lilly Womack, born March 21, 1902, and the same is returned to you herewith, for the reason that the mother being a non-citizen, it will be necessary that you supply the Commission with legal evidence of her marriage to you.

Upon the return of the application for enrollment of your child, accompanied by legal evidence of your marriage to the mother, the matter will receive further consideration.

Yours truly,

Acting Chairman.

Enc. N:G:B-114.

7-5036.

Muskogee, Indian Territory, September 22, 1902.

James P. Womack,

Foster, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Willie Womack, infant daughter of James P. and Fannie Womack, born March 12, 1902; and the same is returned to you herewith.

You are informed that the mother of the child being a non-citizen, it will be necessary that you furnish the Commission with either your original marriage license and certificate, or certified copy thereof.

Upon receipt of such evidence of marriage, and return of the application for the enrollment of your child, the matter will receive further consideration.

Respectfully,

Acting Chairman.

Enc B I 156.



7-5036.

Muskogee, Indian Territory, September 23, 1902.

William L. Womack,

Foster, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th inst., enclosing the application for enrollment as a citizen of the Choctaw Nation of William Franklin Womack, infant son of William L. and Lillie Womack, born March 31, 1902; and the same being in proper form has been duly filed with the records of the Commission, and the child listed for enrollment as a citizen of the Choctaw Nation.

Receipt is also acknowledged of the marriage license and certificate between W.L. Womack and Lillie Bishop, and the same have been duly filed with the records of the Commission in the matter of the application for the enrollment of the above named child.

Respectfully,

Acting Chairman.

7-5036.

Muskogee, Indian Territory, October 2, 1902.

James P. Womack,

Foster, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Willie Womack, infant daughter of James P. and Fannie Womack, born March 12, 1902; and the same being in proper form has been duly filed with the records of the Commission, and the child listed for enrollment as a citizen of the Choctaw Nation.

Receipt is also acknowledged of the marriage license and certificate between Pleas Womack and Fannie Gates, and the same have been duly filed with the records of the Commission in the matter of the application for the enrollment of the above named child.

Respectfully,

Acting Chairman.

END

OF

ROLL

